



**TOWN OF PORTOLA VALLEY**  
**Special Meeting of the Town Council**  
**Wednesday, March 15, 2023**  
**7:00 P.M.**

**Jeff Aalfs**, Mayor  
**Sarah Wernikoff**, Vice Mayor  
**Judith Hasko**, Councilmember  
**Mary Hufty**, Councilmember  
**Craig Taylor**, Councilmember

**SPECIAL MEETING**

**HISTORIC SCHOOLHOUSE - 765 Portola Road, Portola Valley, CA 94028**

**Remote Public Comments:** Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please submit your comments using this [online form](#) by 1:00 PM on the day of the meeting. Time permitting, your correspondence will be uploaded to the website. All received questions will be forwarded to Council, Commission, or Committee members for consideration during the meeting and included in the public record. Additionally, the public body will take questions using the Raise Hand button for those who attend the meeting online or by phone. Phone callers may provide comments by pressing \*9 on your phone to "raise your hand" and \*6 to mute/unmute yourself. The meeting Chair will call on people to speak by the phone number calling in.

**Assistance for People with Disabilities:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700 or by email at [towncenter@portolavalley.net](mailto:towncenter@portolavalley.net). Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

**VIRTUAL PARTICIPATION VIA ZOOM**

**To access the meeting by computer:**

<https://us06web.zoom.us/j/88410440636?pwd=ZGxIVkhYNDIOaG9YY2ozVjNRR3BRQT09>

**Webinar ID:** 884 1044 0636

**Passcode:** 742517

**To access the meeting by phone:**

1-669-900-6833 or 1-888-788-0099 (toll-free)

*Mute/Unmute – Press \*6 / Raise Hand – Press \*9*

**1. CALL TO ORDER**

**2. ORAL COMMUNICATIONS**

Persons wishing to address the Town Council on any subject may do so now. Please note, however, that the Council is not able to undertake extended discussion or action tonight on items, not on the agenda. *Speakers' time is limited to three minutes.*

**3. STUDY SESSION**

- a. Study Session on Housing Element Draft #3, Conforming General Plan Amendments, Associated Initial Study/Mitigated Negative Declaration, and Recommendations from the Planning Commission

**4. ADJOURNMENT**

The next Regular Town Council meeting will be held on March 22, 2023 at 7:00 p.m.



# TOWN OF PORTOLA VALLEY STAFF REPORT

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**TO:** Mayor and Town Council

**FROM:** Laura C. Russell, Planning & Building Director  
Adrienne Smith, Senior Planner

**DATE:** March 15, 2023

**RE:** Study Session on Housing Element Draft #3, Conforming General Plan Amendments, Associated Initial Study/Mitigated Negative Declaration, and Recommendations from the Planning Commission

## RECOMMENDATION

Staff recommends that Town Council receive a presentation from staff, ask questions, receive public comment, and provide feedback to assist in preparing for public hearings to adopt the Housing Element and associated actions.

## MEETING PURPOSE

The purpose of this meeting is for Town Council to review the Housing Element Draft #3 and the recommendations of the Planning Commission. **No final decisions will be made at this meeting.** Links to the conforming General Plan amendments and the Initial Study/Mitigated Negative Declaration are included for reference but will not be the primary topics of discussion.

## BACKGROUND

This section serves as a brief reminder of the Town's obligations under Housing Element law and a reminder of key events, public meetings and actions that have taken place to date. Extensive additional information is available at [www.portolavalley.net/housing](http://www.portolavalley.net/housing). Please see Attachment 11 for a detailed table of all Housing Element-related public meetings and topics that have occurred beginning in 2021.

## The Town's Housing Obligation

The Housing Element is part of Portola Valley's General Plan and identifies policies and programs to meet the housing needs of the Town's current and future residents. The Town's

Regional Housing Needs Allocation (RHNA) is broken down by income category. Portola Valley's income specific RHNA is:

Income Level	Number of Units
Very Low Income (<50% of Area Median Income)	73
Low Income (80% of Area Median Income)	42
Moderate Income (80-120% of Area Median Income)	39
Above Moderate Income (>120% of Area Median Income)	99
<b>Total</b>	<b>253</b>

Pursuant to Government Code Section 65583, local governments are required to include the below items as components within their Housing Elements, and subsequent updates thereto.

1. **Housing Needs Assessment:** Examine demographic, employment and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities).
2. **Evaluation of Past Performance:** Review the prior Housing Element to measure progress in implementing policies and programs.
3. **Housing Sites Inventory:** Identify locations of available sites for housing development or redevelopment to demonstrate there is enough land zoned for housing to meet future need at all income levels.
4. **Community Engagement:** Implement a robust community engagement program that includes reaching out to individuals and families at all economic levels of the community plus historically underrepresented groups.
5. **Constraints Analysis:** Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
6. **Policies and Programs:** Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs.
7. **Affirmatively Furthering Fair Housing (AFFH):** Analyze and address significant disparities in housing needs and access to opportunity.

### Scope of Work Under CEQA

State law require local jurisdictions to: (1) Update the Housing Element of their General Plans every eight years to adequately plan for the regional housing needs (2) Update their Safety Element upon each revision of the Housing Element and (3) Periodically revise their General Plans. The California Environmental Quality Act (CEQA) generally requires state and local agencies to inform decisions makers, like the Town Council, and the community about the potential environmental impacts of proposed projects, and to identify ways to avoid or mitigate those impacts, if feasible. The scope of work under CEQA includes the following components:

- **Housing Element Update.** The Town of Portola Valley's Housing Element is the component of the General Plan that addresses housing needs and opportunities for present and future residents. It provides the primary policy guidance for local

decision-making related to housing. The Housing Element of the General Plan is the only General Plan Element that requires review and certification by the State of California.

- **Safety Element Update.** Adoption and implementation of related updates to the Safety Element Update. These updates would ensure the Town complies with current State law and implements policies intended to minimize the negative impacts and risks of natural and human-made hazards such as fires, floods, droughts, earthquakes, landslides, and climate change.
- **Conforming General Plan Amendments.** General Plan Amendments are limited to only those that are required to ensure all elements of the General Plan are consistent. They include the creation of a new “Gateway” land use classification in the General Plan that allows affordable housing, recreation, and open space uses. The General Plan would also be amended to include the creation of new multi-family land use classifications allowing up to four and 20 dwelling units per acre, an opt-in overlay classification to allow for up to four units on approximately three single family lots (not to exceed a total of 12 units during the new housing element cycle), and a new mixed-use land use classification to allow for up to six dwelling units per acre as well as the uses currently permitted in the existing A-P Administrative Professional District. The General Plan Land Use Map would be revised to include these new land use designations.
- **Zoning Amendments.** The Town proposes the creation and adoption of three new zoning districts including, 1) a new multi-family district allowing up to four dwelling units per acre; 2) a new multi-family district allowing 20 dwelling units per acre; and 3) a mixed-use district allowing residential uses up to six dwelling units per acre. It would also include zoning amendments to codify the Affiliated Housing program that is currently implemented through the Housing Element. The zoning map would also be revised to reflect these new districts. Based on Town Council feedback on January 25, 2023, the Zoning Amendments will be discussed at upcoming Planning Commission meetings after adoption of the Housing Element and Conforming General Plan Amendments.

With the guidance of its environmental consultants, the Town concluded that an Initial Study/Mitigated Negative Declaration (IS/MND) is an appropriate level of review under CEQA. The IS/MND is not intended to serve as a recommendation of either approval or denial of the project. It provides the primary source of environmental information for the Town to consider and identify ways any potentially significant environmental impacts can be avoided or significantly reduced. All impacts identified in the IS/MND are “no impact,” “less than significant,” or “less than significant with mitigation”.

Unlike an Environmental Impact Report (EIR), CEQA does not require the Town to respond in writing to comments submitted on an MND during public review. However, the Town must

consider the comments before approving a project. The Town prepared a Response to Comments memo, which responds to all comments except those that raise non-environmental issues.

The Response to Comments Memo includes:

- Short description of the environmental review process
- Summary of the comment letters received on the IS/MND
- Master Responses prepared to respond to multiple comments on the same topic
- Discussion presenting the comments that were received on the IS/MND and responses to comments on the environmental analysis
- Presentation of comment letters that address project merits, but do not include questions or comments of the environmental analysis within the IS/MND
- Text revisions to the IS/MND in response to the comments received and/or to amplify or clarify material in the IS/MND

Ultimately, the Town Council will review and adopt the MND and a Mitigation Monitoring & Reporting Program (MMRP), which is a matrix describing the mitigation measures, responsibility, and timing of implementation. An adoption is an official position taken by the Town Council indicating that the MND has complied with CEQA for the identified project. It also indicates the MND is adequate and provides sufficient detail to adopt updates to the Housing and Safety Element and amendments to the General Plan and Municipal Code. See discussion section below for further detail on the Planning Commission's study of the IS/MND.

### **Draft Housing Element Review Progress**

In June 2022, the Town released the Public Review Draft Housing Element. It was made available online at [www.portolavalley.net/housingelement](http://www.portolavalley.net/housingelement), distributed to the community through the Town's website, eNotification (over 450 members), PV Forum, social media, and direct email to the Town's committee members, businesses, and institutions. Town committees were invited to discuss the Housing Element. Public comments were received from June 8<sup>th</sup> to July 13<sup>th</sup> and forwarded to the Town Council for review.

After Town Council review on July 13, 2022 and final revisions at the direction of a Council Subcommittee, the [Initial HCD Draft Housing Element](#) was sent to the State for review. After completion of the 90-day review period, the Town received the official [HCD Comment Letter](#) on November 9<sup>th</sup>. Since then, staff have been incorporating changes to the Housing Element and CEQA-required IS/MND based on HCD comments and review by the Ad Hoc Housing element Committee and Planning Commission.

At its [January 25, 2023 meeting](#) Town Council agreed to a revised Housing Element adoption goal From January 31, 2023 to the end of March 2023. Council also determined that the zoning amendments will be considered separately and adoption by Town Council is anticipated by mid-2023.

### **Wildfire Safety Concerns**

Wildfire safety concerns have remained an undercurrent throughout the Housing Element update process, particularly as it relates to the housing site selection process. WFPD was consulted in the site selection process at multiple stages; however, Planning Commissioners and members of the public asked for additional participation by the Fire Marshal in the Housing Element adoption meetings. In response, Fire Marshal Don Bullard and Chief Rob Lindner attended the February 15, 2023 Planning Commission meeting where Fire Marshal Bullard and Director Russell gave a joint presentation. Fire Marshal Bullard and Director Russell acknowledged that the review of the Housing and Safety Elements IS/MND brought forward areas of agreement, some differing perspectives, and opportunities for further collaboration.

Fire Marshal Bullard explained that he does not perceive the WFPD's role to comment on whether an area of Town should be developed, but rather to focus on the codes that will apply if development occurs in fire prone areas. Fire Marshal Bullard emphasized "Key Approaches to Fire Safety" as two slides in his presentation. These items were well received by the Planning Commission. Ultimately, the Planning Commission adopted Resolution 2023-1 recommending the Town Council adopt the IS/MND and further recommending that the Town Council consider adopting the Key Approaches to Fire Safety.

### **Planning Commission Housing Element Review**

The Planning commission met eight times to discuss the Housing Element, IS/MND, and associated actions. A timeline of Planning Commission discussion follows:

- [October 19, 2022](#) – Zoning Code Amendments
- [November 2, 2022](#) – Zoning Code Amendments and Opt-In Program
- [November 16, 2022](#) – Comments on the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for Housing and Safety Elements and conforming General Plan and Zoning Code amendments
- [November 30, 2022](#) – General Plan conforming amendments and Zoning Code amendments, Opt-In Program, Housing Element Programs, Density Bonus Law
- [December 7, 2022](#) – General Plan conforming amendments, Zoning Code amendments
- [January 24, 2023](#) – IS/MND and Response to Comments Memo

In its capacity as a recommending body, the Planning Commission took official action to adopt two separate resolutions: on [February 15, 2023](#) the Planning Commission unanimously passed Resolution 2023-1 recommending adoption of the IS/MND; and on [March 6, 2023](#) Planning Commission unanimously passed Resolution 2023-2 recommending approval of the Housing Element, with changes, as well as the Conforming General Plan Amendments. Further discussion of these actions follows below.

## **DISCUSSION**

[Housing Element Draft #3](#) has been updated broadly, however the most substantive changes are found in Section 6, Adequate Sites and Section 7, Goals Policies and Programs (see the cover memo accompanying the draft for guidance on how to review the changes). All revisions are shown in track changes for ease of review. Key changes to the Housing Element are summarized below.

### **Changes to Draft Housing Element – Section 6, Adequate Sites**

The housing inventory contains several sites on Alpine Road. These sites were chosen in large part because of their moderate to low fire severity classification and their accessibility to a major evacuation route. Through the outreach process, local Nathhorst residents voiced concerns about the increased density at 4370 Alpine and the owners of 4394 recently expressed a desire for additional development flexibility. While it is not possible to address all relayed concerns, the proposals for sites in the Nathhorst area represent a comprehensive set of compromises that address the maximum number of resident concerns possible.

- Housing Element Draft #3 includes the background of the 4370 Alpine Road site and the proposed development standards. This approach includes additional limitations on the site to address comments from neighbors.
- Draft #3 Housing Element includes a detailed new section for 4394 Alpine Road. The new language includes background, a proposed Supportive Housing Overlay, and development standards to govern the site. The objective is to provide flexibility for the property owner to develop a successful supportive housing development, if they choose to do so in the future.

### **Changes to Draft Housing Element – Opt-In Program**

The Opt-In Program is a unique pilot program created in response to a community desire for a portion of the Town's planned housing sites to be distributed throughout the community. Over the course of its November 2 and 30, 2022 discussions of the Opt-In Program, the Planning Commission provided staff with comprehensive feedback on the initial program outline to strengthen the program's implementation. Feedback included a desire for a non-traditional 'call for projects' program initiation, a requirement that the program be distinguished from the Town's SB9 ordinance, a need for objective safety and design criteria and a discretionary but streamlined application review process. The program is detailed in Housing Element Section 6 and is included in Section 7 as Program 1-3.

#### *Timing*

The program includes two key timelines: The development of objective design standards by June 2024 and the initiation of the program via call for projects in September 2024. If after the initial call for project period, 12 units are not entitled, a subsequent call for projects will



be issued and so on until 12 units are reached. Once 12 units are reached, the program will close for the remainder of the 2023-2031 planning period.

### *Application and Review Processes*

The program will be initiated by a call for projects for a fixed period. Eligible sites must be one acre or greater and propose four dwelling units per acre and a maximum of four dwelling units per lot. Applicants need only submit conceptual plans. The call for projects can emphasize things Planning Commission has previously discussed, such as a range of units, affordability levels, superior design, and community benefit. Once the application period has ended, the Planning Commission will begin screening applications for compliance with key safety criteria:

- Accessible to two ways of ingress and egress
- Located on a slope less than 30%
- Outside of a very high fire hazard severity zone
- Outside of a fault zone
- Outside of areas identified with unstable soils or at risk of landslide or liquefaction

If an application meets the minimum safety criteria it will advance to the Architectural and Site Control Commission (ASCC) for design review. The Planning Commission and ASCC reviews would be limited to one meeting before each body to ensure a streamlined process. As stated above, comprehensive objective design standards will be established by June 2024. The Planning Commission has previously stated that such standards should address the following topics: Size/affordability of units, subdivision of land restrictions, and best practices from SB9 legislation.

### **Planning Commission Discussion and Recommendations**

Council Members and members of the public are encouraged to watch the two Planning Commission meetings where the Commission made formal recommendations to Town Council:

- **February 15, 2023** – Regarding the IS/MND, Fire Marshal presentation, and discussion of Targ/Brothers Colleagues Memo. [Recording of Commission Meeting](#) and timestamps:
  - Presentation by Fire Marshal, followed by Commission questions – 00:16:46
  - Presentation by Commissioners Targ and Brothers, followed by Commission questions – 01:25:41
  - Presentation by Staff, followed by Commission questions – 02:44:59
  - Public Comment – 02:51:55
  - Commission Discussion and consideration of Resolution – 03:28:10
- **March 6, 2023** – Regarding the Housing Element and Conforming General Plan Amendments. [Recording of Commission Meeting](#) and *approximate* timestamps:



- Questions from Commission- 00:45:00
- Public Comment- 02:06:00
- Commission Discussion and consideration of Resolution- 03:00:00

*Commissioners Targ and Brothers Colleagues Memo*

Commissioners Brothers and Targ prepared a Colleagues Memo in response to the IS/MND where they outlined a number of proposed “Project Design Features” to further address the potential environmental and/or community impacts of the Housing and Safety Elements update. (The complete memo is included as Attachment 8.) Several Project Design Features were proposed as IS/MND mitigation measures and others proposed as Housing Element Programs. After detailed discussion, the Planning Commission agreed to recommend adoption of the Project Design Features (except the last item related to finances), in the method of Town Council’s choosing. To assist the Council in considering the Project Design Features, staff has prepared a table with the items from the Targ/Brothers memo, the current status, and potential implementation approach. The table is included as Attachment 9.

*Fire Marshal Presentation and Key Approaches to Fire Safety*

As mentioned above, the Fire Marshal’s February 15<sup>th</sup> presentation was well received by the Planning Commission. In particular, the Commission focused on two slides, titled “Key Approaches to Fire Safety” in their discussion. These items are not all related to the Housing Element and associated work; however, the Commission identified ties to the Housing Element, Safety Element and IS/MND and recommended that the Council consider approval of the list. To assist the Town Council in considering the list of items, staff met with the Fire Marshal Don Bullard to provide additional detail. Attachment 10 includes a table with the proposed policy, responsible party, current status, and notes. Staff recommends that this table form the basis of a collaborative work plan between the Town and the Fire District. For example, if the Council supports this approach, the Fire Marshal could attend a future Council meeting with the Planning & Building Director to discuss the priorities and implementation of the plan.

*Additional Comments on the Housing Element*

The Commission asked a number of questions of staff and suggested a number of improvements to Housing Element Draft #3. Staff will provide a summary of the proposed changes in the presentation at the meeting on March 15<sup>th</sup>. Generally speaking, the topics of discussion were related to the Gateway land use classification and “Sunrise” for Ford Park and Open Space, Ladera Church development standards, proposals for 4370 Alpine, and the Opt-In Program.

**Conforming General Plan Amendments**

Throughout the update process staff have limited General Plan amendments solely to addressing any inconsistencies brought about by new policies in the Housing Element. Accordingly, removing or modifying language is only proposed if it directly excludes or prevents the uses proposed in the Housing Element. The Planning Commission concurred

with this “light touch” approach. Since public circulation of the proposed General Plan conforming amendments, staff has not made any significant changes except to update the density range and Supportive Housing Overlay related to 4394 Alpine. The Planning Commission recommended approval of the Conforming General Plan Amendments in Resolution 2023-2.

### **Self-Certification of Housing Element**

To avoid application of the Builder’s Remedy, many cities have been “self-certifying” their housing elements. Under this process, the Council adopts a resolution certifying that its Housing Element complies with all aspects of Housing Element law. To provide maximum protection for the Town, the staff will prepare the self-certification findings and present them to the Council on March 29. However, use of this “self-certification” process before submitting the final Housing Element to HCD has not been legally tested and is only being included as a potential legal argument to use in the event the Town receives a Builder’s Remedy application before HCD certifies the Housing Element.

### **NEXT STEPS**

Upcoming Town Council meetings on Draft Housing Element and Initial Study/Mitigated Negative Declaration (IS/MND):

- Wednesday, March 22 – Consideration of adoption of IS/MND
- Wednesday, March 29 – Consideration of adoption of the Housing Element and Conforming General Plan Amendments

After Town Council review, staff will update the Draft Housing Element based on the comments received and submit it to HCD for their review.

### **ATTACHMENTS**

1. [Housing Element Draft #3 \(without Appendices\)](#)
2. [Conforming General Plan Amendments](#)
3. [Initial Study / Mitigated Negative Declaration \(IS/MND\)](#)
4. [Response to Comments on IS/MND](#)
5. [Mitigation Monitoring Reporting Plan](#)
6. Planning Commission Resolution 2023-1 Recommending Adoption of IS/MND
7. Planning Commission Resolution 2012-2 Recommending Adoption of Housing Element and Conforming General Plan Amendments
8. Targ and Brothers Colleagues Memo to the Planning Commission with Project Design Features
9. Table with Staff’s Analysis of Targ-Brothers Project Design Features
10. Key Approaches to Fire Safety – Table with Additional Information from Fire Marshal and Staff
11. Table of Meetings and Documents Related to the Housing Element Update

**RESOLUTION NO. 2023 - 1****RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY RECOMMENDING THAT THE PORTOLA VALLEY TOWN COUNCIL ADOPT THE INITIAL STUDY-- MITIGATED NEGATIVE DECLARATION AND THE MITIGATION, MONITORING AND REPORTING PLAN FOR THE HOUSING AND SAFETY ELEMENTS UPDATE AND CONFORMING GENERAL PLAN AND ZONING CODE AMENDMENTS**

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), an Initial Study-Mitigated Negative Declaration (IS-MND), which is attached hereto and incorporated by this reference, was prepared for the Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Code Amendments, collectively the "Project"; and

**WHEREAS**, pursuant to CEQA, a Notice of Intent ("NOI") to Adopt the IS-MND was prepared and provided to interested agencies, and to all members of the public who had previously requested notification; and posted at Portola Valley Town Hall notifying all interested parties of the availability and 30-day public review period commencing on October 31, 2022 and ending on November 29, 2022; and

**WHEREAS**, copies of the IS-MND were made available online, to members of the public who had previously requested notification, and by appointment at Portola Valley Town Hall in the Planning and Building Department; and

**WHEREAS**, opportunities for verbal comments on the IS-MND were provided during a November 16, 2022 Planning Commission hearing; and

**WHEREAS**, the IS-MND identified potentially significant impacts to the environment, including specific impacts to Air Quality, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources, which can and will be avoided or mitigated to less than significant levels through adoption and implementation of the included mitigation measures; and

**WHEREAS**, on February 15, 2023, the Planning Commission conducted a public hearing to review the Response to Comments memorandum addressing the verbal comments made by Members of the Portola Valley Planning Commission and public on November 16, 2022, the adequacy of the IS/MND and the recommended text changes to the IS-MND. The updated version of the Response to Comments memorandum is included in the February 15, 2023 Staff Report.

**WHEREAS**, on February 15, 2023, the Planning Commission also heard a presentation from Fire Marshal Bullard and had extensive discussion on a Colleagues Memorandum from Commissioners Targ and Brothers regarding the Draft Initial Study/Mitigated Negative Declaration-- Proposed Project Design Features to Maintain

and Enhance Environmental Quality, Safety and Community Quality of Life which was included as Attachment 6 to the February 15, 2023 Staff Report (“Targ/Brothers Colleagues Memo”) ; and

**WHEREAS**, the Planning Commission at a regular meeting on February 15, 2023 recommended approval of the IS-MND and updated Response to Comments.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the Town of Portola Valley hereby recommends the Town Council adopt the IS-MND, the Updated Response to Comments and Text Changes, and the Mitigation Monitoring and Reporting Plan (MMRP), prepared for the Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Code Amendments Project based on the following findings:

1. The IS-MND, which is attached as Exhibit A, has been completed in accordance with the requirements of the CEQA statutes, and the CEQA Guidelines.
2. The IS-MND was prepared, published, circulated, and reviewed in accordance with the requirements of CEQA and the Town’s CEQA Guidelines, and constitutes an adequate, accurate, objective, and complete analysis addressing all issues relevant to the approval of the proposed Project.
3. The Planning Commission has reviewed and considered the information contained within the IS-MND together with any comments received during the public review process and it reflects the independent judgment and analysis of the Town.
4. The IS-MND identifies all potentially significant adverse environmental impacts and feasible mitigation measures or standard conditions of approval that would reduce these impacts to a less-than-significant level. All of the mitigation measures identified in the IS-MND will be implemented, if applicable, once the Project is adopted. The Planning Commission finds that on the basis of the whole record before it, there is no substantial evidence that the Project, as mitigated in the IS-MND, will have a significant impact on the environment.
5. During the preparation of the Initial Study Checklist, it was determined that the Project would have no impact or have less-than-significant impact on the following environment factors: Aesthetics, Agriculture and Forestry Resources, Biological Resources, Energy, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Parks and Recreation, Population/Housing, Public Services, Transportation, Utilities/Service Systems, Wildfire, and Mandatory Findings of Significance. It was determined that the Project would have a potentially significant impact on one or more of the following environmental factors: Air Quality, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions,

Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. Consistent with CEQA Statutes and CEQA Guidelines, the IS-MND contains a full and complete explanation as to how the potentially significant impact on these environmental factors are reduced to less-than-significant impact level by the incorporation of the required mitigation measures.

6. The administrative record is located in the Office of the Town Clerk who is designated as the location and custodian of the documents and other material constituting the record of proceedings upon which this decision is based.
7. The above recitals are true and correct and material to this Resolution.
8. In making these findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other written and oral testimony presented to it.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby recommends that the Town Council adopt the project design features listed in the Targ/Brothers Colleagues Memo, excluding the financial terms, through the mechanism of Council's choosing. The list of recommended project design features is set forth in Exhibit A.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby recommends that the Town Council further consider adopting the key approaches for Fire Safety presented by Fire Marshal Bullard in his February 15, 2023 presentation to the Planning Commission and included here as Exhibit B.

Passed and Adopted at the regular meeting of the Planning Commission of the Town of Portola Valley on February 15, 2023.

By: Anne Kopf-Sill  
Anne Kopf-Sill, Chair

ATTEST:

Laura Russell  
Laura Russell, Planning and Building Director

## ATTACHMENT

### Proposed Project Design Features

Subject	Project Design Feature	Basis
<b>Local CEQA Guidelines and Thresholds</b> <i>(Mitigation Measure)</i>	Within [TIME] months of the adoption of the Housing Element, Council shall direct the updating, within [TIME] months of such direction, of the Town CEQA Guidelines with a focus on public engagement and establish local thresholds of significance concerning: Aesthetics; Parks and Recreation; Public Services; and Wildfires.	<p>Each municipality is required to establish CEQA Guidelines per 14 CCR Section 15022. Public agencies, including, municipalities are further encouraged to establish local significance thresholds. 14 CCR Section 15064.7(b). These thresholds should not be inconsistent with CEQA Guidance Appendix G.</p> <p>The proposed measure would help clarify and standardize analysis and decision-making in the environmental review process. Development of Guidelines and significance thresholds would further help ensure that project-level environmental assessments address and evaluate impacts and develop mitigation measures with the benefit of public engagement.</p>
<b>General Plan, Zoning, Design Review</b> <i>(Mitigation Measure)</i>	Within [TIME] months from adoption of the Housing Element, Council shall establish a review group, with support of Staff, for the purpose of (1) further ensuring consistency and fidelity to Town General Plan and ethos of development in harmony with the natural environment; and (2) establishing for approval by the Town Council objective design criteria consistent with Town design guidelines.	<p>Review of the General Plan and zoning following adoption of the Housing Element should be conducted to help ensure fidelity to Town ethos and to ensure consistency within the General Plan and between the General Plan and zoning code.</p> <p>Objective standards can promote maintenance of community design and character, while adhering to state requirements that streamline development of affordable housing and associated projects. They clarify local requirements, increasing regulatory certainty; and they respond to local conditions. Objective criteria must also be considered in the implementation of a number of recent housing statutes, including, but not limited to:</p> <p><u>SB 167 (Housing Accountability Act)</u>. Prohibition on denial, reduction of density, or making infeasible housing projects consistent with objective design standards.</p> <p><u>SB 35 (Streamlined Affordable Housing)</u>. Require approval of qualified housing projects based on objective standards.</p> <p><u>SB 9 (California Home Act)</u>. Requiring approval of lot splits for applications meeting objective criteria.</p>
<b>Housing Inventory</b>	Within [TIME] months of the adoption of the Housing Element, Council shall establish a workgroup, with	The draft Housing Element (August 2022) provides for commencement of the Ford Park site planning process in January 2024 with "Request for Proposals" to affordable housing developers by September 2024.

<i>(Housing Element Program)</i>	support of Staff, to: (1) evaluate and propose "Sunrise" opportunity sites to Council within [TIME] months of adoption of the Housing Element; and (2) initiate planning efforts for future housing cycles.	<p>Members of the Planning Commission have observed that tension exist between the General Plan and associated planning documents, on the one hand, and the development of the Dorothy Ford Park, including removal of two 400 year old oak trees, on the other. Similar issues and community sentiment have been expressed with respect to the Glenn Oaks property. Therefore, the recommendation was made to evaluate alternative development options.</p> <p>Additionally, potential housing sites have been suggested proximate to Portola Road and other locations. Members of the Ad Hoc Housing Element Committee observed that development complexities, in light of time constraints, make these sites appropriate for consideration in the anticipated, next Housing cycle. However, they are likely not available for inclusion for development in the current housing cycle.</p> <p>Forming a housing inventory evaluation workgroup holds the potential of reducing policy and land use tensions if alternative sites can be timely identified. It is also anticipated that initiating workgroup evaluation, at the earliest possible time, would allow for thoughtful, least impactful planning for the present and future housing cycles.</p>
<b>Safety</b> <i>(Mitigation Measure)</i>	Upon the approval of the Housing Element, Council shall establish a workgroup or direct an existing committee, with assistance from staff and support from an outside fire safety consultant, to assess and make recommendations to Council, regarding the effectiveness of, and need for modification of, evacuation routes and plans, and building codes. Final recommendations shall be provided to Council within [TIME] of the adoption of applicable fire maps and General Plan Safety Element. Recommendations shall take into consideration projected	Applicable fire maps and the General Plan Safety Element have not yet been finalized or adopted. Coordinating evacuation routes, the Safety Element, and fire maps with housing element will further protect and maintain public safety and property in light of projected growth.



	population growth and shall incorporate current best practices.	
<b>Encourage Community and Civic Engagement</b> <i>(Housing Element Program)</i>	Within [TIME] months of adoption of the Housing Element Council shall direct the Emergency Preparedness Committee and such other committee(s) as may be desired to encourage coordination of civic organizations (e.g., HOAs, religious organizations) to identify approaches and implement housing production, and risk reduction, and resiliency measures that may be taken independent of, or in coordination with Town activities.	Civic organizations have shown an ability to respond to the needs of the most vulnerable in Town and to plan for their local community's safety and welfare. They are also likely to play a significant role in the creation of future housing opportunities, either in the review of development plans or as a project sponsor.
Services and Infrastructure <i>(Housing Element Program)</i>	Work with service providers to identify, analyze, and plan for services and infrastructure needs based on anticipated increased population and housing to maintain the current quality of service.	The draft Housing Element identifies that "[the infrastructure and level of public services in the Town is geared to a small, dispersed population." (page 4). The IS/MND identifies, among other things, no significant impacts to: public services, parks and recreation, safety, and utility service systems.
Finance <i>(Housing Element Program)</i>	[Intentionally Deleted]	

## Exhibit B

### Key Approaches for Fire Safety Town of Portola Valley

- Keep and expand progressive prevention policies in the 2010 Safety Element
- Pursue widening roads
- Establish multiple access and egress routes
- Meet Cal Fire Minimum Fire Safe Regulations
- Conduct site specific individuated Wildfire Hazard Assessment Plans
- Build to Chapter 7A (and 337 Residential Code) with local amendments
- Enhance construction methods and materials to be noncombustible
- Limit exposure to flammable materials
- Increase defensible space standards around structures
- Adopt new requirements for fuel breaks in parcels in the SRA and LRA areas within the District
- Town adopt a map indicating the High and Very High Severity Zones
- Revisit the ADU and SB9 Fire Safety Checklist and consider adoption of appropriate ordinances(s)
- Educate the public on key fire safety issues

**PLANNING COMMISSION  
RESOLUTION # 2023-2**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY  
RECOMMENDING THE TOWN COUNCIL ADOPT THE 2023-2031 HOUSING ELEMENT  
UPDATE AND OTHER GENERAL PLAN AMENDMENTS  
REQUIRED TO CONFORM WITH THE UPDATED HOUSING ELEMENT**

**WHEREAS**, the California Government Code Section 65300 et. seq. requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that Plan to reflect current conditions and issues;

***The Current Affordability Crisis***

**WHEREAS**, the California legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” (Gov. Code Section 65589.5.);

**WHEREAS**, the legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.” (Gov. Code Section 65589.5.);

***The Town’s RHNA Allocation***

**WHEREAS**, State Housing Element Law (Article 10.6 of Gov. Code) requires that the Town Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the Town of Portola Valley’s (Town) regional housing need allocation (RHNA) of 253 housing units, comprised of 73 very-low income units, 42 low-income units, 39 moderate-income units, and 99 above moderate-income units together with an appropriate buffer to ensure compliance with the “no net loss” requirements of Housing Element law;

***Housing Element Law Requirements***

**WHEREAS**, State law requires that the Town conduct an assessment of housing needs and prepare an inventory of resources and constraints relevant to the meeting of these needs, including analysis of population and employment trends, household characteristics, inventory of land suitable and available for residential development (Gov. Code Section 65583(a));

**WHEREAS**, State law requires that the Town identify a zone or zones where emergency shelters are allowed as a permitted use with sufficient capacity to accommodate the need for emergency shelter identified in the assessment of housing needs (Gov. Code Section 65583(a)(4));

**WHEREAS**, State law requires that the Town analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including for special housing needs and persons with disabilities, land use controls, fees, and

permit procedures, along with efforts to remove governmental constraints (Gov. Code Section 65583(a)(5));

**WHEREAS**, State law requires that the Town analyze potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those identified in the sites inventory, along with local efforts to remove nongovernmental constraints (Gov. Code Section 65583(a)(6));

**WHEREAS**, State law requires that the Town analyze special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter (Gov. Code Section 65583(a)(7));

**WHEREAS**, State law requires that the Town analyze opportunities for energy conservation with respect to residential development (Gov. Code Section 65583(a)(8));

**WHEREAS**, State law requires that the Town analyze existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years (Gov. Code Section 65583(a)(9));

**WHEREAS**, State law requires that the Town prepare a statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing (Gov. Code Section 65583(b));

**WHEREAS**, State law requires that the Town prepare a program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing (Gov. Code Section 65583(c));

**WHEREAS**, State law requires that the Town identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the Town's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory without rezoning (Gov. Code Section 65583(c)(1));

**WHEREAS**, State law requires that, where the Town identifies inadequate sites in the inventory to accommodate the need for groups of all household income levels, that the rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year Housing Element planning period, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Gov. Code Section 65585;

**WHEREAS**, State law requires that the Town identify programs that assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households (Gov. Code Section 65583(c)(2));

**WHEREAS**, State law requires that the Town identify programs that address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities (Gov. Code Section 65583(c)(3));

**WHEREAS**, State law requires that the Town identify programs that conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action (Gov. Code Section 65583(c)(4));

**WHEREAS**, State law requires that the Town identify programs that promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other protected characteristics, and any other state and federal fair housing and planning law (Gov. Code Section 65583(c)(5));

**WHEREAS**, State law requires that the Town identify programs that preserve for lower income households the assisted housing developments that are eligible to change from low-income housing uses during the next 10 years (Gov. Code Section 65583(c)(6));

**WHEREAS**, State law requires that the Town develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent for very low, low-, or moderate-income households (Gov. Code Section 65583(c)(7));

**WHEREAS**, State law requires that the Town identify the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other General Plan Elements and community goals (Gov. Code Section 65583(c)(8));

#### ***New Affirmatively Furthering Fair Housing (AFFH) Requirements***

**WHEREAS**, State law requires that the Town make a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the Housing Element, and the program shall describe this effort (Gov. Code Section 65583(c)(9));

**WHEREAS**, State law requires that the Town affirmatively further fair housing in accordance with Gov. Code Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2 (Gov. Code Section 65583(c)(10));

**WHEREAS**, State law requires that the Town include a summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity (Gov. Code Section 65583(c)(10)(A)(i));

**WHEREAS**, State law requires that the Town include an analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty and affluence, disparities in access to opportunity, and disproportionate housing needs, including displacement risk (Gov. Code Section 65583(c)(10)(A)(ii));

**WHEREAS**, State law requires that the Town include an assessment of the contributing factors, including the local and regional historical origins and current policies and practices, for the fair housing issues (Gov. Code Section 65583(c)(10)(A)(iii));

**WHEREAS**, State law requires that the Town identify the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved (Gov. Code Section 65583(c)(10)(A)(iv));

**WHEREAS**, State law requires that the Town include strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement (Gov. Code Section 65583(c)(10)(A)(v));

**WHEREAS**, State law allows local government to satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters by adopting and implementing a multijurisdictional agreement (Gov. Code Section 65583(d));

#### ***Public Outreach and Review Process***

**WHEREAS**, the Town conducted extensive community outreach over 24 months and totaling approximately 126 hours, including the following public meetings to discuss various aspects of the Housing Element update (current through February 17, 2023): 7 Town Council meetings; 10 Planning Commission meetings; 1 Joint Town Council and Planning Commission meeting; 15 Ad Hoc Housing Element Committee meetings; 2 Ad Hoc Committee of Town Committees meetings; and 2 Community-Wide meetings;

**WHEREAS**, on August 11, 2022, the Town submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for review;

**WHEREAS**, on November 9, 2022, HCD provided the Town with a number of comments regarding the draft Housing Element (Exhibit A), and based upon comments, Town staff revised the draft Housing Element to include additional information and data to support the Town's position that the proposed programs and zoning changes would be adequate to accommodate the RHNA and affirmatively further fair housing as shown in Exhibit B;

#### ***Environmental Review Process***

**WHEREAS**, the Town, as lead agency under the California Environmental Quality Act ("CEQA"), prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the Housing Element, Safety Element, conforming General Plan amendments and zoning code amendments and circulated it for public review;

**WHEREAS**, on February 15, 2023, the Planning Commission conducted a public hearing to review the Response to Comments memorandum addressing the verbal comments made by Members of the Planning Commission and the public on November 16, 2022, the adequacy of the IS/MND, and the recommended text changes to the IS/MND. The Planning Commission then recommended approval of the IS/MND, updated Response to Comments, and further

recommended that the Town Council adopt the project design features listed in the Targ/Brothers Colleagues Memo, excluding the financial terms, through the mechanism of Council's choosing, and additionally recommended that the Town Council further consider adopting the key approaches for Fire Safety presented by Fire Marshal Bullard in his February 15, 2023 presentation to the Planning Commission;

### ***Conforming General Plan Amendments***

**WHEREAS**, on November 30, 2022, the Planning Commission discussed amendments to the General Plan required to conform with the Housing Element.

**WHEREAS**, these programs include: the creation of a new "Gateway" district that allows affordable housing, recreation, and open space; the creation of two new multi-family land use classifications allowing up to four and 20 dwelling units per acre, respectively; an "opt-in" overlay provision permitting limited single family homes to voluntarily upzone to up to 4 units (not to exceed a townwide total of 12 units), and a new mixed-use land use classification to allow for up to six dwelling units per acre. These changes will require relatively minor conforming updates to the Land Use Element, the Nathhorst Triangle Plan, and corresponding maps/diagrams;

**WHEREAS**, on November 30, 2022, the Planning Commission also discussed the need to update the Alpine Scenic Corridor Plan to clarify that any new development along the Alpine Scenic Corridor should be designed to respect the Plan's scenic principles and provide sufficient setback for the use of Alpine Road as a major evacuation corridor. The Planning Commission also discussed that the Land Use Element be updated to remove outdated, impermissible limits on household composition;

**WHEREAS**, on March 6, 2023, the Planning Commission further discussed amendments to the General Plan required to conform with the Housing Element as required for general plan consistency;

**WHEREAS**, on March 2, 2023, the Town published the final draft Housing Element on the Town website and requested public comment on the final draft;

**WHEREAS**, the Planning Commission held a public hearing on March 6, 2023, considered all public comments received, the presentation by Town staff, the staff report, and all other pertinent documents regarding the proposed request, which are incorporated by reference;

**WHEREAS**, the Planning Commission has reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings in Exhibit A, the Town's response to HCD's findings in Exhibit B, the staff report and all attachments, and oral and written public comments; and determined the Housing Element to be consistent with State law and the General Plan;

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission hereby makes the following findings to recommend the Town Council approve the General Plan amendment to update the Housing Element and other portions of the General Plan (collectively "General Plan amendments") for consistency with the Housing Element:

1. The above recitals set forth in this resolution are hereby incorporated.



2. Planning Commission Resolution No. 1 adopted on February 15, 2023, including Exhibit A Project Design Features and Exhibit B Key Approaches to Fire Safety is hereby incorporated. The Commission finds that on the basis of the whole record before it, there is no substantial evidence that the adoption of the Housing Element and the General Plan amendments, as mitigated in the Mitigated Negative Declaration, will have a significant impact on the environment.
3. The proposed Housing Element amendment attached to the Staff Report as Attachment 1, as amended by the Planning Commission on March 6, 2023, is necessary to implement the State housing Element law. The Housing Element will accommodate higher density multifamily housing to expand housing options and affordability.
4. The Housing Element substantially complies with Housing Element Law, as provided in Government Code 65580 et seq. and contains all provisions required by State Housing Element Law.
5. A key principle of General Plan law is that each element in the General Plan must be consistent with one another. Therefore, to ensure consistency with the Housing Element the Planning Commission recommends that the Town Council adopt the following minor conforming amendments to other General Plan elements: the Land Use Element, the Nathhorst Triangle Plan, and corresponding maps/diagrams; the Alpine Scenic Corridor Plan; and the Land Use Element to remove outdated, impermissible limits on household composition as set forth in Attachment 3 to the Staff Report.
6. The proposed General Plan amendments will not be detrimental to the public interest, convenience, and general welfare of the Town. The amendments will result in a logical placement of land uses consistent with the overall intent of the General Plan and facilitate housing development opportunities at a range of income levels and household types. The proposed General Plan amendments will facilitate the development, maintenance, and improvement of adequate and affordable housing for new and existing residents, which will be a benefit to the public.

Passed and Adopted at this special meeting of the Planning Commission of the Town of Portola Valley on March 6, 2023.

By: Anne Kopf-Sill  
Anne Kopf-Sill, Chair

ATTEST:

Laura Russell  
Laura Russell, Planning and Building Director

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)

**Exhibit A - HCD Letter**

November 9, 2022

Laura Russel, Planning & Building Director  
Town of Portola Valley  
765 Portola Road,  
Portola Valley, CA 94028

Dear Laura Russell:

**RE: The Town of Portola Valley's 6th Cycle (2023-2031) Draft Housing Element**

Thank you for submitting the Town of Portola Valley's (Town) draft housing element received for review on August 11, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation November 7, 2022 with you, Jeremy Dennis, Adrienne Smith, and consultants Cara Silver, Arly Dolbakian, Carla Violet, and Curtis Banks. In addition, HCD considered comments from Greenbelt Alliance and YIMBY LAW, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes these, and other revisions needed to comply with State Housing Element Law.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the Town fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c), paragraph (1), subparagraph (A) and Government Code section 65583.2, subdivision (c) are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element

process, the Town should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the Town to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the Town meets housing element requirements for these and other funding sources.

HCD is committed to assisting the Town in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Molivann Phlong, of our staff, at [Molivann.Phlong@hcd.ca.gov](mailto:Molivann.Phlong@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long, sweeping horizontal line extending to the right.

Melinda Coy  
Proactive Housing Accountability Chief

Enclosure

## APPENDIX TOWN OF PORTOLA VALLEY

The following changes are necessary to bring the Town's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <https://www.hcd.ca.gov/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

### A. Review and Revision

*Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)*

The review requirement is one of the most important features of the element update. The review of past programs should analyze the Town's accomplishments over the previous planning period. This information provides the basis for developing a more effective housing program.

As part of the evaluation of programs in the past cycle, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness).

### B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))*

Integration and Segregation: The element includes some data on integration and segregation at the regional and local level; however, the element must also analyze segregation and integration of familial status and persons with disabilities, including a discussion of patterns and trends over time.

Racial/Ethnic Areas of Concentration of Areas of Affluence (RCAA): The element includes information relative to Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) but should also address concentrated areas of affluence. The combination of the R/ECAP and areas of affluence analyses will help guide goals and actions to address fair housing issues. The analysis should evaluate the patterns and changes

over time at a local (e.g., neighborhood to neighborhood) and regional level (e.g., Town to region).

Disproportionate housing needs and Displacement Risk: The element does include data on overcrowded households, substandard housing conditions, but it must also analyze the cost burdened and extreme cost burdened rates for owner households.

Site Inventory: The Town is predominantly a highest resource category according to TCAC/HCD Opportunity Maps and is predominantly higher income. Sites should be analyzed in relationships to any RCAA identified. The element should also include specific analysis of the Town compared to the region and should formulate policies and programs to promote an inclusive community. For example, the Town should consider additional actions (not limited to the Regional Housing Needs Allocation (RHNA)) to promote housing mobility and improve new housing opportunities throughout the Town.

Contributing Factors: The element must prioritize contributing factors to fair housing issues, giving highest priority to those factors that most limit or deny fair housing choice or access to opportunity or negatively impact fair housing or civil rights compliance. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. The analysis shall result in strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing.

2. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

While the element identifies the total number of overpaying households, it must quantify and analyze the number of overpaying lower-income households by tenure (i.e., renter and owner). For additional information and sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/hcd-memos>.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

The Town has a RHNA of 253 housing units, of which 115 are for lower-income households. To address this need, the element relies on pipeline projects, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), an Opt-in-Single-Family Rezoning Program and adopting three new zoning districts to allow multifamily dwellings. To demonstrate the adequacy of these sites and strategies to accommodate the Town's RHNA, the element must include complete analyses:

Pipeline Projects: The Town's RHNA may be reduced by the number of new units built since July 1, 2022. The element indicates 17 units affordable to low-income households are pending in the Willow Commons and Stanford Wedge projects but must also demonstrate the affordability of the units. Specifically, the element must assign these units to the various income groups based on actual or anticipated sales price or rent level of the units or other mechanisms ensuring affordability (e.g., deed-restrictions) and demonstrate their availability in the planning period. For units in the pipeline, the element should describe the status of the application, required entitlements, and anticipated date of approval.

Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

Opt-In-Single-Family Rezoning Program: In order to accommodate the remaining need for the above moderate-income RHNA, the town is proposing to develop a program where property owners can opt-in to rezone their parcel to allow for 4 units per acre and a maximum of four dwelling units per lot. The Town is expecting to increase capacity by 12 units. In order to count these proposed unit towards the RHNA, the element must further describe the potential for additional capacity using the Opt-In-Single-Family Rezoning Program within the planning period. This must include reviewing program guidelines and processes, include a description of existing uses, the number of parcels that could apply for the rezone including a sample parcel inventory, a survey or other methodology to show how many parcels would potentially rezone in the planning period, and incentives for property owners to opt into the program. Please be aware, pursuant to Government Code section 65583 (c)(1)(A), rezones to accommodate RHNA must occur within three years from date of adoption of the element. The element should include a program to monitor application of the program to ensure that rezonings have been completed within that timeframe and commit to rezone or amend the housing element to identify additional sites.

Affiliated Housing Sites: The element identifies two sites that will not be rezoned but are anticipated to be developed under the Affiliated Housing Site Program including the 42 Acre Sequoia Housing Site and the Christ Church Affiliated Housing site. The element must include information that demonstrates the potential for development within the planning period including, but not limited to, information on proposed projects within the planning period, analysis on existing uses and whether those existing uses could impede development, and approval procedures (see next section). The element could also include programs that commit to facilitating the development of these properties and commit to monitor production throughout the planning period and if necessary additional actions to identify additional capacity.



ADUs: The element relies on 92 ADUs to accommodate a portion of the Town's RHNA. For your information, HCD records indicate permitted ADUs of 7 in 2018, 7 in 2019 and 3 in 2020. The element should reconcile these numbers and adjust assumptions as appropriate. The element must clarify these ADUs numbers in relationship to the projections, reconcile these numbers and adjust assumptions as appropriate. Depending on the analysis, the element must commit to monitor ADU production and affordability throughout the planning period and implement additional actions if not meeting target numbers within a specified time period (e.g., within six months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.

Environmental Constraints: While the element generally describes a few environmental conditions within the Town (page 68), it must describe any known environmental constraints within the Town that could impact housing development in the planning period. (Gov. Code, § 65583.2, subd. (b).) For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental>.

#### Sites with Zoning for a Variety of Housing Types:

- Emergency Shelters: The element should describe the development standards of the zone that allows emergency shelters by-right and should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions in appropriate for human habitability. Specifically, the element. In addition, the element should describe how emergency shelter parking requirements are in line with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.
  - ADUs: The element indicates the Town modified its zoning code to ease barriers to the development of ADU's. However, after a cursory review of the Town's ordinance, HCD discovered several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the Town's ADU ordinance in order to comply with state law.
4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons*



*with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (Gov. Code, § 65583, subd. (a)(5).)*

Multi-Family Zoning and Mixed-Use Zoning Districts: As stated above, to accommodate the town's RHNA, three new multifamily zoning districts will be created to accommodate 4 units, 6 units, and 20 units per acre respectively. While HCD recognizes that zoning has not yet been created to implement the new zones, the element should generally describe and commit to expectations for development standards in these zones. For example, the element should describe expected height limits, parking, and other standards that will facilitate development at the densities proposed. This is particularly critical because the Town currently does not have any zoning districts that specifically allow for multifamily.

Minimum Density Equals Maximum Density: The element states that the density for the new multifamily district allows 20 dwelling units an acre. However, the element must clarify if the minimum density for the rezone is also the maximum density. The element must analyze this narrow range of density (20 units per acre) as a potential governmental constraint on housing development including potential impacts resulting from site constraints, financial considerations, and other development factors.

Zoning, Development Standards and Fees: The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the Town's website and add a program to address these requirements, if necessary.

Design Review (D-R) Combining District: The element must further describe and analyze the Design Review Combining District and Architectural and Site Control Commission (ASCC). The element must include a description of any guidelines and design criteria, approval procedures, and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis should consider processing and approval procedures and timeframes, level of review, subjectivity of approval findings and any discretionary approval procedures. The element should also indicate if housing under the new multifamily zoning districts will be subject to this procedure. The element must demonstrate these processes are not a constraint or it must include a program(s) to address this permitting requirement, as appropriate.

Affiliated Housing Program: The element identifies two sites within the inventory for potential for development through the Affiliated Housing Program. While the element provides a brief description (page 82), it must include further information and analysis on how projects proposed under this program are approved. For example, what development standards apply to the project, what types of finding are necessary to approve the conditional use permit, standards that are required to opt-in to the program, and other requirements that impact the feasibility of development on sites within the overlay.

Streamlining Provisions: The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and add a program to address these requirements as appropriate.

Building Codes and Enforcement: While the element states that it has adopted the 2019 building code, it must also describe any local amendments to the building code and enforcement of the codes for impacts on housing supply and affordability.

Constraints on Housing for Persons with Disabilities: The element briefly describes its reasonable accommodation measures (page 51). However, the element should describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities.

The element must also address how non-licensed group home facilities that serve seven or more residences is permitted. Zoning and standards should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations. Zoning code regulations that isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors may pose a constraint on housing choice for persons with disabilities. The element should include specific analysis of these and any other constraints for impacts on housing for persons with disabilities and add or modify programs as appropriate.

Water Sewer Priority: For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. HCD recommends including a cover memo describing the Town's housing element, including the Town's housing needs and regional housing need. For additional information and sample cover memo, see the Building Blocks at <https://www.hcd.ca.gov/priority-for-water-and-sewer>.

5. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. (Gov. Code, § 65583, subd. (a)(6).)*

Developed Densities and Permit Times: The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.

6. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, §*

65583, *subd. (a)(7).*)

While the element quantifies some of the Town's special needs populations, it must also analyze their special housing needs. The element must also quantify the number of the elderly and large households. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, # of large units, # of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

## C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. To address the program requirements of Gov. Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs must include: (1) specific actions the local government will take during the planning period; (2) timelines that result in beneficial impacts within the planning period; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials.

Additionally, all programs should be evaluated to ensure meaningful and specific actions and objectives. Programs containing unclear language (e.g., "Evaluate"; "Consider"; "Encourage"; etc.) should be amended to include more specific and measurable actions. Programs to be revised include, but are not limited to, Programs 1-1-4, 2-1, 3-2, 4-1, 4-2, 4-3, 4-4, and 6-3.

Transitional Housing and Supportive Housing: The element must include a program to amend the zoning ordinance to permit transitional and supportive housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) For additional information, see the Building Blocks' at <https://www.hcd.ca.gov/zoning-for-a-variety-of-housing-types> and HCD's SB 2 memo at [http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb2\\_memo050708.pdf](http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb2_memo050708.pdf).

Developmental Disabilities: The element must include a program to assist in the development of housing for persons with developmental disabilities (SB 812). Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the town's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the Town may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

Programs 1-1, 1-2, 1-3: These programs currently have a timeframe for completion of January 2031. Because these programs are required to accommodate the RHNA, pursuant to Government Code section 65583 (c)(1)(A) rezones must be completed within three years from the date of adoption.

For your information, if rezones are completed after January 31, 2023, the element must also demonstrate Program 1-1 complies with the requirements of Government Code section 65583.2, subdivisions (h) and (i). For example, while the element indicates the residential capacity of the rezoned sites, it must also demonstrate the rezoned sites have a site capacity of at least 16 units, permit rental and owner multifamily development without discretionary review at minimum densities of at least 16 or 20 dwelling units per acre, and that at least at least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for exclusive residential uses or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project. For additional information, go to <https://www.hcd.ca.gov/hcd-memos>.

Program 1-4: The program should be revised to describe incentives for the Affiliated Housing Program and as stated above, include a program to monitor development of sites within the Affiliated Housing Program. In addition, the municipal code update should occur sooner in the planning period to have a beneficial impact.

3. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

Extremely Low-Income Program (ELI): While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing affordable households. Programs must be revised or added to the element to assist in the development of housing for ELI households. Program actions could include prioritizing some funding for housing developments affordable to ELI households and offering financial incentives or regulatory concessions to encourage the development of housing types, such as multifamily, single-room occupancy (SRO) units, to address the identified housing needs for ELI households. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/extremely-low-income-housing-needs>.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding B4 and B-5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.

Program 4-1: This program should be revised to include specific details of the new parking requirements for affordable housing.

Program 4-4: This program should be revised to clarify that the zoning regulations and objective standards will facilitate the development of residential units at the densities proposed.

Pursuant to conversations with staff, the Town's density bonus may be out of date with state law. The element should include a program to update the ordinance accordingly.

5. *The Housing Element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. (c)(4).)*

Conserve and Improve: The element must include a program(s) to conserve and improve the condition of the existing stock, which may include addressing the loss of dwelling units. A program could provide grants for substantial rehabilitation, provide matching grants for homeowner improvements, or implement proactive code enforcement program.

6. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies programs to encourage and promote affordable housing; however, most of these programs do not appear to facilitate any meaningful change nor address affirmatively furthering fair housing requirements. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results and include geographic targeting as appropriate. Given that most of the Town is considered a highest resource community, the element could focus on programs that center on place-based strategies for economic and community revitalization, protecting residents from disaster-driven and investment-driven displacement, and enhancing housing mobility to encourage the development of more housing choices and affordable housing. Programs also should be based on identified contributing factors, be significant and meaningful. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues. For example, the Town could consider is tying Program 8-7 towards actions to improve nongovernmental constraints such as mortgage acceptance rates. For more information, please see HCD's guidance at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.



Town Comment Number	HCD Comment	Town Response
1	<p><b>A. Review and Revision</b></p> <p><i>Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)</i></p> <p>The review requirement is one of the most important features of the element update. The review of past programs should analyze the Town’s accomplishments over the previous planning period. This information provides the basis for developing a more effective housing program.</p> <p>As part of the evaluation of programs in the past cycle, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness).</p>	Added a list of key accomplishments during the 5 <sup>th</sup> Cycle and additional evaluation on t of past programs in meeting the needs of special needs populations to <i>Appendix D, Re 2015-2023 Housing Element Performance</i> .
2	<p><b>B. Housing Needs, Resources, and Constraints</b></p> <p><i>1. Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))</i></p> <p><u>Integration and Segregation</u>: The element includes some data on integration and segregation at the regional and local level; however, the element must also analyze segregation and integration of familial status and persons with disabilities, including a discussion of patterns and trends over time.</p>	Added data on familial status under <i>Section 3, AFFH</i> , Primary Findings (fifteenth bullet). Data on persons with disabilities can be found in the text under <i>Section 3, AFFH</i> , Primary Findings, (third and second to last bullets) and <i>Appendix C, AFFH</i> , 4.3.3 Disability Status.
3	<p><u>Racial/Ethnic Areas of Concentration of Areas of Affluence (RCAA)</u>: The element includes information relative to Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) but should also address concentrated areas of affluence. The combination of the R/ECAP and areas of affluence analyses will help guide goals and actions to address fair housing issues. The analysis should evaluate the patterns and changes over time at a local (e.g., neighborhood to neighborhood) and regional level (e.g., Town to region).</p>	Added RCAA text in <i>Appendix C, AFFH</i> , 4.3.3 Racially or Ethnically Concentrated Areas of Poverty and Affluence and <i>Section 3, AFFH</i> , Primary Findings.
4	<p><u>Disproportionate housing needs and Displacement Risk</u>: The element does include data on overcrowded households, substandard housing conditions, but it must also analyze the cost burdened and extreme cost burdened rates for owner households.</p>	Added Figures 3-2: Overpayment by AMI and 3-3: Overpayment by Tenure and additional text to <i>Section 3, AFFH</i> under subheading Primary Findings, and to <i>Appendix C, AFFH</i> , Section 6.2 Cost Burden and Sever Cost Burden.
5	<p><u>Site Inventory</u>: The Town is predominantly a highest resource category according to TCAC/HCD Opportunity Maps and is predominantly higher income. Sites should be analyzed in relationships to any RCAA identified. The element should also include specific analysis of the Town compared to the region and should formulate policies and programs to promote an inclusive community. For example, the Town should consider additional actions (not limited to the Regional Housing Needs Allocation (RHNA) to promote housing mobility and improve new housing opportunities throughout the Town.</p>	Added text under <i>Appendix C, AFFH</i> , 7.2 Distribution of sites in the Site Inventory and <i>Section 3, AFFH</i> , Primary Findings. Added language to <i>Section 6, Adequate Sites</i> discussing how Sites locations will help address concerns described in <i>Section 3, AFFH</i> .
6	<p><u>Contributing Factors</u>: The element must prioritize contributing factors to fair housing issues, giving highest priority to those factors that most limit or deny fair housing choice or access to opportunity</p>	Added text in <i>Section 3, AFFH</i> , Table 3-1 to denote “low, medium, and high” prioritization of Contributing Factors.



	or negatively impact fair housing or civil rights compliance. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. The analysis shall result in <b>strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing</b> .	
7	<p><i>2. Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)</i></p> <p>While the element identifies the total number of overpaying households, it must quantify and analyze the number of overpaying lower-income households by tenure (i.e., renter and owner). For additional information and sample analysis, see the Building Blocks at <a href="https://www.hcd.ca.gov/hcd-memos">https://www.hcd.ca.gov/hcd-memos</a>.</p>	Added Figures 3-4 and 3-5 Cost Burden by Income for Owners, and for Renters, respectively, showing overpayment by tenure by income level to <i>Section 3, AFFH</i> under subsection Primary Findings. Added analysis of data.
8	<p><i>3. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)</i></p> <p>The Town has a RHNA of 253 housing units, of which 115 are for lower-income households. To address this need, the element relies on pipeline projects, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), an Opt-in-Single-Family Rezoning Program and adopting three new zoning districts to allow multifamily dwellings. To demonstrate the adequacy of these sites and strategies to accommodate the Town's RHNA, the element must include complete analyses:</p> <p><u>Pipeline Projects</u>: The Town's RHNA may be reduced by the number of new units built since July 1, 2022. The element indicates 17 units affordable to low-income households are pending in the Willow Commons and Stanford Wedge projects but must also demonstrate the affordability of the units. Specifically, the element must assign these units to the various income groups based on actual or anticipated sales price or rent level of the units or other mechanisms ensuring affordability (e.g., deed-restrictions) and demonstrate their availability in the planning period. <b>For units in the pipeline, the element should describe the status of the application, required entitlements, and anticipated date of approval.</b></p>	Added language to Section 6, Adequate Sites under subheading Pipeline and Pending Projects, with additional details on the Willow Commons and Stanford Wedge projects.
9	<u>Realistic Capacity</u> : While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate <b>what specific trends, factors, and other evidence led to the assumptions</b> . The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.	Added language to <i>Section 6, Adequate Sites</i> under subheading Realistic Capacity, describing local setting (no multifamily zones, limited multifamily development), site quality, and the rezonings.
10	<u>Opt-In-Single-Family Rezoning Program</u> : In order to accommodate the remaining need for the above moderate-income RHNA, the town is proposing to develop a program where property owners can opt-in to rezone their parcel to allow for 4 units per acre and a maximum of four dwelling units per lot. The Town is expecting to increase capacity by 12 units. In order to count these proposed unit towards the RHNA, the element must <b>further describe the potential for additional capacity</b> using	Added language to <i>Section 6, Adequate Sites</i> under Subheading Opt-In Housing Program, providing additional detail on how the program would function, program incentives the review process for applicants. Revised Opt-In program language in <i>Section 7, Programs</i> (Program 1-3) to reflect additional program details.

	the Opt-In-Single-Family Rezoning Program within the planning period. This must include reviewing program guidelines and processes, include a <b>description of existing uses, the number of parcels that could apply for the rezone including a sample parcel inventory, a survey or other methodology to show how many parcels would potentially rezone in the planning period, and incentives for property owners to opt into the program.</b> Please be aware, pursuant to Government Code section 65583 (c)(1)(A), rezones to accommodate RHNA must occur within three years from date of adoption of the element. The element should include a <b>program to monitor application of the program</b> to ensure that rezonings have been completed within that timeframe and commit to rezone or amend the housing element to identify additional sites.	
11	<u>Affiliated Housing Sites</u> : The element identifies two sites that will not be rezoned but are anticipated to be developed under the Affiliated Housing Site Program including the 42 Acre Sequoia Housing Site and the Christ Church Affiliated Housing site. <b>The element must include information that demonstrates the potential for development within the planning period including, but not limited to, information on proposed projects within the planning period, analysis on existing uses and whether those existing uses could impede development, and approval procedures (see next section).</b> The element could also include programs that commit to facilitating the development of these properties and commit to monitor production throughout the planning period and if necessary additional actions to identify additional capacity.	Added language to <i>Section 6, Adequate Sites</i> , under subheading Affiliated Housing Sites to describe the codification of the Affiliated Housing Program and more information about the Sequoias and Christ Church sites.
12	<u>ADUs</u> : The element relies on 92 ADUs to accommodate a portion of the Town’s RHNA. For your information, HCD records indicate permitted ADUs of 7 in 2018, 7 in 2019 and 3 in 2020. The element should <b>reconcile these numbers</b> and adjust assumptions as appropriate. The element must clarify these ADUs numbers in relationship to the projections, reconcile these numbers and adjust assumptions as appropriate. Depending on the analysis, the element must commit to monitor ADU production and affordability throughout the planning period and implement additional actions if not meeting target numbers within a specified time period (e.g., within six months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. <b>For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action.</b> If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.	Added languages to <i>Section 6, Adequate Sites</i> , under subheading Accessory Dwelling Units and Junior Accessory Dwelling Units to strengthen assumptions about ADU production.  HCD, Thank you for noting the discrepancy between the Town’s records and HCD records. The Town is aware of past reporting errors that need to be corrected with HCD. Unfortunately, the report form was completed incorrectly so the numbers do not align.  (Town may need to add a program to resolve the past reporting problems.)
13	<u>Environmental Constraints</u> : While the element generally describes a few environmental conditions within the Town (page 68), it must describe any known environmental constraints within the Town that could impact housing development in the planning period. (Gov. Code, § 65583.2, subd. (b).) For additional information and sample analysis, see the Building Blocks at <a href="http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental">http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental</a> .	Added discussion of biological and hazardous materials to <i>Section 4, Constraints</i> under the Environmental Constraints subheading.
14	<u>Sites with Zoning for a Variety of Housing Types</u> : <ul style="list-style-type: none"> <li>Emergency Shelters: The element should describe the development standards of the zone that allows emergency shelters by-right and should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions in appropriate for human habitability. Specifically, the element. In addition, the element should describe how emergency shelter parking requirements are in line with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.</li> </ul>	Added language to <i>Section 4, Constraints</i> under subheading Zoning Code describing addition of Emergency Shelters to new code for Multi-Family zones, and shelter regulations as permitted by Government Code section 65583 (a)(4)(A).  Added language to <i>Section 2, Housing Needs</i> , referring to Emergency Shelter updates in new Multi-Family zones, as described in <i>Section 4, Constraints</i> .
15	<ul style="list-style-type: none"> <li><u>ADUs</u>: The element indicates the Town modified its zoning code to ease barriers to the development of ADU’s. However, after a cursory review of the Town’s ordinance, HCD discovered</li> </ul>	Added Program 7-8, Update Town’s ADU ordinance regularly to comply with state law, to <i>Section 7, Goals, Policies, and Programs</i> . A description of Program 7-8 was

	several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. <b>As a result, the element should add a program to update the Town's ADU ordinance in order to comply with state law.</b>	also added to <i>Section 6, Adequate Sites</i> , where the proposed ADU programs are described, under subheading Proposed ADU and JADU Policies and Programs.
16	<p><i>4. An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (Gov. Code, § 65583, subd. (a)(5).)</i></p> <p><u>Multi-Family Zoning and Mixed-Use Zoning Districts</u>: As stated above, to accommodate the town's RHNA, three new multifamily zoning districts will be created to accommodate 4 units, 6 units, and 20 units per acre respectively. While HCD recognizes that zoning has not yet been created to implement the new zones, <b>the element should generally describe and commit to expectations for development standards in these zones.</b> For example, the element should <b>describe expected height limits, parking, and other standards that will facilitate development at the densities proposed.</b> This is particularly critical because the Town currently does not have any zoning districts that specifically allow for multifamily.</p>	Updated <i>Section 6, Adequate Sites</i> to add basic development standards. Corresponding zoning code amendments are underway and expected to be completed by July 2023.
17	<u>Minimum Density Equals Maximum Density</u> : The element states that the density for the new multifamily district allows 20 dwelling units an acre. However, the element must clarify if the minimum density for the rezone is also the maximum density. The element must analyze this narrow range of density (20 units per acre) as a potential governmental constraint on housing development including potential impacts resulting from site constraints, financial considerations, and other development factors.	Updated <i>Section 6, Adequate Sites</i> , to clarify minimum and maximum densities for the new Multi-Family and Mixed Use Districts. The R-MF-20 allows between 10 to 20 dwelling units per acre and the R-MF-4 allows between 2 to 4 dwelling units per acre. The MU allows between 4 to 6 dwelling units per acre.
18	<u>Zoning, Development Standards and Fees</u> : The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the Town's website and add a program to address these requirements, if necessary.	
19	<u>Design Review (D-R) Combining District</u> : The element must further describe and analyze the Design Review Combining District and Architectural and Site Control Commission (ASCC). The element must include a <b>description of any guidelines and design criteria, approval procedures, and decision-making criteria, for their impact as potential constraints on housing supply and affordability.</b> For example, the analysis should consider processing and approval procedures and timeframes, level of review, subjectivity of approval findings and any discretionary approval procedures. The element should also indicate if housing under the new multifamily zoning districts will be subject to this procedure. The element must demonstrate these processes are not a constraint or it must include a program(s) to address this permitting requirement, as appropriate.	Updated <i>Section 4, Constraints</i> , to clarify limited scope of D-R Combining District and add information about ASCC review process.
20	<u>Affiliated Housing Program</u> : The element identifies two sites within the inventory for potential for development through the Affiliated Housing Program. While the element provides a brief description (page 82), it must include further information and analysis on how projects proposed under this program are approved. For example, what development standards apply to the project, what types of finding are necessary to approve the conditional use permit, standards that are	<p><i>Section 7, Goals Policies and Programs</i> (Programs 1-4 and 4-2) updated with detail on the Affiliated Housing Program.</p> <p>in <i>Section 4, Constraints</i>, subsection Conditional Use Permit and Planned Unit Development Permit Processes updated to explain why the permit process does not</p>

	required to opt-in to the program, and other requirements that impact the feasibility of development on sites within the overlay.	impact the feasibility of development. Additionally, each Affiliated site is discussed in detail in <i>Section 6, Adequate sites</i> .
21	<u>Streamlining Provisions</u> : The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and add a program to address these requirements as appropriate.	Added language in <i>Section 4, Constraints</i> , clarifying that, while the Town has not adopted its own procedure, it will follow State law when processing SB 35 applications.
22	<u>Building Codes and Enforcement</u> : While the element states that it has adopted the 2019 building code, it must also describe any local amendments to the building code and enforcement of the codes for impacts on housing supply and affordability.	Added language in <i>Section 4, Constraints</i> , to specify the local amendments related to sustainability and fire safety.
23	<u>Constraints on Housing for Persons with Disabilities</u> : The element briefly describes its reasonable accommodation measures (page 51). However, the element should describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities.  The element must also address <b>how non-licensed group home facilities that serve seven or more residences is permitted</b> . Zoning and standards should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations. Zoning code regulations that isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors may pose a constraint on housing choice for persons with disabilities. The element should include specific analysis of these and any other constraints for impacts on housing for persons with disabilities and add or modify programs as appropriate.	Updated subsection Zoning for a Variety of Housing Types in <i>Section 4, Constraints</i> to indicate plan to modernize the Municipal Code definition of “household” and added action 8-9 to TABLE 3-1 in <i>Section 3, Affirmatively Furthering Fair Housing</i> .
24	<u>Water Sewer Priority</u> : For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. <b>HCD recommends including a cover memo describing the Town’s housing element</b> , including the Town’s housing needs and regional housing need. For additional information and sample cover memo, see the Building Blocks at <a href="https://www.hcd.ca.gov/priority-for-water-and-sewer">https://www.hcd.ca.gov/priority-for-water-and-sewer</a> .	Thanks HCD – Town will distribute Housing Element to water provider.
25	<i>5. An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality’s share of the regional housing need in accordance with Government Code section 65584. (Gov. Code, § 65583, subd. (a)(6).)</i>  <u>Developed Densities and Permit Times</u> : The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality’s share of the regional housing need.	<i>(Explanation will be provided to HCD)</i>



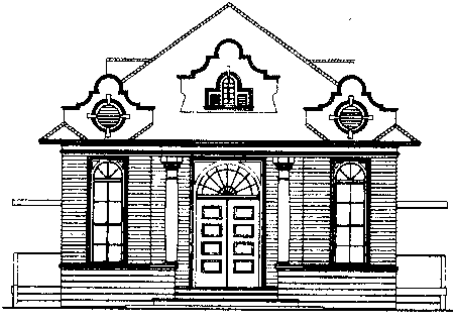
26	<p><i>6. Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)</i></p> <p>While the element quantifies some of the Town’s special needs populations, it must also analyze their special housing needs. The element must also <b>quantify the number of the elderly and large households</b>. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, # of large units, # of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.</p>	<p>Further analysis added to Section 2, Housing Needs, subsection Large Households</p> <p>In looking at the data again, only 2.1% of the housing stock is small multi-family (48 units), while 29% of the pop is over 65 (1,336 ppl). This shows we don’t have the small units to meet the possible demand of our older population. Do we need to say more about this?</p>
27	<p><b>C. Housing Programs</b></p> <p><i>1. Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)</i></p> <p>Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. To address the program requirements of Gov. Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs must include: (1) specific actions the local government will take during the planning period; (2) timelines that result in beneficial impacts within the planning period; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials.</p>	<p>Added language to <i>Section 7, Goals, Policies and Programs</i> clarify and solidify objectives and timeframes for programs throughout. Deliverables are generally early in the planning period in order to allow time for outcomes to occur.</p>
28	<p>Additionally, all programs should be evaluated to ensure meaningful and specific actions and objectives. Programs containing unclear language (e.g., “Evaluate”; “Consider”; “Encourage”; etc.) should be amended to include more specific and measurable actions. Programs to be revised include, but are not limited to, Programs 1-1-4, 2-1. 3-2, 4-1, 4-2, 4-3, 4-4, and 6-3.</p>	<p>Programs have been updated to provide more clarity and specificity.</p>
29	<p><u>Transitional Housing and Supportive Housing</u>: The element must include a program to amend the zoning ordinance to permit transitional and supportive housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) For additional information, see the Building Blocks’ at <a href="https://www.hcd.ca.gov/zoning-for-a-variety-of-housing-types">https://www.hcd.ca.gov/zoning-for-a-variety-of-housing-types</a> and HCD’s SB 2 memo at <a href="http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb2_memo050708.pdf">http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb2_memo050708.pdf</a>.</p>	<p>This code amendment has already been completed so no program is necessary.</p>
30	<p><u>Developmental Disabilities</u>: The element must include a program to assist in the development of housing for persons with developmental disabilities (SB 812). Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types.</p>	<p>Added new Policy 9 and program 9-1 to <i>Section 7, Goals, Policies and Programs</i> to assist in the development of housing for persons with developmental disabilities.</p>
31	<p><i>2. Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate</i></p>	<p>Language has been added to <i>Section 6, Sites</i> describing the Opt-In Housing Program in more detail, to <i>Section 7, Goals, Policies and Programs</i> describing various ADU</p>

	<p><i>that portion of the town’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)</i></p> <p>As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the Town may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.</p>	<p>programs, and to <i>Section 4, Constraints</i>, describing the inclusion of updated Emergency Shelter language in the new Multi-family zoning standards.</p>
32	<p><u>Programs 1-1, 1-2, 1-3</u>: These programs currently have a timeframe for completion of January 2031. Because these programs are required to accommodate the RHNA, pursuant to Government Code section 65583 (c)(1)(A) rezones must be completed within three years from the date of adoption.</p> <p>For your information, if rezones are completed after January 31, 2023, the element must also demonstrate Program 1-1 complies with the requirements of Government Code section 65583.2, subdivisions (h) and (i). For example, while the element indicates the residential capacity of the rezoned sites, it must also demonstrate the rezoned sites have a site capacity of at least 16 units, permit rental and owner multifamily development without discretionary review at minimum densities of at least 16 or 20 dwelling units per acre, and that at least at least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for exclusive residential uses or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project. For additional information, go to <a href="https://www.hcd.ca.gov/hcd-memos">https://www.hcd.ca.gov/hcd-memos</a>.</p>	<p><i>Section 7, Goals, Policies and Programs</i> updated to reflect completion timeframe for programs 1-1, 1-2 and 1-3.</p>
33	<p><u>Program 1-4</u>: The program should be revised to describe incentives for the Affiliated Housing Program and as stated above, include a program to monitor development of sites within the Affiliated Housing Program. In addition, the municipal code update should occur sooner in the planning period to have a beneficial impact.</p>	<p>Updated Program 1-4 to increase monitoring and clarify when code amendments will be done.</p>
34	<p><i>3. The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)</i></p> <p><u>Extremely Low-Income Program (ELI)</u>: While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing affordable households. <b>Programs must be revised or added to the element to assist in the development of housing for ELI households.</b> Program actions could include prioritizing some funding for housing developments affordable to ELI households and offering financial incentives or regulatory concessions to encourage the development of housing types, such as multifamily, single-room occupancy (SRO) units, to address the identified housing needs for ELI households. For additional information, see the Building Blocks at <a href="https://www.hcd.ca.gov/extremely-low-income-housing-needs">https://www.hcd.ca.gov/extremely-low-income-housing-needs</a>.</p>	<p>Added language to <i>Section 4, Adequate Sites</i> under subheading Non-Vacant Underutilized Sites describing RFP process for Ford Field site and Town’s control over number and type of low income and/or special needs units to be developed. The Town will require that 50 low income units be developed, with 5% set aside for extremely low income and/or special needs. If supportive housing is proposed, the Town will waive fees and expedite permit review, as was done with Willow Commons.</p> <p>Program 1-1, New Gateway Land Use Classification, describes how the site will allow for affordable housing. Program 3-1, Initiate Site Planning Process in Gateway, provides for pursuing an affordable housing project on the site.</p>

35	<p><i>4. Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. ©(3).)</i></p> <p>As noted in <b>Finding B4 and B-5</b>, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.</p>	Language in <i>Section 7, Goals, Policies and Programs</i> has been updated to reflect responses to comments on constraints. See responses to Comments 16-24.
36	<u>Program 4-1</u> : This program should be revised to include specific details of the new parking requirements for affordable housing.	
37	<u>Program 4-4</u> : This program should be revised to clarify that the zoning regulations and objective standards will facilitate the development of residential units at the densities proposed.	Program 4-4 removed and language integrated into other programs.
38	Pursuant to conversations with staff, the Town’s density bonus may be out of date with state law. The element should include a program to update the ordinance accordingly.	Updated Program 4-2 in <i>Section 7, Goals, Policies and Programs</i> to include annual assessment of Density Bonus Law and regular reviews of Affiliated Housing Program
39	<p><i>5. The Housing Element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. ©(4).)</i></p> <p><u>Conserve and Improve</u>: The element must include a program(s) to conserve and improve the condition of the existing stock, which may include addressing the loss of dwelling units. A program could provide grants for substantial rehabilitation, provide matching grants for homeowner improvements, or implement proactive code enforcement program.</p>	<p>The Housing Element includes multiple programs which support the conservation and improvement of housing units within Portola Valley (described in <i>Section 7, Goals, Policies, and Programs</i>):</p> <ul style="list-style-type: none"> <li>7.2 ADU Amnesty program. Added language clarifying that, once legalized, previously unpermitted ADUs could then be improved via building permits from the Town. The Town’s existing ADU Ambassador program can help spread the word about the Amnesty program. The Town estimates that 15 ADUs will be rehabilitated through the Amnesty Program (Table 7-2).</li> <li>7.3 Building Division support for JADU construction. The Town will provide property owners with direct assistance in making minor changes to accommodate a JADU. If rented, a new JADU would provide an income stream to the homeowner, which could be used for home improvements to their existing home.</li> </ul> <p>In addition, Portola Valley’s Home Hardening Ordinance, which is already in effect, incorporates specific building requirements into the Town municipal code that improves the fire safety of buildings by “hardening” them against fire. Where implemented, these home hardening elements will help preserve the home, by improving the likelihood that a home will survive a wildfire.</p> <p>Finally, it is worth noting that Portola Valley’s high land values and high-income levels make it extremely unlikely that a home will fall into disrepair, become uninhabitable, or sit vacant. Further discussion on this topic can be found in <i>Section 2, Housing Needs</i>, under subsection Housing Condition.</p>
40	<i>6. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of</i>	Added language to relevant policies in <i>Section 7, Goals, Policies, and Programs</i> describing which contributing factors from Table 3-1: Summary Matrix of Fair Housing Issues and Actions would be addressed by any given policy, in order to more

<p><i>Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. ©(5).)</i></p> <p>Goals and actions must significantly seek to <b>overcome contributing factors to fair housing issues</b>. Currently, the element identifies programs to encourage and promote affordable housing; however, most of these programs do not appear to facilitate any meaningful change nor address affirmatively furthering fair housing requirements. Furthermore, the element must <b>include metrics and milestones for evaluating progress on programs, actions, and fair housing results and include geographic targeting as appropriate</b>. Given that most of the Town is considered a highest resource community, the element could focus on programs that center on place-based strategies for economic and community revitalization, protecting residents from disaster-driven and investment-driven displacement, and enhancing housing mobility to encourage the development of more housing choices and affordable housing. Programs also should be based on identified contributing factors, be significant and meaningful. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues. For example, the Town could consider is <b>tying Program 8-7 towards actions to improve nongovernmental constraints such as mortgage acceptance rates</b>. For more information, please see HCD’s guidance at <a href="https://www.hcd.ca.gov/community-development/affh/index.shtml">https://www.hcd.ca.gov/community-development/affh/index.shtml</a>.</p>	<p>clearly draw a through line from fair housing contributing factors to the Town’s Policies and Programs.</p>
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# TOWN OF PORTOLA VALLEY

## COLLEAGUES MEMO

**FROM: Commissioner Nicholas Targ  
Commissioner Lynda L. Brothers**

**DATE: February 8, 2023**

**RE: Draft Initial Study/Mitigated Negative Declaration--  
Proposed Project Design Features to Maintain and  
Enhance Environmental Quality, Safety and  
Community Quality of Life**

Dear Chair Kopf-Sill and Planning Commissioners:

We offer this letter and the proposed "Project Design Features" to further reduce impacts associated with the approximately fifteen to twenty percent increase in population and the equally large increase in dwellings anticipated by the Initial Study/Mitigated Negative Declaration ("IS/MND" or "CEQA document"). We also propose an evaluation of the financial costs associated with the thirty-two programs included in the Housing Element--with limited exception, these costs are to be paid for out of the General Fund--and evaluation of what additional revenues may be required to maintain existing levels service and safety.<sup>1</sup>

The following recommendations are made with respect and appreciation for the significant work of the extraordinary work and commitment of time by Town Planning Staff and its consultants.

The attached table of Project Design Features is proposed to maintain fidelity with the central thesis of the General Plan, "[t]o control the size, siting and design of buildings so that they, individually and collectively, tend to be subservient to the natural setting and serve to retain and enhance the rural qualities of the town." It is also meant to require a hard look at trade-offs implicit in complying with the Regional Housing Needs Allocation (Cycle 6), assess what actions should be taken to maintain and enhance safety and those aspects of the Town that make it special, and to begin planning for the next housing cycle.

A few of the Project Design Features may be appropriately included as additional draft Housing Element Programs. These could include, for example: fiscal assessment of the Housing Element Programs; maintenance of existing services; and review of alternative development sites both for this Housing Cycle and the one coming. Other measures, may be more appropriate as mitigation measures that promote the maintenance and enhancement of the quality of services and amenities within the Town; even though these measures were not required by the review under California

<sup>1</sup> The evaluation of fiscal effects is consistent with the underpinnings of CEQA and General Plan, "Major Community Goals, No. 7, "To subject new developments with potential for adverse fiscal and other effects on the delivery of essential public services to an impact analysis to avoid unreasonable financial burdens on the town and other affected local governmental agencies and ensure the continued availability of essential public services."

Environmental Quality Act ("CEQA"). Although the mitigation measures would be made mandatory, as proposed, their implementation would not hinder or delay the implementation of the Housing Element. But, it would represent a commitment and seriousness of purpose.

The Project Design Features are proposed as a practical way to bring to a conclusion, and would in no way conflict with, the process required by the CEQA.<sup>2</sup> We believe their adoption would also facilitate the Planning Commission's passing a Resolution to recommend adoption of the Housing Element.

While no exception is taken to the analysis, findings or conclusions of the CEQA document, it is, again, recognized that an approximately fifteen to twenty percent increase in population and dwellings will impact the Town in a host of ways. We also recognize that without specific knowledge of the location of the anticipated dwellings (much less their design aspects), locational and area-wide impacts are challenging to quantify. Moreover, as we have extensively discussed, the proposed Safety Element and fire maps remain in draft, and a number of policies and objectives included within the General Plan remain in tension with those included in the draft Housing Element.<sup>3</sup> There is much left to do, and we believe the approach set forth herein provides an efficient pathway.

Therefore, the proposed Project Design Features are meant to address uncertainties. They are also meant to maintain, preserve and enhance environmental quality, safety and quality of life within our Town, even as we welcome new neighbors.

As a practical matter, the Project Design Features will be implemented over time, and prioritization of issues will be required based on factors such as cost and staff constraints. With limited exceptions, dates for establishing advisory bodies and the timeframes for completion of work are left to the Council in recognition of the importance of priority setting. Diligence will be required to oversee the Project Design Features implementation, regardless of whether they are characterized as mitigation measures or Housing Element Programs. As an organizational matter, if adopted, we propose that staff would appropriately incorporate the measures in the Mitigation Monitoring and Reporting Plan and revise the language for consistency.

We appreciate your consideration.

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<sup>2</sup> It is only noted, here, that recirculation of the IS/MND would not be required, and not all mitigations must be required by CEQA. Specifically, the Guidelines that implement CEQA expressly state that recirculation of a Mitigated Negative Declaration is not required if, "[m]easures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect." 14 CCR § 15073.5(c)(3). Moreover, because the recommended measures are responsive to comments on the Housing Element's effects identified in the proposed negative declaration which are not new avoidable significant effects, recirculation is not required on this basis, as well. *See* 14 CCR § 15073.5(c)(2).

<sup>3</sup> For example, tension exists between development of Dorothy Ford Park and removal two 400 year old oak trees at the gateway to Portola Valley, and the General Plan/Alpine Scenic Corridor Plan. The Scenic Corridor Plan, para. 6201, states, "Ford Field and the 'Rossotti' soccer field, both of which have been acquired by the town, provide permanent open space within the corridor."

Respectfully,

/s/

/s/

\_\_\_\_\_  
Nicholas Targ  
Planning Commissioner

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Lynda L. Brothers  
Planning Commissioner

Attachment (1):      Project Design Features

## ATTACHMENT

### Proposed Project Design Features

Subject	Project Design Feature	Basis
<b>Local CEQA Guidelines and Thresholds</b> <i>(Mitigation Measure)</i>	Within [TIME] months of the adoption of the Housing Element, Council shall direct the updating, within [TIME] months of such direction, of the Town CEQA Guidelines with a focus on public engagement and establish local thresholds of significance concerning: Aesthetics; Parks and Recreation; Public Services; and Wildfires.	<p>Each municipality is required to establish CEQA Guidelines per 14 CCR Section 15022. Public agencies, including, municipalities are further encouraged to establish local significance thresholds. 14 CCR Section 15064.7(b). These thresholds should not be inconsistent with CEQA Guidance Appendix G.</p> <p>The proposed measure would help clarify and standardize analysis and decision-making in the environmental review process. Development of Guidelines and significance thresholds would further help ensure that project-level environmental assessments address and evaluate impacts and develop mitigation measures with the benefit of public engagement.</p>
<b>General Plan, Zoning, Design Review</b> <i>(Mitigation Measure)</i>	Within [TIME] months from adoption of the Housing Element, Council shall establish a review group, with support of Staff, for the purpose of (1) further ensuring consistency and fidelity to Town General Plan and ethos of development in harmony with the natural environment; and (2) establishing for approval by the Town Council objective design criteria consistent with Town design guidelines.	<p>Review of the General Plan and zoning following adoption of the Housing Element should be conducted to help ensure fidelity to Town ethos and to ensure consistency within the General Plan and between the General Plan and zoning code.</p> <p>Objective standards can promote maintenance of community design and character, while adhering to state requirements that streamline development of affordable housing and associated projects. They clarify local requirements, increasing regulatory certainty; and they respond to local conditions. Objective criteria must also be considered in the implementation of a number of recent housing statutes, including, but not limited to:</p> <p><u>SB 167 (Housing Accountability Act)</u>. Prohibition on denial, reduction of density, or making infeasible housing projects consistent with objective design standards.</p> <p><u>SB 35 (Streamlined Affordable Housing)</u>. Require approval of qualified housing projects based on objective standards.</p> <p><u>SB 9 (California Home Act)</u>. Requiring approval of lot splits for applications meeting objective criteria.</p>
<b>Housing Inventory</b>	Within [TIME] months of the adoption of the Housing Element, Council shall establish a workgroup, with	The draft Housing Element (August 2022) provides for commencement of the Ford Park site planning process in January 2024 with "Request for Proposals" to affordable housing developers by September 2024.

<p><i>(Housing Element Program)</i></p>	<p>support of Staff, to: (1) evaluate and propose "Sunrise" opportunity sites to Council within [TIME] months of adoption of the Housing Element; and (2) initiate planning efforts for future housing cycles.</p>	<p>Members of the Planning Commission have observed that tension exist between the General Plan and associated planning documents, on the one hand, and the development of the Dorothy Ford Park, including removal of two 400 year old oak trees, on the other. Similar issues and community sentiment have been expressed with respect to the Glenn Oaks property. Therefore, the recommendation was made to evaluate alternative development options.</p> <p>Additionally, potential housing sites have been suggested proximate to Portola Road and other locations. Members of the Ad Hoc Housing Element Committee observed that development complexities, in light of time constraints, make these sites appropriate for consideration in the anticipated, next Housing cycle. However, they are likely not available for inclusion for development in the current housing cycle.</p> <p>Forming a housing inventory evaluation workgroup holds the potential of reducing policy and land use tensions if alternative sites can be timely identified. It is also anticipated that initiating workgroup evaluation, at the earliest possible time, would allow for thoughtful, least impactful planning for the present and future housing cycles.</p>
<p><b>Safety</b> <i>(Mitigation Measure)</i></p>	<p>Upon the approval of the Housing Element, Council shall establish a workgroup or direct an existing committee, with assistance from staff and support from an outside fire safety consultant, to assess and make recommendations to Council, regarding the effectiveness of, and need for modification of, evacuation routes and plans, and building codes. Final recommendations shall be provided to Council within [TIME] of the adoption of applicable fire maps and General Plan Safety Element. Recommendations shall take into consideration projected</p>	<p>Applicable fire maps and the General Plan Safety Element have not yet been finalized or adopted. Coordinating evacuation routes, the Safety Element, and fire maps with housing element will further protect and maintain public safety and property in light of projected growth.</p>

	population growth and shall incorporate current best practices.	
<b>Encourage Community and Civic Engagement</b> <i>(Housing Element Program)</i>	<p>Within <b>[TIME]</b> months of adoption of the Housing Element Council shall direct the Emergency Preparedness Committee and such other committee(s) as may be desired to encourage coordination of civic organizations (e.g., HOAs, religious organizations) to identify approaches and implement housing production, and risk reduction, and resiliency measures that may be taken independent of, or in coordination with Town activities.</p>	<p>Civic organizations have shown an ability to respond to the needs of the most vulnerable in Town and to plan for their local community's safety and welfare. They are also likely to play a significant role in the creation of future housing opportunities, either in the review of development plans or as a project sponsor.</p>
<b>Services and Infrastructure</b> <i>(Housing Element Program)</i>	<p>Work with service providers to identify, analyze, and plan for services and infrastructure needs based on anticipated increased population and housing to maintain the current quality of service.</p>	<p>The draft Housing Element identifies that "[the infrastructure and level of public services in the Town is geared to a small, dispersed population." (page 4). The IS/MND identifies, among other things, no significant impacts to: public services, parks and recreation, safety, and utility service systems.</p>
<b>Finance</b> <i>(Housing Element Program)</i>	<p>Evaluate current financial condition to address: (1) projected demand for services; (2) public safety planning and infrastructure; and (3) the Town's cost, if any, to implement the above items and associated recommendation.</p> <p>Establish policies for the use and allocation of the Inclusionary/in lieu housing fund also referred to as Affordable Housing Trust Fund.</p>	<p>The General Fund is identified as the primary financial source (the Affordable Housing Trust is also referenced) for each of the 32 programs included in the draft Housing Element. However, the amount of funding required has not been identified.</p> <p>Additionally, no mitigation measure is proposed for public services, parks and recreation, safety and utility services. However, funding will be required to maintain current levels of service and amenities. Quantification of required amounts should be developed, and public and private (e.g., fees) financing sources should be identified to address the Housing Element Programs and any funds necessary to maintain current levels of service/amenities.</p>

## Analysis of Targ/Brothers Project Design Features

From Targ/Brothers Memo			Staff Analysis		
	Subject	Project Design Feature	Status and Potential Implementation Approach	Lead	Implementation Mechanism
1	<b>Local CEQA Guidelines and Thresholds</b> <i>(Mitigation Measure)</i>	Within [TIME] months of the adoption of the Housing Element, Council shall direct the updating, within [TIME] months of such direction, of the Town CEQA Guidelines with a focus on public engagement and	Town CEQA Guidelines could be updated by staff. Priority level would need to be determined considering workload and other priorities.	Planning Staff (with CEQA consultant)	Council resolution adopting updated CEQA Guidelines
		establish local thresholds of significance concerning: Aesthetics; Parks and Recreation; Public Services; and Wildfires.	Draft thresholds to be considered by Planning Commission with resident input. A consultant would need to be hired to complete this task. Estimate 9 months to complete. Budget unknown but not trivial. Wildfire thresholds of significance are an emerging area and may require specialized consultants. Would likely require General Plan amendments.	Planning Staff (with CEQA consultant and subject matter sub-consultants)	Council resolution adopting new CEQA thresholds
2	<b>General Plan, Zoning, Design Review</b> <i>(Mitigation Measure)</i>	Within [TIME] months from adoption of the Housing Element, Council shall establish a review group, with support of Staff, for the purpose of (1) further ensuring consistency and fidelity to Town General Plan and ethos of development in harmony with the natural environment; and	Town Council direction necessary to determine the composition of the review group and scope. May align with General Plan Discussion Group or Post-Approval Process.	Town Council	General Plan Update Project
		(2) establishing for approval by the Town Council objective design criteria consistent with Town design guidelines.	Development of objective design criteria already planned as part of the zoning code amendments to implement the Housing Element.	Planning Staff	Housing Element Program 1-1c requires Town to adopt objective design standards.

## Analysis of Targ/Brothers Project Design Features

			Lisa Wise Consulting under contract.		
3	<b>Housing Inventory</b> <i>(Housing Element Program)</i>	Within [TIME] months of the adoption of the Housing Element, Council shall establish a workgroup, with support of Staff, to:	Town Council direction necessary to determine the composition of the work group.	Town Council	
		(1) evaluate and propose "Sunrise" opportunity sites to Council within [TIME] months of adoption of the Housing Element;	Council direction required on implementation: Who would identify sites? Through what process? How would they be vetted?  Additional consultant funds will be necessary, mapping and development potential cannot be completed by Town staff.	Town Council	Post-approval process
		and (2) initiate planning efforts for future housing cycles.	Council direction required on priority and timing. Additional consultant resources would be necessary, cost unknown.	Planning Staff and consultants	Post-approval process
4	<b>Safety</b> <i>(Mitigation Measure)</i>	Upon the approval of the Housing Element, Council shall establish a workgroup or direct an existing committee, with assistance from staff and support from an outside fire safety consultant,	Town Council direction necessary to determine the composition of the work group.  Identify outside fire consultant, define services, and enter into contract.	Town Council	
		to assess and make recommendations to Council, regarding the effectiveness of, and need for modification of,			
		evacuation routes and plans,	Work in progress through Emergency Preparedness	Planning Staff for Safety	Draft Safety Element Program P-86 provides: "Prepare and



## Analysis of Targ/Brothers Project Design Features

			Committee. Evacuation Study completed and approved by Council in 2022. EPC is working on Evacuation Plan.	Element, Emergency Preparedness Committee to oversee Evacuation Plan	implement a Portola Valley Evacuation Plan”
		and building codes.	Completed in 2022. Housing Element Program requires update every three years.	Building Staff	
		Final recommendations shall be provided to Council within [TIME] of the adoption of applicable fire maps and General Plan Safety Element. Recommendations shall take into consideration projected population growth and shall incorporate current best practices.			Council Resolution adopting final Evacuation Plan
5	<b>Encourage Community and Civic Engagement</b> <i>(Housing Element Program)</i>	Within [TIME] months of adoption of the Housing Element Council shall direct the Emergency Preparedness Committee and such other committee(s) as may be desired to encourage coordination of civic organizations (e.g., HOAs, religious organizations) to	Town Council direction necessary to determine the appropriate committee(s) and define scope of work. What would the goals be? Who are the target civic organizations?	Town Council, Committee(s)	
		identify approaches and implement housing production,	Town Council direction necessary to determine the right group to address housing production	Town Council	Housing Element Program 3-2: Provide technical assistance to nonprofits/religious institutions to develop their sites with affordable housing. Additional housing production approaches can be

## Analysis of Targ/Brothers Project Design Features

					combined with “Sunrise” opportunity site selection process
		and risk reduction, and resiliency measures that may be taken independent of, or in coordination with Town activities.	Emergency Preparedness Committee or other body to address risk reduction and resiliency	Town Council, Committee(s)	Risk reduction and resiliency measures can be implemented in conjunction with Key Approaches to Fire Safety Community Education
6	<b>Services and Infrastructure</b> (Housing Element Program)	Work with service providers to identify, analyze, and plan for services and infrastructure needs based on anticipated increased population and housing to maintain the current quality of service.	Initiate meetings with infrastructure providers to better understand their current service plans and share Town needs/interests. Recommend small groups, such as a Council Member and a staff member at each meeting.	Town Council, Staff	Town has nominal authority over service providers.

**Key Approaches for Fire Safety Presented to Planning Commission by Fire Marshal Don Bullard**  
**In the order of the presentation – Not priority order**

#	Proposed Policy (Key Approaches)	Responsible Party	Implementation Strategy	Status	Notes
1	Keep and expand progressive prevention policies in the 2010 Safety Element	Town	Incorporate into Safety Element	In progress; Town Committees are reviewing Safety Element	Staff and Fire Marshal have coordinated. Fire Marshal to review next draft prior to public review.
2	Pursue widening roads	Town	Incorporate into Safety Element	Evacuation route policies in progress; Town Committees are reviewing Safety Element	For evacuation routes, road widening strategies should be specified in Safety Element.
		WFPD/Private residents in Woodside Highlands	Implement Minimum Fire Safe Regulations	Private street widening regulations to occur with adoption of Minimum Fire Safe Regulations	For narrow private streets in Very High Fire Hazard Zones, Minimum Fire Safe Regulations require new development to widen streets.
3	Establish multiple access and egress routes	WFPD	WFPD has access keys/agreements with private land owners	In progress	
			WFPD will enforce Minimum Fire Safe Regulations	With implementation of Minimum Fire Safe Regulations	
		Town	Continue to speak to adjacent landowners to additional access	Ongoing	

Key Approaches for Fire Safety Presented to Planning Commission by Fire Marshal Don Bullard  
In the order of the presentation – Not priority order

4	Meet Cal Fire Minimum Fire Safe Regulations	WFPD	Oversee regulations	Cal Fire amendments to Minimum Fire Safe Regulations operative on April 1, 2023. They do not apply to PV until new fire map adopted. WFPD has hired Flame Mappers to prepare updated map. Cal Fire is also preparing updated map.	
		Town	See Draft Safety Element Policy P-37, P-39, P-48, P-50, P-65, and P-70.		
5	Conduct site specific individuated Wildfire Hazard Assessment Plans	WFPD/Town	Include requirement in development application. WFPD and Town to work together to develop process	Preliminary conversations. Expect to start implementation work after fire maps are adopted and Minimum Fire Safe Regulations in place.	
6	Build to Chapter 7A (and 337 Residential Code) with local amendments	Town/WFPD	See Housing Element Program 6-1. Adopt local amendments to Building Code. Housing Element Program to review codes every three years for opportunities to improve	Completed in 2022. Ongoing every three years.	Town leads amendments in consultation with WFPD
7	Enhance construction methods and materials to be noncombustible	Town/WFPD	See Housing Element Program 6-1. Building Code already requires noncombustible exterior materials.  Consider creating authority to require noncombustible	Completed in 2022.	

Key Approaches for Fire Safety Presented to Planning Commission by Fire Marshal Don Bullard  
In the order of the presentation – Not priority order

			building assemblies if buildings are constructed close together.	WFPD will make recommendations to the Town to consider	
8	Limit exposure to flammable materials	WFPD	WFPD will make recommendations for Town to consider		May include building separation and limits on flammable materials in the 0-5' zone around buildings
9	Increase defensible space standards around structures	WFPD	WFPD Ordinance	First reading conducted on February 28, 2023	
10	Adopt new requirements for fuel breaks in parcels in the SRA and LRA areas within the District	WFPD	WFPD Ordinance	First reading conducted on February 28, 2023	
11	Town adopt a map indicating the High and Very High Severity Zones	WFPD/Town	See Housing Element Program 6-4. Adoption by Town when map(s) are available	In progress. WFPD has hired Flame Mappers to prepare local map, Cal Fire working on map.	
12	Revisit the ADU and SB9 Fire Safety Checklist and consider adoption of appropriate ordinances(s)	Town	See Housing Element Program 6-5. When new fire maps are available and new Fire Code adopted, revisit checklist and Code and evaluate need for changes. Also a Housing Element Policy.	Not started.	
13	Educate the public on key fire safety issues	WFPD/WPC	See Housing Element Program 6-6. Range of community outreach tools	Ongoing.	

Table of Meetings and Documents Related to the Housing Element Update

<b>Body</b>	<b>Date</b>	<b>Document Title &amp; Topics</b>	<b>Link(s)</b>	<b>Approximate Discussion Length</b>
Town Council	2/10/21	Discussion of Regional Housing Needs Allocation (RHNA); staff report on p. 70 of packet	<a href="#">Meeting Recording, Summary, Agenda and Minutes</a>	0:24:00 <i>0:26:00 – 0:50:00</i>
Town Council	4/28/21	Town Council direction on proposed Housing Element update work program including formation of Ad Hoc Housing Element Committee, community engagement strategy and appointment of Council subcommittee; staff report on p. 96 of packet	<a href="#">Meeting Recording, Summary, Agenda and Minutes</a>	1:35:00 <i>1:24:00 – 2:59:00</i>
Planning Commission	5/5/21	3. Housing Element Update – Update from Town Council Meeting. p. 23 of packet	<a href="#">Meeting Recording, Summary, Agenda and Minutes</a>	1:00:00 <i>00:49:00 – 1:49:00</i>
Ad Hoc Housing Element Committee	8/16/21	What is a Housing Element and Why is it Important? Why this Committee's work matters, Local and Historical Context. Legal Background. Town Strategic Plan.	<a href="#">Meeting Recording, Summary, Agenda and Minutes</a>	3:08:00
Ad Hoc Housing Element Committee	9/20/21	Values, Decorum and Public Comment	<a href="#">Values Decorum and Public Comment Presentation from September 20 2021</a>	2:51:00

		<p>Organization and Evaluation of Existing Housing Element</p> <p>Portola Valley Demographic and Housing Trends</p> <p>Housing Affordability Income Categories – Deeper Dive</p>	<p><a href="#">Existing Housing Element Organization Presentation September 20 2021</a></p> <p><a href="#">Portola Valley Demographic and Housing Trends (Draft Data) Presentation from September 20 2021</a></p> <p><a href="#">Housing Affordability Income Categories Presentation from September 20 2021</a></p> <p><a href="#">Meeting Agenda</a></p> <p><a href="#">Meeting Minutes</a></p> <p><a href="#">Meeting Recording</a></p>	
Community-Wide Meeting	10/14/21	<p>Presentation: Background and context for the Housing Element update</p> <p>Breakout room discussion: Feedback on Portola Valley’s key housing needs and potential solutions through the housing</p>	<p><a href="#">Recording</a></p> <p><a href="#">Meeting Summary</a></p> <p><a href="#">Presentation</a></p>	52:00

		sites inventory and new policies and programs.		
Ad Hoc Housing Element Committee	10/18/21	<ol style="list-style-type: none"> <li>1. Values, Decorum and Public Comment – Published</li> <li>2. Introduction to Housing Sites Inventory</li> <li>3. Housing Sites Inventory Selection – Possible Scenarios</li> <li>4. Regional Housing Needs Allocation (RHNA) Zoning Target Concept</li> </ol>	<a href="#">Housing Sites Scenarios presentation from October 18, 2021</a> <a href="#">Housing Sites Scenarios detail from October 18, 2021</a> <a href="#">Meeting Recording</a> <a href="#">Meeting Agenda</a> <a href="#">Meeting Minutes</a>	3:24:00
Joint Town Council and Planning Commission	10/27/21	Discussion of progress on community engagement strategy and feedback to guide the work of the Ad Hoc Housing Element Committee; staff report. p. 75 of packet.	<a href="#">Meeting Recording, Summary, Agenda and Minutes</a>	1:51:00 1:09:00 – 3:00:00
Ad Hoc Housing Element Committee	11/15/21	<ol style="list-style-type: none"> <li>1. Accessory Dwelling Unit (ADU) Discussion <ul style="list-style-type: none"> <li>• Background, Terminology, History, Income Category Assignment</li> <li>• Recent Town Code amendments</li> <li>• Income Categories and Projections for Cycle 6</li> </ul> </li> <li>2. Feedback from Community Meeting and Town Council/Planning Commission Study Session</li> </ol>	<a href="#">ADU Presentation from November 15 2021</a> <a href="#">Feedback from Community and TC-PC Meetings Presentation from November 15 2021</a> <a href="#">Meeting Summary for November 15, 2021</a>	3:20:00



		3. Committee Outreach to Community 4. Staff Updates/Announcements <ul style="list-style-type: none"> <li>• Topics look ahead</li> <li>• Department of Housing and Community Development (HCD) Staff Visit</li> <li>• SB9 Update</li> <li>• Department of Justice Housing Strike Force</li> <li>• Administrative updates</li> </ul>	<a href="#">Meeting Recording</a> <a href="#">Meeting Agenda</a> <a href="#">Meeting Minutes</a>	
Ad Hoc Committee of Town Committees	1/11/22	Housing Element update discussion; staff memo in meeting packet.	<a href="#">Meeting packet</a> <a href="#">Staff Presentation</a> <a href="#">Recording</a>	1:35:00
Ad Hoc Housing Element Committee	1/18/22	1. Wildfire Resiliency and Recovery – Susan Hartman, Community Development Director, Town of Paradise  2. Review Housing Element Update Timeline and Forthcoming Topics a. Interaction between Safety Element and Housing Element Updates  3. Fire Safety and the Housing Element a. Fire Risk Mapping Exercise – Zeke Lunder, Pyrogeographer, Deer Creek Resources	<a href="#">Wildfire Resilience and Recovery – Susan Hartman (Town of Paradise) Presentation from January 18 2022</a> <a href="#">Housing Element and Safety Element Timeline Presentation from January 18, 2022</a>	4:30:00

		b. Fire District Process and Key Considerations - Don Bullard, Fire Marshal, Woodside Fire Protection District	<a href="#">Fire District Process and Key Considerations – Don Bullard (WFPD) Presentation from January 18, 2022</a> <a href="#">Meeting Summary for January 18</a> <a href="#">Meeting Agenda</a> <a href="#">Meeting Recording</a> <a href="#">Meeting Minutes</a>	
Ad Hoc Housing Element Committee	1/31/22	1. Summary of Ad Hoc Committee of Town Committees Meeting #1 – Judith Murphy, Chair 2. Affiliated Housing Program a. Current program, partners and next steps 3. Update on SB 9 a. Update on December Town Council meeting and contents of SB 9 urgency ordinance	<a href="#">Affiliated Housing Discussion from January 31 2022</a> <a href="#">SB9 Ordinance from January 31 2022</a> <a href="#">Meeting Summary for January 31</a> <a href="#">Meeting Agenda</a> <a href="#">Meeting Recording</a> <a href="#">Meeting Minutes</a>	3:51:00
Ad Hoc Housing Element Committee	2/22/22	1. Woodside Fire Protection District Update 2. Housing Sites Inventory Part II of III a. Process for Committee	<a href="#">Woodside Fire Protection District Presentation</a>	3:52:00

		<p>recommendations</p> <p>b. Review Part I discussion and key takeaways from 10/18/2021 meeting</p> <p>c. Presentation of updated constraints maps</p> <p>d. Review overall Regional Housing Needs Allocation according to income category</p> <p>e. Preliminary discussion on specific sites to include in the Sites Inventory</p>	<a href="#">Housing Sites Inventory Part II Discussion</a> <a href="#">Meeting Summary for February 22</a> <a href="#">Meeting Agenda</a> <a href="#">Meeting Recording</a> <a href="#">Meeting Minutes</a>	
Ad Hoc Housing Element Committee	2/28/22	<p>1. Housing Sites Inventory Part III</p> <p>a. Review community housing survey results</p> <p>b. Visual presentation of representative varying multi family projects</p> <p>c. Continue discussion from 2/22 Committee meeting to select sites to be included in the Housing Sites Inventory</p> <p>2. Staff to provide updates to Committee</p> <p>a. Review forthcoming Committee meeting topics and schedule</p>	<a href="#">Housing Sites Inventory Part III Discussion from February 28 2022</a> <a href="#">Potential Housing Sites</a> <a href="#">Potential Housing Sites - Land Use Constraints Maps</a> <a href="#">Parcels 2 Acres or more</a> <a href="#">Housing Element Survey Summary and Detailed Results</a> <a href="#">Visualizing Density from February 28 2022</a>	6:24:00

			<a href="#">Housing Element Update - General Intro from February 28 2022</a> <a href="#">Meeting Summary for February 28</a> <a href="#">Meeting Agenda</a> <a href="#">Meeting Recording Part 1</a> <a href="#">Meeting Recording Part 2</a> <a href="#">Meeting Minutes</a>	
Ad Hoc Housing Element Committee	3/21/22	1. Housing Element Policies and Programs (2 Hours 15 Minutes) a. Review and discuss existing policies and programs from current RHNA Cycle 5 and new proposed policies and programs for RHNA Cycle 6	<a href="#">Policies and Programs Discussion from March 21 2022</a> <a href="#">Meeting Summary for March 21</a> <a href="#">Additional Public Comment (see meeting agenda for initial comments)</a> <a href="#">Meeting Agenda</a> <a href="#">Meeting Recording</a> <a href="#">Meeting Minutes</a>	4:05:00

Town Council	3/23/22	Housing Element update discussion – work program, timeline, resources and budget; staff report on p. 126 of packet	<a href="#">Meeting Recording, Summary, Agenda and Minutes</a>	3:14:00 <i>1:46:00 – 5:00:00</i>
Ad Hoc Housing Element Committee	4/18/22	Affirmatively Furthering Fair Housing (AFFH) Policies and Programs; housing sites inventory update and discussion; staff reports in meeting packet	<a href="#">Housing Sites Inventory, Part VI - Presentation</a> <a href="#">El Mirador and Neely Properties Constraints Map</a> <a href="#">Ford Field Constraints Map</a> <a href="#">Policies and Programs - AFFH Presentation</a> <a href="#">Staff Memo - Affirmatively Fair Housing</a> <a href="#">Staff Memo - Housing Sites Inventory</a> <a href="#">Town-Owned Parcels Hazards Composite Map</a> <a href="#">Meeting Packet</a> <a href="#">Meeting Summary</a> <a href="#">Meeting Recording</a> <a href="#">Meeting Minutes</a>	5:42:00

Ad Hoc Housing Element Committee	5/2/22	<p>1. Housing Sites Inventory Update and Discussion</p> <p>a. New work product generated by staff and consultants since April 18th meeting in response to Committee feedback</p> <p>i. Maps and Analysis</p> <p>ii. Update on ADU Focus Group and “Opt In” to Upzoning Meeting</p> <p>b. Committee Discussion and Recommendation On Sites Inventory</p>	<a href="#">Presentation slides</a> <a href="#">Meeting Summary</a> <a href="#">Meeting Agenda</a> <a href="#">Meeting Recording</a> <a href="#">Meeting Minutes</a>	5:06:00
Community-Wide Meeting	5/9/22	<p>Presentation: Previous community outreach and housing sites inventory</p> <p>Breakout Room Discussion: feedback on the site selection, design features of the Opt-In Program, zoning standards for new multifamily development along Alpine Road, and improvements for the ADU/JADU process</p>	<a href="#">Main Room Presentation</a> <a href="#">Breakout Room Presentation</a> <a href="#">Meeting Summary</a> <a href="#">Meeting flyer</a> <a href="#">Recording</a>	1:16:00
Ad Hoc Committee of Town Committees	5/16/22	Housing development application checklist and forthcoming objective design standards; staff memo in meeting packet	<a href="#">Presentation</a> <a href="#">Meeting packet</a> <a href="#">Recording</a> <a href="#">Minutes</a> <a href="#">Summary</a>	2:40:00

Ad Hoc Housing Element Committee	5/24/22	1. Overview of May 16th Committee of Committees Meeting by Chair Judith Murphy 2. Partial Draft Housing Element a. Update on ADU/JADU and Opt-in Programs b. Committee Discussion and Recommendations STAFF UPDATE 1. Staff updates to Committee	<a href="#">Review Partial Housing Element Update - Presentation</a>  <a href="#">Staff Memo (with Attachments)</a>  <a href="#">Meeting Summary</a>  <a href="#">Meeting Agenda</a>  <a href="#">Meeting Recording</a>  <a href="#">Meeting Minutes</a>	4:52:00
Planning Commission	6/15/22	Public Review Draft Housing Element	<a href="#">Meeting Recording, Summary, and Agenda</a>	3:52:00
Ad Hoc Housing Element Committee	6/20/22	1. Public Review Draft Housing Element a. Update on Planning Commission review b. Discussion and feedback	<a href="#">Staff Presentation</a>  <a href="#">Staff Memo</a>  <a href="#">Meeting Summary</a>  <a href="#">Meeting Agenda</a>  <a href="#">Meeting Recording</a>  <a href="#">Meeting Minutes</a>	5:14:00
Planning Commission	6/29/22	Draft Housing Element Discussion	<a href="#">Meeting Recording, Summary, and Agenda</a>	5:18:00
Town Council	7/13/22	7a. Review the Draft Housing Element. p. 31 of packet	<a href="#">Meeting Recording, Summary, Agenda, Minutes and Public Comments</a>	4:46:00  0:34:00 – 5:20:00



Ad Hoc Housing Element Committee	8/15/22	1. Draft Housing Element Update a. Town Council Review - Outcomes b. HCD Submittal Timeline and Expectations c. Next Steps After HCD Submittal and Role of the Committee	<a href="#">Staff Memo</a> <a href="#">Staff Presentation</a> <a href="#">Draft Minutes</a> <a href="#">Ad Hoc Housing Element Committee Agenda 08-15-22</a> <a href="#">Meeting Recording</a>	2:00:00
Planning Commission	10/19/22	3. Proposed Zoning Code Amendments to Implement the Housing Element. p. 95 of packet	<a href="#">Meeting Recording, Summary, and Agenda</a>	3:09:00 <i>1:14:00 – 4:23:00</i>
Planning Commission	11/2/22	2.. Zoning Code Amendment to Implement the Housing Element – Part 2 p. 14 of packet	<a href="#">Meeting Recording, Summary, and Agenda</a>	3:18:00 <i>1:22:00 – 4:40:00</i>
Ad Hoc Housing Element Committee	11/10/22	1. Draft Housing Element a. Feedback from Housing & Community Development (HCD)- Discussion and Input on Comments b. Next Steps and Role of the Committee 1. Staff updates to Committee a. Environmental Review (IS/MND) Draft Document	<a href="#">Staff Presentation</a> <a href="#">Staff Memo</a> <a href="#">Ad Hoc Housing Element Special Committee Agenda 11-04-22</a> <a href="#">Meeting Recording</a> <a href="#">Meeting Minutes</a>	2:34:00
Planning Commission	11/16/22	Receive Comments on the Draft Initial Study/Mitigated Negative Declaration	<a href="#">Meeting Recording, Summary, Public</a>	3:08:00

		(IS/NMD) for the proposed Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Code Amendments	<a href="#">Comments, Agenda and Minutes</a>	
Planning Commission	11/30/22	1. Housing Element Update and Implementing Actions—General Plan Conformance, Voluntary Upzoning Program, Housing Element Programs, Density Bonus Law  2. Implementation of the Housing Element—Draft Zoning Code Amendments Part 3	<a href="#">Meeting Recording, Summary, Agenda and Public Comments</a>	4:02:00
Planning Commission	12/7/22	Housing Element Update and Implementing Actions – General Plan Conformance, Zoning Code Amendments Part 4 and Informational item on Fire Mapping	<a href="#">Meeting Recording, Summary, Agenda and Public Comments</a>	4:10:00
Town Council	12/14/22	6a. Housing Element Update and Discussion. p. 40 of packet	<a href="#">Meeting Recording, Summary, and Agenda</a>	2:06:00 <i>2:39:00 – 4:45:00</i>
Planning Commission	1/24/23	Housing Element Update and Associated Actions: Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Code Amendments Initial Study/Mitigated Negative Declaration; Housing Element Update (2023-2031); Conforming General Plan Amendments; Implementing Zoning Amendments. This	<a href="#">Meeting Recording and Agenda</a>	3:39:00

		meeting will focus on the Initial Study/Mitigated Negative Declaration and Response to Comments.		
Town Council	1/25/23	B. Receive Report and Provide Direction on the Housing Element Update and Schedule of Associated Zoning Code Amendments and Other Related Documents	<a href="#">Meeting Recording, Agenda and Summary</a>	1:50:00 2:39:00 – 4:29:00
Town Council	2/8/23	6a. Discuss Colleagues Memo from Councilmembers Hasko and Taylor Entitled “Proposed Process for Implementation of Sunrise Provision of Housing Element”	<a href="#">Meeting Recording, Agenda and Summary</a>	1:36:00 58:00 – 2:34:00
Planning Commission	2/15/23	Adoption of a Resolution Providing a Recommendation that the Town Council Adopt the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the proposed Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Amendments; Discussion of Colleagues Memo from Commissioners Targ and Brothers; and Review of Additional Information Requested by Planning Commission	<a href="#">Meeting Recording, Agenda and Fire Safety Approaches Slides</a>	4:41:15

All Housing Element Related Meetings				~126 hours

Updated 2-17-23