



# TOWN OF PORTOLA VALLEY

7:00 PM – Meeting of the Planning Commission  
Wednesday, September 6, 2023

## MEETING AGENDA

### HYBRID MEETING- IN PERSON AND VIA ZOOM

**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 send an email to [asmith@portolavalley.net](mailto:asmith@portolavalley.net) by 12:00 PM on the day of the meeting. All comments received by that time will be distributed to Commissioners prior to the meeting. All comments received are included in the public record.

Remote participation is provided as a supplemental way to provide public comment, but this method does not always work. The public is encouraged to attend in person to ensure full participation. If you attend the meeting online, you will have access to any presentations that will be shown on your screen and can provide public comments using the “raise your hand” feature when the Chair calls for them.

#### VIRTUAL PARTICIPATION VIA ZOOM

**Please select this link to join the meeting:**

<https://us06web.zoom.us/j/88134968773?pwd=VnRnckhzWkgwWjVsMVF4dUZROGEwZz09>

**Or:** Go to Zoom.com – Click Join a Meeting – Enter the Meeting ID

**Meeting ID:** 881 3496 8773 **Passcode:** 559375

**Or Telephone:**

1.669.900.6833

1.669.444.9171 (toll-free) Enter same Meeting ID

\*6 - Toggle mute/unmute.

\*9 - Raise hand.

#### 7:00 PM - CALL TO ORDER AND ROLL CALL

Commissioners Brothers, Krashinsky Kopf-Sill. Chair Goulden, Vice Chair Targ.

#### ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject not on the agenda may do so now. Please note, however, that the Planning Commission is not able to undertake extended discussion or action tonight on items not on the agenda. Comments will be limited to three minutes.

**REGULAR AGENDA**

1. Implementation of SB330 – Feedback for Committee of Committees Meeting
2. Update on Housing Element and Next Steps

**COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS**

3. Commission Reports
4. Staff Reports

**APPROVAL OF MINUTES**

5. May 3, 2023

**ADJOURNMENT**

**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 Planning Department at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

**AVAILABILITY OF INFORMATION**

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall.

**PUBLIC HEARINGS**

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).



## TOWN OF PORTOLA VALLEY STAFF REPORT

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**TO:** Planning Commission

**FROM:** Laura C. Russell, Planning & Building Director

**DATE:** September 6, 2023

**RE:** Implementation of SB330 – Feedback for Committee of Committees Meeting

### **RECOMMENDATION**

Staff recommends that Planning Commission receive a presentation on SB330, receive public comments and provide feedback on implementation.

### **BACKGROUND**

For the last two years, the Town has been undergoing an update to the Housing Element, as well as implementing other State laws related to housing. One of the State laws the Town needs to implement is California Senate Bill 330 (Housing Crisis Act of 2019). SB330 removes certain restrictions to ensure timely processing of housing projects. Among other things, SB 330 prevents jurisdictions from conducting more than five public meetings in connection with the approval of certain housing projects. The Interim Town Attorney has prepared a memo related to SB330, which is included as Attachment 1.

### **DISCUSSION**

Since public participation is such a significant part of the Town's ethos, it is valuable to establish an approach to best utilize the five meetings allowed under State law. Under the Town's Municipal Code, the following Committees/Commissions have a role in the review of housing projects that include a subdivision: Planning Commission, Architectural and Site Control Commission (ASCC), Conservation Committee, Trails and Paths Committee, and the Bicycle Pedestrian Traffic Safety (BPTS) Committee. Depending on the nature of the application, the Town Council may also review development projects.

Staff is planning to convene an in-person “Committee of Committee” style meeting with the Chairs of each of these Committees/Commissions to discuss the options for utilizing the five available meetings. This item is before the Planning Commission so that the full Commission can provide feedback. The Chair of the Planning Commission will then bring that feedback to the Committee of Committees meeting.

**ATTACHMENTS**

1. August 31, 2023 Memo from Interim Town Attorney on SB330

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

CATHERINE C. ENGBERG  
Attorney  
Engberg@smwlaw.com

## MEMORANDUM

### PUBLIC RECORD DOCUMENT

TO: Laura Russell, Planning and Building Director

FROM: Catherine C. Engberg, Interim Town Attorney

DATE: August 31, 2023

RE: SB 330 Five-Hearing Limit on Housing Development Projects

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### SB 330 LIMITS ON HEARINGS EXPLAINED

California Senate Bill 330 (Housing Crisis Act of 2019) suspends certain restrictions on new housing developments and expedites the permitting of housing developments. Among other things, SB 330 prevents jurisdictions from conducting more than five public “hearings,” as defined and discussed below, in connection with the approval of certain housing projects. The purpose of this memo is to describe which meetings “count” toward the five-hearing limit. Ultimately, Portola Valley may wish to develop a strategy to ensure that adequate engagement and Town input is completed for each project. This may include developing a meeting “map” or holding project meetings of more than one committee or commission jointly in single-meeting study sessions to ensure comprehensive review and input within SB-330’s five-hearing limit.

#### 1. Definition of “Hearing”

No more than five hearings may be conducted in connection with housing development projects<sup>1</sup> that do not require legislative approvals such General Plan

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<sup>1</sup> “Housing development project” is defined in SB 330 (Section 65905.5(b)(3)(A)-(C) cross referencing Govt. Code Section 65589.5). This definition includes ministerial projects and mixed ministerial/discretionary projects that consist of residential units only (including a single dwelling unit), mixed-use developments that include residential units in specified proportions, and transitional or supportive housing,

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amendments or rezonings. Government Code<sup>2</sup> Section 65905.5, which took effect on January 1, 2020, states that *after the application has been deemed complete*, a city or county may only conduct five hearings in connection with approval of a housing development project, and the city or county must approve or disapprove the project at one of the five hearings. Section 65905.5(a) (emphasis added). Both continued hearings and hearings on appeals count as one of the five hearings, as stated in Section 65905.5:

- a. “Hearing” is defined broadly to include many types of proceedings in addition to public hearings held by city or county and decision making bodies including required hearings and meetings by administrative officials, committees, and commissions:

“‘Hearing’ includes any public hearing, workshop, or similar meeting *including any appeal* conducted by the city or county with respect to the housing development project, including any meeting relating to [density bonuses], whether by the legislative body of the city or county, the planning agency . . ., or any other agency, department, board, commission, or any other designated hearing officer or body of the city or county, or any committee of subcommittee thereof.” Section 95905.5(b)(2) (emphasis added).

- b. “If the [city or county] continues a hearing . . .to another date, the continued hearing shall count as one of the five hearings . . .” Section 65905.5(a).
- c. “The [city or county] shall consider and either approve or disapprove the application at any of the five hearings allowed under this section consistent with the timelines under the Permit Streamlining Act . . .” Section 65905.5(a).

## 2. **Exclusions from Definition of “Hearing” – Legislative Hearings, CEQA Hearings, Hearing and Meetings Not Required by the County or City**

A “hearing,” for purposes of calculating the five-hearing limit, does not include the following:

- a. Legislative Approvals. A hearing on a legislative approval, such as a general plan amendment, adoption of a specific plan, or a zoning amendment, or an appeal of a legislative approval. Section 95905.5(b)(2).
- b. CEQA Hearings and Appeals. The five-hearing limit has been interpreted by many public agencies, including the City and County of San Francisco

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<sup>2</sup> All references are to the California Government Code unless otherwise stated.

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and the City of Los Angeles, not to apply to public hearings “required by CEQA” including CEQA appeal hearings. CEQA and the State CEQA Guidelines do not *require* any hearings that are separate from the project approval. In light of the lack of direct guidance in SB 330 on this issue, a conservative approach would be to assume that a hearing to take comments on the Draft EIR counts toward the five-hearing limit.

- c. Hearings and Meeting That are Not Required by the Approving City or County. Meetings that are not required by “law, ordinance, or regulation requiring a public hearing in connection with the approval of that housing development project” by the city or county, including State agency hearings, neighborhood council meetings, and developer-sponsored meetings. See Section 65905.5(a).

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## TOWN OF PORTOLA VALLEY STAFF REPORT

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**TO:** Planning Commission

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

**DATE:** September 6, 2023

**RE:** Update on Housing Element Status and Next Steps

### **RECOMMENDATION**

Staff recommends that Planning Commission receive a presentation on Housing Element status.

### **BACKGROUND**

#### **Town Housing Element Adoption and Submission to HCD**

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 (Attachment 6) recommending adoption of the IS/MND; and on March 6, 2023 Planning Commission unanimously passed Resolution 2023-2 (Attachment 7) recommending approval of the Housing Element, with changes, as well as the Conforming General Plan Amendments.

At its [March 29, 2023](#) meeting the Town Council adopted the Housing and Safety Elements Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) via [Resolution 2922-2023](#).

On [May 10, 2023](#) Town Council adopted the draft Housing Element and conforming General Plan amendments via [Resolution 2926-2023](#). To avoid application of the Builder's Remedy, Council also adopted a resolution certifying that its Housing Element complies with all aspects of Housing Element law. This "self-certification" process has not been legally tested and was included as a potential legal argument to use in the event the Town receives a Builder's Remedy project prior to HCD Housing Element certification. To date, the Town has not received a Builder's Remedy application.



Town staff submitted the [Adopted Housing Element - For HCD Review](#) to HCD on May 25, 2023. State law permits HCD to take up to 60 days for the second and subsequent housing element reviews. After the 60-day review period, on July 25, 2023 the Town received the second HCD comment letter (Attachment 1).

At its [August 9, 2023](#) meeting, Town Council received a Housing Element status update from Staff where council discussed the HCD's latest comment letter. Council agreed staff and consultants should working through a response to the comment letter and approved a necessary expenditure of \$15,000 to allow the Town's housing element consultant Urban Planning Partners (UPP) to continue work. Staff will coordinate with UPP to set a more specific scope and budget and will return to Council for a formal contract amendment at a future meeting.

Town Council also received an update from council members Hasko and Taylor who presented a revised draft Post-Adoption Implementation Plan, which contains a series of eight topics intended to support and enhance the Town's ability to accommodate additional housing in accordance with the General Plan. Council agreed that at an upcoming meeting, it would establish a subcommittee to work on Topic 1 - Housing Site Inventory Follow up and appoint volunteers to begin work on Topic 8 - Develop Housing Element Information Repository.

### **Fire District Comments**

On March 29, 2023 Woodside Fire Protection District (WFPD) submitted a document to the Town with seven Requested Mitigations (Attachment 2). Those mitigations were integrated into Resolution 2922-2023 when the IS/MND was adopted. On May 19, 2023, Town staff met with WFPD staff to further discuss the seven items and how WFPD would like to see them implemented. WFPD indicated that they would provide written guidance on how they would like to see them implemented. That letter was received on July 6, 2023 (Attachment 3).

At its [August 9, 2023](#) meeting, Council agreed with a staff recommendation to merge into one document the seven Requested Mitigations from WFPD and the thirteen Key Approaches to Fire Safety previously recommended by the Planning Commission. Town Council previously committed to the mitigations via incorporation into the Housing and Safety Elements Initial Study/Mitigated Negative Declaration Resolution (see [March 29, 2023](#) Town Council meeting). There is some overlap between the two lists and merging these fire safety items will help staff and WFPD create a joint work plan, delineate responsibility and establish agreed upon timelines.

### **Jurisdictional Update on Housing Element Status**

Redwood City and Brisbane are the only jurisdictions in San Mateo County with adopted Housing Elements certified by HCD. See the [Let's Talk Housing](#) county site for the detailed status of each jurisdiction.

## **DISCUSSION**

### **Summary of HCD Comment Letter and Call with Reviewer**

Since the Town received the July 25<sup>th</sup> comment letter from HCD, the staff/consultant team have begun analyzing it and have had a meeting with the HCD reviewer. It is staff's understanding that a number of housing element review staff have left HCD employment in recent months. As such, HCD is assigning a reviewer based on who is available when the document is submitted. The Town was assigned a new reviewer, who is also a supervisor with HCD. It is our current understanding that she will be the Town's reviewer through certification.

Staff held a meeting with the reviewer on August 1<sup>st</sup> to discuss the more substantive comments. The general tone of the meeting was productive and collaborative. The reviewer acknowledged that the Town's housing element is different than most and that some unique approaches would be needed to reach certification. She indicated that she was willing to assist with examples and potential program language to get to the finish line and sent along those materials on August 18<sup>th</sup>.

At this time, based on preliminary analysis, staff has identified five comments that will require the greatest effort to resolve, included below with page number references to the HCD letter:

- Opt-In Housing Diversification Program – page 2
- Availability of Zoning and Minimum Density – page 3
- ADUs and adjustments if affordable units are not realized – page 6
- Dorothy Ford Park and Open Space facilitation and support – page 6
- Affirmatively Furthering Fair Housing – page 8

The other comments will also take time and resources but have less policy consequences based on staff's initial analysis. Staff anticipates considerable back-and-forth with the HCD reviewer to address all of the comments and are scheduled to meet again with her the week of September 11<sup>th</sup>.

### Related Updates

The following updates are provided to keep the Commission and public informed on related items:

- **WFPD Comments** – Staff will continue to coordinate with WFPD on the seven Requested Mitigations, thirteen Key Approaches to Fire Safety, and develop a work plan to implement them.
- **Builder's Remedy** – The Town adopted a "self-certification" to protect against any potential Builder's Remedy projects. Since HCD has issued a letter saying that additional chances are required, the Town is again susceptible to Builder's Remedy applications. As a reminder, Builder's remedy projects do not need to comply with existing zoning regulations, but do need to comply with CEQA.
- **Zoning Code Updates to Implement Housing Element** – In late 2022, Planning Commission made significant progress on updates to the zoning code; however, that work was paused to focus on the Housing Element itself. The zoning code amendments need to be adopted by January 2024 under State law. Staff is exploring

timing and coordination approaches to balance that work with the updates to the Housing Element.

- **Safety Element Update** – A draft Safety Element was reviewed by Town Committees and the staff/consultant team have started to analyze those comments. Given the urgency of the Housing Element updates, staff anticipates the adoption of the Safety Element will be delayed. It is not yet possible to develop a new timeline as analysis of the HCD letter is ongoing. The current Safety Element remains in effect while the new Safety Element is developed. There is not a specific State law deadline for adoption of the Safety Element.

## ATTACHMENTS

1. July 25, 2023 HCD Comment Letter
2. Seven Requested Mitigations from Woodside Fire Protection District – Received March 29, 2023
3. Letter from Woodside Fire Protection District on Seven Mitigation Measures – Received July 6, 2023
4. Town Council [Resolution 2926-2023 Adopting the Housing Element and Conforming General Plan Amendments](#)
5. [Town Council Resolution 2922-2023 Adoption of IS/MND and MMRP](#)
6. Planning Commission Resolution 2023-1 Recommending Adoption of IS/MND
7. Planning Commission Resolution 2023-2 Recommending Adoption of Housing Element and Conforming General Plan Amendments
8. [Table of Meetings and Documents Related to the Housing Element Update](#)

**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)

**Attachment 1**

July 25, 2023

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

Dear Laura Russel:

**RE: Town of Portola Valley's 6<sup>th</sup> Cycle (2023-2031) Adopted Housing Element**

Thank you for submitting the Town of Portola Valley's (Town) housing element adopted on May 10, 2023 and received for on May 26, 2023. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Kevin Burke and David Kellogg pursuant to Government Code section 65585, subdivision (c).

The adopted element addresses many statutory requirements described in HCD's November 9, 2022 review; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), as the Town failed to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), Program 1-1 and 1-2 (Rezoning) to rezone 106 units including 64 lower-income units to accommodate the regional housing needs allocation (RHNA) must 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.

Laura Russel, Director  
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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.

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 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 will meet housing element requirements for these and other funding sources.

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>.

We are 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 Sohab Mehmood, of our staff, at [sohab.mehmood@hcd.ca.gov](mailto:sohab.mehmood@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

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/planning-and-community-development/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/planning-and-community-development/housing-elements/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

**A. 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).)*

Income and Racial Concentration of Affluence (RCAA): While the element was revised to include some analysis on income and RCAA, the analysis must still address trends, conditions, coincidence with other fair housing factors (e.g., race, highest resource, overpayment), effectiveness or absence of past strategies (e.g., lack of publicly assisted housing and lack of multifamily zoning), local data and knowledge and other relevant factors.

2. *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 was revised to now quantify the number of seniors and large households, as found in HCD's prior review, it still needs to include a complete analysis of special needs populations. Specifically, a complete analysis of each population group should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

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).)*

Progress in Meeting the Regional Housing Needs Allocation (RHNA): As you know, the Town's RHNA may be reduced by the number of new units built since July 1, 2022, however the element must demonstrate their availability in the planning period. The element indicates 52 units including 17 lower-income units as credit towards the RHNA through the Willow Commons and Sanford Wedge projects.

HCD's prior review found that the element must demonstrate the availability of these units during the planning period. The element was revised to briefly describe the status for one of these projects indicating that an environmental impact report (EIR) has been made available to the public. However, this still does not demonstrate the likelihood that these units will be built during the planning period. To address this requirement, the element could discuss project status, schedule for completion, outreach with developments, remaining steps for projects to receive final entitlements and any other relevant information that demonstrates the availability of these units during the planning period.

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 four units per acre and a maximum of four dwelling units per lot. The Town is expecting to increase capacity by twelve units. HCD's prior review found that the element must include an analysis of any program guidelines and processes, description of existing uses, sample parcel inventory, criteria to identify parcels, and interest from property owners and stronger programs to monitor and incentivize development. The element still should be revised, as follows:

- *Development Cap* – The element was revised to indicate that while 134 parcels are eligible for this program, the Town will be capping this program at 12 units during the planning period. Additionally, any approved SB9 units will count towards this cap. Please note that this cap is potentially considered a constraint on providing housing capacity, can limit the jurisdictions' ability to promote housing mobility and is in potential conflict with SB 330 (Housing Crisis Act). Specifically, The Housing Crisis Act of 2019 was signed by Governor Newsom on October 9, 2019 and became effective on January 1, 2020. The Housing Crisis Act (Gov. Code, § 66300) generally prohibits, among other items, a locality from enacting limits on approvals or caps population.
- *Approval Process* – The revised analysis indicates that the approval process will be capped at three public meetings and will require planning commission review. The element should include additional information and analyze the approval process. Specifically, it should discuss the type of required permits needed to approve projects under this program (e.g., zoning text amendments, administrative permit). Additionally, it should analyze this process and its

interaction with SB 9. For example, while the Town is requiring planning commission hearings and possible other discretionary permits, SB 9 accomplishes a similar outcome and provides a ministerial process. The analysis should consider how this program incentivizes additional housing units beyond existing laws. As found in HCD's prior review, the element must include a parcel inventory to demonstrate the type of parcels that may be eligible for this program. Lastly, 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.

- *Programs* – The element should include programs committing to provide incentives to property owners, monitoring production and the effectiveness of this program and implementing additional actions or strategies if assumptions do not actualize during the planning period. Lastly, the element could consider stronger actions to incentivize affordable units to address affirmatively furthering fair housing (AFFH) and promote housing mobility.

Availability of Zoning: The element identified several sites that did not have appropriate zoning or densities to accommodate the RHNA. As such, the element shows a shortfall of sites to accommodate the RHNA; 106 units including 64 units for lower-income households. While the element has included programs committing to rezoning sites with the Town's new multifamily land use designations, because zoning was not in place at the start of the planning period (January 31, 2023), the element must include a program committing to housing element rezone requirements pursuant to Government Code section 65583.2 (h) and (i). As part of these rezoning requirements, the element must commit to establishing a minimum density of 20 units per acre (GC 65583.2 (h)).

HCD's prior review found that the element should clarify if the minimum density for the rezone is also the maximum density. The element was revised to indicate that the minimum density for the rezones will be three units per acre and the maximum density will be 20 units per acre. However, because the Town needs to comply with Government Code section 65583.2 (h) and (i), the minimum density for rezoning to accommodate the lower-income RHNA must be 20 units per acre. Additionally, to encourage and facilitate for a variety of housing types and not constrain multifamily development, the Town's rezone strategy should provide for a range of densities (e.g., 20 to 30 units per acre).

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... (Gov. Code, § 65583, subd. (a)(5).)*



Local Processing and Permit Procedures:

- *Architectural and Site Control Commission (ASCC)* – HCD's prior review found that the element must describe the design criteria, approval procedures, and decision-making criteria for the ASCC. The element was revised to indicate that multifamily housing with lower-income units will not be subjected to this process and market rate multifamily will only be subject to discretionary review design review. However, as noted in HCD's prior review, the element still needs to identify any decision-marking criteria (e.g., approval findings) and analyze these requirements for impacts on timing, feasibility, and approval certainty. Based on a complete analysis, the element may need to add or modify programs to address this constraint.
- *Affiliated Housing Program* – The element was revised to indicate that this program has been typically implemented through the housing element and the conditional use permit (CUP) findings are generally related to site suitability, safety, and harmony. However, as found in HCD's prior review, the element still must identify and analyze the complete approval process. For example, the element should discuss how projects proposed under this program are approved including typical development standards, specific findings, and approval criteria for the CUP, standards that are required to opt-in to the program, and other requirements that impact the feasibility of development on these sites.
- *Local Processing and Permit Procedures* – The element should address public comments on this revised draft submittal and discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.

Zoning, Development Standards and Fees: The element was not revised to address this requirement. 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.

Constraints on Housing for Persons with Disabilities:

- *Reasonable Accommodation* – The element was revised to indicate that it needs to update the Town definition of family as part of the reasonable accommodation procedure. However, as found in HCD's prior review, the element must describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities.
- *Group Homes of Seven or More Persons* - The element was revised to include Program 8-10 committing to allowing these uses with a conditional use permit and objective standards. However, the element should clarify if these uses are

only subject to those restrictions that apply to similar residential uses. Based on a complete analysis, the element may need to modify programs to address any constraints.

5. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... 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 was not revised to address this requirement. As found in HCD's prior review, 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.

## **B. Housing Programs**

1. *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 city'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 A3, 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. In addition, the element should be revised as follows:

Shortfall of Sites: – As noted above because zoning was not in place at the start of the planning period, the Town is showing a shortfall of 106 units including 64 units for lower-income households.

While the element included Programs 1-1 and 1-2 committing to rezoning to allow residential uses at appropriate densities to accommodate the RHNA, programs to address the lower-income RHNA must specifically commit to rezoning pursuant to Government Code section 65583.2, subdivisions (h) and (i). Examples of requirements include permitting, without discretionary action, multifamily developments in which 20 percent or more of the units are affordable to lower-income households, requiring minimum densities and residential performance standards.

Additionally, since the Town failed to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), rezones to accommodate the RHNA must be completed no later than one year from the statutory deadline.

Programs 7-1 through 7-8: Accessory Dwelling Units (ADU): – The element was revised to strengthen several programs under *Policy 7 – Promote ADUs*. The element included actions to monitor ADU production and if assumptions are not met, initiate additional actions including expedited plan check and waiving fees. However, given the Town’s reliance on ADUs and as found in HCD’s prior review, the element must include a commitment to adjusting projected assumptions if the number of units and affordability do not actualize during the planning period. Specifically, 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 the element must commit to amending the housing element, identifying additional sites, and rezoning within a timely manner (e.g., within six months).

Program 8-3: Emergency Shelters: – This Program includes a commitment to amend the zoning code to require on-site parking for all staff working in an emergency shelter. However, this Program should include a specific commitment to comply with AB139/Government Code section 65583, subdivision (a)(4)(A) which requires that parking for emergency shelters should only be the number of spaces necessary for staff working in the shelter and no more than other uses in the same zones.

Programs 1-4, 3-2 and 4-2: 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. As found in HCD’s prior review, the element must 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. While the element committed to establishing development standards; providing flexibility to those standards; conducting outreach and promoting technical assistance; the element still needs to include programs committing to monitoring the effectiveness of these efforts and stronger incentives to promote affordability.

Dorothy Ford Park and Open Space Housing Site: – This site is an integral part of the addressing the Town’s lower-income RHNA. Specifically, this site is accommodating roughly half of the Town’s lower-income RHNA. Additionally, this site is owned by the

Town, therefore providing the Town a unique opportunity to provide much needed affordable housing. As such, the element needs to include significant actions to facilitate and encourage development on this site. The element should include a program with numerical objectives that ensures compliance with the Surplus Land Act, provides incentives and actions along with a schedule to facilitate development of this site. Actions should include outreach with developers, issuing requests for proposals, incentives, fee waivers, priority processing and financial assistance.

2. *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).)*

The element indicated that the Town will require set aside units for extremely low income (ELI) households within the Dorothy Ford Site. However, the element must include specific actions to meaningfully address ELI households. As found in HCD's prior review, 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>.

3. *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(s) A4 and A5, 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.

In addition, while Program 4-1 (Parking Requirements) was revised with an updated program timeline, as found in HCD's prior review, this Program should be revised to include specific details regarding the new parking requirements for affordable housing.

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

HCD's prior review found that the element must include programs to conserve and improve the condition of the housing stock. The element was revised to reference the Town's ADU programs and indicated that the Town does not have a need for programs related to these issues. However, the housing needs assessment indicated that approximately ten units may require rehabilitation, but owners lack the discretionary

income to fund these improvements. As found in HCD's prior review, the element still should include programs to conserve and improve the housing stock. Strategies could include providing grants for substantial rehabilitation, provide matching grants for homeowner improvements, or implement proactive code enforcement program with resources.

5. *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... (Gov. Code, § 65583, subd. (c)(5).)*

Goals, Priorities, Metrics, and Milestones: – While the element was revised to indicate that the Town's fair housing actions include programs related to ADU, inclusionary housing and other efforts related to the RHNA, this generally does not address HCD's prior review.

The assessment of fair housing demonstrated that that the Town along with its neighbors is entirely highest resourced, highest income, and wholly a RCAA, a stark contrast to the rest of the region. Additionally, the element identified majority of its RHNA at the edges of the Town. These conditions and circumstances warrant significant and robust actions (not limited to the RHNA) to promote housing mobility and increasing housing choices and affordability throughout and beyond the Town, including in lower-density neighborhoods. The element should be revised with aggressively numeric targets and geographic targets throughout the Town, including lower-density neighborhoods. Examples include creating more housing choices and affordability in single-family neighborhoods beyond complying with law (e.g., SB 9, ADUs), targeting affordable housing funding, homesharing programs, more than one junior accessory dwelling unit (per single family structure, enhancing capacity, affordability, and housing choices on religious institutional sites beyond the RHNA and other alternative land use strategies. Lastly, the element must be revised to include quantified metrics (beyond the RHNA) programs focused on housing mobility and increased housing opportunities and affordability.

**WFPD's Requested Mitigations**

1. Adoption and codification by ordinance of the High and Highest Hazard areas identified in the Moritz map as High and Very High Fire Hazard Severity Zones in accordance with Government Code §51179 and WFPD's newly proposed WUI Ordinance 22-02. Such hazard zone designations should be updated as and when the district's updated assessment of wildfire hazard and risk is completed and released.
2. Codification by ordinance of the fire prevention policies in section 4151 of the 2010 Safety element regarding development in High and Highest Hazard areas identified in the Moritz map or any successor map approved by the district and Town.
3. Adoption and codification by ordinance of Cal Fire's minimum fire safe development regulations (14 C.C.R. §§ 1270.01 thru 1276.05) throughout all High and Highest Hazard areas identified in the Moritz map or any successor map approved by the district and Town, and designation of the Woodside Fire Protection District as the authority having jurisdiction under the Cal Fire regulations to administer and enforce their requirements within the Town's local jurisdiction.
4. Adoption and codification of a new Town ordinance amending Cal Fire's minimum fire safe development regulations, as adopted above, to require.
  - minimum property line setbacks of 30 feet for all new parcels and all new residential development within all High and Highest Hazard areas identified in the Moritz map or any successor map approved by the district and Town.
  - minimum building separation distance of 30 feet between all newly developed structures within a parcel in all High and Highest Hazard areas identified in the Moritz map or any successor map approved by the district and the Town, and
  - provisions for reduction of required setbacks and/or separation distances upon prior written district approval if (a) compliance is shown to be physically infeasible and (b) alternate means satisfactory to the district are demonstrated and implemented to achieve the same reduction of fire spread risk that the required set-back or separation distance would achieve. Such alternate means include but are not limited to the reduction of structure enthalpy through use of noncombustible wall and roof assemblies; elimination of exposed windows, doors, or apertures from closely spaced surfaces; installation of non-combustible fire walls between parcels and exposed structures.
5. Adoption and codification of a new Town ordinance to establish the procedures and standards by which the Town shall review and determine the impact of proposed development projects on public health and safety in accordance with the provisions of the following State housing law mandates:
  - Government Code §§ 65589.5(d)(2) ("a local agency shall not disapprove a housing development project ... unless it makes written findings, based upon a preponderance of the evidence in the record [that] ... [t]he housing development project ... as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate-income households"),

- Government Code § 65852.2(a)(1)(A) (relating to accessory dwelling units),
  - Government Code § 66411.7(d) (relating to SB-9 urban lot splits), and
  - Government Code §§ 65913.4(a)(6)(D) and 65915(e)(1) (relating to bonus density concessions)
6. Complete and adopt Town-wide Emergency Evacuation and Recovery Plan for wildfire, earthquake and similar town-wide emergencies, and staff and fund Town program to educate residents and implement the plan.
7. Update and amend the General Plan Safety element to
- Update and amend assessment of the environmental impact of planned development on wildfire risk and public safety once the Fire District's hazard and risk assessment is completed.
  - Expand and improve existing evacuation routes.
  - Enhance Zoning, Subdivision and Building Codes to mitigate risk of fire spread between and among combustible structures and vehicles that lack adequate separation.
  - Enhance safety and reliability of power and communications utilities.
  - Adopt and codify by ordinance the individuated wildfire risk assessment and abatement procedures and standards of NFPA Standard 1140 §§ 10.1 thru 26.2.6, designating the Woodside Fire Protection District as the authority having jurisdiction to administer and enforce NFPA 1140 within Town



# WOODSIDE FIRE PROTECTION DISTRICT

FIRE PREVENTION BUREAU  
808 PORTOLA ROAD PORTOLA VALLEY, CA. 94028  
(650) 851-1594

[WWW.WOODSIDEFIRE.ORG](http://WWW.WOODSIDEFIRE.ORG)  
DON BULLARD – FIRE MARSHAL

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## Attachment 3

Howard Young  
Interim Town Manager  
Town of Portola Valley  
765 Portola Road, Portola Valley, CA 94028

Re: Proposed Implementation of Woodside Fire Protection District's Mitigation Requests

Dear Mr. Young:

It was a pleasure meeting with you and other representatives from the Town of Portola Valley on May 19, 2023, to discuss the seven mitigation requests from the Woodside Fire Protection District attached as Exhibit A to Town Resolution 2922-2023, adopted on March 29, 2023 (The "Seven Mitigation Requests"). A copy of that resolution and the Seven Mitigation Requests is attached. The Town had requested that the district provide clarification on the implementation of the Seven Mitigation Requests. The following serves to confirm the district's clarification and proposed implementation of the Seven Mitigation Requests as discussed on May 19, 2023.

The goal of the Seven Mitigation Requests is to obtain enforceable standards to mitigate fire risk in the district. Both the Town and the District are in the process of taking steps to achieve that goal. The district is currently in the process of establishing a current Wildland-Urban Interface (WUI) for the District in accordance with Health & Safety Code section 13108.5 that would include designations of "Fire Hazard Severity Zones" in accordance with Government Code section 51179. The Town is currently in the process of updating its General Plan Safety Element.

Considering these efforts by the Town and the District, the District believes that the Seven Mitigation Requests may be implemented in a manner designed to achieve the desired goal as follows:

- a. Mitigation Requests # 1-4: These four mitigation requests are all connected to the Moritz Map, or a successor map approved by the District. Since the District is in the process of establishing a map designating the WUI for the District, the District requests that the Town coordinate its implementation of Mitigation Requests # 1-4 with the district's process to establish a WUI. This would promote an effective implementation of these Mitigation Requests. In that regard:
  - i. Mitigation Request # 1: In order to avoid duplication of efforts and avoid the potential for confusion and conflict, the district believes Mitigation Request # 1 may be implemented by the Town collaborating with the District in the District's preparation of a WUI in accordance with Health & Safety Code section 13108.5 that would include designations of "Fire Hazard Severity Zones" in accordance with Government Code section 51179. The purpose of this Mitigation Request is designed to implement effective and enforceable fire mitigation standards in the District and the District's



establishment of a WUI, identifying the Very High and High Fire Hazard Severity Zones, will serve that purpose.

- ii. Mitigation Request # 2: The goal of Mitigation Request # 2 is to establish enforceable fire prevention policies in the Town's Safety Element tied to an established WUI, that are at least as protective as the policies in the Town's 2010 Safety Element. The district requests that the Town coordinate the update of its Safety Element with the District's process to establish a WUI with the goal of establishing enforceable fire prevention policies regarding development in Very High and High Fire Hazard Severity Zones, as identified in the WUI, that are at least as protective as the policies in the 2010 Safety Element.
- iii. Mitigation Requests # 3 and #4: The District requests the Town coordinate the adoption of the requested fire safe development regulations to apply in the Very High and High Fire Hazard Severity Zones identified in the WUI to be established by the district. The district acknowledges its responsibility to enforce such fire safe development regulations. As required by state law, CalFire's minimum fire safe development regulations (14 CCR sections 1270.01 through 1276.05), will apply in all areas designated as State Responsibility Areas and Very High Fire Hazard Zone Areas in the WUI to be established by the district. Further consideration of application of the fire safe development regulations in High Fire Hazard Severity Zones will occur upon the designation of such zones in the WUI to be established by the district.

These clarifications do not change the district's position concerning the Moritz Map, as has been stated in previous correspondence from the District. The district requests that the Town continue to use the Moritz Map consistent with the Town's current Safety Element. As stated in Resolution 2922-2023, the Town, in updating its Safety Element, "will also adopt the Moritz Map and/or any successor map as a basis for evaluating the fire risk associated with specific sites in the Town." The Town also stated that it "anticipates the new Safety Element will contain fire prevention programs and policies at least as protective as the 2010 Safety Element and will contain a timeline for implementing said programs and policies expeditiously." The district appreciates the Town's commitment in this regard.

- b. Mitigation Request # 5: The goal of Mitigation Request # 5 is to establish enforceable procedures and standards by which the Town would review and determine the impact of proposed development projects on public health and safety as outlined in the referenced state housing laws. The district recognizes that, in connection with (1) accessory dwelling units, and (2) SB 9 urban lot splits in connection with the statutory sections referenced in Mitigation Request # 5, the Town has adopted procedures and standards by resolution. The district has no opinion on the mechanism by which the Town adopts such procedures and standards, so long as they are enforceable. The district will coordinate with the Town on any potential revisions to these policies and procedures.

As for such procedures and standards relating to (3) housing development projects and (4) bonus density concessions in connection with the state statutes referenced in Mitigation Request # 5, the district continues to request that such enforceable procedures and standards be adopted. The district recognizes that the Town must prioritize its limited resources and may prioritize other requests by the District over this request.

- c. Mitigation Request #6: A town-wide emergency evacuation plan has been prepared for the Town by the District, which will go before the Town Emergency Preparedness Committee for approval and recommendation that the Town Council approve and implement. The district

requests that the Town implement this plan and the District is willing to coordinate such implementation with the Town.

- d. Mitigation Request #7: The District requests that the Town update its Safety Element consistent with this Mitigation Request. The district will provide specific comments to the Town concerning the Town's General Plan Safety Element. The district is interested in using any available resources from CalFire in providing assistance and encourages the Town to utilize any available assistance from CalFire in completing the Town's General Plan Safety Element.

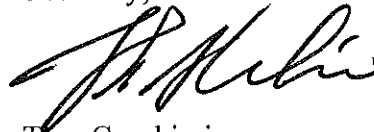
The district looks forward to its ongoing collaboration with the Town on promoting fire safety within the district.

Sincerely,



Don Bullard  
Fire Marshal  
Woodside Fire Protection District

Sincerely,



Tom Cuschieri  
Fire Chief  
Woodside Fire Protection District

**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
<p><b>Local CEQA Guidelines and Thresholds</b> <i>(Mitigation Measure)</i></p>	<p>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>	<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>
<p><b>General Plan, Zoning, Design Review</b> <i>(Mitigation Measure)</i></p>	<p>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>	<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>
<p><b>Housing Inventory</b></p>	<p>Within [TIME] months of the adoption of the Housing Element, Council shall establish a workgroup, with</p>	<p>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>

<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.	
<p><b>Encourage Community and Civic Engagement</b> <i>(Housing Element Program)</i></p>	<p>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.</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>
<p>Services and Infrastructure <i>(Housing Element Program)</i></p>	<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>
<p>Finance <i>(Housing Element Program)</i></p>	<p>[Intentionally Deleted]</p>	



## 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

## Attachment 7

**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**

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**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,



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 Standford 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>	<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, Rev 2015-2023 Housing Element Performance.</i></p>
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>	<p>Added data on familial status under <i>Section 3, AFFH, Primary Findings</i> (fifteenth bullet). Data on persons with disabilities can be found in the text under <i>Section 3, AFFH, Primary Findings</i>, (third and second to last bullets) and <i>Appendix C, AFFH, 4.3.3 Disability Status.</i></p>
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>	<p>Added RCAA text in <i>Appendix C, AFFH, 4.3.3 Racially or Ethnically Concentrated Areas of Poverty and Affluence</i> and <i>Section 3, AFFH, Primary Findings.</i></p>
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>	<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, Section 6.2 Cost Burden and Sever Cost Burden.</i></p>
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>	<p>Added text under <i>Appendix C, AFFH, 7.2 Distribution of sites in the Site Inventory</i> and <i>Section 3, AFFH, Primary Findings.</i></p> <p>Added language to <i>Section 6, Adequate Sites</i> discussing how Sites locations will help address concerns described in <i>Section 3, AFFH.</i></p>
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>	<p>Added text in <i>Section 3, AFFH, Table 3-1</i> to denote "low, medium, and high" prioritization of Contributing Factors.</p>

	<p>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>.</p>	
7	<p>2. <i>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>	<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.</p>
8	<p>3. <i>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>	<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.</p>
9	<p><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.</p>	<p>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.</p>
10	<p><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</p>	<p>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.</p>

	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>4. <i>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><b>Multi-Family Zoning and Mixed-Use Zoning Districts:</b> 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	<b>Minimum Density Equals Maximum Density:</b> 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	<b>Zoning, Development Standards and Fees:</b> 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	<b>Design Review (D-R) Combining District:</b> 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	<b>Affiliated Housing Program:</b> 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.	(Explanation will be provided to HCD)



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>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).)</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	<p><u>Program 4-1</u>: This program should be revised to include specific details of the new parking requirements for affordable housing.</p>	
37	<p><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.</p>	Program 4-4 removed and language integrated into other programs.
38	<p>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.</p>	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>5. The Housing Element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. ©(4).)</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	<p>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</p>	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

*Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. ©(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>.

clearly draw a through line from fair housing contributing factors to the Town's Policies and Programs.

**PLANNING COMMISSION****MAY 3, 2023****Hybrid Meeting – In Person and via Zoom****CALL TO ORDER AND ROLL CALL**

Time: 00:00:23

Chair Kopf-Sill called the Planning Commission hybrid, in person and via Zoom, meeting to order at 7:00 p.m. Planning & Building Director Russell called the roll.

Present: Planning Commissioners: Brothers, Krashinsky, and Targ; Vice Chair Goulden; Chair Kopf-Sill  
 Absent: None  
 Town Staff: Laura Russell, Planning & Building Director; Jake Garcia, Consulting Planner

**ORAL COMMUNICATIONS**

Time: 00:00:48

Caroline Vertongen asked if the Commission received her email regarding issues about connecting to Town meetings and communicating with the Town.

Chair Kopf-Sill announced she had not received the email.

Ms. Vertongen expressed she had comments regarding the March 6, 2023 minutes but would hold them for a later time.

Chair Kopf-Sill thanked Town Attorney Cara Silver for her service to the Town.

Commissioner Krashinsky and Commissioner Targ echoed Chair Kopf-Sill's remark.

**NEW BUSINESS****(1) Rotation of Chair and Vice Chair**

Time: 00:05:29

Chair Kopf-Sill acknowledged that the typical rotation of Vice Chair was not followed in the previous rotation due to Chair Kopf-Sill and Commissioner Targ having to recuse themselves for the Stanford Wedge Project. She asked if the current Vice Chair should be made Chair or should Commissioner Targ be moved to Chair.

Commissioner Krashinsky suggested waiting until Commissioner Targ was present.

Planning & Building Director Russell suggested the Commission approve the minutes while they waited for Commissioner Targ to attend the meeting.

[The Commission moved to approval of the minutes]

Time: 00:20:20

Vice Chair Goulden announced he supported either option.

Chair Kopf-Sill shared she was in support of Vice Chair Goulden becoming Chair because that was the normal process and then Commissioner Targ become Vice Chair. Also, due to Commissioner Targ and herself having a conflict, she believed it was a better to not have them back-to-back in the rotation.

Commissioner Brothers [inaudible – off mic and no audio]

## DRAFT MINUTES

Planning & Building Director Russell summarized the Commission would take nominations for Chair and Vice Chair. Then public comments would be heard before taking a vote.

Time: 00:22:46

Commissioner Brothers nominate Vice Chair Goulden as Chair and Commissioner Targ as Vice Chair. Seconded by Chair Kopf-Sill.

Time: 0:23:04

Chair Kopf-Sill opened public comment.

Danna Breen stated that Commissioner Targ had not been Chair since 2018 and found it important for the dialectic to have the position of Chair mixed. She recommended Commissioner Targ be Chair.

Betsy Morgenthaler stated that Chair Kopf-Sill had been a wonderful Chair and echoed Ms. Breen's comment that Commissioner Targ should be Chair.

Kristi Corley agreed Commissioner Targ should be Chair and requested the public be allowed to speak the full three minutes if they desire.

Time: 0:25:19

Chair Kopf-Sill closed public comment.

Commissioner Targ appreciate the public's comment but noted his term on the Planning Commission would end in December 2023 and that should be considered.

Commissioner Krashinsky asked when Vice Chair Goulden's term was up.

Vice Chair Goulden answered it was renewed recently.

Time: 0:27:05

Chair Kopf-Sill called for a vote on the motion.

Commissioner Brothers nominate Vice Chair Goulden as Chair and Commissioner Targ as Vice Chair. Seconded by Chair Kopf-Sill, the motion passed 4-0 with Commissioner Targ abstaining.

(2) **Preliminary review of an application for a new gym, new fitness center, an addition/remodel to the existing locker room (Gambetta Gym), an addition/remodel to an existing chapel and to discuss plans for a forthcoming Conditional use Permit Amendment at Woodside Priory School. File #PLN USE01-2023**

Time: 00:28:14

Chair Goulden announced he had to recuse himself from the item due to his home's proximity to the Woodside Priory (Priory).

Vice Chair Targ noted he would be leaving the meeting early.

Commissioner Kopf-Sill volunteered to run the meeting when Vice Chair Targ leaves.

Vice Chair Targ invited staff to share their report.

Time: 0:29:13

Planning & Building Director Russell noted three Commissioners recently visited the site along with several neighbors.

## DRAFT MINUTES

Consulting Planner Garcia introduced the item and provided a brief background on the project, as outlined in the staff report. The Priory was requesting the Planning Commission consider an Amendment to the Conditional Use Permit (CUP) and overall Master Plan Map, as outlined in the staff report. He noted for the proposed development proposals to move forward, a CUP Amendment must be approved as the proposed projects were anticipated to exceed the maximum allowable area. Once the amendment was approved, each project would be reviewed at least once by the Architectural & Site Control Commission (ASCC) for Final Architectural Review and approval. He noted the plans and associated information was conceptual and the final proposed plan would be subject to complete review for consistency with the Town's Municipal Code, the Design Guidelines, the General Plan and approved governing CUP.

Prior to the Planning Commission meeting, Consulting Planner Garcia shared that the ASCC provided a conceptual design review of all the projects on February 27, 2023. Their feedback was summarized in the staff report.

Consulting Planner Garcia noted after the publication of the Planning Commission's Packet, the applicant submitted to the Town revised plans and those plans were not reviewed by the ASCC. Staff was not able to provide a complete review of the revised plans and scope of work prior to the Planning Commission's meeting. The proposed project presented to the Commission included a new gym and a new fitness center. Since publication, those two buildings had been combined and relocated. No changes were made to the proposed locker room renovation, the chapel renovation, the monastery renovation, the new academic offices and the middle school playground. The newly proposed overall Master Plan indicated the new gym, locker room and fitness center would be located in one building adjacent to the existing track and field. He mentioned the applicant team would be sharing conceptual drawings for the new gym, locker room and fitness center along with the locker room and chapel renovation and addition.

Consulting Planner Garcia shared photos and gave a brief description of the overall Master Plan, new gym, the locker room addition and remodel, and chapel renovations and addition, as outlined in the staff report.

With respect to public noticing, Consulting Planner Garcia said mailers were sent to folks within a 1,000-foot radius on February 17, 2023, for the ASCC meeting and on April 21, 2023, for the site visit and Planning Commission meeting. No comments were received prior to the Planning Commission's meeting.

Consulting Planner Garcia concluded that ASCC may wish to consider the forthcoming projects with respect to the general design and location of buildings as well as the required findings necessary to approve the CUP as identified and outlined in the staff report.

Time: 0:38:51

Chair Targ invited Commissioners to ask questions of staff.

Commissioner Krashinsky referenced Table 1 in the Packet and notice maxed impervious surface was not included. He inquired if that was expected to be increased. Consulting Planner Garcia answered the conceptual plans did not detail the forthcoming impervious surface calculations.

Commissioner Krashinsky invited staff to explain Finding 7. Planning & Building Director Russell explained Finding 7 did not apply to all the projects at the Priory. Historically, in its annual report, the Priory included the number of local Portola Valley students who were attending and historically, the Commission encouraged the school to increase its local attendees.

## DRAFT MINUTES

Commissioner Krashinsky referenced Page 14 of the existing CUP and asked how community use of the athletic facilities would be applied to the new facilities. Consulting Planner Garcia stated the Joint Use Agreement covered a number of the facilities on site but not all of them. In the initial designs, there were no conflicts with the Joint Use Agreement. With the newly proposed plans staff wished to review those plans against the agreement.

Planning & Building Director Russell said staff was seeking feedback from the Commission on what questions they would like answered in future staff reports on the project.

Commissioner Brothers stated even after the site visit she was not 100 percent certain what was being proposed.

Vice Chair Targ understood not all of the plans had been resubmitted and Planning & Building Director Russell confirmed that was correct.

Vice Chair Targ asked if was a better process to review the project once all the plans were submitted. Planning & Building Director Russell suggested the Commission hear the applicant's presentation and then discuss it. The applicant was interested in having feedback from the Commission and the ASCC early in the process.

Vice Chair Targ remarked in the 2001 and 2021 amendments of the CUP there was an agreement that a noise and traffic plan would be included. There was no reference in the staff report to a noise plan and the traffic plan was to be developed as a mitigation measure in the event of a complaint. Planning & Building Director Russell answered Attachment 10 was the annual report from June 2022 and it was used to evaluate compliance as well as the traffic monitoring report from the fall of 2022.

Vice Chair Targ read the minutes aloud stating that the Commission wanted to see a traffic management plan and restated that it was not included. He questioned how the Commission could approve a CUP if it did not include a traffic management plan. Planning & Building Director Russell agreed a CUP Amendment could not be approved without making a reasonable determination that the project complied with the existing CUP. Vice Chair Targ recommended staff explore it further and return with an answer at a future meeting. Consulting Planner Garcia echoed Planning & Building Director Russell's comment regarding Attachments 10 and 11. Currently, noise monitoring began in the first semester and was being collected. Staff recommended the applicant team provide an update.

Vice Chair Targ noted a monitoring plan was different than a traffic and noise management plan. He referenced Red Page 101 of the minutes for the Planning Commission's meeting of February 2, 2022.

Time: 0:52:28

Vice Chair Targ invited the applicants to share their presentations.

Patrick Ruff, Head of School, thanked the Commissioners and neighbors who visited the site. He believed the proposals helped the school bring its mission to life and updated the facilities to modern times. He stated the Priory is an important piece of the fabric of Portola Valley and the Priory benefited from the town. The goal was to work with the Town and weave the Priory into the community seamlessly.

Carter Warr, CJW Architecture, explained the goal of the site visit and meeting was to solicit feedback from the public and the Commission on the forthcoming projects at the Priory. The site visit included the chapel and an explanation of its expansion, the existing locker room and team rooms, and the new gym. Those three projects were the highest priority to the school and the remaining items were considered minor.



## DRAFT MINUTES

With respect to the chapel, Mr. Warr said the Priory wished to expand the chapel by 738 square feet with an additional 750 square feet for the campus administration building. With that said, under the current CUP, there was no square footage available. The Priory was requesting to borrow square footage from the athletic and residential floor area categories. The renovations would update the chapel and expand the seating area.

With respect to the locker rooms, Mr. Warr remarked the locker room was built for boys and the girl's locker room was substandard. The locker rooms currently were in two separate buildings. The reason to expand and update the locker room was to provide more privacy as well as provide space for an additional team. The original design placed the new locker rooms in an area of campus that was invisible to the community but the location was found to be difficult for construction. Upon reconsidering the location of the locker room, it was discovered that in 1999 and 2000 the area near the track was identified as a suitable area for development. No structure was built because Priory leadership, at the time, was concerned about visibility and that was still a concern. The school had changed drastically since then and now believed that the area could provide a facility that was reflected with modern values. He noted the Priory was amendable to returning to the ASCC for further discussion about the location of the new locker room facility. The location also provided a grade level that was significantly lower than the roadway which would help minimize visual impacts.

Mr. Warr encouraged the Commission, the community and the Town to consider the evolution of the Priory when reviewing projects. He shared historical photos of the Priory and its evolution through the years. In 2016 the red track and the turf field were installed along with the removal of many of the screening trees along Portola Road.

With respect to the existing Conditions of Approval, Mr. Warr mentioned of the 34 conditions, Conditions 3 and 4 addressed numeric standards. Condition 3 pertained to the number of students, teachers and staff. The Priory was not planning on adjusting that condition. Condition 4 addressed the building area, impervious surface and parking. That condition was changed in 2005 and reflected the future growth of the school. The remaining conditions, 5 through 34, addressed the behavior and management of the school. The proposed plans did not impact, hinder or change any of the requirements outlined in those conditions. He mentioned the school was monitoring noise and changed circulation on-site to address traffic concerns.

Mr. Warr believed the proposed project required adjustments to Condition of Approval 4 to allow for expansion of the floor area, expansion of the amount of impervious surface and provide accessibility to parking. He noted zoning of the Priory, under the current CUP, was 205,000 square feet of floor area and the zoning allowed up to 265,946 square feet of floor area.

Mr. Warr concluded that the Priory was seeking feedback on whether the minor projects appeared compatible with the current CUP, did the projects require only adjustments to Condition 4 and what concerns, if any, were there for the major projects.

Time: 1:28:23

Vice Chair Targ invited the Commissioners to ask questions of the applicant.

Commissioner Krashinsky asked the applicant to describe their ideas about connecting the road. Mr. Warr acknowledged that the current circulation pattern had worked well for the school. The idea was to connect Gambetta Lane through the campus by constructing a road below the dorms. This concept was included in the CUP until the 2021 amendment. Mr. Ruff mentioned the change would eliminate internal campus conflicts. Mr. Warr strongly requested the Commission consider and provide input on allowing the road to be placed back in the Master Plan.

## DRAFT MINUTES

Commissioner Brothers wanted to understand the timeline for the projects. Mr. Warr mentioned the Priory was amendable to returning once a month on a preliminary basis. He emphasized the work proposed on the chapel and locker room was the highest priority and wished to begin that work this season. If allowed, the Chapel and locker room would borrow 2,000 square feet from other allocated use categories.

Mr. Ruff asked what was needed to reach entitlement for the chapel and locker room improvements. Also, what concerns were there for the new gym facility?

Commissioner Brothers restated what was the timeline for construction. Mr. Warr answered construction documents were nearly complete for the chapel. Parts of the locker rooms required the movement of a PG&E transformer but other parts could be constructed immediately.

Commissioner Targ asked if there was an issue with breaking up the modifications to the CUP. Planning & Building Director Russell stated it had been discussed many times. Staff advised the applicant to share their long-term plans now to begin the discussion. She said it made sense to allow the Priory to borrow floor area from one category to another because those categories were outdated. The chapel and locker room improvements did not appear to be large issues to the Town nor under the California Environmental Quality Act (CEQA). She acknowledged that the Town and the Priory were still in the exploratory phase.

Vice Chair Targ reasked why the applicant was before the Commission when only two buildings were being discussed and how should the Commission think about the development overall as a whole. He remarked it was important for himself to understand, from the ASCC's perspective, what it would mean to look only at two of the buildings as opposed to the project as a whole. He noticed there had been an increase in student population of about 15 percent over the last 3 years and he wanted to know how much of the proposal was in response to that increase. He referenced Red Page 62 and noticed student enrollment was at 452 with 44 boarders and 408 commute students.

Mr. Ruff remarked that number was incorrect.

Vice Chair Targ stated if that was not accurate then there was a problem because the previous assessment of average daily attendance (ADA) was thought to be 92 to 93 percent of total enrollment which put the population over the total. He clarified his comment pertained to Condition 3. Mr. Warr remarked the maximum allowance was 60 boarders and 435 commute students.

Vice Chair Targ noted that ADA counted as well and inquired if the school complied or not. Was the increase in population driving the expansion? Should the Commission be focused on enrollment and not ADA? He said he was thinking about piecemealing, compliance, what drove the expansion, design impact and what was the totality of the design impact with future changes.

Mr. Ruff clarified the school's current total enrollment was 424 students. The proposals before the Commission were not solely in response to the enrollment increase. He agreed the chapel must be expanded to accommodate more students but the expansion of the athletic facilities was about supporting current students.

Vice Chair Targ agreed that the Priory is a part of Portola Valley and he did not want there to be confusion about his position. He believed it was important to treat all projects fairly and similarly. He stated his comments were shared through the lens of the overall process and fairness. Mr. Ruff appreciated that and believed the proposals addressed the needs of the students.

Time: 1:50:12

## DRAFT MINUTES

Vice Chair Targ announced he must leave and invited Commissioner Kopf-Sill to run the meeting.

Acting Chair Kopf-Sill stated slope greatly impacted floor area and impervious surface calculations. She asked if slope was considered when the floor area was calculated in 2005. Mr. Warr stated at that time the Priory had requested 205,505 square feet in floor area.

Acting Chair Kopf-Sill asked how close was the Priory to the allowable amount of impervious surface square footage on the site. Mr. Warr remarked the school was not in danger of exceeding the allowable impervious surface square footage.

Acting Chair Kopf-Sill asked if the fire truck circle and playground affected the impervious calculation and was the connection road included in the calculation. Mr. Warr answered it depended on what was put in the fire truck and playground space. He could not recall if the road's square footage was included in the impervious calculation.

Acting Chair Kopf-Sill wanted to understand if the school would be in danger of exceeding the impervious surface thresholds if the road was built. Planning & Building Director Russell echoed Mr. Warr's statement that the CUP was based on what the Priory requested and their needs.

Time: 1:57:11

Acting Chair Kopf-Sill announced the Commission would take a 5-minute break and then hear public comment upon return.

Time: 2:04:45

Acting Chair Kopf-Sill opened public comment.

Caroline Vertongen acknowledged the proposal was very complex due to the tremendous changes since 2005. She asked how much did the residents of Portola Valley have to bare the changes, and how can the community and school come to a collaborative proposal. She appreciated the comments from Vice Chair Targ, Commissioners Brothers and Krashinsky. It was very important to understand what was being proposed and the staff report on Page 12 was still being debated. She requested more information on impervious surfaces, traffic and noise mitigation, and she wanted to see the Joint Use Agreement. She asked why more Portola Valley staff were not hired and how the projects overall benefited the community.

Mary Hufty strongly supported having the pass-through road and believed it would be a huge safety improvement for the students.

Kristi Corley appreciated Commissioner Krashinsky's comment regarding public involvement in the process. She believed that condition was included because the school is located on a main road and was visualized by the residents daily. With that said, she asked why the public was not invited to the site visit and encouraged the Priory to hold community tours. Her other concerns were related to drainage off and within the site, trees, traffic circulation and noise.

Time: 2:11:57

Acting Chair Kopf-Sill closed public comment and invited the Commission to share their thoughts.

Commissioner Krashinsky asked if the public was allowed to visit the site. Planning & Building Director Russell answered several members of the public were included in the site visit but recommended that the applicant provide public tours. Staff would be creating a project web page and would be circulating the project more broadly to the community in the future.

## DRAFT MINUTES

Commissioner Brothers appreciated the site visit. She supported the idea of having a Master Plan and appreciated the comments made regarding segmentation and piecemeal. The applicant's presentation highlighted that the changes proposed for the locker room mainly addressed gender equity and she saw that as a high priority. With respect to the applicant's zoning comparison chart, she found the math associated with 1 acre of housing on 50 acres irrelevant and misleading because housing was different than a school. She acknowledged the proposed gym appeared visually appealing on the drawings as it fronted along the track, but believed turning the frontage of the building by 20 to 30 degrees would minimize the visual impact coming down Portola Road. She found it out of character with the town's aesthetics to have a large building along the road and believed it would reduce the visual entry the track gave to the campus. She supported the changes to the chapel and the proposal for the existing gym.

Commissioner Krashinsky stated everything proposed made sense. For the minor projects, he wanted to see more staff feedback on whether they were compatible with the current CUP. With that said, he wanted the projects to advance if possible. With respect to Condition 4 and the gym, he wanted to have more details from staff and wanted to understand Vice Chair Targ's concerns around CUP compliance. He acknowledged that the school had been focus on traffic and noise and that was highlighted in the staff report. He shared he was confused about the road extension and asked if that fell under Condition 4. Also, he wanted to know more about the Joint Use Agreement with the existing basketball gym and whether that should be applied to the new gym. With respect to concerns, he acknowledged the new gym would be large but believed the massing would be mitigated through the lower grade level and its distance from the roadway. He was not strongly supportive of hiding the building with landscaping and encouraged the applicant to design an attractive building that fit into the landscape.

Acting Chair Kopf-Sill commented that the minor projects made sense and wanted to see a simple Planning Commission process that allowed those projects to be expedited. With respect to floor area, she shared she was not concerned about how the allowable square footage was used and supported allowing them to be fluid. She was thrilled to hear that the improvements to circulation had helped with traffic congestion and mentioned she witnessed its success recently. With that said, she was in favor of installing the connection road and eliminating the loop between the middle school and upper school. She encouraged staff to explore a quick process to allow the road to be constructed. With respect to the new gym, she shared the concern about the size of the building but echoed Commissioner Krashinsky's comments that the building would be below the road and a good distance away. She recommended the applicant pay attention to light pollution coming from the new gym.

Planning & Building Director Russell said there was technical work that had to be done related to CEQA and segmentation. Staff took to heart Vice Chair Targ's comments regarding a fair and consistent process. During the time staff considered the technical aspects of the project, she advised that ASCC be allowed to tour the site and that they review the revised plans. She added that the projects would be returning to the Commission for a discussion in the future.

## **COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS**

### **(3) Commission Reports**

Time: 2:31:16

Acting Chair Kopf-Sill invited Commissioners to share any reports they had.

Commissioner Brothers announced she attended the ASCC meeting when they discussed Woodside Priory's plans. She noted she was not informed if the ASCC had a site tour and she encouraged staff to allow liaisons to attend site tours. Planning & Building Director Russell mentioned ASCC was not

## DRAFT MINUTES

having site tours currently, but when they do the Planning Commission liaison and the Council liaison will be invited.

**(4) Staff Reports**

Time: 2:32:30

Planning & Building Director Russell announced Town Council would be considering adoption of the Housing Element on May 10, 2023. Town Council would also be providing Staff direction on the Housing Element post-approval process. She mentioned many public comments had been received since the last Planning Commission meeting regarding the Housing Element. She announced Planner Adrian Smith would soon begin having oversight on single-family projects as well as work on Zoning Code Amendments related to the Housing Element. Work on the Safety Element would resume with herself as the lead and staff would be providing an update to the Town Council before bringing the Safety Element to the Commission. Also forthcoming were State changes related to Accessory Dwelling Units (ADU) and Staff anticipated feedback from the California Department of Housing and Community Development (HCD) on the Town's ADU Ordinance soon.

Commissioner Brothers asked if the Commission would be considering any of the Housing Element post-approval elements and Planning & Building Director Russell answered yes.

Commissioner Krashinsky inquired what items were coming forward for the next Planning Commission meeting. Planning & Building Director Russell answered there were no projects and predicted the meeting would be canceled.

Time: 2:37:59

Acting Chair Kopf-Sill opened public comment.

Mary Hufty requested that the Commission consider the Safety Element sooner rather than later.

Planning & Building Director Russell said the recommending committees had done their review and staff wanted to spend time with the comments received from the committees. Staff would then provide an update to Town Council.

Kristi Corley asked if the Town had 3 years to implement zoning changes if the Housing Element is adopted. She asked for further details on the changes in ADU laws and noted that the Town's website did not list who the new ASCC Members are. She recommended staff be more direct with what the Housing Element is and provide meetings to educate residents.

Planning & Building Director Russell answered no, zoning changes must be implemented within one year of Housing Element adoption due to the adoption happening after the deadline. With respect to ADU changes, staff had fully analyze the law but would share that information with the public when it became available. She agreed the names of the new ASCC Members should be listed on the website but the Town currently did not have a permanent Town Clerk. With respect to canceled Planning Commission meetings, she said she staffed the meetings herself and did not convene meetings if there were no projects.

Time: 2:44:17

Acting Chair Kopf-Sill closed public comment and moved to adjournment.

**APPROVAL OF MINUTES****(5) Planning Commission Meeting of March 6, 2023**

Time: 00:08:12

## DRAFT MINUTES

Chair Kopf-Sill inquired if any Commissioners had any substantial changes to the minutes.

Commissioner Brothers [inaudible – off mic and no audio]

Commissioner Krashinsky remarked “femoral creek” should be changed to “ephemeral creek” throughout the minutes. On Page 95 he suggested the Director’s comments regarding Glen Oaks be changed to “the units could be clustered together”. On Page 100, Commissioner Targ, not Commissioner Krashinsky, was the one who suggested the Commission discuss the Housing Element topic by topic.

Vice Chair Goulden found the minutes to be well done and noted the Commission decided not to allow the public to suggest changes to the minutes.

Planning & Building Director Russell clarified public comment must be heard and it was the Commission’s discretion to make changes to the minutes based on public comment or not.

Time: 00:11:47

Chair Kopf-Sill invited members of the public to share their comments on the minutes.

Caroline Vertongen requested her comment be considered against the recording and rewritten to reflect her thoughts. At the time she said the “Portola Valley Building Department” had reduced the Fifth Cycle Regional Housing Needs Allocation (RHNA) because they understood the unique landscape and the constraints of Portola Valley. With respect to the sentence starting “the staff refused the share the information” in her comment, she explained she was referring to the information regarding Association of Bay Area Governments (ABAG) which had an available inventory that showed all the affordable housing and housing that had been built in the Bay Area for the Fifth Cycle. It also showed how many units had been built and were not being used.

Chair Kopf-Sill inquired about what page her comment was on.

Ms. Vertongen answered Red Page 89 during oral communication and the correction should be made halfway through her comment. She found it concerning the Commission had not received her email regarding the minutes because she had submitted it before the deadline.

Time: 00:15:05

Chair Kopf-Sill closed public comment.

Commissioner Krashinsky recommended the Commission include Ms. Vertongen’s change.

Vice Chair Goulden remarked the Building Department cannot change ABAG’s numbers.

Commissioner Krashinsky stated that was fine but wanted the minutes to reflect her words, even if they was not correct.

Chair Kopf-Sill asked if the word “the staff” should be changed to “Building Department”.

Commissioner Brothers [inaudible – off mic and no audio]

Vice Chair Goulden remarked this confusion was why the Commission had decided not to incorporate changes suggested by the public.

Commissioner Krashinsky recalled the word “ABAG” was supposed to be changed to “the Building Department”.

## DRAFT MINUTES

Planning & Building Director Russell said in the past, staff was having to listen to the recording and make changes that were not substantive, or changed the nature of the Planning Commission's discussion. The issue was whether that was worth the time or not.

Chair Kopf-Sill believed making the change from "the staff" to "the Building Department" was not a substantive change. She recommended the minutes stay as presented.

Commissioner Brothers moved to approve the minutes of the March 6, 2023, meeting, as amended by Commissioner Krashinsky. Seconded by Vice Chair Goulden, the motion carried 4-0 with Commissioner Targ abstaining.

[The Commission moved up to Item 1]

Time: 00:20:20

**ADJOURNMENT** [9:44 p.m.]

Commissioner Brothers moved to adjourn. Seconded by Acting Chair Kopf-Sill seconded, the motion carried 3-0.