



TOWN OF PORTOLA VALLEY

7:00 PM – Joint Meeting of the Planning Commission
and Architectural and Site Control Commission
Wednesday, April 3, 2024

MEETING AGENDA

HYBRID MEETING- IN PERSON AND VIA ZOOM

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

Commissioner Brothers will be attending the meeting remotely at the following public location:
62 Colonial Drive, Rancho Mirage, CA 92270

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 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/85095392275?pwd=a0DOm6KoqclQzQQ2hbTKkRcQOKNmXq.1>

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

Meeting ID: 850 9539 2275 **Passcode:** 364033

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 Chair Goulden, Vice-Chair Targ, Brothers, Krashinsky and Kopf-Sill
Commissioners Chair Warr, Vice-Chair Flynn, Breen and Dixon

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. Previously considered by Planning Commission on March 20, 2024, Continued to a Date Certain of April 3, 2024. Joint discussion between the Planning Commission and the ASCC to discuss the ASCC's recommended feedback on: Adoption of a Resolution Recommending Approval of an Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map for the Town of Portola Valley to Implement the 2023-2031 Housing Element.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

2. Commission Reports
3. Staff Reports

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

TO: Planning Commission and Architectural and Site Control Commission (ASCC)

FROM: Adrienne Smith, Senior Planner

DATE: April 3, 2024

RE: Previously considered by Planning Commission on March 20, 2024, Continued to a Date Certain of April 3, 2024. Joint discussion between the Planning Commission and the ASCC to discuss the ASCC's recommended feedback on: Adoption of a Resolution Recommending Approval of an Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map for the Town of Portola Valley to Implement the 2023-2031 Housing Element

RECOMMENDATION

Staff recommends that the Planning Commission and ASCC receive a presentation from staff, receive a presentation from the ASCC subcommittee that compiled the ASCC's feedback for the Planning Commission, ask questions, receive public comments, provide comments, that the Planning Commission recommend any changes to the draft Zoning Code and Zoning Map amendments and then Continue the Meeting to a Date Certain of April 17, 2024.

MEETING FORMAT

This public meeting format will be as follows:

- Staff presentation
- ASCC Subcommittee presentation
- Planning Commission/ASCC clarifying questions of staff – due to existing conflicts amongst a Planning Commissioner and ASCC Commissioner, suggest only questions related to the proposed Multi-Family standards and all other parts of the draft code, excluding Mixed-Use standards
- Public Comments
- Planning Commission/ASCC discussion – conflicted Commissioners may leave the Schoolhouse and remaining Commissioners may pose questions and discuss the Mixed-Use Standards. Conflicted Commissioners will then return and discussion of the Multi-Family standards and all other parts of the code will begin.

MEETING PURPOSE

The purpose of this meeting is for the Planning Commission and ASCC to meet jointly to discuss the ASCC's feedback and recommendations (see Attachment 2) on the draft Zoning Code and Zoning

Map amendments resulting from its [March 25, 2024 meeting](#). The Planning Commission will then advise staff and consultants on its recommended changes to the draft Zoning Code and Zoning Map amendments.

BACKGROUND

The draft Zoning Code and Zoning Map amendments are the first required step to implementing the Portola Valley Housing Element and do so in two ways:

1. The amendments bring the Code into conformance with State Law and implement various programs of the newly-adopted Portola Valley Housing Element; and
2. The amendments rezone several parcels to new zoning classifications as identified on the Housing Element's Adequate Sites Inventory. Without a rezoning, these sites cannot be made available to be developed at the proposed densities and affordability levels as committed to in the Town's Housing Element.

The Planning Commission met on March 20, 2024, to discuss the Draft Zoning Code and Zoning Map Amendments. View the full agenda packet, including a summary of draft amendments, a full draft of amendments and public comments [here](#). The Planning Commission held a fulsome discussion but determined it wanted further Town input via an expanded public review process. The Commission first requested that the ASCC meet at its earliest opportunity to review the draft and compile its recommendations to the Planning Commission. After the ASCC meeting, the Planning Commission and ASCC would convene for a joint meeting on April 3, 2024 – a continuation of the Planning Commission's March 20, 2024 meeting.

The ASCC met on March 25, 2024, and undertook a comprehensive review of the draft amendments including discussion on the technical development and design standards proposed for the new zoning districts. View the agenda packet [here](#) and the recording of that meeting [here](#). The Commission appointed a subcommittee consisting of Chair Warr and Vice-Chair Flynn to compile all feedback to be shared with the Planning Commission (see Attachment 2).

Necessity of Timely Adoption of Zoning Code and Map Amendments

On February 5, 2024, the Town received a letter from HCD's Proactive Housing Accountability Chief stating that while the Town had committed to March 2024 to complete its necessary rezonings, since it did not adopt a compliant housing element within 120 days of the original statutory due date of January 31, 2023, any rezonings required to make the identified sites available to the Town's RHNA required completion no later than January 31, 2024. The Town sent a response to HCD on March 4 outlining the Town's plan for moving forward the Zoning Code amendments beginning with the Planning Commission's March 20, 2024, public hearing to review the draft (see Attachment 4 for both letters). The Town did not receive a direct response. To view new developments on this topic, see the Discussion section below.

DISCUSSION

Letter of Housing Element Decertification from HCD/Applicability of the Builder's Remedy

On March 26, 2024, the Town received a letter from HCD notifying the Town that HCD had decertified the Town's Housing Element pending the required rezones (see Attachment 5). Once the Town has adopted required rezones and submits those rezones to HCD, HCD will consider recertifying the Housing Element. HCD will not be reviewing the entire housing element again, just the rezones, so staff expects a quick process. In the meantime, the Town is now vulnerable to "Builder's Remedy". Government Code section 65589.5(d)(5), known as the "Builder's Remedy," is

a provision of California's Housing Accountability Act. This provision states that local entities may not disapprove certain housing projects or condition their approval in a manner that renders the projects infeasible unless certain specific conditions are met. One of these conditions is that the local jurisdiction has adopted a housing element that is in substantial compliance with State Housing Element Law. Because Portola Valley has received a letter from HCD decertifying its Housing Element and is no longer in substantial compliance with State Housing Element law, an applicant may propose a housing project that is inconsistent with the Town's zoning ordinance or general plan, and the Town could not use that inconsistency as a basis to deny the project.

Fire Safety Update to Draft Code Amendments

During its March 20, 2024 meeting, the Planning Commission agreed that since the Town must follow all fire safety standards as established by the Woodside Fire Protection District (WFPD), Section 18.15.070 Required Conditions for Multi-Family Residential and Section 18.23.070 Required Conditions for Mixed-Use require modification. Staff agreed and propose the following revised language in the Zoning Code amendments (which is duplicated in 18.23.070.K, L & M):

18.15.070 Required conditions.

Required conditions in the R-MF districts shall be as follows:

- A. Required conditions as stipulated by subsections A, B and C of Section 18.12.050;
- B. Conformance with the requirements set forth in Section 18.37.010.
- C. For properties in the Very High Fire Hazard Severity Zone, conformance with the requirements of the Woodside Fire Protection District, the State Board of Forestry and Fire Protection, and other State regulations regarding, but not limited to, fire safe regulations, maintaining defensible space, and findings for subdivisions of property.

~~Development in the Very High Fire Severity Zone as designated by the town shall comply with the defensible space requirements set forth in California Government Code Section 51182 and the defensible space regulations adopted by the Woodside Fire Protection District from time to time.~~

- ~~D. Before approving a tentative map, or a parcel map for which a tentative map was not required, in the Very High Fire Severity Zone as designated by the town, the decision making body shall make the findings set forth in California Government Code Section 66474.02 relative to consistency with regulations adopted by the State Board of Forestry and Fire Protection and availability of structural fire protection and suppression services.~~
- ~~E. Development in the Very High Fire Severity Zone as designated by the town shall comply with the Board of Forestry and Fire Protection's State Minimum Fire Safe Regulations.~~

Separately, the Town Manager received an email from WFPD Chief Kim Giuliacci (see Attachment 6). She had recently learned of the Town's current draft code review and wished to be included in the process. She also expressed concern that the Town might not be aware that WFPD does not have the type of ladder truck required for a three-story/42-foot height building as is proposed in the draft development standards for the Multi-Family 20-23 dwelling unit/acre zoning designation. Staff previously became aware of this limitation and spoke with former WFPD Fire Marshall Rob Lindner in early 2023. Staff learned that WFPD's fire engines are limited to a 24-foot extension ladder that cannot service three-story structures. However, all San Mateo County fire departments participate in an automatic mutual aid agreement and in the event of a three-story structure fire,

WFPD would be assisted by the closest available ladder truck from another County jurisdiction at the time of dispatch. In her email, Chief Guiliacci points out the two closest ladder trucks are located in Redwood City and Menlo Park. Considering Chief Guiliacci's email, the Town will ensure WFPD has an opportunity to review and comment on the draft code amendments prior to Town Council's anticipated May review meetings.

Public Comments

At the time of writing this report, no public comments were sent to the Town's housing email account. As applicable, any comments received up to 12:00pm on April 3, 2024 will be posted to the meeting [calendar page](#).

ENVIRONMENTAL ANALYSIS

On March 29, 2023 the Town Council adopted, pursuant to the California Environmental Quality Act (CEQA), an Initial Study-Mitigated Negative Declaration (IS-MND) prepared for the Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Code Amendments. Prior to Town Council's January 24, 2024 adoption of the Housing Element, the IS-MND was again reviewed to determine if revisions to the Housing Element occurring after the adoption of the IS-MND would require modifications to the document. It was concluded at that time that all mitigation measures in the IS-MND remained valid and reduced all project-related impacts to a less-than-significant level. Likewise, staff has reviewed the implementing Zoning Code text amendments and amendments to the Zoning Map and concluded that they do not require subsequent or supplemental environmental analysis under CEQA, and further concluded that the IS/MND adopted on March 29, 2023 remains valid.

NEXT STEPS

The Planning Commission will meet again on April 17, 2024, to complete its review of the draft amendments and consider adopting a resolution recommending approval to the Town Council of the Zoning Code and Zoning Map amendments. It is anticipated that Town Council will hold a public hearing on May 8, 2024 to consider the Planning Commission's recommendation on the draft amendments and consider adoption an Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map for the Town of Portola Valley to Implement the 2023-2031 Housing Element. Since it is a legislative action, Town Council adoption of an ordinance requires two readings.

ATTACHMENTS

1. Draft [Zoning Code](#) and [Zoning Map](#) Amendments
2. ASCC feedback/recommendations on the draft Zoning Code and Zoning Map Amendments
3. Draft Resolution Recommending Town Council Approval of An Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map for the Town of Portola Valley to Implement the 2023-2031 Housing Element
 - a. Attachment A-1 to Resolution: Draft Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map
4. HCD's 2/4/2024 Letter of Corrective Action and the Town's Response
5. HCD's 3/26/24 Letter of Decertification
6. 3/27/24 Email to Town Manager from WFPD Chief Kim Guiliacci

Zoning Amendment changes: ASCC Issues and Recommendations

March 27, 2024

The ASCC has evaluated the proposed Zoning amendments and is providing this list of issues with potential solutions. The goal is to create objective requirements that encourage the development of buildings that respect the design guidelines and rural aspects of Portola Valley while increasing the density for limited lots in safe areas of the Town.

Issue: Rural Aspect of Portola Valley Guidelines Missing in Objective Requirements

The zoning amendments list the following as the purposes of all the residential zone regulations:

18.10.010 Purposes of regulations for residential districts.

The purposes of regulations for residential districts are as follows:

- A. To control the density and distribution of population in conformance with the general plan;
- B. To provide for residential areas that will permit development of rural, [single-family, and multi-family](#) living accommodations;
- C. To regulate the development and use of residential areas in a manner that will minimize disturbance of the natural terrain and will preserve the inherent visual amenities and minimize problems of drainage, erosion, and earth movement;
- D. To provide for grouping or clustering of residential structures where appropriate in order to preserve the natural amenities and open space qualities of Portola Valley;
- [E. To provide areas for multi-family and mixed-use development that supports a mix of multi-family residential, local retail, consumer service businesses, and professional services;](#)
- [F. To provide standards for multi-family and mixed use development consistent with Sstate law that preserves the rural character of Portola Valley and minimizes wildfire danger;](#)
- [FG.](#) To permit public and private facilities needed to serve residential areas;
- [FH.](#) To permit and regulate [uses and](#) institutions requiring a location in a residential area.

(Ord. 1967-80 § 1 (6500), 1967)

The new proposed zoning regulations for the new Multi-family zones provide the following intentions:

CHAPTER 18.15 R-MF (MULTI-FAMILY RESIDENTIAL) DISTRICT REGULATIONS

Sections:

18.15.010 Intention—Applicable regulations.

[This class of district is intended to promote and encourage the establishment and maintenance of a suitable environment for gentle density on parcels of sizes adequate to accommodate multi-family dwellings of differing characteristics and broader ranges of affordability, incorporate fire resilient design, ensure privacy, preserve the visual amenities of existing open space to the maximum extent feasible, and preclude unwarranted reductions in parcel sizes. Any parcel in an R-MF district may be occupied by a principal use listed in Section 18.15.020 or, when](#)

Issue: The proposed objective requirements don't actually contain requirements that will encourage the development of buildings that respect the design guidelines and rural aspects of Portola Valley, particularly those that ensure privacy and preserve the visual amenities of existing open space to the maximum extent feasible. The concept of "gentle density" is not defined in any way and does not match the situation of going from single family homes to 23 homes per acre. Gentle density should be defined or eliminated.

Solutions: Define the rural character in the objective requirements:

- Buildings subservient to landscape and natural terrain
 - Preservation of visual amenities of existing open space
 - Manmade elements, parking, paved areas, buildings, signs, lighting minimized and screened from offsite views.
 - Architectural elements derived from rural, agricultural, rustic vernacular historic roots and elements.
 - Site design is based on the existing natural topography and native existing plant patterns.
 - Maximization of natural green space and minimization of built environment with specific green parcel coverage requirements.
 - Minimize building heights and massing. (consider concessions based on affordable units)
 - Projects should be designed to maintain privacy to surrounding properties to the extent possible. (decks, windows, etc. facing existing residential areas)
 - Follow and enhance existing design guidelines to educate what rural design means.
-

Issue: There is no process for early ASCC involvement in projects.

Solution: Create early design review opportunities for projects with the ASCC and a SB330 meeting limit waiver.

Provide incentives for more compliance with existing PV Design guidelines. There should be additional flexibility in the requirements for projects that undergo ASCC early discretionary review.

Establish baseline threshold of single-story projects that could avoid ASCC design review while provided “bonus” opportunities for better, taller, denser MF and MU projects that provide good building, site, drainage, fire management, parking, and landscape design. Ensure the bonuses are initially relatively easy to capture with the most valuable only being attainable with a high degree of “public benefit.”

Create tiered requirements for design features that are very simple for single story buildings, moderate for 2 story buildings and really tough for taller buildings encouraging taller building projects to seek ASCC collaboration instead of objective criteria.

Issue: No limit provided for the square footage of the units.

The proposed regulations only provide a building coverage maximum for the total lot, 35% for MF-4 and 55% for MF-23. These coverage limits could result in immense unit sizes in very large buildings of multiple stories with no provision for affordable homes.

Table 18.15.050

Table 18.15.050: Development Standards – Multi-Family Residential Zoning Districts			
Standard	R-MF-4	R-MF-23 ¹	Key
Density	Min. 2 du/ac; max. 4 du/ac	Min. 20 du/ac; max. 23 du/ac	
Lot Width	Min. 120 ft	Min. 90 ft	1
Building Coverage	Max. 35%; see Chapter 18.54.040 for exceptions	Max. 55%; see Chapter 18.54.040 for exceptions	
Gross Ground Level Floor Area for Single Building	Max. 3,000 sq ft	Max. 6,600 sq ft	2

Solution

Require a maximum Floor Area Ratio (FAR) which will take into account a building's total floor area (gross floor area) compared to the size of the piece of land upon which it is built. In addition, the guidelines need to specify that the FAR is compared only to the actual developable area on the parcel, after the setbacks, flood plains, creek setbacks, and slope are taken into account (or as allowed by state law).

Potential requirements: Detail the average unit size to no more than 1200 sf (sf TBD) and a maximum individual unit size (sf TBD)

Potential: ASCC discretionary review could allow for a somewhat higher FAR or unit size if combined with more public benefits.

Issue: A number of requirements are missing in the objective standards that would enable the Town to limit the overall size of developments. These include Floor area Ratios (FAR), minimum lot sizes, maximum unit sizes, and plate heights.

Solution: Consider these regulations instead:

Recommended new zone district development regulations:

R-MF-4

Unit density	4 units/ acre minimum 2 units/acre
Minimum lot size	15,000 sf
Floor Area Ratio (FAR)	.40 or 40% of lot area
Coverage Area Ratio (CAR)	.30 or 30% of lot area
FAR and CAR bonus for 1 story	10% increase above regular limits
Building floor area limit	3,000 square feet
Landscape Area Ratio (LAR)	.35 or 35% of lot area
Impervious Surface Ratio (IAR)	.35 or 35% of lot area
Front Setbacks	30 Feet unless special setbacks prevail
Side Setbacks	20 feet between buildings or 15 feet from property line
Rear Setbacks	20 feet
Building separation	20 feet
Building Height	28 feet vertical and 34 feet lowest to highest

R-MF-23

Unit density	23 units/ acre minimum 20 units/acre
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Minimum lot size	15,000 sf
Floor Area Ratio (FAR)	.55 or 55% of lot area
Coverage Area Ratio (CAR)	.35 or 35% of lot area
FAR and CAR bonus for 1 story	10% increase above regular limits
Building floor area limit	6,200 square feet
Landscape Area Ratio (LAR)	.25 or 25% of lot area
Impervious Surface Ratio (IAR)	.40 or 40% of lot area
Front Setbacks	50 Feet unless special setbacks prevail
Side Setbacks	15 feet between buildings or 15 feet from property line
Rear Setbacks	15 feet- 1 and 2 story, 25 feet- 3 story
Building separation	18 feet-3 story, 12 feet-2 story, and 6 feet-1 story
Building Height	32 feet vertical and 38 feet lowest to highest

R-MU

Unit density	6 units/ acre minimum 3 units/acre
Minimum lot size	14,500 sf
Floor Area Ratio (FAR)	.25 or 25% of lot area
Coverage Area Ratio (CAR)	.18 or 18% of lot area
FAR and CAR bonus for 1 story	10% increase above regular limits
Building floor area limit	7,500 square feet
Landscape Area Ratio (LAR)	.32 or 32% of lot area
Impervious Surface Ratio (IAR)	.50 or 50% of lot area
Front Setbacks	30 Feet unless special setbacks prevail
Side Setbacks	15 feet between buildings or 15 feet from property line
Rear Setbacks	25 feet
Building separation	15 feet-2 story, and 7.5 feet-1 story
Building Height	28 feet vertical and 34 feet lowest to highest

Issue: Plate heights are not defined. This can lead to monolithic structures and overly extravagant and expensive buildings that do not fit with the PV aesthetic nor encourage affordable building.

Solution: Limit plate heights to 10-12' (8' or 9' ceilings) (heights TBD) for those buildings more than 1 story.

Concessions for higher plate heights with ASCC review. Projects should fit into the site.

Issue: 42" maximum height presents difficulties for Portola Valley both in terms of potential fire safety constraints as well as preservation of scenic open space, privacy and surrounding residential areas.

Issue: Fire safety requirements not embedded in the objective requirements. The fire department, for example, cannot handle 42' building heights in quite a few areas within

Portola Valley where streets cannot accommodate large ladder trucks. This is not an issue for Alpine and Portola Roads. As the new zoning amendments are written for generic zones, it is important to specify that the potential height above 34' are not allowed in areas not approved by the WFPD.

Solution: Recommendations provided for maximum 34 or 38 foot depending on the zone.

All requirements need to add that fire safety issues limit the ability to have higher building heights or other constraints in certain areas of Portola Valley.

Issue: The proposed objective requirements are designed for very complex buildings and do not provide a simple pathway for modest buildings. These would be very discouraging for affordable housing projects.

Solution: Provide a path for potential simple single story solutions as well as for the more complex buildings for multi-story structures.

Simplify the requirements so that Ladera can build simple modular affordable housing.

Ensure that the objective requirements for simple projects are actually affordable. For example, large projections over door yards or stoops can require very expensive structural underpinnings.

Issue: The objective requirements are designed for very complex buildings and do not provide a simple pathway for modest buildings.

Solutions: Simplify and provide more flexibility in the objective requirements while providing more options and flexibility with ASCC review. Provide objective requirements that get more complex as the building gets taller. Examples of issues:

- Dormers : specify % of façade length
 - Roof forms: provide diagrams and visuals showing accurate pitch for different options. Provide more flexibility with roof forms and dormers (perhaps incentive via ASCC review). Provide accurate diagrams and visuals of different pitches.
 - Light Reflectivity: These guidelines have become outdated due to climate change. Dark homes require more cooling on properties that are more exposed to the sun. Reflectivity values should go to 60% on those types of properties.
 - 18" porch heights create unnecessary limits and complicate the ability of projects to meet universal design requirements. Increased height perhaps should only apply if a structure is placed close to public sidewalks (which should be discouraged). More flexibility in the design should be left to the applicant and only the 15% universal design requirement maintained.
 - Correct the vertical height diagram.
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Issue: There are no requirements for a percentage of affordable buildings for the MF-23 zone.

Solution: Provide incentives to add a percentage of affordable units to the project. Provide additional clarity for density bonus laws.

Issue: The zoning amendments do not provide clarification on additional allowable state ADUs for multifamily zoned lots.

Solution: Provide additional details.

Issue: The new zones do not give an option to property owners to create homeowners' associations or condo conversions.

Solution: To encourage greater equity and diversity in housing options, the regulations should allow projects to create homeowners associations and condo conversions.

Solution: Provide the flexibility for the property owner to do a lot split and conform with the relevant R-1 zoning requirements.

Issue: MU zone has some overly complex requirements.

Solution: Flexibility in office dimensions needed for the MU district. Lighting requirements should adhere to the PV lighting guidelines (which need to be detailed and cleaned up separately).

Issue: Off Street Parking requirements need to be realistic

Solution: increase the parking requirements or better match them to the future occupants of the multi family project. Consider implications of allowing 6' solid walls as that is not allowed in the rest of Portola Valley.

Issue: Privacy not included in objective standards.

Solution: Consider daylight plane regulation of MF and MU districts similar to R1 districts but start 12 feet above property line then a line at 1 unit vertical to 2 units horizontal away for the property line.

Roof decks and decks above the second floor only approvable with ASCC approval.

RESOLUTION NO. 2024 – 2

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING TITLE 18 [ZONING] OF THE PORTOLA VALLEY MUNICIPAL CODE AND AMENDING THE ZONING MAP FOR THE TOWN OF PORTOLA VALLEY TO IMPLEMENT THE 2023-2031 HOUSING ELEMENT

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the Town of Portola Valley (Town) adopt a housing element for the eight-year period 2023-2031 to accommodate the regional housing need allocation (RHNA) of 253 housing units assigned to the Town by the Association of Bay Area Governments; and

WHEREAS, State Housing Element Law also requires the Town to rezone properties as required to make sites available with appropriate zoning and development standards to accommodate the portion of the Town regional housing need for each income level that cannot be accommodated on sites under existing Town zoning; and

WHEREAS, on January 24, 2024 the Town Council of the Town of Portola Valley adopted the 2023-2031 Housing Element, which identifies those properties proposed for rezoning to accommodate the Town’s regional housing need; and

WHEREAS, the 2023-2031 Housing Element was submitted to the State Department of Housing and Community Development (HCD) for review on January 26, 2024, and HCD notified the Town on January 30, 2024 that they found the Housing Element to be in substantial compliance with State Housing Element Law; and

WHEREAS, to implement the 2023-2031 Housing Element, (1) text amendments are required to Title 18 [Zoning] of the Portola Valley Municipal Code to enable the programs identified in the Housing Element; and (2) amendments are required to the Zoning Map for the Town of Portola Valley to rezone sites in order to accommodate the Town’s regional housing need for all income levels; and

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; and

WHEREAS, on March 29, 2023, the Town Council conducted a public hearing on the IS/MND and adopted Resolution No. 2922-2023 adopting the IS/MND, the Updated Response to Comments and Text Changes, and the Mitigation Monitoring and Reporting Program (MMRP) (as updated at the March 22 and 29, 2023 public hearings); and

WHEREAS, none of the implementing zoning code text amendments or amendments to the Zoning Map for the Town of Portola Valley require subsequent or supplemental environmental analysis under CEQA described in Public Resources Code Section 21166 and CEQA Guidelines Section 15162. None of the following triggers have occurred: a substantial

change to the project; a substantial change to the circumstances under which the project is being undertaken, or new information, which was not known and could not have been known at the time the environmental analysis was completed, becomes available. Therefore, the IS/MND adopted on March 29, 2023 remains valid; and

WHEREAS, on March 20, 2024, the Planning Commission held a public hearing to review the proposed amendments to Title 18 [Zoning] of the Portola Valley Municipal Code to implement the 2023-2031 Housing Element programs and the amendments to the Zoning Map for the Town of Portola Valley, at which all interested persons had the opportunity to appear.

NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley does hereby recommend that the Town Council approve the proposed ordinance as set forth in Attachment A-1, which includes both the proposed zoning code text amendments (Exhibit A) and the proposed Zoning Map amendments (Exhibit B).

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on March 20, 2024.

By: _____
Jon Goulden, Chair

ATTEST:

Jon Biggs, Interim Planning and Building Director

ORDINANCE NO. 2024 –

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY AMENDING TITLE 18 [ZONING] OF THE PORTOLA VALLEY MUNICIPAL CODE AND AMENDING THE ZONING MAP FOR THE TOWN OF PORTOLA VALLEY TO IMPLEMENT THE 2023-2031 HOUSING ELEMENT

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the Town of Portola Valley (Town) adopt a housing element for the eight-year period 2023-2031 to accommodate the regional housing need allocation (RHNA) of 253 housing units assigned to the Town by the Association of Bay Area Governments; and

WHEREAS, State Housing Element Law also requires the Town to rezone properties as required to make sites available with appropriate zoning and development standards to accommodate the portion of the Town regional housing need for each income level that cannot be accommodated on sites under existing Town zoning; and

WHEREAS, on January 24, 2024 the Town Council of the Town of Portola Valley adopted the 2023-2031 Housing Element, which identifies those properties proposed for rezoning to accommodate the Town’s regional housing need; and

WHEREAS, the 2023-2031 Housing Element was submitted to the State Department of Housing and Community Development (HCD) for review on January 26, 2024, and HCD notified the Town on January 30, 2024 that they found the Housing Element to be in substantial compliance with State Housing Element Law; and

WHEREAS, to implement the 2023-2031 Housing Element, (1) text amendments are required to Title 18 [Zoning] of the Portola Valley Municipal Code to enable the programs identified in the Housing Element; and (2) amendments are required to the Zoning Map for the Town of Portola Valley to rezone sites in order to accommodate the Town’s regional housing need for all income levels; and

WHEREAS, on March 20, 2024, the Planning Commission held a public hearing to review the proposed amendments to Title 18 [Zoning] of the Portola Valley Municipal Code to implement the 2023-2031 Housing Element programs and the amendments to the Zoning Map for the Town of Portola Valley, at which all interested persons had the opportunity to appear; and

WHEREAS, on March 20, 2024, the Planning Commission adopted Resolution 2024-____ recommending the Town Council approve an ordinance amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map for the Town of Portola Valley to implement the 2023-2031 Housing Element; and

WHEREAS, on _____, the Town Council held a public hearing, and after considering the entire record of proceedings, including but not limited to, the staff report and all written and oral comments received and the Planning Commission

recommendation, the Town Council voted to approve the ordinance.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

1. AMENDMENTS TO CODE. The following Chapters of Title 18 [Zoning] are amended as specified in Attachment A. Attachment A shows additions with underlined text and deletions with ~~strike-out text~~. All text that is unmarked remains as is and all Title 18 chapters and sections not referenced in Attachment A remain unchanged.

Chapter 18.04	Definitions
Chapter 18.06	Districts
Chapter 18.10	Residential Districts
Chapter 18.11	Reasonable Accommodation for Individuals With Disabilities
Chapter 18.14	R-1 (Single-Family Residential) District Regulations
Chapter 18.15	R-MF (Multi-Family Residential) District Regulations
Chapter 18.23	M-U (Mixed-Use) District Regulations
Chapter 18.27	Standards for SB 9 Residential Development
Chapter 18.29	Affiliated Housing (AH) Combining District Regulations
Chapter 18.40	Signs
Chapter 18.60	Off-Street Parking

2. AMENDMENTS TO THE ZONING MAP FOR THE TOWN OF PORTOLA VALLEY. The following parcels will be rezoned to the zoning district indicated below and will be so designated on the Zoning Map for the Town of Portola Valley, included as Attachment B to this ordinance:

APN 79072120 (4388 Alpine):	M-U (3-6 du/a)
APN 77282030: (Glen Oaks site)	MF (2-4 du/a)
APN 79072060 (4370 Alpine):	M-U (3-6 du/a)
APN 79072130 (4394 Alpine):	M-U (3-6 du/a)
APN 77271180 (Ladera Church site):	MF (20-23 du/a)

3. CONSISTENCY WITH GENERAL PLAN. This ordinance is found to be consistent with the General Plan of Portola Valley.

4. ENVIRONMENTAL REVIEW. 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. On March 29, 2023, the Town Council conducted a public hearing on the IS/MND and adopted Resolution No. 2922-2023 adopting the IS/MND, the Updated Response to Comments and Text Changes, and the Mitigation Monitoring and Reporting Program (MMRP) (as updated at the March 22 and 29, 2023 public hearings). None of the implementing zoning code text amendments or amendments to the Zoning Map for the Town of Portola Valley require subsequent or supplemental environmental analysis under CEQA, as described in Public Resources Code Section 21166 and CEQA Guidelines Section 15162. None of the following triggers have occurred: a substantial change to the project; a substantial change to the circumstances under which the project is being undertaken, or new information, which was not known and

could not have been known at the time the environmental analysis was completed, becomes available. Therefore, the IS/MND adopted on March 29, 2023 remains valid.

5. CONSISTENCY WITH STATE LAW. This ordinance is intended to be consistent with State Housing Element Law and to the extent there is any inconsistency with such State law requirements, State law shall control.

6. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

7. EFFECTIVE DATE; POSTING. This ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCED:
PASSED:
AYES:
NOES:
ABSTENTIONS:
ABSENT:
RECUSED:

ATTEST:

By: _____

Town Clerk

Mayor

APPROVED AS TO FORM

Town Attorney

**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



February 5, 2024

Jon Biggs, Director
Planning and Building Department
Town of Portola Valley
765 Portola Valley
Portola Valley, CA 94028

RE: Portola Valley Housing Element Implementation – Corrective Action Letter

Dear Jon Biggs:

The California Department of Housing and Community Development (HCD) has reviewed the Town of Portola Valley's (Town) obligations under the housing element and hereby issues its written findings that the Town has failed to implement Programs 1-1a, 1-1b, and 1-6 included in its housing element.

HCD requests that the Town review this correspondence and provide a written response to these findings within 30 days and no later than March 6, 2024. HCD will review and consider the Town's written response before taking any action authorized by Government Code section 65585, subdivisions (i) and (j). As noted below, such action could include revoking HCD's finding that the Town's housing element is in substantial compliance with California's Housing Element Law and/or referral to the California Office of the Attorney General.

State Housing Element Law

Pursuant to Government Code section 65588, subdivision (e)(4)(C), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning pursuant to Government Code sections 65583, subdivision (c), and 65583.2, subdivision (c), shall be completed no later than one year from the statutory deadline (January 31, 2024).

In addition, HCD must review any action or failure to act by a Town that it determines to be inconsistent with an adopted housing element or section 65583 generally, and it must issue written findings to the Town accordingly. (Gov. Code, § 65585, subd. (i)(1).) HCD must give the Town a reasonable time, no longer than 30 days, to respond to these findings. (Gov. Code, § 65585, subd. (i)(1)(A).) If HCD does not receive a written response from the Town within 30 days, or the response does not demonstrate that the program action has been implemented, then HCD will revoke its findings that the

Town's housing element substantially complies with State Housing Element Law. (Gov. Code, § 65585, subd. (i)(1)(B).)

Additionally, HCD may notify the California Office of the Attorney General when a Town takes actions that are inconsistent with an adopted housing element or Government Code sections 65583 and 65915, among other laws. (Gov. Code, § 65585, subd. (j).)

Findings

On January 30, 2024, HCD found the Town's housing element in substantial compliance with State Housing Element Law. HCD based its compliance finding on, among other things, a commitment to implement housing element programs 1-1a, 1-1b, 1-2, and 1-6, in accordance with Government Code section 65583, subdivision (c). Program 1-1a commits to creating a new "Gateway" land use classification in the General Plan that allows affordable housing, recreation, and open space to facilitate construction of 50 very low-income and 10 lower-income units. Program 1-1b commits to create two new zoning districts that allow for multifamily housing at 2 to 4 du/acre and 203 to 230 du/acre to provide for development of housing at lower-income levels, among other things. Program 1-2 commits to create a new zoning district that allows for mixed-use residential development with 34 to 6 du/ac and would allow for up to 100 percent of building floor area to be dedicated to residential uses, among other things. Program 1-6 commits to rezone sites identified to accommodate 272 residential units, representing the Town's Regional Housing Needs Allocation (RHNA) of 253 units and an 8 percent buffer to allow for compliance with No Net Loss Provisions of SB 166.

While the due date committed to in the certified adopted housing element for completing rezone actions in Programs 1-1b, 1-2, and 1-7 is March of 2024, in its January 30, 2024 review letter HCD clarified that because the Town did not adopt a compliant housing element within 120 days of its statutory due date (January 31, 2023), any rezoning to make prior identified sites available or accommodate the Town's RHNA needed be completed no later than January 31, 2024.

Based upon communications received from the Town that it does not intend to adopt required rezones until late March of 2024, HCD finds that the Town has failed to implement these program actions within the statutorily required timeframe.

Next Steps

HCD provides the City until March 6, 2024 to send a written response to these findings. If you have questions, need additional information, or wish to schedule a meeting, please contact me at Melinda.Coy@hcd.ca.gov or Fidel Herrera at fidel.herrera@hcd.ca.gov.

Sincerely,

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

Melinda Coy
Proactive Housing Accountability Chief



TOWN OF PORTOLA VALLEY
PLANNING AND BUILDING DEPARTMENT
765 Portola Road, Portola Valley,
CA 94023

March 4, 2024

Melinda Coy, Protective Housing Accountability Chief
State of California, Department of Housing and Community Development
Division of Housing Policy Development
2020 W. El Camino Avenue, Suite 500, Sacramento, CA 95833

Dear Ms. Coy:

This is the Town of Portola Valley's written response to HCD's Division of Housing Policy Development February 5, 2024 letter in which the Town has been asked to respond to the Finding that the Town has failed to implement certain programs of the adopted Housing Element within the statutorily required timeframe. The programs referenced in the February 5, 2024 letter include the following:

- Program 1-1a – Creation of a new “Gateway” land use classification.
- Program 1-1b – Creation of two new zone districts that allow for multi-family housing.
- Program 1-2a – Creation of new zoning district for mixed use residential development.
- Program 1- 6 – Rezone sites identified within section 6, Adequate sites to accommodate 262 Residential units.

Program 1-1a was completed on January 24, 2024 at the time the Town Council adopted the Housing Element. In addition to a consideration of the Housing Element, the Town also adopted amendments to the Land Use Element, which included the addition of the “Gateway” land use classification to the list of land use designations in this element of the Town's General Plan.

The Town is also aggressively working at completing programs 1-1b, 1-2a, and 1-6. An administrative draft of the multi-family zone districts, the mixed-use district with the site development standards, objective design standards, and rezoning have been completed and are in the process of being readied for presentation to the Town's Planning Commission at a Public Hearing on March 20, 2024, with consideration of the Planning Commission's recommendation on these regulations being taken up by the Town Council at a public hearing in April or May of 2024. This is a bit later than anticipated, but the recent and on-going transitions of Town staff and associated resource constraints have somewhat hindered, but not derailed this effort, and the Town is taking all possible actions to move these programs through to completion. We appreciate HCD's continued assistance and on-going understanding with the efforts the Town is taking to implement the Housing Element Programs. It is this cooperative effort that has allowed the Town to achieve the finding of substantial compliance of its Housing Element.

Thank you for your attention to this and if we can be of further assistance or provide additional information, please feel free to let us know.

Respectfully,

/signed/

Jon Biggs, Town of Portola Valley
Interim Planning and Building Director

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

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March 26, 2024

Sharif Etman, Town Manager
Town of Portola Valley
765 Portola Valley
Portola Valley, CA 94028

RE: Revocation of Housing Element Compliance Finding – Town of Portola Valley

Dear Sharif Etman:

The California Department of Housing and Community Development (HCD) is hereby notifying the Town of Portola Valley (Town) that HCD has revoked, as of the date of this letter, its January 30, 2024 finding that the Town's housing element is in substantial compliance with State Housing Element Law (Gov. Code, § 65580 et seq.). The Town had adopted this housing element on January 24, 2024.

On February 5, 2024, HCD issued the Town its written findings that the Town had failed to implement Programs 1-1a, 1-1b, 1-2a, and 1-6 included in its housing element pursuant to Government Code section 65583, and that this failure brought the Town's housing element out of substantial compliance with State Housing Element Law. HCD provided the Town with 30 days to respond to HCD's written findings pursuant to Government Code section 65585, subdivision (i)(1)(A).

On March 4, 2024, HCD received the Town's response to HCD's written findings. The Town's response does not demonstrate implementation of Programs 1-1b, 1-2, and 1-6. HCD thus finds that the Town's housing element is no longer in substantial compliance with State Housing Element Law. Consequently, HCD is revoking its finding of the Town's housing element compliance, as authorized by Government Code section 65585, subdivision (i)(1)(B). HCD's determination of non-compliance will remain in effect until the Town completes required rezone actions in Programs 1-1b, 1-2, and 1-6. Once the Town completes these program actions, a copy of the resolution or ordinance should be transmitted to HCD. HCD will review the documentation and issue correspondence identifying the updated status of the Town's housing element compliance.

HCD is committed to assisting all localities in achieving and retaining substantial compliance with State Housing Element Law. If you have questions or need additional information, please contact Reid Miller at reid.miller@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Zisser', with a long horizontal flourish extending to the right.

David Zisser
Assistant Deputy Director
Local Government Relations and Accountability

From: [Adrienne Smith](#)
To: [Adrienne Smith](#)
Subject: FW: Update on Town's Housing Element and Zoning Amendments
Date: Friday, March 29, 2024 4:23:50 PM

----- Original message -----

From: Kim Giuliacci [REDACTED]
Date: 3/27/24 4:00 PM (GMT-08:00)
To: Sharif Etman <setman@portolavalley.net>
Subject: Fwd: Update on Town's Housing Element and Zoning Amendments

Hi Sharif,

I wanted to bring to your attention some concern I have on the zoning code.

Rebecca Flynn reached out to me which I am glad she did, and had some questions on our operations and response. This raised a flag because if there is any new construction that will be allowed in certain parts of the district, Fire should be included in review of the code. Reason being, there are specific resources required to operate for emergency response and it differs from occupancy type and structure height.

I would like to request that Fire at least review and make sure whatever changes are being made that we can still respond and handle operationally, there are limits to certain apparatuses.

I would hate for a zoning code to be approved, construction happen and then we deny the project because we cannot operationally handle.

In addition, one discussion I have been wanting to have, and knowing you are doing some housekeeping over there, is for Fire to be a partner with zoning as well as planning. Meaning, all projects coming in, can we be invited to those preliminary meetings. This is the first jurisdiction I have been a part of where I didn't attend DRT meetings. Usually projects require every departments comments, this should include Fire as well.

Let me know if you would like to have further discussion or if you want me to specifically work with someone there directly. Looking forward to shaping a new future together.

Thank you.

Have a safe day!

Kimberly Giuliacci
Division Chief / Fire Marshal / Fire Investigator
Woodside Fire Protection District

Mission Statement: To protect life, property and the environment through prevention, education, preparedness, and emergency response.

Begin forwarded message:

From: "Town of Portola Valley, CA" <webmaster@portolavalley.net>
Date: March 27, 2024 at 3:50:32 PM PDT
To: Kim Giuliacci <[REDACTED]>
Subject: Update on Town's Housing Element and Zoning Amendments
Reply-To: webmaster@portolavalley.net

Update on Town's Housing Element and Zoning Amendments

Post Date: 03/27/2024 1:01 PM

On January 30, 2024, the Town received a letter from HCD certifying the Town's Housing Element. HCD has also urged the Town to "continue timely and effective implementation" of all Housing Element programs. The key next step is the adoption of the Zoning Code amendments.

On March 20, the Planning Commission considered the Zoning Code amendments. Given that these amendments are highly technical, the Planning Commission felt that they needed input from ASCC under the "referral" process established in the Municipal Code. The ASCC met on March 25 and will provide input to the Planning Commission.

On March 26, 2024, HCD notified the Town that it has decertified the Town's Housing Element pending the required rezones. Once the Town has adopted required rezones in April or May and those rezones are submitted to HCD, HCD will consider recertifying the housing element. HCD will not be reviewing the entire housing element again, just the rezones, so it should be a quick process.

The proposed tentative schedule is as follows:

- April 3, 2024 – Continuation of the March 20, 2024 Planning Commission meeting as a joint Planning Commission and ASCC meeting to review ASCC's feedback on the draft amendments.
- April 17, 2024 – Planning Commission meeting for the Commission to complete its review of the draft amendments and consider adopting a resolution recommending approval to the Town Council of the zoning

amendments.

- May 8, 2024 (tentative) – Town Council meeting (first reading).
- May 22, 2024 (tentative) – Town Council meeting (second reading).

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