



# Review Public Draft Housing Element

June 20, 2022

Ad Hoc Housing Element Committee

Town of Portola Valley



# Meeting Format

1. Staff Presentation
2. Committee questions for staff/consultants
3. Public comments
4. Committee discussion



# Meeting Purpose

- Present Planning Commission feedback on Draft Housing Element from June 15 meeting and receive Committee feedback
- Receive comments from AHHEC with a focus on Sections 6 and 7

Following Council review, edits will be incorporated into Draft Housing Element update and submitted to HCD for review and certification



# Meeting Updates

## May 24, 2022 – AHHEC Meeting

- Maintain 20% buffer; if adjustments needed to make allocations work, prefer slightly under rather than over 20%.
- Maintain current level of ADUs (92); support for ADU policies presented. Recognition that proposed number is more than HCD formula but worth it to make a case for more ADUs.
- Refine the Nathhorst area parcels to zone 3494 Alpine Road (vacant lot) at 20 units/acre and remove Robert's parking lot from inventory.
- Revise Opt-In strategy to be alternative to SB9 (State law that allows up to 4 units where there is currently a single-family home) with more local control over setbacks for fire safety. Agreement to use only as needed as lowest priority.
- Decrease density at Glen Oaks, if possible, to limit potential impacts on Alpine Road.



# Housing Sites Summary

	Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income	Total
<b>2022-2031 RHNA</b>	<b>73</b>	<b>42</b>	<b>39</b>	<b>99</b>	<b>253</b>
<b>Land Resources</b>					
Pipeline & Pending Projects	0	17	7	28	52
Projected ADU Development	28	28	28	8	92
<b>Vacant Sites</b>					
Ford Field Housing Site	50	0	0	0	50
4395 Alpine Rd Housing Site	<del>2</del> 7	4	5	12	23
<b>Non-Vacant Sites</b>					
Glen Oaks Housing Site	0	0	2	27	29
4370 Alpine Rd Housing Site	0	0	0	9	9
<b>Affiliated Housing Sites</b>					
Sequoias Affiliated Housing Site	0	0	5	18	23
Christ Church Affiliated Housing Site	0	0	0	6	6
Ladera Church Affiliated Housing Site	8	2	0	0	10
<b>Opt-in Rezoning Program Sites</b>	0	0	0	12	12
<b>Total Unit Potential</b>	<b>88</b>	<b>51</b>	<b>47</b>	<b>120</b>	<b>306</b>
<b>Buffer Provided</b>	<b>21%</b>	<b>21%</b>	<b>21%</b>	<b>21%</b>	<b>21%</b>

Typo!  
Sorry!



# Planning Commission Feedback

## Opt-In Rezoning Program

- Feedback: Significant concerns about Opt-in Rezoning Program.
- Staff Analysis:
  - Represents small number of units (12 units at above moderate-income level)
  - AHHEC previously expressed some concern
  - Way to distribute some units throughout community
  - Could provide an alternative type of housing units for residents looking for something other than large single family detached housing.



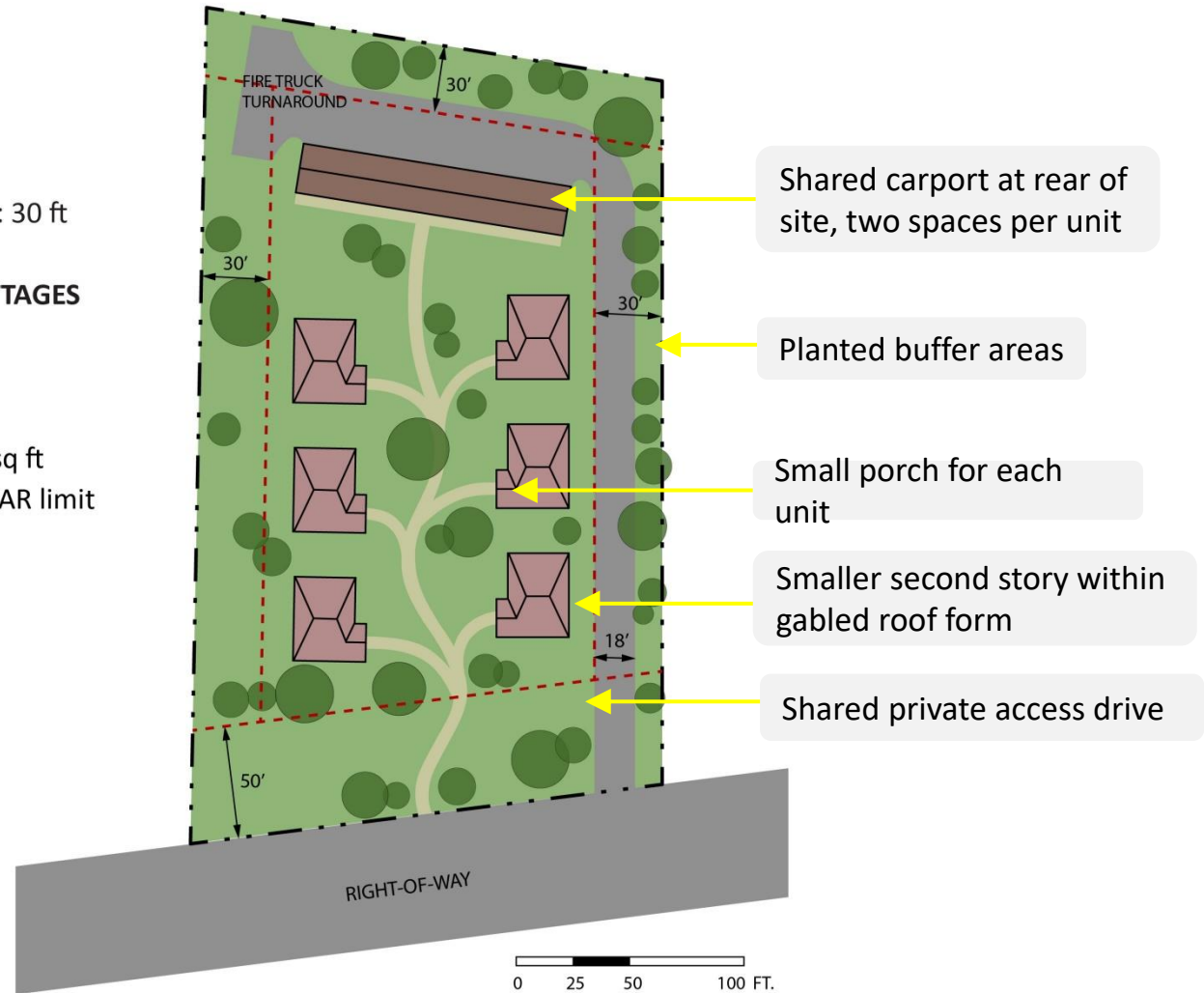
# Opt-in Rezoning Program Example 1

## TEST SITE

- Approx. 334 ft x 210 ft
- 70,100 sq ft / 1.61 acres
- Front setback: 50 ft
- Interior side and rear setbacks: 30 ft

## CONCEPT A: SINGLE-FAMILY COTTAGES

- 6 cottages
- 3.7 du/ac
- 2 stories
- Each unit approx. 1,850 gross sq ft
- Concept exceeds the existing FAR limit of an RE site by 92%



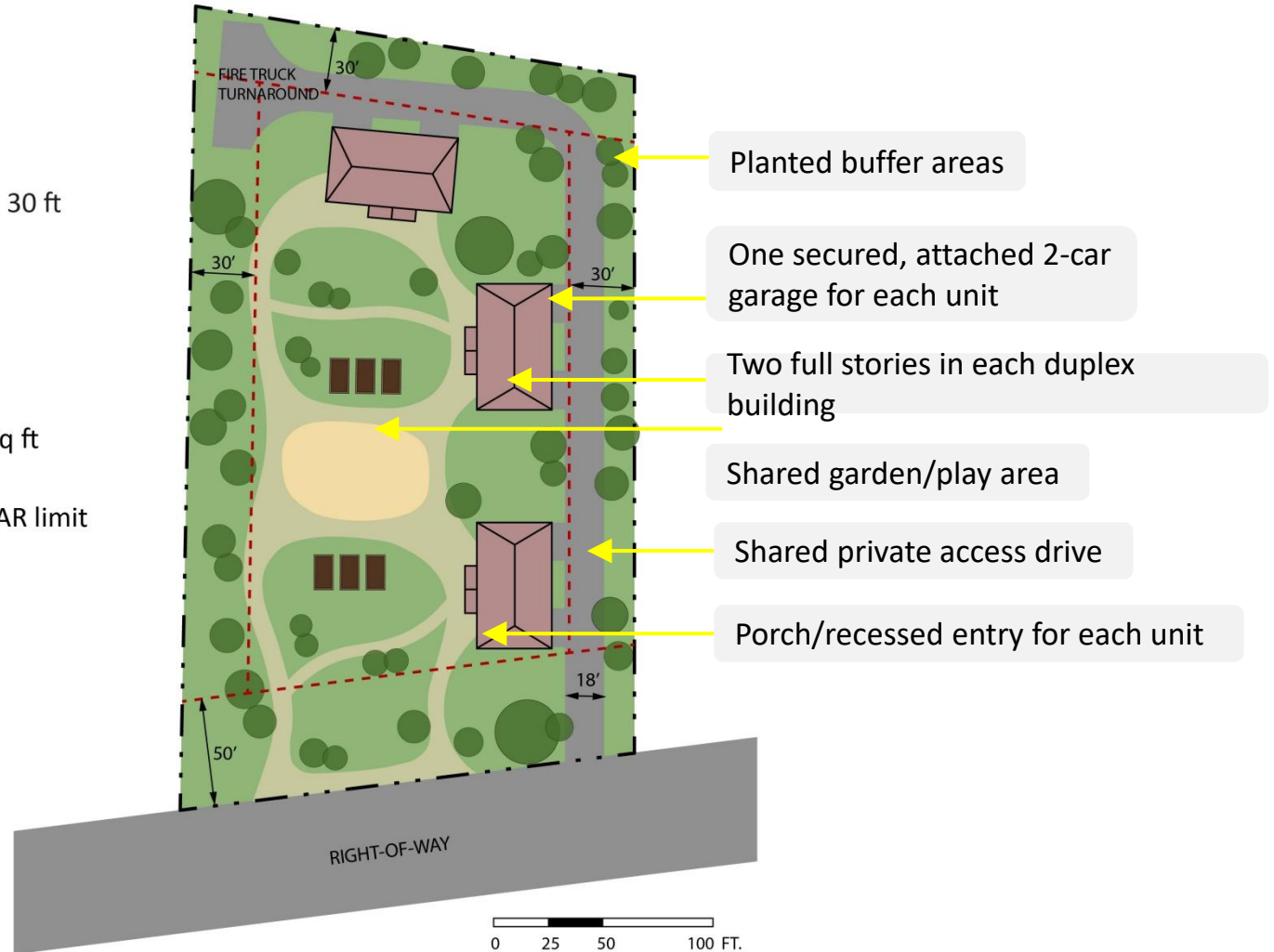
# Opt-in Rezoning Program Example 2

## TEST SITE

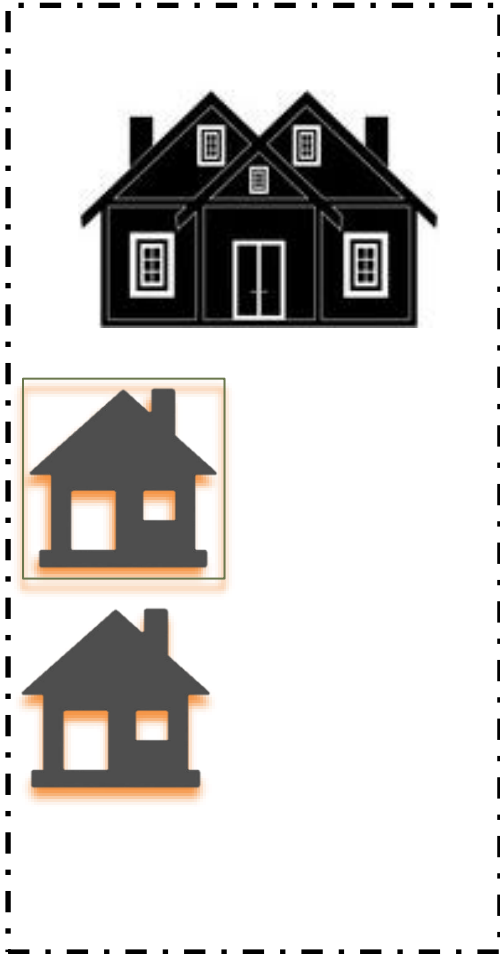
- Approx. 334 ft x 210 ft
- 70,100 sq ft / 1.61 acres
- Front setback: 50 ft
- Interior side and rear setbacks: 30 ft

## CONCEPT B: DUPLEXES

- 3 duplexes (6 units)
- 3.7 du/ac
- 2 stories
- Each unit approx. 1,680 gross sq ft (excluding garage)
- Concept exceeds the existing FAR limit of an RE site by 74%



# SB9 Reminder



Lot size <3.5 Acre

Primary House – limited by AMFA –  
May include 500 s.f. JADU

ADU – new detached  
Can exceed AMFA by 800 s.f.  
Can have 4’ side and rear setbacks

SB9 Unit – new detached or attached –  
Can exceed AMFA by 800 s.f.  
Can have 4’ side and rear setbacks

# Further Restrict Opt In?



Allow 4-6 units in one building that looks like a large single family home



Smaller units that comply with 30' setbacks

Stronger connection to typical building form in Town, drawing on Missing Middle concepts reviewed earlier in process.

Emphasize variety of housing types:

- Multigenerational
- Retirement
- Co-op

# Planning Commission Feedback

## Opt-In Rezoning Program

- Staff revisited Housing Sites Summary to prepare an alternative:
  - Remove Opt-in Program
  - Add small number of SB9 units
  - Reduce buffer for above moderate-income category



# Housing Sites Summary

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Christ Church Affiliated Housing Site	0	0	0	6	6
Ladera Church Affiliated Housing Site	8	2	0	0	10
<b>Senate Bill 9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>6</b>
<b>Opt-in Rezoning Program Sites</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>12</b>
<b>Total Unit Potential</b>	<b>88</b>	<b>51</b>	<b>47</b>	<b>120 114</b>	<b>306 300</b>
<b>Buffer Provided</b>	<b>21%</b>	<b>21%</b>	<b>21%</b>	<b>21% 15%</b>	<b>21% 19%</b>



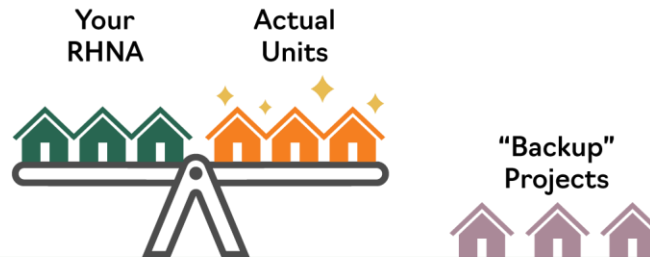
# Planning Commission Feedback

## No Net Loss Law and Recommended Buffer

- Feedback: Why is buffer needed and why does it need to be so large?
- Staff Analysis:
  - No Net Loss Policy (SB 166). Requires sufficient adequate sites to be available at all times throughout the planning period. Must replenish sites capacity, if:
    - Sites are developed with fewer units than assumed in Housing Element
    - Sites are developed for higher income/affordability level than assumed in Housing Element
- When development proposals are received, jurisdictions must compare the proposal to the assumptions in the housing element
- What happens if a jurisdiction can't account for a given shortfall?  
Jurisdictions must:
  - Identify other sites- Identify other sites that are eligible based on the criteria for Housing Element site inventories
  - Rezone - Rezone to accommodate the shortfall 180 days after the approval of the development which created a shortfall or identify additional sites

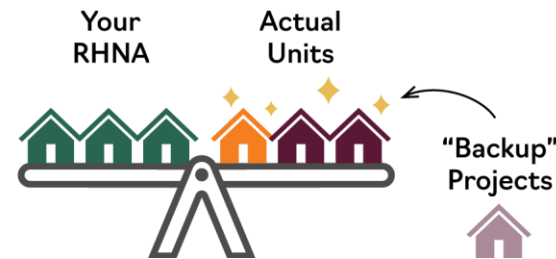
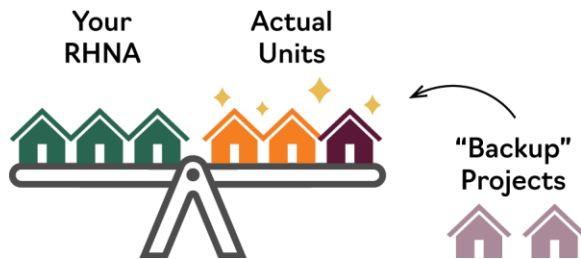
# RHNA Buffer Compared to Budgeting From October Meeting

Think of RHNA as a “housing budget”. In five years, you want your actual number of units to balance against what you planned for.



But like a budget, you might want an “emergency fund” of extra housing projects that you can rely on to meet your RHNA, in case things don’t go as planned.

Projects may end up with fewer affordable or market-rate units than anticipated. In those cases, a contingency is required and your housing budget could look more like this:



# Planning Commission Feedback

## ADU/JADU Production

- Feedback: Planning Commission discussion about ADU allocation and whether additional ADUs/JADUs should be included in projection.
- Staff Analysis- Income Allocation:
  - Based on guidance memo from 21 Elements and ABAG
  - 30% Very Low – 30% Low – 30% Moderate – 10% Above Moderate
  - If the Town doesn't use a "safe harbor" ADU/JADU allocation, a rationale must be developed based on evidence

# Planning Commission Feedback

- Staff Analysis- ADU/JADU projections:
  - HCD says estimate should be based on average number of ADU/JADU building permits issued in last few years
  - If proposing something different, a logical methodology must be provided for justification
- Town staff met with HCD staff - discussed 92 ADU/JADUs
- HCD recommended additional incentives
  - ~11 units/year seemed high given past 3-year and 5-year averages between 7 to 8 units/year
  - Include incentives that would be automatically triggered if Town is not meeting ADU/JADU target
- Changes made to Programs 7-6 and 7-7 in response to this recommendation.

# Planning Commission Feedback

## ADU/JADU Production

- The Town updated its Municipal Code in 2021 to be consistent with State law related to ADUs and JADUs. At that time, there were significant concerns about certain portions of State law and their impact on rural character and fire safety. Most notably, residents were concerned about 4' setbacks allowed in State law. Examples of public comments:

“The proposed ordinance amendments would jeopardize public safety by... failing to impose safe separation distance between structures, thereby allowing overlapping home ignition zones and greatly increasing the risk of structure-to-structure ignition through radiant heat flux.”

“The proposed ordinance amendments would jeopardize public safety by... allowing uncontrolled increase in population number and density of habitation, which would further strain limited emergency response and evacuation resources and infrastructure.”

# Planning Commission Feedback

## ADU/JADU Production

- The Town has received correspondence from HCD about Town restrictions established for fire safety
  - Local requirements may not pass HCD review as adopted
  - Staff will work with HCD to explain policies
  - May result in reduction of local control for ADUs with reduced setbacks

# Planning Commission Feedback

## Legal Status of Ford Field

- Feedback: Susan Ford Dorsey, widow of Thomas Ford, stated that he dedicated Ford Field site to Town on two conditions: (1) property be retained as open space in perpetuity and (2) field be named after his mother Dorothy Ford.
- Staff Analysis - Latest Information:
  - Staff has had preliminary communications with Ms. Ford Dorsey
  - Town purchased property from Hare, Brewer & Kelley
  - Title report shows no open space restrictions other than two deed restrictions Town accepted as a condition of State grant money.
  - These deed restrictions only pertain to field, not open space portion of site.
  - Staff continuing to review the record
  - Town has control of Ford Field. Can determine density and design with a affordable housing developer. Can restrict use of State Density Bonus.

# Planning Commission Feedback

## “Sunrise” Programs or Sites

- Feedback: Two Commissioners interested in pursuing “sunrise” provisions
  - If Town is not meeting its numbers during eight-year period, additional sites would be added
  - Potential suggestions included:
    - increasing number of ADUs/JADUs or
    - perhaps having sites added later in eight-year period.
  - A subcommittee of PC was formed to develop this idea more.

## Staff Analysis:

- Potential implications:
  - Challenging to provide rationale to HCD to support these units
  - Concerns about ADUs (especially setbacks) should be taken into consideration in the priority balancing
- Triggers would have to be automatic and leave enough time to implement the “sunrise” site or program

# Meeting the Town's RHNA

This Housing Element represents a meaningful change.

There are stakeholders for/against almost every idea.

Patchwork approach with multiple strategies:

- **Sites Inventory** – specific locations that can accommodate additional housing
- **Affiliated Housing**
- **ADUs and JADUs**
- **Opt-In Upzoning** – revised? Or SB9?



# Questions for Committee

## **Opt-In Rezoning Program**

- Should the Opt-in Program be removed from the Draft Housing Element?
- If so, is inclusion of 6 SB9 units appropriate?
- If not, would the Committee like to see any revisions to the Opt-in Program to reduce potential neighborhood impacts, such as a reduction in the number of units or potential unit configuration?

## **No Net Loss Law and Recommended Buffer**

- Should any additional refinements to the buffer be made?
- If so, what should be changed?

## **ADU/JADU Production**

- Should any additional changes be made to the ADU/JADU projection or allocation method?

## **“Sunrise” Programs or Sites**

- Is the Committee interested in exploring “sunrise” provisions that would come online only if the Town is not meeting its unit production during the eight-year cycle?

# Committee Discussion

- Staff recommends the Committee focus on sections with the most policy implications:
  - Section 6 – Adequate Sites
  - Section 7 – Goals, Policies, and Programs
- Other comments are welcome
- Staff will receive detailed comments like typos or minor mistakes offline if Committee Members would like



# Public Review Draft Housing Element

- Draft Housing Element available online at [www.portolavalley.net/housingelement](http://www.portolavalley.net/housingelement)
- Distributed through Town's website, eNotification (over 450 members), PV Forum, social media, and direct email to Town's committee members, businesses, and institutions.
- Town committees invited to discuss Housing Element and provide comments to Town Council by July 8, 2022.
- At end of 30-day comment period (July 8th), staff will compile comments received from public, Planning Commission, and AHHEC and present to Town Council.
- Based on Town Council direction, staff and consultants will incorporate edits into Draft Housing Element and send to HCD for initial review.
- Initial review comments from HCD anticipated in **mid-October 2022**. Once HCD comments are received, staff and the consultant team will update draft and seek additional public feedback prior to formal adoption of the Housing Element.



# Upcoming Meetings

- Wednesday, June 29 – Planning Commission meeting
- Wednesday, July 13 – Town Council meeting



# Town Attorney Comments

Town of Portola Valley

