



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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TO: Ad Hoc Housing Element Committee

FROM: Laura C. Russell, Planning & Building Director

DATE: June 20, 2022

RE: Public Review Draft Housing Element Update

### I. Background

At its May 24, 2022 meeting, the Ad Hoc Housing Element Committee (AHHEC) held its seventh housing sites discussion to review updates to the Sites Inventory and a partial draft of the Housing Element update. The key conclusions were as follows:

- Maintain a buffer of 20%; if there is a need to adjust slightly to make the allocations work out, then there is a preference to go slightly under rather than over 20%.
- Maintain the current level of ADUs (92); support for the ADU policies presented in the packet. There was recognition that the proposed number is more than the HCD formula but that it was worth it to make a case for the larger number of ADUs.
- Refine the Nathhorst area parcels to zone 3494 Alpine Road (vacant lot) at 20 units/acre and remove Robert's parking lot from the inventory.
- Revise the Opt-In strategy to be an alternative to SB9 (a 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. Limit density to 4 units per acre. There was agreement to use this strategy only as needed as the lowest priority.
- Decrease density at Glen Oaks, if possible, to limit potential impacts on Alpine Road.

Staff incorporated this feedback and further refined the Sites Inventory. The resulting Housing Sites Summary included in *Section 6, Adequate Sites* of the Public Review Draft Housing Element is shown below in Table 1.

Table 1: Housing Sites Summary

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

## II. Planning Commission Feedback

At the June 15, 2022 meeting, Planning Commissioner reviewed the Draft Housing Element with emphasis on Sections 6 and 7 related to housing sites and programs. This was the first of two meetings of the Planning Commission on the Draft Housing Element. The second meeting is scheduled for June 29<sup>th</sup>. The Planning Commission requested that the AHHEC be updated on their feedback and provide any additional recommendations. Their feedback is presented below in the following format: Planning Commission question/concern, additional staff analysis, and questions for the Committee.

### Opt-in Rezoning Program

Feedback: There were significant concerns about the Opt-in Rezoning Program expressed by some Commissioners.

Staff Analysis: The Opt-in Rezoning Program represents a small number of units in the Draft Housing Element, currently including 12 units at the above moderate income level. The Committee has previously expressed some concern about this program. However, this is one way to distribute some units throughout the community and could provide an alternative type of housing units for residents looking for a housing type other than large single family detached housing.

Staff has revisited the Housing Sites Summary to prepare an alternative for the Committee to consider. One possible approach is to remove the Opt-in Program, add a very small number of SB9 units, and reduce the buffer for the above moderate income category. That scenario is shown in Table 2. The result is a projection of 114 units instead of 120 and a 15% buffer instead of 21% buffer for above moderate.

Table 2- Potential Revision to the Housing Sites Summary

	Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income	Total
2022-2031 RHNA	73	42	39	99	253
Land Resources					
Pipeline & Pending Projects	0	17	7	28	52
Projected ADU Development	28	28	28	8	92
Vacant Sites					
Ford Field Housing Site	50	0	0	0	50
4395 Alpine Rd Housing Site	7	4	5	12	23
Non-Vacant Sites					
Glen Oaks Housing Site	0	0	2	27	29
4370 Alpine Rd Housing Site	0	0	0	9	9
<i>Affiliated Housing Sites</i>					
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>Senate Bill 9 Sites</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>6</b>
<del>Opt-in Rezoning Program Sites</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>12</del>	<del>12</del>
<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>24 15%</b>	<b>24 19%</b>

Questions for Committee:

- **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

Feedback: Why is the buffer needed and why does the buffer need to be so large?

Staff Analysis: The Committee discussed the buffer concept at their October 18, 2021 meeting; the [zoom video](#) includes this discussion at timestamp 2 hours 10 minutes. For further guidance on the HCD recommended buffer of 15 to 30%, staff has attached a “RHNA Buffer Summary Memo” issued by 21 Elements (see Attachment 1). The No Net Loss Law (Government Code section 65863) requires adequate sites be maintained throughout the planning period to accommodate the remaining RHNA by income category. Below is an excerpt from this memo:

*A jurisdiction must make sure it maintains sites that can accommodate both the number of units projected and number of units at each income level. Unless jurisdictions have more sites in their Housing Element inventory than the minimum required, they may fall out of compliance if they:*

- 1. Reduce a site’s residential density, or*
- 2. Approve development applications with fewer units on the site than identified in the Housing Element; or*
- 3. Approve development applications with higher income units than stated in the Housing Element.*

*Since it is likely that developments will have fewer affordable units than jurisdictions assume in their Housing Element, a buffer of 15-30+ percent of RHNA is highly recommended. The buffer can be in the form of including additional sites or projecting site capacity at less than the maximum density.*

Questions for Committee:

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

#### ADU/JADU Production

Feedback/Questions: There was Planning Commission discussion about the ADU allocation and whether additional ADUs/JADUs should be included in the projection.

Staff Analysis: The AHHEC based their recommendation on income allocation on a guidance memo from 21 Elements and the Association of Bay Area Governments (ABAG) that summarizes an [analysis of ADU affordability](#).

Regarding ADU/JADU projections, 21 Elements’ “Using ADUs to Satisfy RHNA” memo specifies that the estimate should be based on the average number of ADU building permits issued since 2018 (see Attachment 2). However, if numbers were low in 2018 or 2019 and higher from 2020-2022, a jurisdiction could potentially use 2019-2021 or 2020-2022 as the baseline. However, a logical methodology must be provided for justification. Town staff provided this justification in the Public Review Draft Housing Element and discussed the proposed 92 ADU/JADUs included in the Sites Inventory with HCD prior to releasing the Public Review Draft. HCD recommended the Town include additional incentives because the ~11 units/year seemed high given the past 3-year and 5-year averages are between 7 to 8 units/year. Additional incentives were added to Programs 7-6 and 7-7 in response to this recommendation and included in the Public Review Draft Housing Element.

The Town went through the process of updating 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. At the June 20 meeting, staff will review some key aspects of that discussion for the Committee's consideration.

Question for Committee:

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

#### Legal Status of Ford Field

Feedback: At the June 15 Planning Commission meeting, Susan Ford Dorsey, the widow of Thomas Ford, stated that he had dedicated the Ford Field site to the Town on two conditions: (1) that the property be retained as open space in perpetuity and (2) that the field be named after his mother Dorothy Ford. Planning Commission asked for clarification on the legal status of Ford Field.

Staff Analysis: Staff has not been able to reach Ms. Ford Dorsey nor found documentation to support her claim. Based on the documentation in the official Town records, the Town purchased Ford Field from Hare, Brewer & Kelley, Inc. in 1971. (This was approximately 20 years before Thomas Ford married Susan Ford.) At the time, Hare, Brewer and Kelley also owned the adjacent property located in Santa Clara County and, as part of the transaction, reserved an easement across the Ford Field site to access the adjacent property. The title report shows no open space restrictions other than two deed restrictions the Town accepted as a condition of the State grant money. These deed restrictions only pertain to the field, not the open space portion of the site. The property is currently zoned OA/RE.

As background, designating a portion of the Ford Field site as an affordable housing site has been considered in the past. In fact it was one of the top four sites considered by the Ad Hoc Housing on Town Owned Property Committee formed by the Town Council in 2016 as part of the Housing Strategic Plan. This committee examined approximately 35 town owned properties.

#### "Sunset" Programs or Sites

Feedback: Two Planning Commissioners were interested in pursuing what they termed "sunset" provisions what would be added if the Town was not meeting its numbers during the eight-year period. This was a new idea that was not discussed in great detail but potential suggestions included increasing the number of ADUs/JADUs or perhaps having sites that were added later in the eight-year period. A subcommittee of the Planning Commission was formed to develop this idea more.

Staff Analysis: There are implications to increasing the number of ADUs/JADUs significantly beyond what is included in the Draft Housing Element. It will be challenging to provide a rationale to HCD to support these units. As mentioned above, there have

been community concerns about ADUs that should also be taken into consideration in the priority balancing.

Committee Questions:

- **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?**
- **If so, what should be considered?**

### **III. Public Review Draft Housing Element**

The Draft Housing Element is available online at [www.portolavalley.net/housingelement](http://www.portolavalley.net/housingelement). The document has been distributed to the community through the Town’s website, eNotification (over 450 members), PV Forum, social media, and direct email to the Town’s committee members, businesses, and institutions. Town committees were invited to discuss the Housing Element on their upcoming agendas and provide comments to the Town Council. Comments are requested by July 8, 2022.

Staff has prepared a memo with guidance on reviewing the Draft Housing Element (Attachment 3). Significant portions of the Draft Housing Element are required by HCD and serve as background for the analysis and proposed policies. The key policies are contained within Section 6 and 7; as such, staff recommends that the Committee focus its comments on these sections. Of course, the AHHEC and public are welcome to make comments on any aspect of the Draft Housing Element.

At the end of the 30-day comment period (July 8th), staff will compile the comments received from the public, Planning Commission, and AHHEC and present to the Town Council for consideration. Based on Town Council direction, staff and consultants will incorporate edits into the Draft Housing Element and then send to HCD for initial review. Initial review comments from HCD are anticipated in mid-October 2022. Once HCD comments are received, staff and the consultant team will update the draft based on HCD’s comments and then seek additional public feedback prior to formal adoption of the Housing Element.

### **IV. Next Steps**

During the summer, staff and the consultant team will begin working on the zoning code amendments necessary to implement the Draft Housing Element. Due to the details of State law, the Town Council directed staff to complete the zoning changes for adoption by January 2023 to maintain as much local control as possible. The AHHEC will review the proposed zoning amendments, then they will come to Planning Commission for further refinement.

Environmental analysis under the California Environmental Quality Act (CEQA) has begun. The Initial Study/Mitigated Negative Declaration (IS/MND) will be available in late summer 2022.

The Draft Housing Element is available online at [www.portolavalley.net/housingelement](http://www.portolavalley.net/housingelement).

Upcoming meetings on the Draft Housing Element include the following:

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

#### ATTACHMENTS

1. 21 Elements RHNA Buffer Summary Memo
2. 21 Elements Using ADUs to Satisfy RHAN Memo
3. Guidance on Reviewing the Draft Housing Element - Memo

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# NO NET LOSS LAW AND THE RHNA BUFFER

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## Summary of No Net Loss Requirements Law

This memo summarizes why it is important to identify more sites than the minimum required for Housing Element certification.

The No Net Loss Requirements Law (Government Code § 65863) ensures that assumptions jurisdictions make in their Housing Elements match what is actually built. A jurisdiction's Housing Element must identify adequate site to accommodate its regional housing needs allocation (RHNA) at all income levels. A jurisdiction must make sure it maintains sites that can accommodate both the number of units projected and number of units at each income level.

Unless jurisdictions have more sites in their Housing Element inventory than the minimum required, they may fall out of compliance if they:

1. Reduce a site's residential density, or
2. Approve development applications with fewer units on the site than identified in the Housing Element; or
3. Approve development applications with higher income units than stated in the Housing Element.

*Since it is likely that developments will have fewer affordable units than jurisdictions assume in their Housing Element, a buffer of 15-30+ percent of RHNA is highly recommended. The buffer can be in the form of including additional sites or projecting site capacity at less than the maximum density.*

## Process

When development proposals are received, jurisdictions must compare the proposal to the assumptions in the Housing Element. If the proposal has fewer units, or different affordability assumptions, jurisdictions must demonstrate:

1. **Buffer**- That their Housing Element has enough of a buffer that there are still available sites to meet the RHNA;
2. **Higher than expected units** - That other developments identified in the Housing Element came in above the assumptions in the Housing Element; or
3. **Developments on sites not in the Housing Element** - That sites not identified in the Housing Element are moving forward with housing.

If none of the above are true, jurisdictions must

4. **Identify other sites**- Identify other sites that are eligible based on the criteria for Housing Element site inventories within 180 days of approval of the development project that created the shortfall.

5. **Rezone** – Identifying other sites may require rezoning to accommodate the shortfall within 180 days after the approval of the development which created a shortfall.

## The RHNA Buffer

To reduce the likelihood of having to rezone, it is a best practice to have 15 to 30+ percent more units listed in the inventory than are required for RHNA. This is especially important for the moderate, low and very low income categories.

HCD allows jurisdictions to use the density of a site as a proxy for lower income, as long as certain statutory requirements are met, counting sites zoned at a minimum of 20 or 30 units per acre as affordable depending on jurisdictional size<sup>1</sup>. This is called the default density. While this policy is helpful in getting a certified Housing Element, it is likely that some sites that were considered affordable in the inventory based on their densities will not actually produce enough or any affordable housing. In this case, the buffer is extremely important because jurisdictions then have the flexibility to use other identify sites to make up the difference. For example:

*In the Housing Element a jurisdiction listed a one acre site, zoned at 30 units per acre. The jurisdiction assumed, for Housing Element purposes, all 30 units were affordable.*

*A few years after the adopting the Housing Element, the jurisdiction gets a proposal for 30 units on the site, but only 5 of those units are affordable.*

*Unless the jurisdiction had a buffer, there would be a shortfall of 25 affordable units and the jurisdiction would need to rezone or show additional capacity somewhere else.*

The need for a buffer or extra sites is most likely to arise in affordable units, because of the default density. However, cities could run into problems with market rate units if developments come in at lower densities than anticipated. For example:

*A jurisdiction listed a 2 acres site, zoned at 15 units per acre, with a total of 30 units above moderate units. If the actual development is 20 units there would be a shortfall of 10 above moderate units.*

The difference can be added together. If both examples happened in the same jurisdiction, they would remain in compliance for above moderate because the shortfall of 10 is more than offset by the 25 extra from the first scenario. However, they would still need to make up the 25 low and very low units on another site or through rezoning.

A jurisdiction can provide a buffer for the RHNA in multiple ways, the most common is including more sites than necessary in the inventory. Other ways to buffer are to be conservative about the capacities of sites in the inventory or rezoning sites to a density above what is needed to accommodate the allocation.

While it is important to be realistic about what can feasibility be built on the inventory sites, these buffers give jurisdictions needed flexibility over the planning horizon to stay in compliance with the law since many factors affect development trends and decisions.

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<sup>1</sup> 20 DUA for suburban jurisdictions; 30 DUA for jurisdictions in a metropolitan county.

## Helpful Links

- [HCD No Net Loss Law Government Code § 65863 Memo](#)
- [HCD Housing Element Site Inventory Guidebook \(Government Code § 65583.2\)](#)



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# USING ADUS TO SATISFY RHNA

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## Background

Jurisdictions are allowed to use ADUs to help satisfy their RHNA requirements; however, the process is somewhat different than other aspects of the sites inventory. The standard method is to estimate the number of ADUs that will be developed in the planning period, then distribute those estimated units into each of the income categories.

## Estimating Production

The estimate should be based on the average number of ADU building permits issued each year, multiplied by eight (because there are eight years in a housing element cycle). Most cities base their determination of annual ADU permits by averaging the building permits approved each year since 2018, when state law made it easier to construct the units. This is generally considered a safe harbor.

There is a small amount of flexibility in the calculations. If numbers were low in 2018 (or 2019) but were high in 2020, 2021, and 2022, a jurisdiction could *potentially* use 2019-2021 or 2020-2022 as the baseline. Because this is outside the safe harbor, these calculations would need to be bolstered by a logical explanation for the methodology, e.g., the jurisdiction further loosened regulations in 2019.

Projecting a higher number of ADUs than what has been demonstrated through permit approvals in recent years may be possible, but more challenging. A slightly larger number may be warranted if a robust, funded, and clear plan to increase production has been put in place. However, you are strongly encouraged to coordinate with HCD before deviating from the standard methodology.

ADU sites are not listed in the site inventory, rather they are summarized and tallied in their own subsection.

## Determining the Income Distribution

ABAG conducted an analysis of ADU affordability and concluded that in most jurisdictions, the following assumptions are generally applicable. Many jurisdictions are choosing to use these numbers in lieu of conducting their own affordability analysis.

Table 1. Percent of ADUs Affordable to Different Income Categories

Percent	Income Category
30%	Very low income
30%	Low income
30%	Moderate income
10%	Above moderate

Please contact your County Collaborative Technical Assistance Provider for more information on affordability. A few key points are summarized below:

- Use building permits issued for the estimate.
- Jurisdictions do not need to list the addresses for potential ADUs.
- Make sure the assumptions in your Housing Element match the numbers reported in past year APRs.

Please visit the ABAG Housing Technical Assistance page for more information, including a webinar that covers this topic.

## Sample Housing Element Write Up

*The following is what a jurisdiction might include in their sites inventory section of the housing element.*

Since City amended its ordinance in 2019, the number of ADUs permitted has significantly increased. City's ordinance goes beyond state law and allows 1,200 square foot ADUs. Additionally, the City website has an entire section devoted to ADUs with clear information about the standards and approval process. On average, the building department provides comments to completed ADU applications in 10 days. 2018 is not used as a base year because the old ADU standards were very restrictive and the City did not have much information on its website. Production has been consistently higher since the new ordinance went into effect.

Since 2019, the City has issued an average of 12.75 ADU permits per year, as listed below.

Year	Building Permits
2017	2
2018	1
2019	10
2020	15
2021	10
2022	16 (estimate based on first 6 months)

Based on the annual average of 12.75 ADU permits per year since 2019, the City is projecting 102 ADUs being permitted over the eight year planning period and is using ABAG’s survey data to distribute the projected units by income category:

Income Category	Percentages	Totals
Very low	30%	30
Low	30%	31
Moderate	30%	31
Above moderate	10%	10

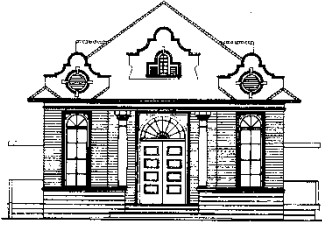
Based on these calculations, the City is able to meet approximately 1/7 of its RHNA through ADUs, and must accommodate another 598 units on the sites detailed in the sites inventory. See table below for a summary:

	V Low	Low	Mod	Above Mod	Total
RHNA	200	200	100	200	700
Pipeline / Approved Units	0	0	0	0	0
ADUs	30	31	31	10	102
<i>Remaining RHNA</i>	170	169	69	190	598

### ADUs and Level of Scrutiny of Other Sites in Housing Elements

Cities that are heavily dependent on redevelopment sites (or technically nonvacant sites) face more scrutiny in their lower income sites inventory. ADUs can help some cities avoid this additional scrutiny/analysis. To simplify: if greater than 50 percent of the lower income RHNA can be satisfied by vacant sites, under construction (pipeline) projects, and projected ADUs, cities can avoid the higher standard.

For example: If the lower income RHNA is 100 and there are ten units under construction and sites for ten vacant units, a jurisdiction can avoid the heightened scrutiny if ADU projections are at least 31 units for the housing element period. (Half of 100 is 50. 10 under construction plus 10 vacant plus 31 ADUs is 51, or greater than 50.)



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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TO: Town Council  
Planning Commission  
Ad Hoc Housing Element Committee  
Town Committees  
Town Residents

FROM: Laura C. Russell, Planning & Building Director

DATE: June 8, 2022

RE: **Public Review Draft Housing Element and Guide to Providing Comments**

The Public Review Draft Housing Element is now available for review and comment. This draft is the culmination of 10 months of work by the Ad Hoc Housing Element Committee with the benefit of extraordinary public participation. This memo provides a brief explanation of what is included in the Draft Housing Element and how to participate in the process. A background section follows for people that are new to the process. Extensive additional information is at [www.portolavalley.net/housingelement](http://www.portolavalley.net/housingelement).

The Housing Element is required to follow highly detailed State laws and is required to include certain information. Staff recognizes that some of these requirements make the document difficult to navigate and review. The table below provides guidance on the sections and how the community may wish to focus its review and comments.

The Public Review Draft Housing Element includes the following sections:

	Contents	Notes
Section		
1.	<b>Introduction:</b> Explains the purpose, process, and contents.	
2.	<b>Housing Needs Assessment:</b> Includes an analysis of population and employment trends, the Town's fair share of regional housing needs (RHNA), household characteristics and the condition of housing stock.	This background contributed to the analysis on the types of housing that are needed by existing and future residents. Highlights have been previously reviewed by the Town Council, Planning Commission, and residents at a Community Meeting

3.	<p><b>Affirmatively Furthering Fair Housing (AFFH) Summary:</b> Summarizes the ways the Town is affirmatively furthering fair housing under the requirements of Assembly Bill 686. Affirmatively furthering fair housing means “taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”</p>	<p>This is a summary of the full report in Appendix C.</p> <p><b>The Action Plan repeats some of the Programs that are in Section 7 but organized according to AFFH issues.</b></p>
4.	<p><b>Constraints:</b> Reviews governmental constraints, including land use controls, fees, and processing requirements, as well as non-governmental constraints, such as construction costs, availability of land and financing, physical environmental conditions that may impede the development, preservation, and maintenance of housing.</p>	<p>This section captures many factors the Town cannot change.</p> <p><b>Reviewers are encouraged to focus on the things the Town can influence and whether the constraints have been adequately described.</b></p>
5.	<p><b>Resources:</b> Identifies resources available for the production and maintenance of housing, including a discussion of federal, state, and local financial resources, regulatory resources and programs available to address the Town’s housing goals.</p>	<p>This section includes a wide range of financial and institutional resources that may not be appropriate for any one project but can be referenced quickly in the future.</p>
6.	<p><b>Adequate Sites:</b> The land suitable for residential development to accommodate the Town’s RHNA.</p>	<p>This is a very important section and includes the Housing Sites Inventory.</p> <p><b>Reviewers are encouraged to focus on this section with special attention on which sites have been selected, the density level of those sites, the Opt In Rezoning Program, and Affiliated Housing.</b></p>
7.	<p><b>Goals, Policies, and Programs:</b> Details specific goals, policies, and programs the Town will carry out over the planning period.</p>	<p>This is a very important section and includes the key components of the Town’s housing plans.</p> <p><b>Reviewers are encouraged to focus on this section with special attention on the goals and policies and whether the program actions are appropriate.</b></p>
<p>Appendices</p>		
A	<p>Community Engagement: Details the Town’s robust community engagement program.</p>	<p>This summary includes detailed information about the engagement process and is included for information only.</p>
B	<p>ABAG Housing Needs Data Report</p>	<p>This is a background document prepared by the Association of Bay Area Governments (ABAG) and is included for information only.</p>

C	AFFH Report and Fair Housing Action Plan	This is a very detailed report that closely follows the guidance from the State. It was prepared by a nationally recognized consultant that specializes in fair housing. The Town does not have much discretion to change what is included.
D	Evaluation of Past Performance: Reviews the prior Housing Element to measure progress in implementing policies and programs.	

## Public Comments

Please submit public comments by 5:00 pm on Friday, July 8, 2022.

You may submit comments either in person, my postal mail, or electronically:

1. In person – please visit Town Hall during normal business hours; Monday through Friday 8 AM to 5 PM. Town Hall is located at 765 Portola Road, Portola Valley, CA 94028
2. By mail – please include “Draft Housing Element Comments” in the address line of the envelope. Mail to Town Hall (see address above)
3. Electronically – please email [housing@portolavalley.net](mailto:housing@portolavalley.net) or submit a comment through the “Submit a comment for the Housing Element” button located on the top of the Housing Element Update webpage: <https://www.portolavalley.net/housingelement>

If attaching documents to your comments, please ensure all attachments are in PDF format and are no larger than 1 GB in size. You may consider dropping off larger documents to Town Hall if necessary.

## Next Steps

Upcoming meetings on the Draft Housing Element include the following:

- Wednesday, June 15 – Planning Commission
- Monday, June 20 – Ad Hoc Housing Element Committee
- Town Council is to be determined

After Town Council review, staff will update the Draft Housing Element based on the comments received and submit it to the State Department of Housing and Community Development (HCD) for their review. In the fall, the Town will conduct additional public meetings to update the document according to HCD comments.

To stay up to date on the process, sign up for [eNotices](#) and select “Housing News”

## Background for Those New to the Process

The Housing Element is one of the mandatory elements of the General Plan and serves as the “guiding document on future growth and development” and provides goals, polices, and programs that help the Town plan for the housing needs for all segments of the Town’s population. California municipalities must update their Housing Element every eight years. As described by the California Department of Housing and Community Development (HCD), California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community.

State law (Government Code Sections 65580-65589.8) requires that every city/town and county in California adopt a Housing Element approximately every eight years. Portola Valley’s current Housing Element covers the planning period from 2014-2022 and was adopted in 2015. The new Housing Element will cover 2023-2031<sup>1</sup>. In addition, HCD reviews and certifies that each jurisdiction’s Housing Element meets all the requirements of the law. The approval and certification process takes several months.

Every jurisdiction in California receives a target number of homes to plan for. This is called the Regional Housing Needs Allocation or RHNA (pronounced ‘ree-nuh’). Cities/towns do not need to build the housing, but do need to put in place the proper zoning and address constraints so the private sector can build the housing. The RHNA is broken down by income category. Portola Valley’s income specific estimated RHNA is:

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

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<sup>1</sup> Some stakeholders use the start date of 2022, because some of the modeling starts in this year. Because Portola Valley’s Housing Element will likely not be adopted until 2023, this report uses the later date.