



Housing and Community Development (HCD) Comments on Draft Housing Element

November 10, 2022

Ad Hoc Housing Element Committee

Welcome back Adrienne!

Town of Portola Valley



Meeting Format

1. Staff Presentation
2. Committee Questions
3. Public Comments
4. Committee Discussion



Meeting Purpose

- Draft Housing Element Review Process
- Review Key HCD Comments:
 - Big Picture
 - Program Changes
 - Voluntary Upzoning Program Updates
- Receive updates on process



Consequences of Late Housing Element

- **Builder's Remedy**
 - Must approve any project with 20% of units affordable to lower income households or 100% moderate households even if project exceeds Zoning and General Plan density
 - Could be pursued if Town doesn't have adopted Housing Element in substantial compliance with the law by January 31, 2023
- Loss of state funding
- Penalties/Fines
- HCD enforcement actions – loss of further local control



Recap - Draft Housing Element Review

- Public Review Draft Housing Element – 30-day public comment period: June 8 – July 8, 2022
- Planning Commission discussed at two meetings (June 15, 2022 and June 29, 2022). AHHEC also reviewed at June 20, 2022 meeting.
- Town staff and consultants compiled comments received from and presented to Town Council on July 13, 2022
- Based on Town Council direction and Council Subcommittee input, staff and consultants incorporated edits and sent to HCD for initial review on August 11, 2022.



HCD Comment Letter

- Upshot- our reading: basic structure works, but need to clarify things with reviewer
- A lot of work ahead, (we can do it!) and still possible to complete Housing Element by January 31, 2023
- Three Key Areas are fairly clear:
 - Review/Evaluation of Past Housing Element
 - Housing Needs, Resources, and Constraints
 - Programs
- Two areas to confirm with HCD
 - Sites Inventory – additional info
 - ADUs – additional justification
- Back up measures – identify plan B



HCD Comment Letter Cont.

Review/Evaluation of Past Housing Element

- Further evaluation of past performance and how past performance feeds into current goals, policies, etc. for meeting housing needs of special needs populations

Technical Team will implement



HCD Comment Letter Cont.

Housing Needs, Resources, and Constraints

- Affirmatively Furthering Fair Housing (AFFH)
 - Further analysis of contributing factors to fair housing issues
 - Strategic approaches to inform and connect goals and actions to mitigate contributing factors

Technical Team will implement

- Potential/actual governmental constraints
 - Commit to development standards in new multi-family and mixed-use zones
 - Explain how Town's discretionary review processes will not impede development

Technical Team will implement- any policy questions about the process will be discussed with Planning Commission



HCD Comment Letter Cont.

Housing Needs, Resources, and Constraints

- Sites Analysis – “realistic and demonstrated potential for redevelopment”
 - Strengthen assumptions for pipeline projects, opt-in program, affiliated housing and
 - ADUs – past performance and assumptions

Technical Team will verify comments with HCD and implement if there are no policy questions



HCD Comment Letter Cont.

Programs – *“must demonstrate that they will have a beneficial impact within the planning period.”*

- Specific actions, timelines, objectives, responsible agencies and officials – *“meaningful and specific actions and objectives.”*



Proposed Program Changes

HCD identified specific Programs for revision in our meeting, staff started to make revisions

- Programs with track changes and notes
- Clean copy
- Example Program 1-1
 - Reorganize text and break up into sub programs
 - Add more detail, clarify timeline
- Sorry for any mistakes – we are moving quick!

Proposed Approach: Technical Team make these types of changes and flag any that represent policy changes



Voluntary Upzoning Program (Opt In)

Housing Element Program 1-3: Create a new voluntary upzoning program that allows property owners with sites one acre or greater to develop up to four dwelling units per acre, and a maximum of four dwelling units per lot*, assuming they meet the following safety criteria:

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

Interested property owners would be required to go before Planning Commission to demonstrate all safety criteria would be met. Subsequently, the Architectural Site Control Commission (ASCC) would review the planning application for compliance with a set of objective design standards.

**Underlined text was mistakenly missing from 8/11/22 Initial HCD Draft Housing Element*



Voluntary Upzoning Program (Opt In)

Benefits

- Disperses some units throughout community
- Diversifies housing types in Portola Valley
- Allows for family compounds and options for aging in place
- Provides alternative to SB 9 for better results and more local control
- Positive feedback from HCD is that this an "innovative" program!

Approach

- Include in Housing Element and do not include in Zoning Ordinance
- Function like a pilot program with a clear ending = development of 12 units
- Provide incentives (increase floor area)

SB9 Reminder

Lot size <3.5 Acre

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

ADU – new detached

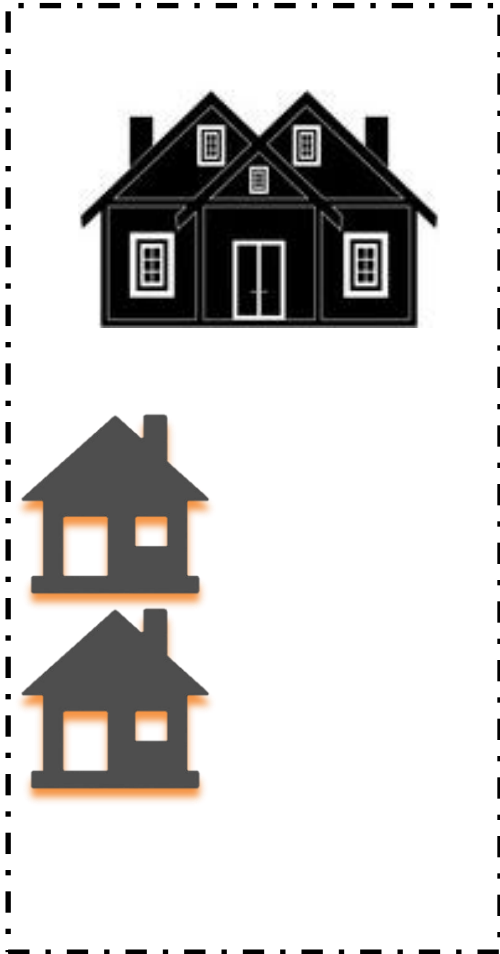
Can exceed AMFA by 800 s.f.

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



People can already go over floor area by 1,600 s.f.

Voluntary Upzoning Program



Allow 4 units in one building that look like a large single family home



Smaller units that comply with local setbacks

Draw on Missing Middle concepts that emphasize blending in with single family homes

Can regulate setbacks

Would need an incentive to encourage this versus SB9

Floor area bonus of over 1,600 square feet?

Other incentives?

Committee Feedback

Voluntary Upzoning

- General approach
 - Describe in more detail in Housing Element, not in zoning code
 - “Pilot Program” and local alternative to SB9
- Planning Commission review – established standards or discretionary like Conditional Use Permit?
- ASCC review final design – established standards
- Floor area incentive? Other ideas?

Programs

- Staff implement changes to increase clarity and timelines
- Identify any policy issues



Draft Housing Element Review Cont.

Next Steps – Tentative Schedule:

- November 16th – Planning Commission reviews CEQA – Initial Study/Mitigated Negative Declaration
- **November 21st – Housing Element Committee?**
- November 30th – Planning Commission reviews all aspects of HE work completed so far
- December 7th – Planning Commission reviews all aspects of HE work
- December 13th – Planning Commission reviews all aspects of HE work, formal recommendation
- Town Council will review for adoption in January 2023



Next Steps – Role of Committee

- Current understanding of comments – basic structure and approach works
- Need to confirm with HCD reviewer, especially on site inventory and ADUs
- Most changes are administrative, not related to policy
- If policy issues come up, could schedule additional meeting of Committee on November 21st
- Encourage Committee Members to follow Planning Commission process and participate



Questions

Town of Portola Valley

