

ORDINANCE NO. 2025 – 453

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY AMENDING TITLE 18 [ZONING] OF THE PORTOLA VALLEY MUNICIPAL CODE FOR THE TOWN OF PORTOLA VALLEY TO ADDRESS THE ISSUES RAISED BY HCD IN THEIR TECHNICAL ASSISTANCE LETTER DATED OCTOBER 16, 2024 (MIXED USE)

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, on January 30, 2024 HCD determined the Housing Element to be in substantial compliance with State Housing Element Law; and

WHEREAS, on March 26, 2024, HCD sent a letter notifying the Town that it was revoking the Department’s finding of substantial compliance for the Town of Portola Valley’s sixth cycle housing element based on a failure to timely implement required rezone programs; and

WHEREAS, on June 12, 2024, the Town Council approved the required rezoning, and the documentation was submitted to HCD. The Town received a Letter of Technical Assistance dated October 16, 2024, which described changes needed to the rezoning actions that had already been approved by the Town Council; 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 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 19, 2025 the Planning Commission held a public hearing to review the proposed amendments to Title 18 [Zoning] of the Portola Valley Municipal Code and the amendment to the Zoning Map for the Town of Portola Valley to rezone the Dorothy Ford Park site, at which all interested persons had the opportunity to appear; and

WHEREAS, on March 19, 2025, the Planning Commission recommended that Town Council direct staff to:

(1) Evaluate if it is feasible to identify 2.48 developable acres on Dorothy Ford Park, without encroaching on the Ford Field baseball area. If 2.48 developable acres cannot be identified, staff should analyze the development feasibility of a smaller area, including identifying modifications to development standards necessary to make 50 VLI units feasible; and

(2) Transmit a letter to HCD describing the Town's efforts to comply with requirements, including identifying the Town's good faith efforts to find alternative development sites to Dorothy Ford Park. The letter should note that for administrative efficiency it would be preferred to avoid upzoning Dorothy Ford Park, only to then need to turn around and downzone it in short order if a viable replacement site is found. The letter should also raise with HCD the Town's understanding, based on previous dialogue with HCD, that the handling of the Dorothy Ford Park Site in the Town's General Plan amendments should be sufficient for Housing Element compliance, without requiring rezoning; and

WHEREAS, on April 9, 2025, the Town Council held a public hearing, and after considering the Planning Commission recommendation as well as options outlined by staff, the entire record of proceedings, including but not limited to, the staff report and all written and oral comments received, 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 Chapter of Title 18 [Zoning] is amended as follows, with additions with underlined text. All text that is unmarked remains as is and all Title 18 chapters and sections not referenced remain unchanged.

Chapter 18.23.070 Required Conditions

K. This zoning district permits one hundred percent residential projects with no commercial component. Where the whole site is redeveloped, at least 50 percent of the floor area of development must be residential. Any non-residential development shall include a residential component at the minimum density specified in Table 18.23.050.

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

3. 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 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.

4. 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.

5. 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.

6. 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: April 9, 2025.

PASSED: At a regular meeting of the Portola Valley Town Council on April 23, 2025 by the following vote:

AYES: FLYNN, HUFTY, WOLTER, TAYLOR

NOES: NONE

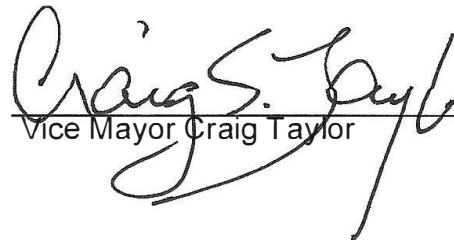
ABSTENTIONS: NONE

ABSENT: MAYOR HASKO

RECUSED: NONE

ATTEST:


Christine Boland, Clerk Consultant


Vice Mayor Craig Taylor

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