

ORDINANCE NO. 2017-419

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF  
PORTOLA VALLEY DELETING CHAPTER 5.48 REGARDING  
VENDING MACHINES, AMENDING SECTION 18.04.065  
REGARDING BASEMENTS AND AMENDING CHAPTER 18.58  
REGARDING SPECIAL SETBACK LINES**

**WHEREAS**, in 1964 the Town of Portola Valley ("Town") adopted an ordinance establishing a tax on vending machines, which is set forth in Chapter 5.48 of the Portola Valley Municipal Code; and

**WHEREAS**, the Town has never collected the tax on vending machines, is not aware of any existing vending machines, and does not anticipate the installation of any in the future; and

**WHEREAS**, the Town desires to create clarity and consistency between sections of the Zoning Code relative to basements; and

**WHEREAS**, the Town desires to create clarity and consistency relative to the terms used in Chapter 18.58 regarding special setback lines; and

**WHEREAS**, the Architectural and Site Control Commission held a duly noticed public hearing on February 27, 2017 and after review and consideration of the draft ordinance recommended approval with one addition to the language of Section 18.58.020(D)(3); and

**WHEREAS**, on March 15, 2017, the Planning Commission held a noticed public hearing and after review and consideration recommended approval of the ordinance; and

**WHEREAS**, the Town Council of the Town of Portola Valley having reviewed and considered the recommendations, staff reports and all public testimony desire to approve this ordinance.

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

1. DELETION OF CODE. Chapter 5.48 [Vending Machines] is hereby deleted in its entirety from Title 5 [Business Taxes, Licenses and Regulations] of the Portola Valley Municipal Code.

2. AMENDMENT OF CODE. Section 18.04.065 [Basement] of Chapter 18.04 [Definitions] of Title 18 [Zoning] is hereby amended to read as follows:

"Basement" is a floor level directly under a building which meets the following criteria:

- A. The ceiling height is not more than twelve (12) feet.
- B. Provisions for light, ventilation and access do not exceed the minimum requirements of the building code, notwithstanding that additional provisions for light, ventilation and access may be permitted by the Architectural and Site Control Commission when it finds such additional provisions will not be visible from adjoining or nearby properties as such properties currently exist or as the Architectural and Site Control Commission believes may be used or developed in the future. Garages are not permitted under this provision. By virtue of the foregoing definition, a basement is permitted to meet the minimum requirements of the building code, including, but not limited to, light, ventilation and access, without approval of the Architectural and Site Control Commission.
- C. The underside of the floor joists of the floor above are not more than eighteen (18) inches above the adjoining natural or finished grade at any point, whichever is lower.
- D. Where a room(s) partially meets the provisions of subsection C of this section, that is, a portion is not more than eighteen (18) inches above adjoining natural or finished grade, whichever is lower, and a portion is more than eighteen (18) inches above such grade, a portion of such room(s) shall be considered as basement and a portion shall be considered as floor area. The rule for such determination shall be as follows:
  - 1. The outside perimeter of the room(s) shall be measured and designated "A."
  - 2. The outside perimeter of the room(s) where the underside of the floor joists of the floor above are not more than eighteen (18) inches above adjoining natural or finished grade, whichever is lower, shall be measured and designated "B."
  - 3. The amount of floor area of the subject room(s) that will be counted as basement is then equal to the entire floor area of the room(s) multiplied by the fraction of B/A. The balance of the floor area shall be counted as floor area.
- E. The basement floor area shall not exceed the floor area of the first floor of the building above.

3. AMENDMENT OF CODE. The title of Chapter 18.58 of Title 18 [Zoning], which is currently "Special Building Setback Lines," is hereby amended to read "Special Setback Lines."

4. AMENDMENT OF CODE. Section 18.58.010 [Intention] of Chapter 18.58 [Special Setback Lines] of Title 18 [Zoning] is hereby amended to read as follows:

Special setback lines are intended to regulate the location of structures where special features such as scenic roads, geologically hazardous areas, and floodplains require setback regulations to those otherwise specified in this title.

5. AMENDMENT OF CODE. Section 18.58.020 [Special building setback lines – S (scenic)] of Chapter 18.58 [Special Setback Lines] of Title 18 [Zoning] is hereby amended to read as follows:

**18.58.020 - Special setback lines—S (scenic).**

- A. Purpose. Special setback lines—S are established along streets to assure the provision of space for light, air, safety, circulation, and visual amenity, and to permit or require adjustment in the location of structures to observe unusual physical conditions. Special setback lines shall be adopted and amended in conformance with the requirements of Chapter 18.74 and when adopted shall be set forth on the zoning map.
- B. Requirements. No structure shall be located closer to a street parcel line than the special setback line. In any district where the least depth or least width of yard required for such distance is greater or less than the distance set forth for any special setback line, the distance established by the special setback line shall govern.
- C. Measurement. The location of a special setback line shall be established by measurements in feet measured at right angles from the parcel line of the subject parcel.
- D. Special Building Setback Lines—S Adopted.
  - 1. Skyline Boulevard—No structure shall be closer than two hundred (200) feet to the right-of-way of Skyline Boulevard, provided, however, that the architectural and site control commission may allow a reduction of the setback to no less than one hundred (100) feet when it finds that in such a location the proposed structure will not be visible from the right-of-way of Skyline Boulevard.
  - 2. Alpine Road—No structure shall be located closer than seventy-five (75) feet to the right-of-way of Alpine Road in that section of Alpine Road lying between the northerly town limits and Portola Road.
  - 3. Portola Road—No structure shall be located closer to the right-of-way of Portola Road in that section from the intersection with Alpine Road to the northwesterly town limits than as stipulated below:
    - a. In zoning districts requiring a minimum parcel area of one acre or larger, no structure shall be closer to the Portola Road right-of-way than fifty (50) feet; however, where a parcel has a side or rear parcel line contiguous with the Portola Road right-of-way, an accessory structure may come within twenty-five (25) feet of the right-of-way provided the Architectural and Site Control Commission finds the structure will not be seen from Portola Road or that existing and/or proposed planting consistent with the character and quality of the Portola Road corridor will largely obscure the structure.
    - b. In zoning districts requiring a minimum parcel area less than one acre, a one-story house shall observe a minimum setback of thirty-five (35) feet and any second story addition thereto shall observe a minimum setback of forty-five (45) feet; alternatively, a two-story house shall observe a minimum

setback of forty (40) feet. Structures which are not buildings shall adhere to the same setback requirements. Where a parcel has a side or rear parcel line contiguous with the Portola Road right-of-way, an accessory structure may come within twenty (20) feet of the right-of-way provided the Architectural and Site Control Commission finds the structure will not be seen from Portola Road or that existing and/or proposed planting consistent with the character and quality of the Portola Road corridor will largely obscure the structure.

- c. Structures existing as of the date of adoption of the ordinance codified in this subdivision (August 28, 1991), which do not comply with the setback requirements described herein are deemed conforming structures and are not subject to the provisions contained in Chapter 18.46. For such a structure, the three-dimensional space it occupies which does not comply with the setbacks stipulated in subsection D.3.a. and b. of this section becomes a building envelope. Remodeling and rebuilding may occur within such a building envelope subject to normal design review requirements provided for in this section. In addition, the Architectural and Site Control Commission may allow architectural details to extend up to two (2) feet from any wall surface on no more than ten (10) percent of the building perimeter within the setbacks in subsection D.3.a. and b. of this section when such details will better ensure compatibility with the character and quality of the Portola Road corridor. This provision is not meant to allow any new construction or use in an existing structure deemed conforming under this subsection, without the required permits; all changes shall be subject to review as required in Chapter 18.46.

6. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION. The Town Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") because the activity is not a project as defined by Section 15378 of the CEQA Guidelines. The ordinance has no potential for resulting in physical change to the environment either directly or indirectly.

7. SEVERABILITY. If any part of this ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

8. EFFECTIVE DATE AND 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.

INTRODUCTED: May 10, 2017

PASSED: May 24, 2017

AYES: Councilmembers Derwin, Aalfs and Wengert, Vice Mayor  
Richards, Mayor Hughes

NOES: None

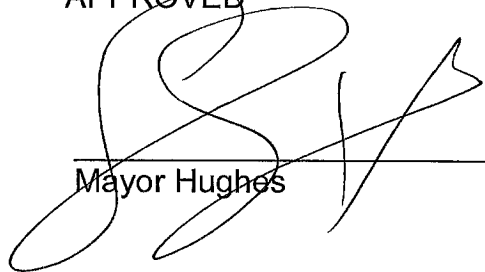
ABSTENTIONS: None

ABSENT: None

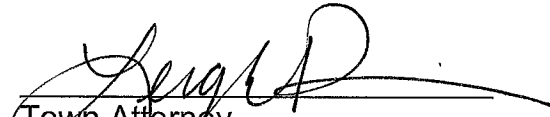
ATTEST

  
Town Clerk

APPROVED

  
Mayor Hughes

APPROVED AS TO FORM

  
Town Attorney