



TOWN OF PORTOLA VALLEY

7:00 PM – Special Meeting of the Planning Commission
Wednesday, November 2, 2022

SPECIAL MEETING AGENDA

HYBRID MEETING- IN PERSON AND VIA ZOOM

HISTORIC SCHOOLHOUSE - 765 Portola Road, Portola Valley, CA 94028

Remote Public Comments: Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to tgeisler@portolavalley.net by 12:00 PM on the day of the meeting. All comments received by that time will be distributed to Commissioners prior to the meeting. All comments received are included in the public record.

We encourage anyone who has the ability to join the meeting online to do so. You will have access to any presentations that will be shown on your screen and can easily ask questions using the “raise your hand” feature when the Chair calls for them.

VIRTUAL PARTICIPATION VIA ZOOM

Please select this link to join the meeting:

<https://us06web.zoom.us/j/83033912217?pwd=dGFrVnBwV0wrV1BZWUd3MUttUmV4UT09>

Or: Go to Zoom.com – Click Join a Meeting – Enter the Meeting ID

Meeting ID: 830 3391 2217 **Passcode:** 259969

Or Telephone:

1.669.900.6833

1.669.444.9171 (toll-free) Enter same Meeting ID

*6 - Toggle mute/unmute.

*9 - Raise hand.

Residents have asked to see the number of attendees in Zoom webinar-meetings. You can visit the site at <https://pv-zooms.rungie.com/> which will show a list of meetings. Clicking on a meeting will then display all participants and attendees in the meeting, as well as those who had been in the meeting but have left. The site will only show meetings once they have started, and the first participant has joined.

7:00 PM - CALL TO ORDER AND ROLL CALL

Commissioners Hasko, Targ, Taylor, Vice-Chair Goulden, Chair Kopf-Sill

ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject not on the agenda may do so now. Please note, however, that the Planning Commission is not able to undertake extended discussion or action tonight on items not on the agenda. Comments will be limited to three minutes.

NEW BUSINESS

1. Recommendation to Town Council regarding Resolution Establishing Procedures and Requirements for the Consideration of Development Agreements (C. Silver)

STUDY SESSION

2. Zoning Code Amendments to Implement the Housing Element – Part 2 (L.Russell)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

1. Commission Reports
2. Staff Reports

APPROVAL OF MINUTES

3. Planning Commission Meetings of September 7, 2022 and October 19, 2022

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Cara Silver, Town Attorney

DATE: November 2, 2022

SUBJECT: Recommendation to Town Council regarding Resolution Establishing Procedures and Requirements for the Consideration of Development Agreements

RECOMMENDATION: Staff recommends that the Planning Commission review the attached Resolution and recommend adoption to the Town Council. A resolution containing Planning Commission's recommendation is included as Attachment 1.

BACKGROUND

Development agreements are contracts negotiated between project applicants and public agencies that govern the land uses that may be allowed in a particular project. Although subject to negotiation, allowable land uses must be consistent with the local planning policies contained in the town's general plan. Neither the applicant nor the public agency is required to enter into a development agreement. The development agreement is essentially a planning tool that allows public agencies greater latitude to advance local planning policies, sometimes in new and creative ways. Sometimes development agreements are used as an alternative to the traditional development approval process. The more common practice is to use them in conjunction with it. It is not uncommon, for example, to see a project proponent apply for approval of a conditional use permit, zone change and development agreement for the same project. From a town's perspective, the advantage of using a development agreement is it allows public agencies greater flexibility in imposing conditions and requirements on proposed projects. From an applicant's perspective, development agreements help provide certainty that the town will not change its regulations before the project is completed.

California Government Code Sections 65864 *et seq.* authorize towns to enter into development agreements and to adopt local procedures governing the processing of such agreements provided they are consistent with state law.

Given the new state laws which promote housing projects, such as SB 330, Density Bonus and The Housing Accountability Act, housing developers have less motivation to use development agreements. However, development agreements are still helpful mechanisms to further regulate land use. Because the town may desire to enter into a Development Agreement with Stanford (or other future developer) to receive additional community benefits not available through the traditional zoning process, staff is bringing forward the attached resolution at this time (Attachment 2).

DISCUSSION

The proposed resolution largely mirrors state law. The resolution governs who is entitled to apply for a development agreement, requires the applicant to file an application on a town-prescribed form, authorizes the Planning and Building Director to require appropriate supporting data and requires the applicant to reimburse the Town for all associated costs.

The proposed resolution specifies the required contents of the development agreement. This includes the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The resolution also authorizes the agreement to include other terms such as the construction schedule, terms and conditions to construct public improvements, provision of public benefits and terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time. Unless otherwise provided by the development agreement, the town's regulations in effect at the time of execution of the development agreement would apply to the project.

In terms of public review, consistent with state law, the proposed resolution requires a public hearing by both the Planning Commission and Town Council before a development agreement is adopted. In addition, the resolution provides that the Planning Commission will conduct a public hearing every twelve months to determine whether the applicant is in compliance with the terms of the agreement. If the Planning Commission determines that the applicant has complied with the terms and conditions of the agreement during the period under review, then the review for that period is concluded. If the Planning Commission determines that the applicant has not complied during the period under review, the Planning Commission shall forward its recommendation to the Town Council, and the Town Council may modify or terminate the agreement. Before the Town Council modifies or terminates the agreement, the Council must conduct a public hearing. The applicant is required to reimburse the town for staff time associated with the annual reviews.

Environmental Review

The proposed Development Agreement Resolution implements state law requirements that already apply to the Town, and therefore this action is exempt from the California Environmental Quality Act (CEQA) under the common-sense exemption set forth in

CEQA Guidelines Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

RECOMMENDATION

Staff recommends that the Planning Commission review the Development Agreement Resolution and adopt a resolution recommending the Town Council approve the Resolution.

ATTACHMENTS

1. Planning Commission Resolution
2. Draft Resolution Establishing Development Agreement Procedures

RESOLUTION NO. 2022 –

**RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
PORTOLA VALLEY RECOMMENDING APPROVAL OF A RESOLUTION
ESTABLISHING PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION
OF DEVELOPMENT AGREEMENTS**

WHEREAS, California Government Code Sections 65864 *et seq.* authorize towns to enter into development agreements (the “Development Agreement Statute”);

WHEREAS, the Development Agreement Statute authorizes towns to adopt local procedures provided they are consistent with State law;

WHEREAS, the proposed Development Agreement Resolution establishes local procedures for processing development agreement applications;

WHEREAS, the proposed Development Agreement Resolution implements State law requirements that already apply to the Town, and therefore this action is exempt from the California Environmental Quality Act (CEQA) under the common-sense exemption set forth in CEQA Guidelines Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment; and

WHEREAS, on November 2, 2022, the Planning Commission held a duly noticed public hearing to review the proposed Development Agreement Resolution at which all interested persons had the opportunity to appear.

NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley finds that the proposed Development Agreement Resolution is consistent with the General Plan and exempt from CEQA; and further resolves that the Planning Commission recommends that the Town Council adopt the Development Agreement Resolution.

Passed and Adopted at the regular meeting of the Planning Commission of the Town of Portola Valley on November 2, 2022.

By: _____

Anne Kopf-Sill, Chair

ATTEST:

Laura Russell, Planning and Building Director

Attachment 2

RESOLUTION NO. [REDACTED]

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY ESTABLISHING PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF DEVELOPMENT AGREEMENTS

The Town Council of the Town of Portola Valley does RESOLVE as follows:

WHEREAS, California Government Code Sections 65864 *et seq.* authorize towns to enter into development agreements (the “Development Agreement Statute”); and

WHEREAS, the Development Agreement Statute authorizes towns to adopt local procedures provided they are consistent with State law;

WHEREAS, the Town Council desires to adopt local procedures for processing development agreement applications.

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

The following procedures shall apply to the Town’s processing of development agreements pursuant to California Government Code Section 65864 *et seq.*

SECTION 1. APPLICATION.

- (a) A person having a legal or equitable interest in real property located in the Town may apply for a development agreement.
- (b) A person having a legal or equitable interest in real property located in unincorporated territory in the Town’s sphere of influence may apply for a development agreement. However, the agreement shall not become operative unless annexation proceedings annexing the property to the Town are completed within the period of time specified by the agreement. If the annexation is not completed within the time specified in the agreement or any extension of the agreement, the agreement is null and void.
- (c) Applications for a development agreement shall be on a form prescribed by the Planning and Building Director (Director).
- (d) The Director may require an applicant to submit such information and supporting data as necessary to process the application.
- (e) The applicant shall reimburse the Town for all of its reasonable and actual costs, fees, and expenses, including legal counsel and special counsel fees, for the processing and review of an application for a development agreement.

SECTION 2. CONTENTS OF DEVELOPMENT AGREEMENT. A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time. The agreement may include terms and conditions to construct public improvements, provide public benefits or otherwise promote the general welfare. The agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

SECTION 3. REVIEW BY PLANNING COMMISSION.

- (a) The Planning Commission shall hold a public hearing on the development agreement and shall make a written recommendation to the Town Council.
- (b) The Planning Commission's recommendation shall include a determination on whether or not the proposed development agreement:
 - (1) Is consistent with the objectives, policies, general land uses, and programs specified in the general plan and any applicable specific plan; and
 - (2) Is consistent with the zoning and other land use regulations applicable to the property.

SECTION 4. DECISION BY TOWN COUNCIL.

- (a) The Town Council shall hold a public hearing, after which it may accept, modify, or disapprove the recommendation of the Planning Commission.
- (b) The Town Council may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan and are consistent with zoning and other land use regulations applicable to the property.

SECTION 5. NOTICE OF PUBLIC HEARING.

- (a) The timing and manner of giving notice of public hearings on the development agreement shall be as prescribed in Government Code Section 65867.
- (b) Public notices pertaining to actions on development agreements shall contain:

- (1) The time and place of the hearing;
- (2) A general explanation of the matter to be considered, including a general description of the area to be affected; and
- (3) Other information required by law or which the Director considers necessary or desirable.

SECTION 6. APPROVAL OF DEVELOPMENT AGREEMENT. If the Town Council approves the development agreement, it shall do so by the adoption of an ordinance. The agreement takes effect upon the effective date of the ordinance.

SECTION 7. RECORDATION. Within ten (10) days after the Town enters into the development agreement, the Town Clerk shall have the agreement recorded with the County Recorder. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

SECTION 8. APPLICATION OF EXISTING LAWS AND REGULATIONS. Unless otherwise provided by the development agreement, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement shall not prevent the Town, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property, nor shall a development agreement prevent the Town from denying or conditionally approving any subsequent development project application on the basis of these existing or new rules, regulations, and policies.

SECTION 9. AMENDMENT OR CANCELLATION. A development agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. Notice of intention to amend or cancel any portion of the agreement shall be given in the manner provided by Section 65867. An amendment to an agreement shall be subject to the provisions of Section 65867.5.

SECTION 10. COMPLIANCE WITH STATE AND FEDERAL LAW. If state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, those provisions of the agreement shall be modified or suspended as may be necessary to comply with those state or federal laws or regulations.

SECTION 11. PERIODIC REVIEW.

- (a) The Town shall review the development agreement every twelve months from the date the agreement is entered into. It is the applicant or successor in interest's (applicant) responsibility to apply in a timely fashion for the annual review. As part of the annual review application, the applicant must report substantial evidence of good faith compliance with the development agreement and pay any applicable review fees. The date for the annual review may be modified either by agreement between the applicant and Director or by an affirmative vote of a majority of the Planning Commission.
- (b) The Town shall give notice to the applicant that the Town intends to undertake the review of the development agreement. Notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the Planning Commission.
- (c) The Planning Commission shall conduct a public hearing to determine whether the applicant is in good faith compliance with the terms of the agreement. The burden of proof, by substantial evidence, of good faith compliance shall be upon the applicant.
- (d) The Planning Commission shall determine based on substantial evidence whether or not the applicant has, for the period under review, complied in good faith with the terms and conditions of the agreement.
- (c) If the Planning Commission determines based on substantial evidence that the applicant has complied in good faith with the terms and conditions of the agreement during the period under review, then the review for that period is concluded.
- (f) If the Planning Commission determines based on substantial evidence that the applicant has not complied in good faith with the terms and conditions of the agreement during the period under review, the Planning Commission shall forward its recommendation to the Town Council, and the Town Council may modify or terminate the agreement.

SECTION 12. MODIFICATION OR TERMINATION.

- (a) If the Town Council determines based on substantial evidence that the applicant has complied in good faith with the terms and conditions of the agreement, then the review for that period is concluded.
- (b) If the Town Council determines, based upon substantial evidence, that the applicant has not complied in good faith with the terms and conditions of the agreement during the period under review, then the Town Council may terminate or modify the agreement as provided in this subsection.

- (1) Before modifying or terminating the agreement, the Town shall give notice to the applicant containing:
 - (A) The time and place of the hearing;
 - (B) A statement as to whether the Town proposes to terminate or to modify the development agreement; and
 - (B) Other information which the Town considers necessary to inform the applicant of the nature of the proceedings.
- (2) At the time and place set for the hearing on modification or termination, the applicant shall be given an opportunity to be heard.
- (3) The Town Council may refer the matter back to the Planning Commission for further proceedings or for report and recommendation.
- (4) The Town Council may impose conditions to the action it takes as necessary to protect the public health, safety, or welfare.
- (5) The decision of the Town Council is final.

SECTION 13. CEQA EXEMPTION. The Town Council finds, the proposed Development Agreement Resolution implements State law requirements that already apply to the Town, and therefore this action is exempt from the California Environmental Quality Act (CEQA) under the common-sense exemption set forth in CEQA Guidelines Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment. The Town Council therefore directs that a Notice of Exemption be filed with the San Mateo County Clerk in accordance with the CEQA guidelines.

SECTION 14. EFFECTIVE DATE. This Resolution shall take effect immediately.

PASSED AND ADOPTED this ____ day of 20__ by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

Town Clerk

Mayor

APPROVED AS TO FORM:

Town Attorney



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Planning Commission

FROM: Laura Russell, Planning & Building Director

DATE: November 2, 2022

RE: Draft Zoning Code Amendments (Part 2) for Implementation of the Housing Element

RECOMMENDATION

Staff recommends that the Planning Commission receive a report, take public comment, and provide feedback on:

- Codification of the Affiliated Housing Program
- Approach to Opt In Rezoning Program
- Three new zoning districts with basic development standards including: 1) a new multi-family district allowing up to four dwelling units per acre; 2) a new multi-family district allowing 20 dwelling units per acre; and 3) a mixed-use district allowing residential uses up to six dwelling units per acre.

MEETING PURPOSE

The purpose of this meeting is to provide the Planning Commission with proposed approaches to the codification of the Affiliated Housing Program, approach to Opt In Rezoning, and further discuss the draft language for three new zoning districts to implement the Housing Element. (See Rezoning Program in *Section 6, Adequate Sites, and Programs 1-1 and 1-2 in Section 7, Goals, Policies, and Programs* of the [Initial HCD Draft Housing Element](#).)

Due to the details of State law, the Town Council directed staff to complete zoning changes for adoption by January 2023 to maintain as much local control as possible. After the Housing Element is adopted in January 2023, staff will bring the new zoning districts back to the Planning Commission to amend with more detailed design standards.

BACKGROUND

This background section includes information the Planning Commission is already familiar with to assist any members of the public that are new to the process. Additional information is available at www.portolavalley.net/housing.

The Housing Element is part of Portola Valley's General Plan and identifies policies and programs to meet the housing needs of the Town's current and future residents. 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 2023-2031¹ and is called the 6th Cycle. In addition, the State Department of Housing and Community Development (HCD) reviews and certifies that each jurisdiction's Housing Element meets all the requirements of the law.

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 RHNA is:

Income Level	Number of Units
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
Total	253

Ad Hoc Housing Element Committee and Community Engagement

The Ad Hoc Housing Element Committee (AHHEC) was formed to provide recommendations to the Town Council on the Housing Element Update, explore options to minimize the impacts of additional housing units, maximize public participation, and communicate information on the Committee's progress and recommendations to residents. AHHEC members included representatives from the Town Council; Planning Commission; Race and Equity Committee; Architectural and Site Control Commission; and community members.

The AHHEC has met 14 times since August 2021 and continues to advance its charge to develop a Housing Element that complies with State law and will be certified, while maintaining Town values. Agendas, staff reports, zoom recordings, and presentation materials are available on the [Committee's webpage](#). The AHHEC meetings have been

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

extremely well attended with typical attendance about 40-50 and the key meetings about housing sites having over 150 attendees.

Draft Housing Element Review

The Public Review Draft Housing Element was first made available on the Town's website on June 8, 2022 for a 30-day public comment period. The document was 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 and provide comments to the Town Council.

During this 30-day review period, the Planning Commission discussed the public draft at two meetings (June 15, 2022 and June 29, 2022) and provided their feedback for Town Council consideration. The AHHEC also reviewed the public draft at their June 20, 2022 meeting.

Town staff and consultants compiled comments received from the public, Planning Commission, and AHHEC and presented to [Town Council on July 13, 2022](#). Based on Town Council direction, staff and consultants incorporated edits from the Council Subcommittee into the Draft Housing Element and sent to HCD for initial review on August 11, 2022. The Town website includes a [summary of changes from Public Review Draft to Initial HCD Review Draft](#).

Draft Zoning Code Amendments – Part 1

On [October 19, 2022](#) the Planning Commission had a preliminary discussion on the new proposed zoning districts and standards. The Commission asked questions and requested that the proposed code language be annotated to provide additional information about what the standards mean and how they relate to surrounding district standards. The Commission also requested additional materials related to State Density Bonus Law that will be presented at an upcoming meeting.

DISCUSSION

The meeting will focus on implementation of three aspects of the Draft Housing Element:

- 1. Codification of the Affiliated Housing Program.** Currently, the Affiliated Housing Program exists only in the Housing Element; it is not included in the Municipal Code. The proposed approach would create a new combining district (also called an overlay district) that would include basic requirements for the program. The initial members of the program would be The Priory, Sequoias, and Stanford (in the current Housing Element), plus Ladera Church, Christ Church, and the Town itself. The Town's zoning map would be amended to include these sites in the combining district. If businesses or institutions wanted to join the program in the future, they would apply to be included in the combining district. That process would be handled like a zoning map amendment, requiring a recommendation from the Planning Commission and approval by the Town Council.

Participants in the Program would have to option to apply to the Planning Commission for a Master Plan implemented through a Conditional Use Permit (CUP). The ASCC would then review the details of the project. This follows the process The Priory has used successfully for well over 10 years and allows for projects to be phased.

2. **Approach to the Voluntary Upzoning Program (Opt In Program).** The Draft Housing Element Program 1-3 includes an outline of the program; however, additional details will need to be developed for implementation. The proposed approach would expand the program in the Housing Element, rather than adding it to the Zoning Code.
3. **New Zoning Districts.** As described in *Section 6, Adequate Sites*, of the Draft Housing Element, the Town has committed to adopting three new zoning districts, including:
 - New multi-family district allowing up to four dwelling units per acre, to be applied to the Glen Oaks site
 - New multi-family district allowing 20 dwelling units per acre, to be applied to 4394 Alpine Road and Ladera Church site
 - New mixed-use district allowing residential uses up to six dwelling units per acre, to be applied to the 4370 Alpine Road site

Discussion of these districts began on October 19 with preliminary concepts for the Commission to review. The materials have been updated and notes have been added to assist with further discussion.

On October 19th, there were concerns from the public related to the proposed mixed-use district and which conditional uses would be allowed. In response to that discussion, staff has updated the draft code outline (Attachment 2) to remove the conditional uses in the C-C district and insert the conditional uses in the A-P district. This approach would preserve the existing uses as conditional, so that they do not become legal non-conforming.

NEXT STEPS

Please note that these dates are tentative. Upcoming Meetings on Draft Housing Element and related materials:

- November 2 – Planning Commission reviews draft zoning code amendments
- Week of November 7 TBD– Ad Hoc Housing Element Committee reviews comments from the State Department of Housing and Community Development (HCD)
- November 16 – Planning Commission receives report on environmental review document, the Initial Study and Mitigated Negative Declaration (IS/MND), and takes public comments
- November 30 – Planning Commission reviews materials related to Housing Element Update

- December 7 - Planning Commission reviews materials related to Housing Element Update
- December 13 – Planning Commission reviews all materials and makes formal recommendation to Town Council
- January 2023 – Town Council review of Housing Element and all associated materials
- Early 2023 staff and consultants will prepare more detailed design standards for the new zoning districts and return to Planning Commission for review.

ATTACHMENTS

1. Proposed codification of Affiliated Housing and Discussion notes on Opt In Program
2. Draft Multi-Family Districts and Mixed-Use District Zoning Code Amendments
3. Draft Multi-Family Districts and Mixed-Use District Zoning Code Amendments with Annotations Comparing Zoning Districts
4. Municipal Code Section – Conditional Use Permit Findings

Draft Housing Element Available online at www.portolavalley.net/housing

Portola Valley Zoning Code Amendments

CHAPTER 18.24 SPECIAL DISTRICTS

18.24.010 Special districts—Regulations.

The classes of districts included in this chapter and Chapters 18.26 through 18.32 include the O-A district, standards for SB 9 residential development, the P-C district, the AH Combining district, the D-R district, the H-R district and the F-P district.

CHAPTER 18.29 AFFILIATED HOUSING (AH) COMBINING DISTRICT REGULATIONS (NEW)

18.29.010 Purpose and intent.

The purpose of the Affiliated Housing (AH) combining district is to:

- A. Establish incentives for locally-based institutions and employers to build housing for their employees;
B. Encourage private sector development of housing at mixed affordability levels; and
C. Encourage people with strong connections to the community to live and work in town.

18.29.020 Applicability.

- A. The provisions of this chapter shall apply to parcels identified as part of the AH combining district on the Zoning Map on file with the Town.
B. Any owner of a parcel used primarily for employment or a locally-based institution is eligible to apply for the AH combining district designation in accordance with Section 18.29.030.

18.29.030 Action by Council.

Action by the Council for inclusion of a parcel in the Affiliated Housing (AH) combining district shall be in accordance with Chapter 18.74.

18.29.040 Conditional Use Permit Review and Approval.

A Conditional Use Permit (CUP) is required for all Affiliated Housing (AH) projects in accordance with Chapter 18.72 - Conditional Use Permits.

- A. Application requirements for shall be consistent with those of Chapter 18.72 - Conditional Use Permits, except that the following information is also required for an AH application:
1. List required information specific to a master plan for an Affiliated Housing project unless this is to be listed on a separate application form.
2. Other.

Commented [LR1]: This section is about changing the zoning for properties. Adding properties to the combining district would require the same process as changing the zoning.

Commented [LR2]: PC: What type of information would you like to see as part of the application?

Portola Valley Zoning Code Amendments

- B. **Findings.** Required findings for approval of a CUP shall be consistent with the findings provided in Chapter 18.72 - Conditional Use Permits, except that the following findings are also required for AH approval:
1. *List required findings specific to Affiliated Housing (AH) Master Plans.*
 2. *Other.*
- C. **Review.** Review of a master plan for an Affiliated Housing project shall be consistent with the processes provided in Chapter 18.72 - Conditional Use Permits, except that all master plans shall be reviewed by the Architectural Site Control Commission (ASCC). The ASCC may review the master plan for an Affiliated Housing project either before the Planning Commission's review of the Cup, or after the Planning Commission has approved the CUP, as determined by the Director.

Commented [LR3]: PC: Would you like to add special findings for approval of a Master Plan CUP?

18.29.050 Required Conditions—Housing Units.

Housing units shall be offered first to employees of an affiliated institution or employer. If the affiliated institution or employer is unable to fill the housing units with current employees, the units may be offered to other households with a preference for people that live or work in the Town of Portola Valley.

18.29.060 Required Conditions—Development Standards.

- A. **Residential density.** The following standards for residential density replace those of the base zone.
1. The following AH parcels shall be allowed to exceed the existing density as of (date) by the following amount:
 - a. *Sequoias*: 2 units/acre or 23 units, whichever is less.
 - b. *Christ Church*: 2 units/acre or 6 units, whichever is less.
 - c. *Ladera Community Church*: 20 units/acre or 10 units, whichever is less.
 2. New Affiliated Housing parcels established in accordance with Chapter 18.74 shall not exceed 6 units/acre or 6 units, whichever is less.
 3. The Planning Commission may allow up to 20 units/acre with approval of a CUP for a master plan for the site. Exceptions to allow additional units shall be administered based on the number of affordable units.
- B. **Development standards.** The development standards for parcels within the AH combining district are as follows:
1. For sites with a density of up to 6 du/ac, the development standards of the R-MF-4 as established in Section 18.15.050 apply.
 2. For sites with a density greater than 6 du/ac, the development standards of the R-MF-20 as established in Section 18.15.050 apply.
 3. Units shall be offered first to employees of sites in the affiliated housing program. If the local business is unable to fill units with current employees, the units may be offered to other households with a preference for people that live or work in Portola Valley.
- C. **Design Standards.** The design standards of Section 18.15.060 shall apply to all Affiliated Housing sites.

Portola Valley Zoning Code Amendments

- D. **Parking.** The Planning Commission may approve a reduction in otherwise required parking proposed for an Affiliated Housing site with a CUP.

DISCUSSION POINTS- HOUSING ELEMENT PROGRAM: OPT-IN UPZONING

- **Overall Approach.** Outline the requirements of this program in the Housing Element itself, rather than in the Zoning Code.
- **Eligibility.** This voluntary program allows property owners of any site one acre or greater to develop up to four du/ac dwelling units per acre, with a maximum of four acres, provided the site meets the following safety criteria in the Draft Housing Element:
 - The site provides access via two ways of ingress/egress.
 - The site grade is less than 30%.
 - The site is outside of a very high fire hazard severity zone.
 - The site is outside of a fault zone.
 - The site is outside of areas identified with unstable soils or at risk of landslide or liquefaction.
- **Potential Process.** The process is similar to that of a CUP, with discretionary review by the Planning Commission.
 - Applications are consistent with that of a CUP, with any additional required information (e.g., demonstration of safety criteria) noted in the Housing Element.
 - Findings are consistent with that of a CUP, with any additional required findings noted in the Housing Element or developed through this process.
 - After Planning Commission approval, the Architectural Site Control Commission (ASCC) reviews the application for compliance with the design standards of Section 18.15.060 - Design Standards.
- **Expiration.** The program expires when a total of 12 units have been developed under the program.

Portola Valley Draft Zoning Code Amendments

**Note: Edited sections of existing Code are shown with redline strikeout.
New sections are shown in black text for easier reading.**

DEFINITIONS

18.04.252 Low barrier navigation center. (NEW)

A housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing as defined in Government Code Section 65660.

CHAPTER 18.06 DISTRICTS

18.06.010 Districts established.

The following classes of use districts are established:

~~O-A districts—Open area districts~~

~~P-C districts—Planned community districts~~

~~Chapter 18.12: R-E districts—Residential estate districts~~

~~Chapter 18.14: R-1 districts—Single-family residential districts~~

~~Chapter 18.15: R-MF districts—Multi-family residential districts (NEW)~~

~~Chapter 18.16: M-R districts—Mountainous residential districts~~

~~Chapter 18.20: C-C districts—Community commercial districts~~

~~Chapter 18.22: A-P districts—Administrative-professional districts~~

~~Chapter 18.23: MU district—Mixed-use district (NEW)~~

~~A-P districts—Administrative professional districts~~

~~M-R districts—Mountainous residential districts~~

~~Chapter 18.26: O-A districts—Open area districts~~

~~Chapter 18.28: P-C districts—Planned community districts~~

~~Chapter 18.31: H-R (historic resource) combining district~~

(Ord. 1981-181 § 1, 1981; Ord. 1979-166 § 3, 1979; Ord. 1978-164 § 2, 1978; Ord. 1968-86 § 1, 1968; Ord. 1967-80 § 1 (6104.2), 1967)

Commented [MS1]: LWC has re-ordered these in order of chapter number, and added two new chapters - 18.15 and 18.23. No changes to existing chapter numbers.

CHAPTER 18.10 RESIDENTIAL DISTRICTS

18.10.010 Intention—Applicable regulations.

The purposes of regulations for residential districts are as follows:

- A. To control the density and distribution of population in conformance with the general plan
- B. To provide for residential areas that will permit development of rural living accommodations;
- C. To regulate the development and use of residential areas in a manner that will minimize disturbance of the natural terrain and will preserve the inherent visual amenities and minimize problems of drainage, erosion, and earth movement;
- ~~D.~~ To provide for grouping or clustering of residential structures where appropriate in order to preserve the natural amenities and open space qualities of Portola Valley;
- ~~E.~~ To provide areas for mixed-use development that supports a mix of multi-family residential, local retail, consumer service businesses, and professional services;
- ~~D.~~ To provide standards for multi-family development consistent with state law that preserves the rural character of Portola Valley and minimizes future wildfire;
- ~~E-F.~~ To permit public and private facilities needed to serve residential areas;
- ~~F-G.~~ To permit and regulate institutions requiring a location in a residential area.

CHAPTER 18.15 R-MF (MULTI-FAMILY RESIDENTIAL) DISTRICT REGULATIONS **(NEW)**

18.15.010 Intention—Applicable regulations.

The class of district is intended to promote and encourage the establishment and maintenance of a suitable environment for gentle density on parcels of sizes adequate to accommodate multi-family dwellings of differing characteristics, incorporate fire resilient design, ensure privacy, preserve the visual amenities of existing open space to the maximum extent feasible, and preclude unwarranted reductions in parcel sizes. Any parcel in an R-MF district may be occupied by a principal use listed in Section 18.15.020 or, when authorized by the planning commission, by a conditional use listed in Section 18.15.030, together with uses accessory to such principal use or conditional use as specified in Section 18.15.040. Use of any parcel is subject to:

- A. Development standards set forth in Section 18.15.050;
- B. Design standards set forth in Section 18.15.060;
- C. The required conditions set forth in Section 18.15.070;
- D. The provisions governing accessory uses, fences, and planned unit developments set forth in Chapters 18.42 through 18.44;
- E. The provisions regulating nonconforming uses set forth in Chapter 18.46;
- F. Yards, building bulk, and site design requirements set forth in Chapters 18.52 through 18.56;
- G. Special building setback lines set forth in Chapter 18.58; and
- H. The off-street parking requirements set forth in Chapter 18.60.

18.15.020 Principal uses permitted.

Principal uses permitted in the R-MF districts shall be as follows:

- A. Uses permitted by Section 18.36.010;
- B. Single-family dwellings, including residential care facilities
- C. Multi-family dwellings;
- D. Supportive housing;
- E. Transitional housing;
- F. Low barrier navigation centers;
- G. Temporary uses permitted by Section 18.36.020;
- H. Public school when located in conformance with the general plan.

18.15.030 Conditional use permitted.

The following uses shall be permitted only when a conditional use permit is granted as provided in Chapter 18.72:

- A. Uses permitted by Section 18.36.020;

Portola Valley Zoning Code Amendments

- B. Residential planned unit developments as regulated by Chapters 18.44 and 18.72;
- C. Landscaping, open space, growing of plants and similar low intensity uses each of which is attendant to adjoining uses in the C-C district, provided such uses are not required to meet the requirements of Chapters 18.42 and 18.48 through 18.60;
- D. Publicly-owned park, recreation or open space areas when located in conformance with the general plan;
- E. Fire stations when located in conformance with the general plan. Development standards, including but not limited to, floor area, setbacks and parking, shall be established by the decision-making body; and
- F. **Stable, Boarding.**

Commented [LR2]: This has been added as a conditional use so that the existing Glenoaks Equestrian Center would not become a legal nonconforming use.

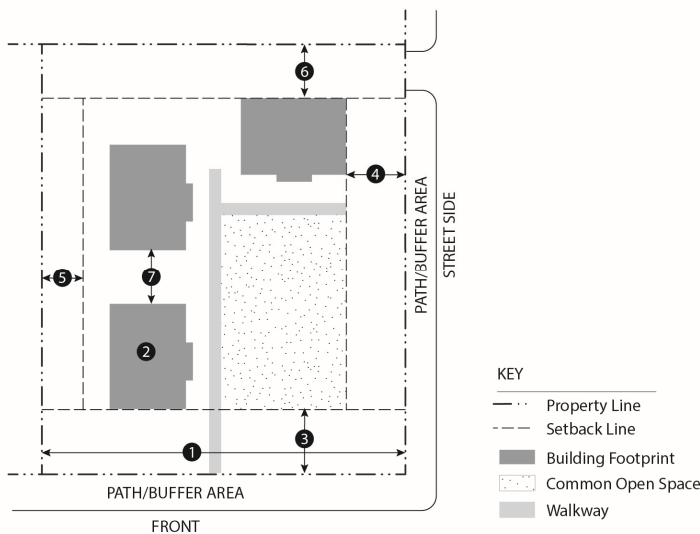
18.15.040 Accessory uses permitted.

Accessory uses permitted in the R-MF districts shall be as follows:

- A. Accessory uses as permitted in Sections 18.36.040 and Chapter 18.40;
- B. Accessory uses permitted by subsections B, D, E, F, G, H, I, J and K of Section 18.12.040;
- C. Household pets permitted by town ordinances.

18.15.050 Development standards.

Table 18.15.050, Development Standards – Multi-Family Residential Zoning Districts establishes the development standards for the R-MF Zoning Districts. The numbers in the figure below correspond with the regulations in the table.



Portola Valley Draft Zoning Code Amendments

Table 18.15.050: Development Standards – Multi-Family Residential Zoning Districts			
Standard	R-MF-4	R-MF-20	Key
Density	Min. 2 du/ac; max. 4 du/ac	Min. 10 du/ac; max. 20 du/ac	
Lot Width	Min. 120 ft	Min. 90 ft	1
Lot Coverage (includes accessory structures)	Max. 35%	Max. 55%	
Footprint for Single Building	Max. 3,000 sq ft	Max. 6,000 sq ft	2
Building Height			
Principal Structure	Max. 30 ft/2 stories	Max. 42 ft/3 stories	
Accessory Structure	Max. 16 ft	Max. 16 ft	
Setbacks			
Front	Min. 50 ft.; See Chapter 18.58 – Special Setback Lines for additional standards	Min. 15 ft; Min. 20 ft for 3rd floor See Chapter 18.58 – Special Setback Lines for additional standards	3
Street Side	Min. 20 ft; See Chapter 18.58 – Special Setback Lines for additional standards	Min. 15 ft; Min. 20 ft for 3rd floor; See Chapter 18.58 – Special Setback Lines for additional standards	4
Interior Side	Min. 30 ft	Min. 15 ft	5
Rear	Min. 30 ft	Min. 30 ft	6
Setback from Abutting Waterway	See. Chapter 18.59 – Creek Setbacks		
Building Separation	Min. 20 ft	Min. 12 ft	7
Landscaping and Open Space			
Private Open Space	Min. 80 sq ft/unit	Min. 64 sq ft for ground level units; min. 48 sq ft/unit for upper level units	
Private Open Space Dimension	Min. 8 ft	Min. 8 ft for ground level units, 6 ft for upper level units	
Impervious/Paved/ Hardscaped Area	Max. 50% of required front setback area; Max. 35% of lot	Max. 50% of required front setback area; Max. 65% of lot	

Notes:

18.15.060 Design standards.

- A. Building Massing (minimization of 3rd floor, transitions)
- B. Façade Articulation and Composition
- C. Roof Design

Commented [LR3]: These sections will be re-written to more clearly show that the Scenic Corridor setbacks will apply

Commented [LR4]: Design Standards will be developed in a later phase but are included as a place keeper and to demonstrate the types of things that will be addressed.

Portola Valley Zoning Code Amendments

- D. Windows and Doors
- E. Materials and Colors
- F. On-Site Circulation
- G. Parking Configuration and Design

18.15.070 Required conditions.

Required conditions in the R-MF districts shall be as follows:

- A. Required conditions as stipulated by subsections A, B and C of Section 18.12.050;
- B. Conformance with the requirements set forth in Section 18.37.010.
- C. Development in the Very High Fire Severity Zone as designated by the Town shall comply with the defensible space requirements set forth in Government Code Section 51182 and the defensible space regulations adopted by the Woodside Fire Protection District from time to time.
- D. Before approving a tentative map, or a parcel map for which a tentative map was not required, in the Very High Fire Severity Zone as designated by the Town the decision making body shall make the findings set forth in Government Code Section 66474.02 relative to consistency with regulations adopted by the State Board of Forestry and Fire Protection and availability of structural fire protection and suppression services.
- E. Development in the Very High Fire Severity Zone as designated by the Town shall comply with the Board of Forestry and Fire Protection's State Minimum Fire Safe Regulations.

CHAPTER 18.23 M-U (MIXED-USE) DISTRICT REGULATIONS (NEW)

18.23.010 Intention-Applicable regulations.

The district is intended to provide a mix of multi-family residential uses and space for local retail, consumer service businesses, and professional services necessary to serve primarily the town and its spheres of influence. Any parcel in an M-U district may be occupied by a principal use listed in Section 18.23.020 or, when authorized by the planning commission, by a conditional use listed in Section 18.23.030 together with uses accessory to such principal use or conditional use as specified in Section 18.23.040. Use of any parcel is subject to:

- A. Development standards set forth in Section 18.23.050;
- B. Design standards set forth in Section 18.23.060;
- C. The required conditions set forth in Section 18.23.060;
- D. The provisions governing accessory uses set forth in Chapter 18.42;
- E. The provisions regulating, fences set forth in Chapter 18.43;
- F. The provisions regulating nonconforming uses set forth in Chapter 18.46;
- G. Yards, building bulk, and site design requirements set forth in Chapters 18.52 through 18.56;
- H. Special building setback lines set forth in Chapter 18.58; and

Portola Valley Draft Zoning Code Amendments

I. The off-street parking requirements set forth in Chapter 18.60.

18.23.020 Principal uses permitted.

Principal uses permitted in the M-U district shall be as follows:

- A. Uses permitted by Section 18.36.010;
- B. Single-family dwellings, including residential care facilities for six or fewer persons;
- C. Multi-family dwellings;
- D. Supportive housing;
- E. Transitional housing;
- F. Low barrier navigation centers;
- G. Publicly-owned parks, public schools, or other public buildings when located in conformance with the general plan;
- H. Temporary uses permitted by Section 18.36.020;
- I. Any other use which is determined by the commission, as provided in Chapter 18.38, to be of the same character as the other uses permitted by this section.

Commented [LR5]: Residential care facilities for six or fewer persons are required to be treated the same as single family dwellings under State law

Commented [LR6]: These uses are required by State law

18.23.030 Conditional uses permitted.

The uses listed in this section shall be permitted only when a conditional use permit is granted as provided in Chapter 18.72:

- A. Uses permitted by Section 18.36.020;
- B. Administrative-professional planned unit developments as regulated by Chapters 18.44 and 18.72, provided any such development conforms to the floor area limitations of Section 18.54.052;
- C. Administrative and professional offices that meet the domestic needs of the residents of the town and its spheres of influence or which provide services to other businesses or institutions in the town or its spheres of influence meeting domestic needs, provided any such establishment conforms to the floor area limitations of Section 18.54.052;
- D. Medical and dental clinics, provided any such clinic conforms to the floor area limitations of Section 18.54.052;
- E. Physical therapy and fitness training, provided any such use conforms to the floor area limitations of Section 18.54.052;
- F. Veterinary clinics, provided any such clinic conforms to the floor area limitations of Section 18.54.052;
- G. Real estate and insurance offices, provided any such office conforms to the floor area limitations of Section 18.54.052;
- H. ~~Convenience goods and consumer service establishments permitted by Sections 18.20.030C.1. and 3. through 19., subject to the requirements of Section 18.22.050C., and provided any such establishment conforms to the floor area limitations of Section 18.54.052;~~
- I. Uses permitted by Section 18.20.030G.;
- J. Residential care facilities for seven or more individuals;

Commented [LR7]: Based on discussion at October 19th meeting, the Conditional Uses in the A-P districted have been included instead of the Conditional Uses in the C-C district.

Commented [LR8]: Based on discussion on October 19th, these uses have been removed.

Portola Valley Zoning Code Amendments

K. Any other use which is determined by the commission, as provided in Chapter 18.38, to be of the same character as other uses permitted by this section, provided that a use found to be of the same character as another use must meet the floor area limitations of that use as set forth in Section 18.54.052.

A. ~~Uses permitted by Section 18.36.020;~~

B. ~~The following convenience goods and consumer service establishments, provided any such establishment conforms to the floor area limitations of Section 18.54.052:~~

1. ~~Apparel shops;~~
2. ~~Automobile service stations for only the sale of gasoline, oil, and new accessories, and services including washing, lubrication, installation of accessories, motor tune-ups, and minor automotive repairs. Used tires accepted in trade on the premises may be resold;~~
3. ~~Bakeries, including baking for sale on premises only;~~
4. ~~Banks, including drive-in facilities;~~
5. ~~Barbershops;~~
6. ~~Beauty shops;~~
7. ~~Drug stores;~~
8. ~~Eating and drinking places except drive ins and except establishments with entertainment and dancing;~~
9. ~~Food stores;~~
10. ~~Garment pressing, repair, and alteration;~~
11. ~~Gift shop;~~
12. ~~Hardware stores;~~
13. ~~Laundromats and self-service dry cleaning establishments;~~
14. ~~Laundry and dry cleaning pick-up stations;~~
15. ~~Liquor stores, package only;~~
16. ~~Nurseries for the propagation and/or sale of plants, shrubs, and trees;~~
17. ~~Saddlery;~~
18. ~~Shoe repair;~~
19. ~~Variety stores, limited price.~~

C. ~~Business offices and professional offices that meet the domestic needs for the residents of the town and its spheres of influence or that provide services to other businesses or institutions in the town or its sphere of influence meeting such domestic needs. All office uses are subject to the limitations of Sections 18.23.060 and the floor area limitations of Section 18.54.052. When approving an office use, the conditional use permit shall expressly indicate, as specifically as possible, the type of office use being permitted, such as the type of medical practice or type of legal practice;~~

Commented [LR9]: Per note above, these uses have been removed for PC consideration.

Portola Valley Draft Zoning Code Amendments

- D. ~~Educational, cultural, institutional, and recreational uses such as churches, nursery schools, private clubs, or recreational facilities;~~
- E. ~~Existing single-family dwellings as interim uses for periods of time approved by the planning commission, such periods to be the time estimated until the property will be needed for multi-family or mixed-use development permitted by this section;~~
- F. ~~Personal offices pursuant to the following provisions:~~
1. ~~Personal offices as defined and treated in this section are established as a separate type of use.~~
 2. ~~Personal offices shall be no larger than three hundred 50 square feet, no less than 150 square feet and shall be occupied by no more than two persons; however, the ratio of occupants to floor area shall not exceed one person per 200 square feet of floor area on a cumulative basis. If parking is provided in excess of one space per 200 square feet of floor area up to one space per 150 square feet of floor area, the ratio of occupants to floor area may be the same as the ratio of parking spaces to floor area.~~
 3. ~~At the time a conditional use permit is issued for personal offices, the permit shall indicate which offices are so designated and may not be altered without the approval of the planning commission, but such determination need not be subject to a public hearing.~~
 4. ~~The total floor area approved for all personal offices in the town in the C-C and A-P districts combined shall not exceed five thousand square feet.~~
 5. ~~A zoning permit shall be applied for and approved prior to occupancy of a personal office which will verify compliance with the foregoing provisions. Annually thereafter, concurrent with the issuance and renewal of business licenses for personal offices, information shall be submitted by the occupant of the personal office which verifies compliance with the foregoing provisions. A fee may be charged by the town for the processing of such annual compliance information.~~
 6. ~~If a business conducted in personal offices meets the test that the majority of the business serves the town and its spheres of influence, it is subject to the provisions of this ordinance that pertain to offices in general except that it must in addition conform to subsections F.1. through 5. above.~~
 7. ~~If the primary occupant of a personal office is a resident of the town or its spheres of influence, the provision of such space is deemed to meet the criteria of serving primarily the town and its spheres of influence. In such a case, the occupant may conduct a personal business which need not meet the test of serving primarily the town and its spheres of influence. Such a business, however, shall not attract other than occasional traffic by other than the occupants and shall be separate from other businesses conducted in personal offices.~~
- G. ~~Residential care facilities for seven or more individuals;~~
- H. ~~Any other use which is determined by the commission, as provided in Chapter 18.38, to be of the same character as other uses permitted by this section, provided that a use found to be of the same character as another use must meet the floor area limitations of that use as set forth in Section 18.54.052.~~

Portola Valley Zoning Code Amendments

18.23.040 Accessory uses permitted.

Accessory uses permitted in the M-U zone shall be as follows:

- A. Accessory uses as permitted in Sections 18.36.040 and Chapter 18.40;
- B. Parking lot for passenger vehicles;
- C. Off-street loading spaces.
- D. Accessory uses permitted by subsections B, D, E, F, G, H, I, J and K of Section 18.12.040;
- E. Household pets permitted by town ordinances.

18.23.050 Development Standards.

Table 18.23.060, Development Standards – Mixed-Use Zoning District, establishes the development standards for the Mixed-Use Zoning Districts. The numbers in each illustration refer to corresponding regulations in the table.

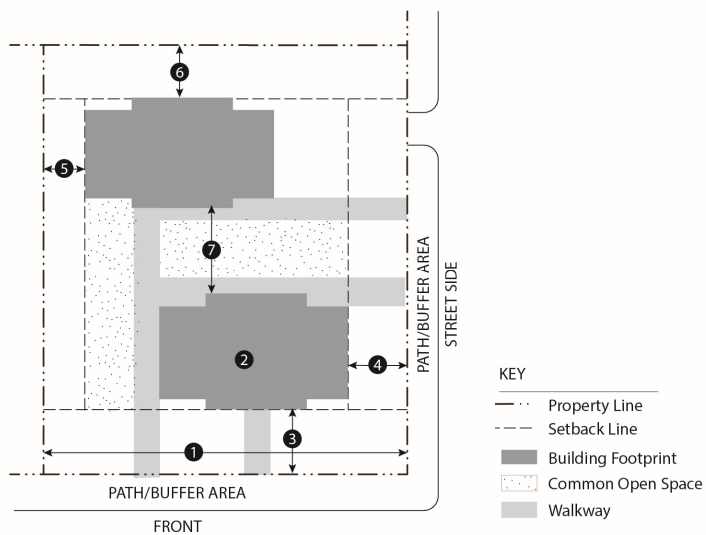


Table 18.23.050: Development Standards – Mixed-Use District		
Standard	M-U	Key
Density/Intensity		
Density	Min. 4 du/ac; max. 6 du/ac	
FAR	Max. 0.18, exclusive of residential uses	
Lot Width	Min. 120 ft	1

Portola Valley Draft Zoning Code Amendments

Footprint for Single Building	Max. 7,500 sq ft	2
Max. Height		
Principal Structure	Max. 42 ft/3 stories	
Accessory Structure	Max. 16 ft	
Ground Floor Ceiling Height	Min. 12 ft for nonresidential uses	
Setbacks		
Front	Min. 15 ft; Min. 20 ft for 3rd floor. See Chapter 18.58 – Special Setback Lines for additional standards	3
Street Side	15 ft; 20 ft for 3rd floor. See Chapter 18.58 – Special Setback Lines for additional standards	4
Interior Side	Min. 15 ft	5
Min. Rear Setback	Min. 30 ft	6
Min. Setback from Abutting Waterway	See. Chapter 18.59 – Creek Setbacks	
Building Separation	Min. 15 ft	7
Landscaping and Open Space		
Private Open Space	Min. 64 sq ft for ground level units; min. 48 sq ft/unit for upper level units	
Private Open Space Dimension	Min. 8 ft for ground floor level units, 6 ft for upper units	
Impervious surface/Paved/Hardscaped Area	Max. 65% of lot	

Commented [LR10]: This will be updated to more clearly show that the Scenic Corridor Setback will apply

Notes:

18.23.060 Design standards.

- A. Building Massing (minimization of 3rd story, transitions)
- B. Façade Articulation and Composition
- C. Ground Floor Non-residential Design and Transparency
- D. Roof Design
- E. Windows and Doors
- F. Materials and Colors
- G. On-Site Circulation

Commented [LR11]: Design Standards will be developed in a later phase but are included as a place keeper and to demonstrate the types of things that will be addressed.

Portola Valley Zoning Code Amendments

H. Parking Configuration and Design

18.23.070 Required conditions.

- A. All non-residential uses and structures, other than accessory buildings, shall be subject to site plan and architectural approval by the architectural and site control commission as provided in Chapter 18.64.
- B. Required conditions as stipulated by subsections A, B and C of Section 18.12.050;
- C. Conformance with the requirements set forth in Section 18.37.010.
- D. All uses shall be conducted within completely enclosed buildings except for:
 - 1. Delivery of fuel, lubricants, and minor incidental servicing of vehicles at service stations;
 - 2. Parking and loading spaces;
 - 3. Outdoor dining areas;
 - 4. Recreation facilities;
 - 5. Public utility electric substations;
 - 6. Nurseries for propagation and sale of trees, plants and shrubs.
- E. Processing, packaging, treating and incidental storage related thereto shall be in the same line of merchandise or service as the retail or service business conducted on the premises, and the maximum percent of gross floor area occupied by the business to be devoted to such activities shall not exceed fifty percent and there shall be no more than three employees engaged in such activities.
- F. Amusement devices shall be permitted as accessory uses only when specifically set forth in an approved conditional use permit. Conditional use permits containing such accessory uses may be approved only for a specific applicant and such use permits are nontransferable.
- G. During hours when an establishment is not open for business, only security lighting shall be allowed. Such lighting, both inside and outside, shall be of the minimum amount and the intensity to achieve its intended purpose.
- H. The total net floor area devoted to office uses on any parcel shall not exceed fifteen percent of the net floor area of all uses on such parcel. When an application is for a conditional use permit, the planning commission may allow the net floor area devoted to office uses to be increased up to but not exceed fifty percent of the total net floor area. An increase above fifteen percent may be authorized when the planning commission finds that the larger percentage will allow the development to be more compatible with the site conditions and surrounding the development that could otherwise be achieved and will not unduly jeopardize the space anticipated to be required for commercial uses in the town. "Net floor area" is defined in Section 18.54.050.
- I. Properties identified on the Flood Insurance Rate Maps shall comply with the provisions of Chapter 18.32.
- J. Properties with historic resources as identified in the historic element of the general plan shall comply with the provisions of Chapter 18.31.
- K. Development in the Very High Fire Severity Zone as designated by the Town shall comply with the defensible space requirements set forth in Government Code Section 51182 and the

Portola Valley Draft Zoning Code Amendments

defensible space regulations adopted by the Woodside Fire Protection District from time to time.

- L. Before approving a tentative map, or a parcel map for which a tentative map was not required, in the Very High Fire Severity Zone as designated by the Town the decision making body shall make the findings set forth in Government Code Section 66474.02 relative to consistency with regulations adopted by the State Board of Forestry and Fire Protection and availability of structural fire protection and suppression services.
- M. Development in the Very High Fire Severity Zone as designated by the Town shall comply with the Board of Forestry and Fire Protection’s State Minimum Fire Safe Regulations.
- N. This zoning district permits one hundred percent residential projects with no commercial component. Any non-residential development shall include a residential component at the minimum density specified in Table 18.23.060.

CHAPTER 18.60 OFF STREET PARKING

18.60.110 Schedule of required off-street parking spaces.

Except as otherwise provided in this chapter, the minimum number of off-street parking spaces required shall be as set forth in Table 5. More parking spaces may be required as a condition of any conditional use permit when the planning commission finds that the characteristics of the particular use require more parking. For uses not listed, the number of spaces required shall be stipulated by the planning commission.

TABLE 5

Use	Parking Spaces Required
<u>Single-Family Dwellings</u>	1 for each dwelling having 0 or 1 bedroom, or 2 for each dwelling having 2 or more bedrooms, plus 2 guest parking spaces in residential density districts requiring 1 acre or more of land per dwelling unit
<u>Multi-family Dwellings</u>	<u>1 for each dwelling having 0 or 1 bedroom, or 2 for each dwelling having 2 or more bedrooms. Guest parking shall be provided in the amount of 1 space for every 3 units or fraction thereof.</u>
Convalescent homes	1 for each 5 beds
Churches	1 for each 5 seats in the main worship unit
Elementary schools	1 for each classroom, plus 1 for each 100 square feet in the auditorium or any space used for assembly
Retail stores	1 for each 150 square feet of floor area
Medical or dental clinics	5 spaces for each doctor or dentist
Banks, business, or professional offices	1 for each 200 square feet of floor area
Establishments for the sale and consumption on the premises of alcoholic beverages, food, or refreshments	1 for each 2.5 seats or stools

Commented [MS12]:
 2 or 3 units = 1 guest
 4, 5, or 6 units = 2 guest
 7, 8 or 9 units = 3 guest
 Etc.

Portola Valley Zoning Code Amendments

Places of assembly with fixed seats other than those enumerated above	1 for each 3 seats
Places of assembly without fixed seats other than enumerated above	1 for each 50 square feet of floor area used for assembly
Retirement homes	1 for each apartment, double room, or family unit

(Ord. 1979-166 § 16 (part), 1979; Ord. 1967-80 § 1 (6210.4), 1967)

18.60.130 Parking areas in R and R-MF districts.

Every parking area in an R or R-MF district shall be governed by the following provisions in addition to those required by Section 18.60.120:

- A. Such parking area shall be incidental to and accessory to a use permitted in the district in which the property is located;
- B. Such parking area shall be so located that its boundary abuts the site of the establishment to which it is accessory unless otherwise permitted by a conditional use permit as provided by Chapter 18.72;
- C. Such parking area shall be used solely for the parking of private passenger vehicles;
- D. Signs as provided for in Chapter 18.40;
- E. When authorized by conditional use permit, as provided by Chapter 18.72, tandem parking, the parking of two vehicles so that one is behind the other, may be permitted.

(Ord. 1967-80 § 1 (6210.6), 1967)

18.60.140 Required Bicycle Parking (NEW)

- A. **Short-Term Bicycle Parking.** Short-term secure bicycle parking shall be provided to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of four hours or less.
 1. **Bicycle Parking Spaces Required.** For the following uses, the number of short-term secure bicycle parking spaces shall be ten percent of the parking spaces required in Table 5 of Section 18.60.110, Schedule of Required Off-Street Parking Spaces, with a minimum of four secure bicycle parking spaces provided per use.
 - a. Multi-family dwellings;
 - b. All public uses; and
 - c. All commercial uses, except automobile/vehicle sales and services.
 2. **Location.**
 - a. Short-term secure bicycle parking shall be located outside of pedestrian walkways, and within 100 feet of the main entrance to the building it serves.
 - b. Short-term secure bicycle parking shall be located outside of the public right-of-way except as allowed through an encroachment permit.

Portola Valley Draft Zoning Code Amendments

- c. Where the secure bicycle parking area is not visible from the main entrance of the buildings, signs located at the main entrance of the building shall identify the location of bicycle parking.
 - 3. **Anchoring and Security.** For each short-term bicycle parking space required, a stationary, securely-anchored bicycle rack shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such bicycle rack may serve multiple bicycle parking spaces.
 - 4. **Size and Accessibility.** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.
- B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.
- 1. **Bicycle Parking Spaces Required.**
 - a. *Multi-family dwellings.* A minimum of one long-term secured bicycle parking space shall be provided for every two dwelling units or portion thereof.
 - b. *Other Uses.* Any establishment with six or more full-time equivalent employees shall provide long-term bicycle parking designated on a site plan at a minimum ratio of one bicycle parking space per 10 required vehicle parking spaces. Parking areas with fewer than six spaces are encouraged but not required to provide long-term bicycle parking.
 - 2. **Location.** Long-term bicycle parking must be located on the same lot as the use it serves and near a building entrance. In parking structures, long-term bicycle parking must be located near an entrance to the facility. Where the bicycle parking area is not visible from the entrance of the building, signs located at the entrance or in an entry lobby of the building shall identify the location of bicycle parking.
- Anchoring and Security.** Long-term bicycle parking must be located in:
- a. An enclosed bicycle locker; or
 - b. A private garage with sufficient space for both vehicle and bicycle parking;
 - c. Other secure areas approved by the Planning and Building Director.
 - 3. **Size and Accessibility.** Each long-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces, except within private garages.

Annotation of Code Presented on October 19th Comparing Proposed District to Existing

CHAPTER 18.15 DISTRICT REGULATIONS (NEW)

18.15.050 Development standards.

Table 18.15.050, Development Standards – Multi-Family Residential Zoning Districts establishes the development standards for the R-MF Zoning Districts. The numbers in the figure below correspond with the regulations in the table.

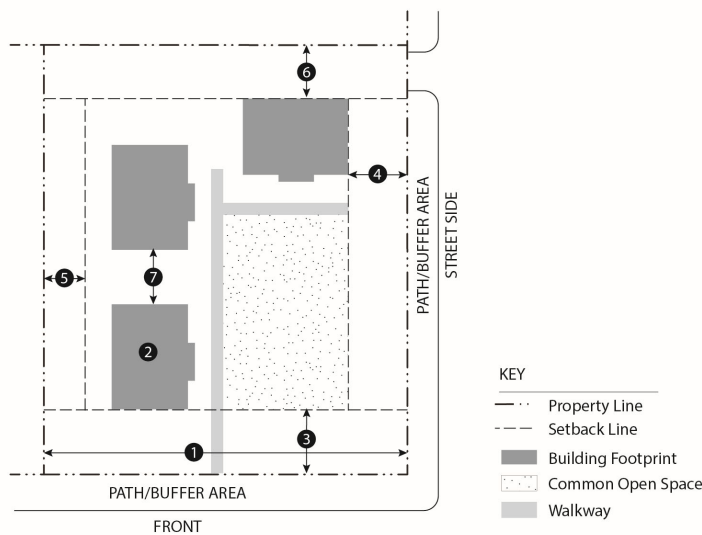


Table 18.15.050: Development Standards – Multi-Family Residential Zoning Districts			
Standard	<i>R-MF-4</i> <i>compared with RE, combining district 1A</i>	<i>R-MF-20</i> <i>compared with A-P</i>	Key
Density	Min. 2 du/ac; max. 4 du/ac 1 unit; Max. floor area 5,260 sq ft	Min. 10 du/ac; max. 20 du/ac None; Max. FAR 0.18	
Lot Width	Min. 120 ft None (min. parcel area 1 acre)	Min. 90 ft None (min. parcel area 1 acre)	①
Lot Coverage (includes accessory structures)	Max. 35% None	Max. 55% Max. 15%	
Footprint for Single Building	Max. 3,000 sq ft None	Max. 6,000 sq ft None	②
Building Height			

Commented [MS1]: Existing zone for the Glen Oaks parcel t(to be re-zoned R-MF-4)

Commented [MS2]: Existing zone for 4394 Alpine Rd (to be re-zoned R-MF-20)

Portola Valley Zoning Code Amendments

Table 18.15.050: Development Standards – Multi-Family Residential Zoning Districts			
Standard	<i>R-MF-4</i> <i>compared with RE, combining district 1A</i>	<i>R-MF-20</i> <i>compared with A-P</i>	Key
<i>Principal Structure</i>	Max. 30 ft/2 stories <i>28 ft / 34 ft</i>	Max. 42 ft/3 stories <i>28 ft</i>	
<i>Accessory Structure</i>	Max. 16 ft <i>Same as primary structure</i>	Max. 16 ft <i>Same as primary structure</i>	
Setbacks			
<i>Front</i>	Min. 50 ft.; See Chapter 18.58 – Special Setback Lines for additional standards <i>Min. 50 ft; Special Setback as applicable (no change)</i>	Min. 15 ft; Min. 20 ft for 3rd floor See Chapter 18.58 – Special Setback Lines for additional standards <i>Min. 50 ft; Special Setback as applicable</i>	3
<i>Street Side</i>	Min. 20 ft; See Chapter 18.58 – Special Setback Lines for additional standards <i>Min. 20 ft; Special Setback as applicable (no change)</i>	Min. 15 ft; Min. 20 ft for 3rd floor; See Chapter 18.58 – Special Setback Lines for additional standards <i>Min. 20 ft; Special Setback as applicable</i>	4
<i>Interior Side</i>	Min. 30 ft <i>Min. 20 ft</i>	Min. 15 ft <i>Min. 20 ft</i>	5
<i>Rear</i>	Min. 30 ft <i>Min. 20 ft</i>	Min. 30 ft <i>Min. 20 ft</i>	6
<i>Setback from Abutting Waterway</i>	See. Chapter 18.59 – Creek Setbacks <i>See. Chapter 18.59 – Creek Setbacks</i>		
Building Separation	Min. 20 ft <i>None</i>	Min. 12 ft <i>None</i>	7
Landscaping and Open Space			
<i>Private Open Space</i>	Min. 80 sq ft/unit <i>None</i>	Min. 64 sq ft for ground level units; min. 48 sq ft/unit for upper level units <i>None</i>	
<i>Private Open Space Dimension</i>	Min. 8 ft <i>None</i>	Min. 8 ft for ground level units, 6 ft for upper level units <i>None</i>	
<i>Impervious/Paved/ Hardscaped Area</i>	Max. 50% of required front setback area; Max. 35% of lot <i>Max. 7,808 sq ft impervious surface</i>	Max. 50% of required front setback area; Max. 65% of lot <i>No max.</i>	

Commented [MS1]: Existing zone for the Glen Oaks parcel t(to be re-zoned R-MF-4)

Commented [MS2]: Existing zone for 4394 Alpine Rd (to be re-zoned R-MF-20)

Annotation of Code Presented on October 19th Comparing Proposed District to Existing

Table 18.15.050: Development Standards – Multi-Family Residential Zoning Districts

Standard	R-MF-4 <i>compared with RE, combining district 1A</i>	R-MF-20 <i>compared with A-P</i>	Key
----------	--------------------------------------------------------------	-------------------------------------	-----

Notes:

Commented [MS1]: Existing zone for the Glen Oaks parcel t(to be re-zoned R-MF-4)

Commented [MS2]: Existing zone for 4394 Alpine Rd (to be re-zoned R-MF-20)

CHAPTER 18.23 M-U (MIXED-USE) DISTRICT REGULATIONS (NEW)

18.23.050 Development Standards.

Table 18.23.060, Development Standards – Mixed-Use Zoning District, establishes the development standards for the Mixed-Use Zoning Districts. The numbers in each illustration refer to corresponding regulations in the table.

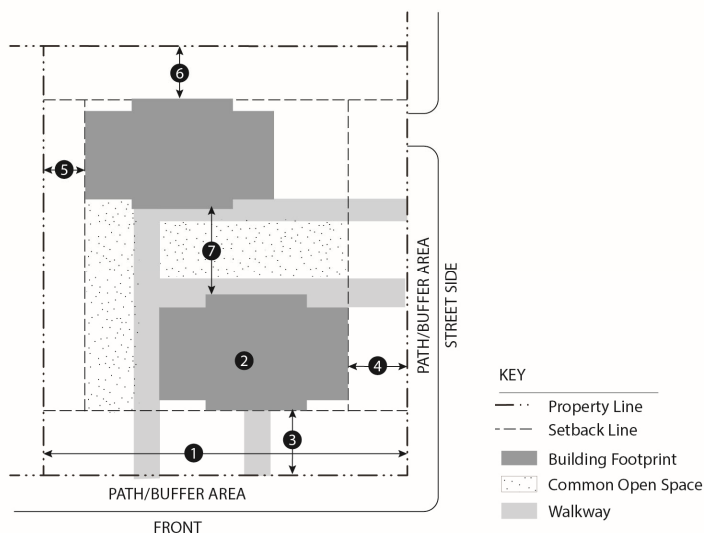


Table 18.23.050: Development Standards – Mixed-Use District

Standard	M-U <i>compared with A-P</i>	Key
Density/Intensity		
Density	Min. 4 du/ac; max. 6 du/ac <i>None</i>	

Commented [MS3]: Existing zone for the 4370 Alpine parcel, to be re-zoned MU.

Portola Valley Zoning Code Amendments

<i>FAR</i>	Max. 0.18, exclusive of residential uses Max. 0.18	
Lot Width	Min. 120 ft None (min. parcel area 1 acre)	①
Footprint for Single Building	Max. 7,500 sq ft None (max. lot coverage 15%)	②
Max. Height		
<i>Principal Structure</i>	Max. 42 ft/3 stories Max. 28 ft	
<i>Accessory Structure</i>	Max. 16 ft Same as primary structure	
<i>Ground Floor Ceiling Height</i>	Min. 12 ft for nonresidential uses No minimum	
Setbacks		
<i>Front</i>	Min. 15 ft; Min. 20 ft for 3rd floor. See Chapter 18.58 – Special Setback Lines for additional standards Min. 50 ft; Special Setback as applicable (no change)	③
<i>Street Side</i>	15 ft; 20 ft for 3rd floor. See Chapter 18.58 – Special Setback Lines for additional standards Min. 20 ft; Special Setback as applicable (no change)	④
<i>Interior Side</i>	Min. 15 ft Min. 20 ft	⑤
<i>Min. Rear Setback</i>	Min. 30 ft Min. 20 ft	⑥
<i>Min. Setback from Abutting Waterway</i>	See. Chapter 18.59 – Creek Setbacks See. Chapter 18.59 – Creek Setbacks	
Building Separation	Min. 15 ft None	⑦
Landscaping and Open Space		
<i>Private Open Space</i>	Min. 64 sq ft for ground level units; min. 48 sq ft/unit for upper level units None	
<i>Private Open Space Dimension</i>	Min. 8 ft for ground floor level units, 6 ft for upper units None	
<i>Impervious surface/Paved/Hardscaped Area</i>	Max. 65% of lot No max.	

Notes:

Annotation of Code Presented on October 19th Comparing Proposed District to Existing

CHAPTER 18.72 CONDITIONAL USE PERMITS

Sections:

18.72.010 Authorization by planning commission—Procedures.

A conditional use permit may be authorized by the planning commission for any conditional use listed in this title. The procedures and requirements set forth in this chapter and in Chapter 18.76 shall govern the granting or denying of conditional use permits.

(Ord. 1967-80 § 1 (6935), 1967)

18.72.020 Review required.

The uses listed as conditional uses are declared to be uses possessing characteristics of such unique and special qualities as to require special review to determine whether or not any such use should be permitted in a specific location which may be proposed.

(Ord. 1973-119 § 4 (part), 1973; Ord. 1967-80 § 1 (6935.1 (part)), 1967)

18.72.030 Review—Purposes.

The purposes of the review are to:

- A. Determine whether the location proposed for the conditional use applied for is properly related to the development of the neighborhood or community as a whole;
- B. Determine whether or not the use proposed in the particular location would be reasonably compatible with the types of uses normally permitted in the surrounding area;
- C. Evaluate whether or not adequate facilities and services required for such use exist or can be provided;
- D. Determine whether the site is or can be made safe from hazards of storm water runoff, soil erosion, earth movement, earthquake, and other geologic hazards;
- E. Stipulate such conditions and requirements as would reasonably assure that the basic purposes of this title and the objectives of the general plan would be served.

(Ord. 1973-119 § 4 (part), 1973; Ord. 1967-80 § 1 (6935.1 (A)), 1967)

18.72.040 Review—Factors to be considered.

Factors to be considered are:

- A. The relationship of the location proposed to:
 1. The service or market area of the use or facility proposed,
 2. Transportation, utilities and other facilities required to serve it,
 3. Uses of other lands in the vicinity,

4. The suitability of the soils, geology and hydrology for the proposed use;
- B. Probable effects on persons, land uses, and properties adjoining and the general vicinity, including:
1. Probable inconvenience, economic loss, or hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people,
 2. Probable hazard from explosion, contamination or fire,
 3. Probable inconvenience, damage or nuisance from noise, smoke, odor, dust, vibration, radiation or similar causes;
- C. The compliance of the proposed use with service area or market area requirements established by this title and/or the town general plan.

(Ord. 1979-166 § 26 (part), 1979; Ord. 1973-119 § 4 (part), 1973; Ord. 1967-80 § 1 (6935.1 (B)), 1967)

18.72.050 Requirements—Yard, height and area.

A. The provisions for required front, rear and side yards and requirement for height and area applicable to the particular district in which any such use is proposed to be located shall prevail unless, in the findings and conditions recited in the resolution dealing with each such matter, specific additional requirements are made with respect thereto.

- B. Specific exceptions may be made in the case of a conditional use permit for the following reasons:
1. A planned unit development, but only to the extent permitted by Chapter 18.44; or
 2. A wireless communication facility, when the findings set forth in Section 18.52.120 are made.

(Ord. 1997-295 § 5, 1997; Ord. 1967-80 § 1 (6935.2), 1967)

18.72.060 Requirements—Off-street parking and loading.

The requirements for provision of off-street parking and loading applicable to the particular use shall prevail, unless in the findings and conditions recited in the resolution dealing with each such matter specific additional requirements are made with respect thereto.

(Ord. 1967-80 § 1 (6935.3), 1967)

18.72.070 Application—Filing—Required data.

Application for a conditional use permit shall be filed with the secretary of the planning commission by the applicant. The applicant shall submit all required data in accordance with Section 18.34.010 and, where applicable, Section 18.64.040. Where an application includes land within the F-P zoning district, all information required by Chapter 18.32 shall be submitted. Where an application includes land with an historic resource as identified in the historic element of the general plan, all information required by Chapter 18.31 shall be submitted. In addition, applications for planned unit developments shall be accompanied by:

- A. Petition. A petition which shall set forth the following:
1. Names, addresses and extent of interest owned in the parcel proposed for planned unit development;
 2. A legal description of the parcel and a statement of the area contained therein;

3. A title report verifying the description and vestees;
 4. Title and other data identifying the site plan;
 5. The method whereby the landscaped areas adjacent to building sites and any landscaped open areas are to be established and maintained;
 6. A statement regarding areas proposed to be dedicated to public use and any easements to be established for access, public utilities or to preserve open space;
 7. A declaration that the parcel is to remain under the same ownership and control during development and whether it is to be divided into smaller units after development and the manner and method of the division;
 8. A copy of any proposed deed restrictions and covenants proposed to be recorded;
 9. A copy of any articles of incorporation and by-laws for any property owners association proposed or, should there be none, then a statement of the methods, procedures and/or form of organization to be established to assure continued conformity with the approved development plan and any conditions attached to the approval thereof.
- B. Site Plan. Site plan and other information as required by Section 18.64.040 but showing in addition the following:
1. Landscaped and open areas, location, extent and a notation indicating whether they are intended for private use, for service to the entire planned unit development, or for general public use;
 2. Proposed streets and highways as shown on any precise plan or as official plan lines; existing and proposed streets, ways, sewers, storm drains, fire hydrants, gas, water, power and telephone, and other public utilities for the unit;
 3. If any future division is contemplated, the boundaries and area to the nearest two percent of each proposed parcel. Should a subdivision of the unit be proposed or undertaken, the regulations of the subdivision ordinance shall apply.
- C. General Development Schedule. The general development schedule shall indicate to the best of applicant's knowledge the approximate date on which construction of the project can be expected to begin, the anticipated rate of development and completion date. The development schedule, if approved by the council, shall become part of the development plan and shall be adhered to by the applicant and his successors in interest.
- D. Other Data. Such other data as may be required to permit the planning commission and the council to make their required findings.

(Ord. 1994-276 § 4 Exh. A (part), 1994; Ord. 1978-164 § 6, 1978; Ord. 1967-80 § 1 (6935.4), 1967)

18.72.075 California Environmental Quality Act—Required data.

If after review of the application the town staff determines that an initial study and/or an environmental impact statement is/are required pursuant to the California Environmental Quality Act and the town's local guidelines, the applicant shall furnish such data as required by the town.

(Ord. 1988-229 § 2 (part), 1988)

18.72.080 Applications not within scope of required procedure.

Section 18.34.090 shall govern.

(Ord. 1967-80 § 1 (6935.5), 1967)

18.72.090 Application—Filing fees.

When the application for a conditional use permit is filed, a fee established pursuant to Sections 18.34.040 through 18.34.070 shall be paid.

(Ord. 1967-80 § 1 (6935.6), 1967)

18.72.100 Application—Referral to architectural and site control commission.

If required under Chapter 18.64, after the receipt of a verified application complete with the site plan and architectural drawings or sketches, the secretary of the planning commission shall immediately refer the application and attachments to the architectural and site control commission for their written recommendations in accordance with Chapter 18.64.

(Ord. 1967-80 § 1 (6935.7), 1967)

18.72.110 Investigation.

Section 18.34.100 shall govern for the secretary of the planning commission.

(Ord. 1967-80 § 1 (6935.8), 1967)

18.72.120 Planning commission—Public hearing.

Section 18.34.120 and Chapter 18.76 shall govern.

(Ord. 1967-80 § 1 (6935.9), 1967)

18.72.130 Planning commission—Findings—Action.

A. All actions of the planning commission related to the findings shall be taken in accordance with the requirements of Section 18.76.080. The planning commission may grant a conditional use permit if it finds that:

1. The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.
2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.
3. The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
4. The proposed use will not adversely affect the abutting property or the permitted use thereof.

5. The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.
6. The proposed use will be in harmony with the general purpose and intent of this title and the general plan.
7. When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the approving authority must find that it is reasonable to conclude, based on the evidence before it, that the proposed use will meet a need in the town and that a majority of the clientele of the proposed use will come from the town and its spheres of influence within the near future, normally no more than two years. In general, in making such finding, the approving authority shall, in addition to other information, explicitly take into consideration all similar uses in the town and its spheres of influence.
 8. For wireless communications facilities, findings in addition to those set forth above shall be made as called for in Section 18.41.060.
- B. If the planning commission is unable to make the findings required above, the planning commission shall disapprove the granting of the conditional use permit. Action of the planning commission in approving or disapproving the granting of the conditional use permit shall be final, except that the matter may be appealed to the council in accordance with Sections 18.78.010 through 18.78.110 or the council may elect to review the action of the planning commission in accordance with the provisions of Section 18.78.120.

(Ord. 2011-393 § 4, 2011; Ord. 1998-313 § 2, 1998; Ord. 1997-295 § 6, 1997; Ord. 1980-177 § 3, 1980; Ord. 1979-166 § 26 (part), 1979; Ord. 1973-119 § 4, 1973; Ord. 1967-80 § 1 (6935.10), 1967; Ord. 2001-337 § 4 (part), 2001)

18.72.140 Granting of conditional use permit—Conditions.

A. In granting any conditional use permit the planning commission may require that the use conform with the site plan, architectural drawings or statements submitted in support of the application or such modification thereof as it may deem necessary to protect the public health, safety and general welfare and secure the objectives of the general plan. The planning commission may also require such other conditions as it may deem necessary to achieve these purposes including but not limited to the following:

1. Special yards, open spaces and buffers;
2. Fences and walls;
3. Surfacing of parking areas and specifications therefor;
4. Street dedications and improvements, including provision of service roads, when practical and necessary, dedications of utilities easements, trail easements, sites for public use, and to preserve open spaces;
5. Regulation of points of vehicular ingress and egress;
6. Regulation of signs;
7. Landscaping and the maintenance thereof;
8. Maintenance of grounds;
9. Control of noise, vibration, odors, and other potentially dangerous or objectionable elements;
10. Limits on time for conduct of certain activities;
11. Time period within which the proposed use shall be developed. See Section 18.72.210 or Section 18.72.220;

12. And such other conditions as will make possible the development of the town in an orderly and efficient manner and in conformity with the interest and purposes set forth in this title and the general plan.

B. The planning commission may require such guarantees as it deems necessary to insure that such conditions will be complied with.

(Ord. 1967-80 § 1 (6935.11), 1967)

18.72.150 Notice of decision.

Section 18.76.090 shall govern.

(Ord. 1967-80 § 1 (6935.12), 1967)

18.72.160 Record of public hearing.

Section 18.76.100 shall govern.

(Ord. 1967-80 § 1 (6935.13), 1967)

18.72.170 Transmittal of records to legislative body.

The planning commission secretary shall submit the entire file on the case to the council at the request of the town clerk.

(Ord. 1967-80 § 1 (6935.14), 1967)

18.72.180 Appeal of planning commission action.

The action of the planning commission may be appealed to the council in accordance with Sections 18.78.010 through 18.78.110.

(Ord. 1967-80 § 1 (6935.15), 1967)

18.72.190 Appeal of planning commission action—Transmittal of documents to town clerk.

Section 18.78.040 shall govern.

(Ord. 1967-80 § 1 (6935.26), 1967)

18.72.195 Review by council.

The council may elect to review the approval by the planning commission pursuant to Section 18.78.120.

(Ord. 1989-245 § 3 (Exh. C) (part), 1989)

18.72.200 Effective date.

The conditional use permit shall become effective on the fifteenth day at the close of business hours following the date on which the permit is approved unless an appeal is filed.

(Ord. 2012-397 § 5, 2012; Ord. 1967-80 § 1 (6935.20), 1967)

Editor's note(s)—Ord. 2012-397, § 5, adopted June 27, 2012, changed the title of § 18.72.200 from "Issuance of a conditional use permit—Effective date" to "Effective date."

18.72.210 Time limit for development.

The planning commission may establish a time limit within which the subject property and use shall be developed. The time limits set by the planning commission shall be reasonable, based upon the size and nature of the proposed development. The time limit may be extended by the planning commission for good cause when the applicant presents a proof of an unusual condition not of his own making.

(Ord. 1967-80 § 1 (6935.21), 1967)

18.72.220 Lapse of a conditional use permit.

If no time limit is established as provided under paragraph A (11) of Section 18.72.140 or Section 18.72.210, Section 18.34.140 shall govern.

(Ord. 1967-80 § 1 (6935.22), 1967)

18.72.230 Validity of permits, certificates or licenses.

Section 18.34.160 shall govern.

(Ord. 1967-80 § 1 (6935.23), 1967)

18.72.240 Revocation.

Section 18.34.180 shall govern.

(Ord. 1967-80 § 1 (6935.24), 1967)

18.72.250 New application.

Following the denial or revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of such conditional use permit.

(Ord. 1967-80 § 1 (6935.25), 1967)

PLANNING COMMISSION
Special Teleconference Meeting

SEPTEMBER 7, 2022

CALL TO ORDER AND ROLL CALL

Time: 00:00:18

Chair Kopf-Sill called the Planning Commission special teleconference meeting to order at 7:00 p.m. Planning & Building Director Russell called the roll.

Present: Planning Commissioners: Hasko and Taylor; Chair Kopf-Sill
Absent: Commissioner Targ; Vice Chair Goulden
Town Staff: Laura Russell, Planning & Building Director; Suzanne Avila, Consultant Planner

ORAL COMMUNICATIONS

Time:00:00:44

The following members of the public addressed the Planning Commission:

Rita Comes Whitney
Caroline Vertongen

PUBLIC HEARING

(1) Review of Final Map, File #PLN SUB001-2018, 40 Firethorn Way, YLCL Investments LLC

Time: 00:07:07

Planning & Building Director Russell presented the report to the Planning Commission. The applicant presented the Tentative Map and Final Map for comparison.

The following members of the public addressed the Planning Commission: Time: 00:23:08

None

Motion

Time: 00:25:21

Commissioner Hasko moved to approve the resolution of the Planning Commission certifying conformance of the Final Parcel Map with the Tentative Parcel Map for 40 Firethorn Way, as amended by Planning & Building Director Russell. Seconded by Commissioner Taylor, the motion carried 3-0 with Commissioner Targ and Vice Chair Goulden absent.

(2) Review of an application for a Conditional Use Permit Amendments to allow an increase in membership, File #PLN USE0001-2021, 4139 Alpine Road, Alpine Hills Tennis & Swimming Club

Time: 00:26:45

Consultant Planner Avila presented the report to the Planning Commission.

The following members of the public addressed the Planning Commission: Time: 00:53:17

David Cardinal
Philip Cainfichi
Caroline Vertongen

The following members of the public provided a second round of comments: Time: 01:20:47

David Cardinal

Philip Cainfichi

Motion

Time: 02:04:36

Commissioner Taylor moved to adopt the resolution with the elements in the staff report plus the amendments to the condition as discussed subject to the final wording being drafted by staff and approved by the Chair. Seconded by Commissioner Hasko, the motion carried 3-0 with Commissioner Targ and Vice Chair Goulden absent.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(3) Commission Reports

Time: 02:07:12

None

(4) Staff Reports

Time: 02:07:37

Planning & Building Director Russell reported on staff schedules and hiring, the next steps for the Housing Element Update and future agenda items.

The following members of the public addressed the Planning Commission:

Time: 02:14:40

David Cardinal
Caroline Vertongen

APPROVAL OF MINUTES

Time: 02:18:41

(5) Planning Commission Meeting of June 15, 2022, June 23, 2022, June 29, 2022, July 20, 2022 and August 3, 2022

Planning & Building Director Russell recommended the Planning Commission adopt only the action minutes.

The following members of the public addressed the Planning Commission:

Time: 02:26:58

Rita Comes Whitney

Motion

Time: 02:32:20

Commissioner Taylor moved to approve the minutes of the June 15, 2022, June 23, 2022 and July 20, 2022 meetings. Seconded by Commissioner Hasko, the motion carried 3-0 with Commissioner Targ and Vice Chair Goulden absent.

ADJOURNMENT [9:37 p.m.]

Commissioner Taylor moved to adjourn. Seconded by Commissioner Hasko, the motion carried 3-0 with Commissioner Targ and Vice Chair Goulden absent.

PLANNING COMMISSION
Special Teleconference Meeting

OCTOBER 19, 2022

CALL TO ORDER AND ROLL CALL

Chair Kopf-Sill called the Planning Commission hybrid meeting to order at 7:00 p.m. Planning & Building Director Russell called the roll.

Present: Planning Commissioners: Hasko and Targ; Vice Chair Goulden; Chair Kopf-Sill
Absent: Commissioner Taylor
Town Staff: Laura Russell, Planning & Building Director; John Wallace, Town Geologist; Cara Silver, Town Attorney

ORAL COMMUNICATIONS

Time: 00:03:35

The following members of the public addressed the Planning Commission:

- Ellen Vernazza
- Betsy Morgenthaler
- Rita Comes Whitney
- Kristi Corley
- Greg [no last name]

PUBLIC HEARING

Time: 00:14:49

- (1) **Architectural Review, Deviation from the Town’s Geological Land Use Policies (Resolution 2746-2017) and a Variance to allow a proposed addition to an existing residence and a new carport/garage structure to be located within the required setbacks, File # PLN GMD01-2021 and PLN VAR01-2021, 339 Wayside Road, Ralston/Cheung**

Planning & Building Director Russell presented the report to the Planning Commission on behalf of Consultant Planner Avila.

Town Geologist Wallace presented the report on the Variance, geologic conditions and land use policy.

Mr. Cheung, the applicant, provided a presentation on his project. Time: 00:38:20

The following members of the public addressed the Planning Commission: Time: 00:51:27

- Ellen Vernazza

Motion

Time: 01:07:30

Commissioner Targ moved to adopt the Resolution with the two additional Conditions that were discussed. Seconded by Commissioner Hasko, the motion passed 4-0 with Commissioner Taylor absent.

NEW BUSINESS

Time: 01:08:01

- (2) **Accept the Memo to Commissions and Committees on Text and Email Policy**

Town Attorney Silver gave a summary of the Text and Email Policy that was recently adopted.

The following members of the public addressed the Planning Commission: Time: 01:12:54

Rita Comes Whitney

Motion Time: 01:14:14

Commissioner Hasko moved to accept the report. Seconded by Vice Chair Goulden, motion passed 4-0 with Commissioner Taylor absent.

STUDY SESSION Time: 01:14:37

(3) Proposed Zoning Code Amendments to Implement the Housing Element

Planning & Building Director Russell presented the report to the Planning Commission.

The following members of the public addressed the Planning Commission: Time: 02:44:11

- David Cardinal
- Ellen Vernazza
- Rita Comes Whitney
- Ron Eastman
- Diana O'Dell
- [unknown male speaker]
- Kathie Matlock
- Tim Clark
- Betsy Morgenthaler
- Bob [no last name]
- Kristi Corley
- Danna Breen
- Tammy Cole
- Greg Franklin

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(4) Commission Reports Time: 04:19:54

None

(5) Staff Reports Time: 04:19:54

None

APPROVAL OF MINUTES Time: 04:19:55

(6) Planning Commission Meeting of September 7, 2022

This item was held over to the November 2, 2022 meeting.

The following members of the public addressed the Planning Commission: Time: 04:21:29

Rita Comes Whitney

ADJOURNMENT [11:23 p.m.] Time: 04:23:10

Commissioner Hasko moved to adjourn. Seconded by Vice Chair Goulden, the motion carried 4-0 with Commissioner Taylor absent.