



TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, December 1, 2010 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

AGENDA

Call to Order, Roll Call

Commissioners McIntosh, Von Feldt, Zaffaroni, Chairperson Gilbert, and Vice-Chairperson McKitterick

Oral Communications

Persons wishing to address the Commission on any subject, not on the agenda, may do so now. Please note, however, the Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

Regular Agenda

1. *Public Hearing: Proposed Lot Line Adjustment X6D-209, Dwight, Woodward & Town of Portola Valley, 470 and 480 Wayside Road*
2. *Preliminary Review of Subdivision Proposal X6D-210, 1260 Westridge Drive, Shorenstein Realty*
3. *Annual Housing Element Monitoring Report: 2010*
4. *Public Hearing: Zoning Amendments needed to implement portions of the Housing Element*

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: November 17, 2010

Adjournment

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700 ext. 211. 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 branch of the San Mateo County Library located at Corte Madera School, Alpine Road and Indian Crossing.

PUBLIC HEARINGS

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

This Notice is posted in compliance with the Government Code of the State of California.

Date: November 24, 2010

CheyAnne Brown
Planning & Building Assistant



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planner
DATE: November 23, 2010
RE: Public Hearing on Proposed Lot Line Adjustment X6D-209,
Dwight, Woodward & Town of Portola Valley, 470 and 480 Wayside Road

Background, Reference Documents, Project Review

This is a public hearing on the subject proposed lot line adjustment. The proposal is fully described and evaluated in the attached November 11, 2010 report to the planning commission that was prepared for the November 17, 2010 commission meeting. At that meeting the commission conducted a preliminary review of the request and found it acceptable as proposed. No public comments were offered on the proposal.

On November 22, 2010 the ASCC considered the request. At the meeting, the ASCC also received no new public input and offered no comments on the proposal except to support it. At the ASCC meeting, application representative Kent Mitchell advised that the few legal parcel description edits required by the town engineer's review, as noted in the November 11, 2010 report, had been made and correct copies were being delivered to the town for final checking.

Based on the evaluation and review as set forth in the November 11, 2010 report and the materials attached to that report, staff does recommend approval of this application and the approval actions are specifically described below.

Environmental Impact Review, CEQA compliance

A lot line adjustment project is categorically exempt from the California Environmental Quality Act (CEQA). Section 15305 of the CEQA guidelines specifically states a lot line adjustment is exempt when it does not result in creating any new parcel.

Recommendations for Action

Based on the foregoing, and assuming no new information is presented at the public hearing that is inconsistent with the evaluation in this and the November 11, 2010 staff reports, it is recommended that the planning commission take the following actions:

1. **CEQA compliance.** Find the project categorically exempt as provided for in Section 15305 of the CEQA guidelines.
2. **Lot line adjustment.** Approve the requested lot line adjustment. This action will then allow a deed or record of survey and certificate of compliance to be recorded for each adjusted parcel and these final documents would need to be to the satisfaction of the public works director and town attorney. (This recording could only proceed, however, after the public works director determines the final legal descriptions have been properly corrected.)

TCV

encl./attach.

cc. Leslie Lambert, Planning Manager
Sandy Sloan, Town Attorney
Howard Young, Public Works Director
Angela Howard, Town Manager
Applicants



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planner
DATE: November 23, 2010
RE: Preliminary Review, Proposed Subdivision X6D-210, Shorestein Realty,
1260 Westridge Drive

Location

Address: 1260 Westridge Drive (see attached vicinity map)
APNs: 077-050-200
Zoning: R-E/2.5A/SD-2.5 (Residential Estate/2.5 acre minimum parcel area/
Slope density combining district 2.5)

Request, Preliminary Review Process and Project Description

This is a preliminary review of the subject request for a three-lot subdivision of the subject 11.6-acre, residentially developed Westridge Drive property. The attached vicinity map shows the parcel location on the northwesterly side of Westridge Drive between the Possum Lane area to the south and the Mapache Drive area to the north. While the parcel fronts on Westridge Drive and has a Westridge address, it is not part of the area subject to the Westridge Subdivision CC&Rs. The applicant, however, does also own the separate, vacant parcel to the northeast, that fronts on Mapache Drive, as shown on the vicinity map. This parcel is within the Westridge Subdivision area.

The proposed subdivision is shown on the enclosed four-sheet "**Preliminary Parcel Map**" submittal set dated October 10, 2010 and prepared by Lea & Braze Engineering, Inc. The application package, including slope calculations is attached. The enclosed "Preliminary Parcel Map," includes the following sheets:

- Sheet TNT-1, Title Sheet
- Sheet TNT-2, Grading and Drainage Plan (Lot A)
- Sheet TNT-3, Grading and Drainage Plan (Lot B)
- Sheet TNT-4, Grading and Drainage Plan (Lot C)

The subdivision materials have been recently submitted and staff application processing is just beginning. There is additional data that is needed to make the application complete, including an Initial Environmental Study. This study will be used by staff to make preliminary

determinations as to appropriate actions that will be needed for compliance with the California Environmental Quality Act (CEQA). In addition, the applicant recently revised the preliminary parcel map documents and some of the application parcel data needs to be updated and this is now in process. Nonetheless, because of the site location and conditions and because subdivisions are relatively rare in town, we did want to give the planning commission and general public early notice and information on the proposal. For this reason, the December 1, 2010 preliminary review by the planning commission has been noticed and will provide the opportunity for early information and comments on the proposal.

In addition to the December 1st planning commission review, we have also scheduled a December 13, 2010 site meeting with the ASCC, as the ASCC is part of the subdivision committee that will be commenting on the proposal. It is recommended that the planning commission continue its preliminary review from the December 1st meeting to the site meeting and that this be a joint session with the ASCC. Tentatively we have scheduled the site meeting to start at 3:30 p.m. on the afternoon of December 13, 2010.

The project site is a relatively long, very gently sloping parcel with considerable tree cover, particularly along most of its boundaries. The property has only a thirty-foot elevation descent from the Westridge Drive frontage to the northwesterly boundary and this is over a distance of 1,700 feet. The average slope of the property is just over 13%.

As shown on the enclosed preliminary parcel map, the site, while gently sloping has some constraints associated with Corte Madera Creek, which runs along the southerly boundary of the parcel. The subdivision map shows the creek, its top of bank and also the required building setback line from the top of the creek bank. The map also shows the 100-year floodplain and the map and supporting data identify the proposed parcel areas outside of the floodplain area.

The property currently contains the Shorenstein residence and a number of accessory uses associated with the residence and estate development of the parcel. For many years the property has been in the Shorenstein family and has been the site of a number of fairly high level political and other special gatherings. Mr. Shorenstein died recently and with his passing a decision has been made to consider the subject subdivision proposal.

We understand from discussions with Jeff Lea, project engineer, that the intent is to market the property as a single estate parcel with the hope that it will remain in essentially its current condition. At the same time, however, the desire is to also gain tentative subdivision map approval to help set the value of the property. Any tentative map approval would be valid for an initial period of two years. A total life of five years is possible, with extension provisions set forth in the subdivision ordinance. During this period, there would be no need to change any site conditions relative to the final subdivision requirements. That would only be required with the property owner would proceed to record the subdivision as provided for with a tentative map approval.

Given the size of the existing Shorenstein building improvements, a single new parcel, even of the size proposed, could not accommodate the existing floor area and impervious surface area. The applicant is therefore considering options that could include removal of some of the floor area or seeking a variance to allow the existing improvement on proposed Parcel B, 4.27-acres), to remain.

Site Description

1. **Area:** 11.60 acres.
2. **Present use of site:** Single family residential estate.
3. **Topography:** For the most part level to gently sloping, except for the slopes immediately along the Corte Madera Creek channel.
4. **Ground cover:** The site contains significant oaks and native materials along Corte Madera Creek and along the parcel boundaries. Within the property, there are significant areas of lawn and more formal plantings associated with the existing estate improvements. This includes a significant row of redwoods along the north side of the existing driveway extension south of the proposed building site on Parcel C.
5. **Geology:** The property is classified **Sun** on the town's map of land movement potential and this is considered a stable slope condition. The town geologist has yet to complete a preliminary review of the request.
6. **Relationship to earthquake faults:** The property is approximately 1,000 feet northeast of the San Andreas Fault Zone.
7. **Characteristics of site drainage:** The site drains primarily to the south and southwest, i.e., to Corte Madera Creek. A small drainage channel and a drainage easement exist along the northerly boundary of the subdivision parcel.

Ordinance Requirements

Town subdivision ordinance provisions set forth the procedures for processing of proposed subdivision maps and also the standards for subdivisions. The procedures call for a preliminary map to be submitted and considered by the subdivision committee, which includes the Town Planner, Town Engineer (i.e., Public Works Director), Health Officer, Fire Marshal, Town Geologist, Trails Committee, Conservation Committee and Town Historian. Each committee prepares a report and these are then assembled into a final report by the town planner that will eventually be presented to the planning commission for consideration in acting on any subdivision proposal a formal public hearing. The planning commission is the approving authority for subdivisions and, based on the reports from the subdivision committee members can act to approve, approve with conditions or deny a subdivision.

As noted above, we have forwarded the proposal to the planning commission at this time for input, and also to provide neighbors an opportunity for early information on the request and for comment on the proposal. The application is not yet complete, but the preliminary review will allow for comments to be considered as additional permit data is developed, and this will also facilitate the subdivision committee review process. When all application data is complete, the application will be deemed formally in order and start the time frame for town processing.

Preliminary review comments

The following initial comments are offered to facilitate the preliminary review process:

1. **Conformity with general plan and zoning ordinance basic density provisions.** The proposal is to subdivide the single 11.6-acre parcel into three parcels with the following areas:

Lot	Gross Area	Net Area*
A (westerly lot)	4.08 acres	4.08 acres
B (center lot with existing house)	4.27 acres	4.06 acres
C (easterly lot)	3.25 acres	2.93 acres
Total	11.6 acres	11.07 acres

 *Reflects deductions for area of proposed access easement on Lots B and C.

The general plan shows the property within the Conservation Residential designation with a parcel area of 2 to 4 acres per dwelling unit. The zoning designation of R-E/2.5A/SD2.5 calls for a gross area per DU of 2.7 acres for a Planned Unit Development (PUD) subdivision and a required minimum parcel area for a conventional subdivision of 2.5 acres. These minimums are for subdivisions where the average parcel slope is 15% or less, which applies to this proposal with an average slope of 13.1%. In any case, the proposal is well within the basic density provisions of both the general plan and zoning ordinance.

For the purposes of subdivisions, the 100-year flood area does not have to be deducted to determine net parcel area. It is taken into account, however, in calculating permitted floor area. The attached sheets were used to develop estimates of floor area (FA) and impervious surface (IS) area limits for the initial lot layout. They will be updated to reflect the current proposed lot layout. The revised layout was to increase the area for proposed Lot B to better accommodate the existing floor area desired to remain, which includes the existing house and a number of accessory structures. Even with the increase in area, the scope of FA would still exceed what would be permitted on the proposed 4.27 acre lot.

While new FA and IS calculations need to be prepared, each lot should be able to accommodate a minimum of 7,514 sf of floor area and 13,177 sf of IS. The enclosed parcel map sheets show existing FA and IS improvements now proposed to remain on each of the three parcels. As can be seen, the problem areas are with the existing FA and IS that would remain on proposed Lot B. When revised FA and IS calculations are available, taking into account the new layout with a larger lot area for B, we will have a better understanding of the scope of the overages and practical options for dealing with them. One approach would be the variance matter discussed above, the other could be removal of additional existing floor area.

In addition to the above comments, it should be noted that the proposed maps show required building setback lines, including those from the top of the creek bank. All proposed building locations would avoid conflicts with these lines.

2. **Lot layout and design, floodplain zoning constraints.** The December 13, 2010 joint site meeting with the ASCC will provide the opportunity to review site conditions and the proposed lot locations and designs. The subdivision ordinance requires that lots should include areas that can be relatively easily developed with minimum grading and potential for impacts on significant vegetation. Further, ordinance provisions call for building sites to be free of geologic constraints and other natural hazards.

The proposed lots are all relatively level and the proposed building sites can be easily accessed by the proposed private, common driveway, which is to be in a joint easement aligned, for the most part, with the existing driveway. The building sites are well

separated from each other by existing vegetation, and other site conditions, and the entire subdivision property is surrounded by significant trees and other vegetation. In some cases, the vegetation is more ornamental, including oleanders, and it is likely that at the time of any specific lot development proposal, the ASCC would encourage a transition landscape plan for more appropriate screening materials than the oleanders or other ornamentals.

The lot dimensions conform to the provisions of the subdivision ordinance. They are not constrained in terms of length or width or setback requirements. The only potentially constraining factor is the 100-year flood plain limit boundary as shown on Lot A. This proposed building site is located within the 100-year flood area. It is a level site, which currently contains an irrigated lawn. The plan is to elevate the living areas above the 100-year flood level as allowed for in the town's flood plain zoning.

The initial lot layout shared with the town had the boundary line between proposed Lots A and B further to the east so that the building site on Lot A could be further to the northeast and outside of the 100-year flood plain. The lot layout was adjusted to make Lot B larger to better accommodate the existing floor area. This results in limiting options for the Lot A building envelop mostly to the area within the flood plain. We suggest that the original approach is preferable, but understand the desire to accommodate the floor area matter. If a variance is to be considered in any case, we would prefer to have more area available on Lot A outside of the flood plain. Neither proposed Lots B or C are similarly constrained by flood plain area.

3. **Access and circulation.** The proposal is to make use of the existing access connection to Westridge Drive, with a driveway easement to the benefit of the three parcels. A 30-foot wide easement would serve three lots for a short distance and then transition into a 20-foot driveway easement only serving the two westerly lots. The transition takes place roughly 290 feet into the property from Westridge Drive. At this point, the joint driveway includes an emergency turnaround that is partially the new driveway extension to serve the building site on Lot C.

The common driveway to Lots A and B is separated from the Lot C building site by a significant row of redwoods. On Lot B, the driveway continues to follow the existing driveway to the existing main house driveway circle and from there the driveway would follow an existing gravel drive extension to access Lot A.

It is likely that some additional design work is needed associated with the driveway transition from Lot B to Lot A. Easement provisions are needed for emergency vehicle turnaround that would be in the plan if the owner of Lot B ever wanted to modify the existing driveway to eliminate the existing gravel driveway circle. In any case, easement provisions need to be made to accommodate emergency turnaround at Lot B.

4. **PUD application.** While we feel that the above subdivision design, including private driveway access, is generally appropriate given site conditions and the desire to minimize site impacts, there are a number of subdivision ordinance requirements that would need exceptions, particularly relative to public road right of way standards and parcel frontage requirements that would be needed to accommodate the design. In light of the desire to preserve the majority of site conditions, including driveway access, and the fact that the proposed parcels contain very unique conditions, we believe that the subdivision should be processed as a PUD, similar to the manner in which the Priory

three lot subdivision was processed. This would permit less disruption for access improvements and not require each parcel to have frontage on a dedicated public street. Further, the town is no longer interested in requiring public dedication of access ways for small subdivisions to avoid the public cost associated with long-term maintenance of such improvements.

Based on the foregoing, we will be working with the applicant to develop the PUD application. In this case, it should be considerably less involved than the PUD established for the Priory subdivision but provisions need to be made for maintenance of the private access and protection of unique site conditions, particularly the buffer trees surrounding the parcel.

5. **Utilities.** Sheet TNT-1 defines the utilities that would serve the site. It is noted that the parcels are proposed to be served by a Septic Tank Effluent Pumping (STEP) system that would be served by the West bay Sanitary District. Annexation to the District would be required and this process typically takes place after the town, as lead environmental agency for the project, completes and approves its environmental documents.
6. **Trails and paths.** There is an existing trail along the parcel frontage that is also shown on the town's trails and paths plan. This is an equestrian and hiking trail. No trails are shown on the town's plan within the subdivision area. The trails committee and public works director will need to comment on any trails requirements that may be needed along the Westridge frontage.
7. **Subdivision fees.** Pursuant to subdivision ordinance provisions, certain fees will be need to be paid prior to the time a final or parcel map could be recorded. These fees and the relevant subdivision ordinance section are listed below:

Storm Drainage (17.28.090)
Park and Recreation (17.20.200)
Inclusionary Housing In-Lieu (17.20.215)

Next Steps

Planning commissioners should consider the above comments, as well as any new information presented at the December 1st meeting. Commissioners should then offer preliminary comments and reactions and then continue the preliminary review process to the December 13th joint meeting with the ASCC. Based on the preliminary reviews, the application will be finalized and then formal staff and committee review would be conducted. Once this has been completed, the subdivision would be scheduled for public hearing before the planning commission, likely sometime in March or April of 2011.

TCV

encl./attach.

cc. Leslie Lambert, Planning Manager
Sandy Sloan, Town Attorney
Howard Young, Public Works Director
Angela Howard, Town Manager

John Richards, Town Council Liaison
Steve Toben, Mayor
Applicant



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Karen Kristiansson, Principal Planner
DATE: November 22, 2010
RE: Annual Housing Element Monitoring Report: 2010

Portola Valley's housing element calls for annual monitoring of inclusionary housing, multifamily housing, and second units. The element sets forth various goals for each of these types of housing. Each year, the planning commission will monitor progress towards those goals and determine whether any adjustments are needed. The following report describes the goals and objectives for these three programs and then summarizes what has been done for each.

Inclusionary Housing

There are two overarching goals for this program: to build the Below Market Rate (BMR) housing for the Blue Oaks subdivision, and to update and review the town's inclusionary housing program. The table below lists the specific actions called for in the housing element and the timing for each.

Action	Timing
Discuss possibility of building units on BMR lots in Blue Oaks with at least three housing developers	During 2010
Establish ad hoc committee to explore possibility of selling Blue Oaks BMR lots and building units at another location in town	During 2010
Assess information about two alternatives and decide whether to build units on lots or at another location	In 2011
Start construction of BMR units	2011-2013, depending on the alternative chosen

In addition, the annual monitoring for this program will consider whether the program constrains the development of housing.

Progress to Date

Various town council and planning commissioners have been exploring some of the alternatives to building the BMR units on the Blue Oaks lots. The town council is expected to provide further direction for this program in early 2011.

Multifamily housing

The goal of the multifamily housing program during this housing element cycle is the construction of eleven new housing units at The Priory School. Four of these units should be for low income households, four for moderate income households, and three for above moderate income households. The units should be built before 2014.

Progress to Date

Tim Molak, head of The Priory School, has advised that construction of the 11 new units is a priority for the school. However, other projects took precedence this year. The units are still expected to be built within the next few years.

Second units

The goal for this program is to increase the average number of second units constructed each year from under five to six. To do this, the housing element lists a number of actions, which are summarized in the table below, together with the expected timing.

Action	Timing
Adopt zoning ordinance amendments to allow staff level review and approval of second units that are created by converting floor area within the first floor of an existing home,	2010
Adopt zoning ordinance amendments to allow staff level review and approval of second units that are 400 square feet in area or smaller and that do not require a site development permit	2010
Develop a second units technical assistance manual	2010
Post information about second units on the town website and include in town newsletters	ongoing

If fewer than six second units on average are produced each year, the town will consider other actions to encourage second unit production. These actions could include: holding a workshop on second units, reducing fees for second units, further streamlining the second unit permit process, developing prototype floorplans for second units, increasing the size of second units allowed in the town, or allowing two second units on parcels with 7.5 acres or more.

Progress to Date

The zoning ordinance amendments have been drafted and were brought to the planning commission on November 3, 2010. The commission is scheduled to hold a public hearing on the amendments at its December 1 meeting.

We have started work on the second units technical assistance manual. A draft should be ready for review during the first half of 2011.

The town's second unit and accessory structure policy statement and ordinance are already posted on the town website. Once the zoning ordinance amendments have been adopted, the information on the website will be updated. When it is completed, the technical assistance manual will be posted to the website. We will also consider revising the website in order to make the information on second units easier to find.

The table below shows the number of second units permitted and built each year. The goal is to increase the number of units built each year to an average of 6 units per year. In order to do this, the town will need to increase the number of units permitted each year by adopting amendments to the second unit ordinance and also a second unit handbook for property owners.

Time Period	Second Units Permitted	Second Units Built
1999-2000	7	3
2000-2001	3	9
2001-2002	8	5
2002-2003	7	3
2003-2004	5	5
2004-2005	3	6
2005-2006	2	3
2006-2007	7	3
2007-2008	5	4
2008-2009	4	3
2009-2010	4	6



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Karen Kristiansson, Principal Planner
DATE: November 23, 2010
RE: Public hearing for zoning amendments needed to implement portions of the housing element

Background and Recommendations for Action

Portola Valley's updated housing element, adopted in December 2009, calls for a number of changes to be made to the town's zoning ordinance. These include the following:

1. Second units (Program 3): Amend the zoning ordinance to allow staff level review and approval for both a) second units located within the footprint and on the first floor of an existing home, and b) second units 400 square feet in area or smaller that do not require grading or tree removal permits.
2. Waiver of fees (Program 4): Amend the zoning ordinance to allow some or all fees to be waived for projects in which at least 50% of units will be set aside for households with moderate incomes or below.
3. Emergency shelters (Program 6): Amend the zoning ordinance to allow shelters on church properties.
4. Removal of constraints to housing for people with disabilities (Program 9): These amendments include updating the definition of household, allowing residential facilities for six or fewer persons by right, allowing group homes for seven or more people with a conditional use permit in the C-C and A-P zones, allowing access ramps and railings, and adding a reasonable accommodations ordinance.
5. Farmworker housing (Program 11): Amend the town's zoning ordinance to be consistent with state regulations for farmworker housing.
6. Transitional and supportive housing (Program 12): Amend the zoning ordinance to be consistent with state regulations for transitional and supportive housing.

These zoning ordinance amendments have been drafted and were discussed at a study session of the planning commission on November 3, 2010. The staff report for that session, dated October 28, provides background information on each of these items and is attached.

At the planning commission's study session, the planning commission raised questions about the definition of household, the regulations for farmworker housing, and the re-numbering of sections of the zoning ordinance. We researched each of these further and discussed them with the town attorney as needed. Information about each of these items is provided below. At the same time, we discovered suggestions concerning the treatment of licensed and unlicensed group homes, which are also discussed below.

At its December 1 meeting, the planning commission should review these proposed amendments, hold a public hearing, consider the information presented and take action as recommended at the end of this report.

Definition of Household

In order to comply with updated housing laws, the town needed to update its definition of household. The current definition reads: "an individual or two or more persons related by blood or marriage, or a group of not more than five persons who need not be related by blood or marriage, living as a single housekeeping unit with a legally responsible head of household, together with any domestic servants resident on the premises."

Current state and federal housing law, however, prohibit either distinguishing between related and unrelated groups of people or establishing a maximum number of inhabitants (other than the maximum established by the Uniform Housing Code). In addition, jurisdictions must treat group homes for six or fewer people no differently than the way that they treat single family homes.

At the planning commission study session, commissioners expressed concern that not having a numeric cap could allow fraternity houses, which would not be compatible with a single-family neighborhood. However, as was stated above, numeric limits are no longer legal.

To address the town's concerns as much as possible while still following the restrictions of state and federal law, the proposed definition has been changed to:

"one or more people living together as the functional equivalent of a family where the residents share a single kitchen and form a single housekeeping unit by sharing living expenses, chores, and/or meals, and are a close group with social, economic and psychological commitments to each other."

Rather than permitting facilities for six or fewer persons as part of the definition of household, the zoning ordinance amendments have also been changed so that these facilities are listed as permitted uses in the residential districts.

Licensed and Unlicensed Facilities

State housing law requires jurisdictions to treat licensed group homes for six or fewer people in the same way that single family homes are treated. People in other states have sued and won, claiming that jurisdictions should not discriminate between facilities based on whether or not they have a license. For housing financed by certain federal programs, if residents obtain care and supervision from a separate party that is not the housing provider, the

provider does not need to obtain a license. Therefore, not allowing these types of facilities can be seen as discrimination against the residents. Although there are no cases on this point in California, it would be prudent for the town to treat licensed and unlicensed facilities in the same way. The attached proposed zoning ordinance amendments have been revised to do this.

Regulations for Farmworker Housing

The town attorney has clarified two questions that were raised concerning farmworker housing. First, there must be an agricultural use on the property in order for farmworker housing to be allowed on the property.

Second, the farmworker housing would be allowed under a use permit, and the town could approve or deny the housing depending on whether the required findings for a conditional use permit could be made.

Re-Numbering Sections of the Zoning Ordinance

Commissioners asked about whether certain sections of the zoning ordinance would be re-numbered (or re-lettered) to incorporate a new subsection or a deletion. Some sections of the zoning ordinance refer to other sections, or subsections, and changing the numbering or lettering would therefore require a change to another section. The proposed zoning ordinance amendments update the numbering or lettering when possible. Where there is only one reference to a section, the amendments now include a change to the referring section as well. In cases where there are multiple references to a section, the numbering or lettering has not been changed. New subsections have been added to the end of the section, and deleted subsections have been replaced with the words "not used."

Recommended Action

The planning commission should review the proposed zoning amendments and hold a public hearing to obtain comments on them. After carefully considering the information in the staff report, the comments from the public, and the discussion of the amendments, we recommend that the commission recommend approval of the proposed zoning amendments by adopting the attached resolution, which includes findings and actions for conformity with the California Environmental Quality Act (CEQA).

Attach.

cc. Leslie Lambert, Planning Manager
John Richards, Town Council Liaison
Sandy Sloan, Town Attorney
Steve Toben, Mayor
Angela Howard, Town Manager
ASCC



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Karen Kristiansson, Principal Planner
DATE: October 28, 2010
RE: Study session to discuss zoning amendments needed to implement portions of the housing element

Portola Valley's updated housing element, adopted in December 2009, calls for a number of changes to be made to the town's zoning ordinance. These include the following:

1. Second units (Program 3): Amend the zoning ordinance to allow staff level review and approval for both a) second units located within the footprint and on the first floor of an existing home, and b) second units 400 square feet in area or smaller that do not require grading or tree removal permits.
2. Waiver of fees (Program 4): Amend the zoning ordinance to allow some or all fees to be waived for projects in which at least 50% of units will be set aside for households with moderate incomes or below.
3. Emergency shelters (Program 6): Amend the zoning ordinance to allow shelters on church properties.
4. Removal of constraints to housing for people with disabilities (Program 9): These amendments include updating the definition of household, allowing residential facilities for six or fewer persons by right, allowing group homes for seven or more people with a conditional use permit in the C-C and A-P zones, allowing access ramps and railings, and adding a reasonable accommodations ordinance.
5. Farmworker housing (Program 11): Amend the town's zoning ordinance to be consistent with state regulations for farmworker housing.
6. Transitional and supportive housing (Program 12): Amend the zoning ordinance to be consistent with state regulations for transitional and supportive housing.

These zoning ordinance amendments have been drafted and are discussed briefly below. The draft amendments are attached. The town attorney's office has reviewed the draft amendments and will be researching two items further: 1) the definition of household, and 2) the farmworker housing provisions. Any changes to these items recommended by the

town attorney will be incorporated into the draft amendments prior to the public hearing, which is tentatively scheduled for December 1, 2010.

Second Units (Program 3)

Program 3 sets forth a goal of increasing the number of second units built each year from five units per year to six units per year. To do this, the housing element proposes two changes to the zoning ordinance:

1. Allow staff level review and approval for second units that are located within the footprint and on the first floor of an existing home.
2. Allow staff level review and approval for second units that are 400 sf in area or smaller and that do not require grading or tree removal permits.

These changes would be made in Section 18.12.040.B of the zoning ordinance, as shown in Attachment A.

This program calls for additional steps that will be implemented at a later date. One step will be to increase publicity about second units and develop a second unit manual by early next year with step-by-step guidance for homeowners considering building a second unit. The town will also monitor the number of second units being permitted annually and will, if necessary, take action to increase second unit production to achieve six new units each year.

Waiver of Fees (Program 4)

Because fees in Portola Valley could be a significant barrier to affordable housing, Program 4 of the housing element calls for the town to amend its zoning ordinance so that fees could be waived for projects with at least 50% of units for households with moderate incomes or below. The town council would have the discretion to determine for each project which fees would be waived and whether the fees would be partially or completely waived. Money from the existing in-lieu housing fee fund could be used to pay some or all fees that could not be waived. These amendments would be made in Section 18.34.070 of the zoning ordinance.

Emergency shelters (Program 6)

State law now requires each jurisdiction with unmet homeless need to allow homeless shelters as a permitted use in at least one zoning district. Because homeless people were seen in town during the most recent Homeless Census, the town needs to amend its zoning ordinance to comply with this law. The housing element proposes to allow emergency shelters to locate on any of the church properties in the R-E district as a permitted accessory use to the church use. A number of standards are proposed for the shelters to ensure that they follow best practices for their clients while also minimizing impacts on neighboring properties. Section 18.12.040.K shows the proposed amendments that address this issue.

Removal of constraints to housing for people with disabilities (Program 9)

State law requires that each jurisdiction, as part of its housing element, identify any potential constraints to housing for people with disabilities and propose changes that would remove these constraints. Sections 2466-2467f of the housing element discuss and identify the potential constraints; those sections are attached. The list below summarizes the zoning amendments that are needed to implement this program:

1. Update the definition of household so that it complies with current state law;
2. To comply with state law, add a definition for “residential care facility”, allow residential facilities for six or fewer persons by right by including this type of use in the definition of household, and allow facilities for seven or more people with a conditional use permit. State law requires towns to treat facilities for six or fewer people in the same way as single-family households, which means that the town cannot establish any additional standards for this type of use.
3. Allow access ramps for handicapped residents and related railings to extend into required yards, so that disabled residents can more easily retrofit their homes to be accessible; and
4. Add a reasonable accommodations ordinance. This type of ordinance, while not required by state law, is considered good practice. The ordinance would allow a person with a disability to apply for an accommodation (an exception to a town regulation or policy) if needed in order to “use and enjoy the dwelling.” The Town Planner would review the application and make a decision based on specified criteria. Decisions could be appealed to the town council.

The changes proposed to the zoning ordinance related to these items can be found in Attachment A in Sections 18.04.23, 18.04.415, 18.12.020, 18.12.030.H (deletion), 18.14.020, 18.16.020, 18.20.131.H, 18.22.020.J, 18.52.070.C. The proposed reasonable accommodations ordinance is provided as Attachment B and would add a new Chapter 18.11 to the zoning ordinance.

Farmworker housing (Program 11)

Because of concern at the state level over housing for farm workers, state law now establishes certain requirements for local government regulation of farm worker housing (Health and Safety Code Sections 17021.5 and 17021.6). In particular, farm worker housing for six or fewer persons must be permitted in the same way as a single family home. Also, farm worker dormitories must be treated as an agricultural use. Because agricultural uses are allowed with a conditional use permit (CUP), a CUP would also be required for farm worker dormitories. These requirements are addressed in the definition of “household” in Section 18.04.23 and also in Sections 18.12.030.L, 18.16.030.A, and 18.26.030.

Transitional and supportive housing (Program 12)

Supportive housing provides permanent housing and services for people with disabilities. Transitional housing is temporary housing for people who are working to find and afford permanent housing. Usually, residents make use of transitional housing for at least six months. State law requires local governments to treat both of these types of housing as residential uses, subject only to the restrictions and standards that apply to other residential

uses of the same type in the same zoning district. The proposed zoning ordinance amendments address transitional and supportive housing by adding definitions of transitional and supportive housing and amending the definition of “household” to include these types of housing.

Clean-up Items

While putting together these amendments, we noticed several items in the zoning ordinance that should be changed to help update and clean up the zoning ordinance. There are four of these clean-up items:

1. Replace “church” with “religious institution” and add a definition of this new term. This will clarify that synagogues, mosques and other types of religious institutions are permitted, as well as churches.
2. Remove “golf course with standard length fairways” from the list of conditional uses in the R-E zoning district. This use is unlikely to occur and can be removed.
3. Amend the wording of the section that limits the height of second units. Current wording allows taller second units with ASCC approval when the second units are attached to an accessory structure. People therefore have proposed to build a very small accessory structure so that they could have a taller second unit attached to the structure. The proposed amendment would remove the reference to an accessory structure and would simply allow taller second units with ASCC approval.
4. Remove the second unit amnesty section. Since this program has expired, it can be removed from the zoning ordinance.

Proposed amendments

Attachment A shows all of these proposed amendments, using ~~strikeout~~ for deletions and underline for additions. All of these changes were discussed when the town considered and adopted the housing element. In addition to being called for in the housing element, the amendments for Programs 6, 9, 11 and 12 are also required for consistency with state law.

CEQA Analysis

All of these changes were considered as part of the CEQA analysis completed for the Housing Element Update, and the Negative Declaration for that project found that there would be no significant impacts from the project. None of the proposed amendments would significantly affect the development potential or the future use of land. Several of the amendments simply change the procedures needed for a land use approval. Because it can be seen with certainty that these amendments could not have a significant environmental impact, this project is exempt from CEQA (CEQA Guidelines Section 15061(b)(3)).

Required Findings

To amend the zoning ordinance, the planning commission will need to hold a public hearing and then make the following findings in accordance with Section 18.75.090 of the zoning ordinance:

1. The proposed amendment is in general conformity with the general plan; and

2. That public necessity, convenience and general welfare require the proposed amendment.

All of these amendments are called for in the housing element of the general plan, and therefore conform with the general plan. The housing element also explains the purpose and need for each of the amendments. In general, the amendments are needed to ensure adequate housing and access to housing for all segments of the community. As a result, it seems clear that public necessity, convenience and general welfare require the amendments.

Planning Commission Actions and Next Steps

The commission should conduct the November 3 study session and provide direction for any changes or clarifications that are needed prior to setting the public hearing on the proposed amendments. The hearing would tentatively be set for the December 1, 2010 commission meeting.

KK

Attach.

- cc. Leslie Lambert, Planning Manager
John Richards, Town Council Liaison
Sandy Sloan, Town Attorney
Steve Toben, Mayor
Angela Howard, Town Manager
ASCC

EXCERPT FROM ADOPTED HOUSING ELEMENT

Constraints on Housing for People with Disabilities

2466 The California Legislature amended the housing element law in 2001 with AB 520, which requires all housing elements adopted after January 1, 2002 to include an analysis of constraints on housing for people with disabilities. This section reviews both governmental and nongovernmental constraints, and identifies actions that can be taken to mitigate the constraints.

Governmental Constraints

Zoning Ordinance

2467 Currently the town's Residential Estate Districts, Single-Family Residential Districts, Mountainous Residential Districts and Planned-Community Districts allow family care homes, foster homes and group homes with six or fewer persons as a conditional use (Section 18.12.030.H). This provision needs to be changed, both because it may act as a constraint to housing for people with disabilities and because it is inconsistent with state law. California Health and Safety Code Section 1566.3 requires local towns and cities to treat these types of facilities in the same way that single family homes are treated. Only permits that are also required for single family homes can be required for residential facilities serving six or fewer people; no additional permitting requirements are allowed. The town does not define family or enforce a definition of family in its zoning ordinance.

2467a Program 8 of this housing element provides for the town's zoning ordinance to be amended to allow residential facilities for six or fewer people by right, and to ensure that the standards for these facilities are the same as for single family homes. At the same time, the definitions for these facilities will be updated based on the state's definition for residential facilities and its new definition for disability. The new definition will be based on the provisions of Section 1502 of the Health and Safety Code, which states that a residential facility is "any family home, group care facility or similar facility . . . for 24-hour care for persons in need of services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual."

2467b Portola Valley's zoning ordinance does not currently provide for family care homes and group homes with seven or more people. This is likely because there have been few, if any, requests in the town's history to develop these

- types of facilities. In addition, only approximately 10% of Portola Valley's population has disabilities according to the 2000 Census. To provide for this type of use, Program 10 of this housing element calls for an amendment to the town's zoning ordinance to allow group homes with seven or more people in the C-C and A-P (commercial and office) districts with a conditional use permit.
- 2467c Portola Valley permits housing for special needs groups, including for individuals with disabilities, without regard to distances between such uses or the number of uses in any part of the City. The Land Use Element of the General Plan does not restrict the siting of special need housing.
- 2467d With respect to yards, the zoning ordinance states that a covered stair or landing cannot extend into a yard more than six feet from a structure, cannot be higher than the entrance floor of the building, and cannot have a railing that exceeds three feet from the entrance floor of a building (Section 18.52.070.B). The California Code of Regulations' Title 24 provisions allow handrails to be up to 38" in height and guardrails to be a minimum of 42 inches tall. In cases such as this where there is a discrepancy between Title 24 and the zoning ordinance, the Title 24 provision is given preference by the town. To clarify this, however, Program 8 of this element calls for Portola Valley to amend its zoning ordinance to be consistent with Title 24 by increasing the allowable railing height, and to allow access ramps to extend into required yards beyond the standard provision.
- 2467e All dwelling units are subject to the same standards for elements such as building heights, setbacks and floor area within the district in which they are located (Section 18.48.010). Because these standards may present a constraint to housing for disabled people in certain cases, the town will add a provision for reasonable accommodations to its zoning ordinance through Program 8 of this housing element. This provision will allow zoning regulations to be flexible in specific instances when a reasonable and demonstrated need appears for a person with a disability. The reasonable accommodations ordinance could also potentially be used to reduce parking requirements for developments serving people with disabilities.
- 2467f All new residential structures must be reviewed and approved by the Architectural and Site Control Commission (ASCC), whose decisions may be appealed to the Planning Commission. The ASCC bases its review upon clearly stated standards and applies these standards consistently from project to project. This process is an essential part of enforcing the zoning code and provisions in the General Plan. Because of the standard nature of the review and the ability to appeal a decision, the ASCC review process is not a constraint to housing for people with disabilities.

Site Development Ordinance

2467g The Site Development Ordinance establishes the framework for the removal of vegetation, including significant trees, and excavation and fill on a site. Persons conducting those activities are required to apply for a site development permit. Depending on the amount of grading, the application is acted on by either the staff, the Architecture and Site Control Commission, or the Planning Commission. Applicants can appeal a decision to the town council in a public hearing. This process is necessary to protect both the environment and the applicants, especially in steep and unstable areas. The process is the same for all applicants and does not act as a constraint to the development of housing for people with disabilities.

Building Code and Building Permit

2467h Portola Valley adopted the 2007 California Building Code. There have been no amendments or additions made to the building code by the town that present a constraint to the development of housing for persons with disabilities. The Town also follows Title 24 of the California Code of Regulations. Title 24 regulations govern a building's access and adaptability for persons with disabilities in commercial and multi-family buildings. When there is a discrepancy between the zoning ordinance and a Title 24 provision, the Title 24 provision prevails.

2467i A building permit is required for the construction or alteration of a structure. Standard application forms and filing processes are used for all applicants and are not considered a constraint to the development of housing for persons with disabilities. A building permit is required for access ramps and other special building modifications on commercial buildings or residential multi-family buildings. These types of buildings are required by law to be accessible to the disabled.

Nongovernmental Constraints

2468 The nongovernmental constraints that could affect housing for people with disabilities include the price of land and the cost of construction. In addition, the lack of public transportation and support services in town could constrain housing for people with certain types of disabilities. There is little the town can do to mitigate these types of constraints.

ATTACHMENT A: PROPOSED ZONING AMENDMENTS

18.04 - Definitions

18.04.23 Household. ~~"Household" means an individual or two or more persons related by blood or marriage, or a group of not more than five persons who need not be related by blood or marriage, living as one or more people living together as the functional equivalent of a family where the residents share a single kitchen and form a single housekeeping unit by sharing living expenses, chores and/or meals, and are a close group with social, economic and psychological commitments to each other. with a legally responsible head of household, together with any domestic servants resident on the premises.~~

18.04.153 - Emergency shelter. An "emergency shelter" provides temporary housing, usually for six months or less, with minimal supportive services for homeless persons.

18.04.405 – Religious Institution. A facility such as a church, mosque, temple or synagogue run by a nonprofit establishment, organization or association intended to advance or promote religious purposes or beliefs. Activities at such institutions shall be limited to those related to the purpose of the institution and may include religious activities, office space, living space for clergy and other members of religious orders who carry out their primary duties on site, religious education classes and other similar activities customarily associated with religious institutions.

18.04.415 Residential Care Facility. "Residential Care Facility" means an establishment which is maintained and operated to provide 24-hour non-medical residential care and supervision to children or adults.

18.04.515 – Supportive housing.

"Supportive housing" is housing with no limit on length of stay, that is occupied either by adults with low-income having one or more disabilities or by individuals eligible for services provided under the Lanterman Developmental Disabilities Act (Welfare and Institutions Code, Section 4500 et seq.), and that is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving their health, and maximizing their abilities to live, and when possible, work in the community.

18.04.523 – Transitional Housing.

"Transitional housing" is housing that is intended to be occupied for a limited period, usually between six and twenty-four months, in order to provide stability for residents so that they can transition into permanent housing.

18.12 – R-E (Residential Estate) District Regulations

18.12.020 Principal uses permitted. Principal uses permitted in the R-E 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, supportive housing for six or fewer persons, and transitional housing for six or fewer persons;
- C. Temporary uses permitted by Section 18.36.030;
- D. Public school or other public building when located in conformance with the general plan.

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

- A. Uses permitted by Section 18.36.020;
- B. Crop and tree farming and truck gardening, including sale of products grown exclusively on the premises;
- C. Nurseries and greenhouses used only for the propagating and cultivating of plants, provided no retail sale be allowed;
- D. The following when located on an arterial or expressway as shown on the general plan:
 - 1. ~~Church~~Religious institution,
 - 2. Private noncommercial club or recreation facility,
 - 3. ~~Golf courses with standard length fairways,~~Not used,
 - 4. Private or parochial elementary or secondary schools,
 - 5. Group living accommodations for senior citizens provided such facilities in the town shall not in total at any time provide accommodations for a greater number of occupants than the number estimated to be equivalent to the total demand generated by town residents for similar facilities, regardless of locations, during the ensuing ten-year period,
 - 6. Boarding stables, subject to the provisions of the stable ordinance,
 - 7. Nursery schools and day care centers;
- E. Residential planned unit developments as regulated by Chapters 18.44 and 18.72;
- F. On parcels of ten acres or more, two single-family dwellings may be permitted and on parcels of one hundred acres or more three single-family dwellings may be permitted, provided that in each instance it is demonstrated to the satisfaction of the planning commission that were the land to be subdivided the requirements of the subdivision title could be met with the dwellings and accessory structures in the locations approved as a part of the conditional use permit;
- G. Horticulture and grazing of cattle;
- H. ~~A state authorized, certified, or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, provided care is provided on a twenty four hour a day basis;~~Not used;
- I. Not used;

- J. Wineries which include all or any combination of the following:
 1. Growing of grapes,
 2. Importation of grapes for the purpose of establishing and sustaining a winery operated for the purpose of producing wine from grapes grown on the premises,
 3. Making of wine,
 4. Wholesale and retail trade of wine produced exclusively on the premises,
 5. Winery buildings and related structures;
- K. Publicly-owned park, recreation or open space areas when located in conformance with the general plan.
- L. [Employee housing for qualified agricultural uses, as permitted under the California Employee Housing Act \(Health and Safety Code Section 17000 et seq.\).](#)

18.12.040 Accessory uses permitted. Accessory uses permitted in the R-E district shall be as follows:

- A. Accessory uses, as permitted by Section 18.36.040 and Chapter 18.40;
- B. One second unit on a parcel of one acre or larger subject to the following provisions:
 1. All provisions of Title 18 (Zoning) pertaining to this district prevail unless otherwise provided for in this subsection B.
 2. A second unit shall comply with all provisions of the site development and tree protection ordinance, set forth in Chapter 15.12.
 3. The parcel already contains an existing single-family dwelling or the second unit is being built simultaneously with a new single-family dwelling that will be the principal dwelling.
 4. The second unit is attached to the principal dwelling, at the ground floor level or in a basement, and does not exceed a floor area of ~~two-four~~ hundred square feet. Second unit floor area is inclusive of any basement area, but exclusive of garage or carport area. Second units that are larger than ~~two-four~~ hundred square feet in floor area, ~~detached from the principal dwelling that require a permit under Chapter 15.12, the Site Development and Tree Protection Ordinance, or that are located~~ above the first story are subject to ASCC approval per Chapter 18.64.
 5. Whether attached or detached from the principal dwelling, the second unit floor area may exceed ~~two-four~~ hundred square feet subject to ASCC approval per Chapter 18.64. In such cases, however, the second unit floor area may not exceed seven hundred fifty square feet.
 6. [Second units up to 750 square feet may be created by converting space within an existing home. When created within the first floor of an existing home, such second units may be permitted solely with a zoning permit, and without review of the Architectural and Site Control Commission \(ASCC\). However, staff at their discretion may refer an application to the ASCC if the application includes proposals for doors, windows or other exterior improvements that could potentially have a significant effect on the aesthetics of the structure.](#)
 76. The second unit complies with the definition of dwelling unit in Section 18.04.150.
 87. The second unit is served by the same vehicular access to the street as the principal dwelling and complies with off-street parking requirements for dwellings set forth

in Section 18.60 except that parking spaces do not have to be covered, guest spaces are not required and tandem parking is permitted.

~~98.~~ The second unit shall have the same address as the principal dwelling.

~~109.~~ A second unit shall not exceed a height, as defined in Section 18.54.020, of eighteen feet with a maximum height of twenty-four feet. A second unit ~~attached to a principal dwelling or an accessory building~~ may be permitted to a height of twenty-eight feet and a maximum of thirty-four feet subject to ASCC approval per Chapter 18.64.

~~110.~~ The second unit shall have colors, materials and architecture similar to the principal dwelling. Architecture not similar to the architecture of the principal dwelling is subject to ASCC approval per Chapter 18.64.

~~1211.~~ Color reflectivity values shall not exceed forty percent except that trim colors shall not exceed fifty percent. Roofs shall not exceed fifty percent reflectivity.

~~1312.~~ Exterior lighting on the structure shall not exceed one light fixture per entry door. Each fixture shall be fitted with only one bulb and the bulb wattage shall not exceed seventy-five watts incandescent light if frosted or otherwise diffused, or twenty-five watts if clear. Each fixture shall be manually switched and not on a motion sensor or timer. Path lights, if any, shall be the minimum needed for safe access to the second unit and shaded by fixtures that direct light to the path surface and away from the sky.

~~1413.~~ Landscape plantings shall be selected from the town's list of approved native plants and shall adhere to the town's landscaping guidelines.

~~1514.~~ An application for a second unit shall be referred to the town geologist, director of public works, fire chief and, if dependent on a septic tank and drain field, to the county health officer in accordance with town policies.

~~1615.~~ An application for a second unit shall supply all information required by Section 18.64.040 A.1--13.

~~1716.~~ Second units on parcels with frontage on Portola Road or Alpine Road, both of which are identified as local scenic corridors in the general plan, are subject to ASCC approval per Chapter 18.64 to ensure consistency with the general plan.

- C. Equestrian facilities serving a single residential dwelling including stables, corrals, exercise rings, and the like, provided that (i) requirements of the stable ordinance, Chapter 6.12, shall apply, (ii) for a corral, the sum of the maximum depth of cut and maximum height of fill shall not exceed six feet and (iii) corrals and riding rings shall be set back a minimum of twenty feet from property lines.
- D. The renting of rooms and/or the providing of table board in a dwelling as an incidental use to its occupancy as a dwelling, provided that not more than one paying guest is accommodated. Provided further that this shall not be construed as authorizing the establishment of any rest home, convalescent home, boarding home, or any other institution of a type which requires any state or local license, nor any other operation which tends to change the character of the property involved or of the neighborhood;
- E. Home Occupation. The conduct of an art or profession, the offering of a service, or the handcraft manufacture of products subject to the following conditions:
 - 1. Such occupations shall be conducted entirely by resident occupants.

2. The floor area used for such occupations shall not exceed that equivalent to one-fourth of the floor area of the main residence but shall not be more than four hundred square feet in any case.
 3. No products shall be sold or stocked for sale other than those finished products which are produced on the premises.
 4. There shall be no unusual external alteration of the dwelling to accommodate a home occupation, and the existence of a home occupation shall not be apparent beyond the boundaries of the parcel.
 5. There shall be no show window, window display, or sign to attract customers or clients.
 6. There shall be no emission readily discernible at the property lines of sound, vibration, odor, electrical interference, light, dust, waste, or other properties not normally associated with residential occupancies.
 7. No motor power other than electrically operated motors shall be used in connection with a home occupation. The horsepower of any single motor shall not exceed one-half horsepower, and the total horsepower of such motors shall not exceed one horsepower.
 8. Automobile, pedestrian or truck traffic attendant to such occupations shall not be other than on an infrequent or occasional basis, and shall not be significantly in excess of the normal amount required for residential uses in the district. Vehicles or equipment of types not normally accessory to a dwelling shall not be parked or stored in any exterior location.
 9. In the case of a physician, surgeon, or dentist, the use shall be subordinate to the use of an office located elsewhere unless the practice is of such restricted nature as to involve only occasional visits by patients.
 10. The uses permitted under this subdivision shall not include a commercial photo studio, beauty parlor or barbershop, or any similar service enterprise; or a music school, dancing school, business school, or other school of any kind with organized classes or similar activity.
- F. Private swimming pools, cabanas, tennis courts, and similar recreation facilities;
- G. Private garages, carports, and parking areas;
- H. Signs as permitted and regulated by Chapter 18.40;
- I. The sale of agricultural products grown on the premises, provided that no building or structure is maintained specifically for such purposes;
- J. Household pets and domestic animals permitted by town ordinances;
- K. [Emergency shelters for up to 10 individuals only when located on a parcel with a conditional use for a religious institution, subject to a zoning permit. Architectural and Site Plan Review shall be required for the design of the emergency shelter unless the shelter is located within an existing structure, but no discretionary approval shall be required. Emergency shelters shall comply with the following standards:](#)
1. [Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be permissible if no alternative housing is available.](#)
 2. [On-site management shall be provided during the hours of shelter operation.](#)

3. Emergency shelters may include common space for the exclusive use of the guests, and office and meeting space for the exclusive use of emergency shelter staff.
 4. Each shelter shall have a designated outdoor smoking area that is not visible from the street or from adjacent properties. The outdoor smoking area may be screened by vegetation.
 5. On-site parking may be provided as shared parking with the church use. If separate on-site parking is needed, the maximum amount required shall be 0.35 parking spaces per one bed plus one space per staff member on duty when guests are present.
- K. ~~Second Unit Amnesty Provisions. Existing second units, with or without kitchens, which were constructed prior to the effective date of the ordinance codified in this subsection (August 10, 1991) without first obtaining required town approvals may be approved pursuant to the following provisions:~~
1. ~~The second unit complies with all provision of subsection B of this section except for the following:~~
 - a. ~~Parking as required by subsection B4d of this section may be tandem if necessary;~~
 - b. ~~Findings required by subsection B7 and 8 of this section need not be made.~~
 2. ~~A kitchen may be added to a second unit without a kitchen.~~
 3. ~~A second unit may be approved which encroaches into required yards, provided that, in the opinion of the town planner, the second unit does not significantly adversely affect adjoining properties and it is approved by the fire marshall.~~
 4. ~~To legalize an existing second unit, an application for a zoning permit shall be filed, but no fee shall be required. The application shall contain all the following information:~~
 - a. ~~A site plan of the property showing streets, property lines, the location of the principal dwelling and the second unit, garages, carports, driveways and accessory structures;~~
 - b. ~~A floor plan of the second unit as it exists and showing any proposed changes;~~
 - c. ~~Evidence of the date of the establishment of the second unit;~~
 - d. ~~Consent for physical inspection of the second unit at reasonable hours upon notice.~~
 5. ~~In addition, an application for a building permit shall be submitted which covers any construction not previously approved by a building permit. Such permit shall be accompanied by normal building permit fees as of the date of the application.~~
 6. ~~Once a zoning permit application for legalization of a second unit has been filed, owners of contiguous properties shall be mailed notices of the application and shall be given ten days in which to submit any comments on the application to the planning coordinator.~~
 7. ~~A zoning permit application for legalization shall be referred to the town planner, health officer, building official, fire marshall and town geologist for review and comment.~~
 8. ~~The building inspector shall determine if the second unit is in tenatable condition. A second unit shall be deemed untenatable when it substantially lacks any of the following:~~

- a. ~~Effective waterproofing and weather protection of roof and exterior walls, and sound windows and doors in particular;~~
- b. ~~Plumbing facilities which conformed to applicable law in effect at the time of installation, maintained in good working order;~~
- c. ~~A water supply capable of producing hot and cold running water, or a system which is under control of the landlord or owner, which produces hot and cold running water, furnished in appropriate fixtures and which conformed to applicable law in effect at the time of installation, and connected to a sewage system approved under applicable law;~~
- d. ~~Heating facilities which conformed to applicable law at the time of installation, maintained in good working order;~~
- e. ~~Sufficient electrical lighting, with wiring and electrical equipment which conformed with applicable law at the time of installation, maintained in good working order;~~
- f. ~~Buildings, grounds and appurtenances, clean sanitary and free in every part from all accumulation of debris, filth, rubbish, garbage, rodent and vermin;~~
- g. ~~An adequate number of approved receptacles for garbage and rubbish, in clean condition and in good repair;~~
- h. ~~Floors, required floor covering, stairway and railings maintained in good repair;~~
- i. ~~One hour fire protection from attached units;~~
- j. ~~In addition, any other condition determined by the building official to endanger the life, limb, health, property, safety or welfare of the public or occupants must be corrected per accepted standards.~~
9. ~~The town planner shall review the zoning permit application, staff comments and any comments from contiguous property owners with respect to the requirements of this section. The application shall comply with all provisions of the zoning title unless otherwise provided for in this subsection K. If the town planner finds the application complies with the requirements of this section, he shall approve the zoning permit. Alternatively, he may refer the application to the planning commission for action. The commission action need not be taken at a noticed public hearing.~~
10. ~~After the terms of the zoning permit and the building permit, if one is required, have been met, a certificate of occupancy shall be issued.~~
11. ~~Second units which the building official finds do not meet the requirements of subdivision 8 of this subsection and for which a building permit to correct deficiencies has not been processed shall constitute a nuisance and be subject to abatement at the direction of the building official.~~
12. ~~This subsection K shall expire one year after its effective date of August 10, 1991, unless extended by the town council. Applications received by the town and found to be complete prior to the expiration date will be processed under the provisions of this section.~~

18.14 – R-1 (Single-Family Residential) District Regulations

18.14.020 Principal uses permitted. Principal uses permitted in the R-1 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, supportive housing for six or fewer persons, and transitional housing for six or fewer persons](#);
- C. Temporary uses permitted by Section 18.36.020;
- D. Public school when located in conformance with the general plan.

18.14.030 Conditional use permitted. The following uses shall be permitted only when a conditional use permit is granted therefor as provided in Chapter 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. Uses permitted by subsection H of Section 18.12.030.~~
- DE. Publicly-owned park, recreation of open space areas when located in conformance with the general plan.

18.16 - M-R (Mountainous Residential) District Regulations

18.14.020 Principal uses permitted. Principal uses permitted in the M-R 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, supportive housing for six or fewer persons, and transitional housing for six or fewer persons](#);
- C. Temporary uses permitted by Section 18.36.020;

18.16.030 Conditional uses permitted.

- A. Uses permitted by subsections A, B, C, D(2), D(6), E, F, G, ~~H, I, and J~~ and L of Section 18.12.030.

Chapter 18.20 – C-C (Community Commercial) District Regulations

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

- A. Uses permitted by Section 18.36.020;

- B. Commercial planned unit developments as regulated by Chapter 18.44 and 18.72, provided any such development conforms to the floor area limitations of Section 18.54.052;
- C. 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. Foodstores,
 - 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;
- D. 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 18.20.050 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;
- E. Educational, cultural, institutional, and recreational uses such as churches, nursery schools, private clubs, or recreational facilities;
- F. 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 nonresidential uses permitted by this section;
- G. 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 fifty square feet, no less than one hundred fifty 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 two hundred square feet of floor area on a cumulative basis. If parking is provided in excess of one space per two hundred square feet of floor area up to one space per one hundred fifty 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 subsection G 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.

H. [Residential care facilities for seven or more individuals](#);

I. 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.

Chapter 18.22 – A-P (Administrative-Professional) District Regulations

18.22.030 Conditional uses permitted. Conditional uses permitted in the A-P district shall be as follows:

- 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 Section 18.20.030 C 1 and 3 through 19, subject to the requirements of Section 18.22.050 C, and provided any such establishment conforms to the floor area limitations of Section 18.54.052;
- I. Uses permitted by Section 18.20.030 G;
- J. [Residential care facilities for seven or more individuals](#);
- 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.

Chapter 18.26 - O-A (Open Area) District Regulations

18.26.030 Principal Uses Permitted

- B. Agricultural uses including horticulture, grazing, minor shelters for stock and equipment, [including employee housing for qualified agricultural uses as set forth in California Health and Safety Code Section 17021.6](#), but not including uses listed under Section 18.26.030 unless such uses are authorized by conditional use permit.

Chapter 18.34 – Administration

18.34.070 Waiver of fees. Any fees required under this title may be waived by the council for:

- A. Any public body, district or agency of federal, state, county or municipal government, or
- B. Any applicant for a conditional use permit for an existing use, when a use permit issued by the county was in effect on the date the ordinance codified in this section became effective, provided that such is permitted as a conditional use under this title.

C. Any residential development project with 10 or more units in which at least 50% of the dwelling units will be price-restricted to be affordable to households with incomes at moderate incomes or below, as defined by the California Department of Housing and Community Development. A development agreement shall be used to grant any fee waiver under this subsection. The development agreement shall set forth the total number of units in the development project, the number of affordable units to be included, and the level of affordability of the units, as well as the amount of fees to be waived. The development agreement shall be prepared to the satisfaction of the town attorney. The Council's determination as to whether and what portion of fees to waive shall be based on the following criteria:

1. The mix of units by income level;
2. The extent to which the units are anticipated to serve populations in town with a particular need for affordable housing in the town, such as senior citizens and people who work in town;
3. The expected financial impact on the town of waiving fees; and
4. The financial feasibility of the project if some or all of the fees are not waived.

Chapter 18.46 – Nonconforming Structures and Uses

18.46.030 Replacement of involuntarily damaged or destroyed nonconforming structure or structure occupied by a nonconforming use.

- A. A nonconforming structure or a structure occupied by a nonconforming use that is involuntarily damaged to less than fifty percent of the structure's current appraised value at the time of damage, may be repaired or reconstructed up to the same height, floor area, building coverage, yard, special building setbacks and impervious surfaces that existed prior to the structure being damaged, provided all other provisions of the zoning regulations are complied with and the extent of the nonconformity is not enlarged.
- B. If damage meets or exceeds 50% of a structure's current appraised value at the time of damage, and such structure complied with height and floor area limitations when constructed or was legalized through the ~~amnesty~~ provisions of the town's former second unit amnesty program Section 18.12.040.K, such structure may be reconstructed or replaced up to the same height, floor area, building coverage and impervious surfaces that existed prior to the structure being damaged, provided all other provisions of the zoning regulations are complied with, the extent of nonconformity is not enlarged and the design is approved by the architectural and site control commission as provided for in Chapter 18.64. In all other cases, if damage meets or exceeds fifty percent of a structure's appraised value, restoration or reconstruction of such structure shall conform to all other provisions of the zoning regulations in effect at the time of such restoration or reconstruction.

Chapter 18.52 - Yards

18.52.070 – Exceptions—Certain features projecting into yard.

The following enumerated features may project into required yards as set forth in this section, provided that, in a case of an interior side yard, the projection shall not exceed one-fifth of the required least width of side yard:

- A. Cornices, canopies, eaves or any other similar architectural features may project a distance not exceeding three feet;
- B. An uncovered stair and necessary landings may project a distance not to exceed six feet provided that such stair and landings shall not extend above the entrance floor of the building except for a railing not to exceed three feet in height;
- B.C. Ramps used to provide handicapped access to a structure may extend into any required yards, including railings and guardrails in conformity with Title 24 standards for handicap access.

ATTACHMENT B: DRAFT REASONABLE ACCOMMODATIONS ORDINANCE

18.11 -- Reasonable Accommodation for Individuals with Disabilities

18.11.010 - Purpose

The purpose of this section is to establish a procedure that individuals with disabilities can use to request reasonable accommodation in the town's laws, standards, policies, practices and procedures, so that the individuals will have equal access to housing in accordance with the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act. In addition, this section describes the process that shall be used to consider and decide on such requests.

18.11.020 Applicability and Eligibility

- A. An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.
- B. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

18.11.030 Notice of Availability

To ensure that individuals with disabilities are aware of the reasonable accommodation procedure, notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in Town Hall, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public at Town Hall.

18.11.040 Request for Reasonable Accommodation

- A. Requests for reasonable accommodation shall be in writing and provide the following information:
 - (1) Name, address and telephone number of the individual(s) requesting reasonable accommodation;
 - (2) Name and address of the property owner(s);
 - (3) Address of the property for which accommodation is requested;

- (4) Description of the requested accommodation and the regulation, policy or procedure for which accommodation is sought; and
 - (5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- B. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- C. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- D. If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.

18.11.050 Review and Decision

- A. The reviewing authority for requests for reasonable accommodations shall be the Town Planner or his/her designee.
- B. The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following criteria:
 - (1) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
 - (2) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
 - (3) Whether the requested accommodation would impose an undue financial or administrative burden on the town;
 - (4) Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program;
 - (5) The potential impact of the requested reasonable accommodation on surrounding properties; and

- (6) The potential for other reasonable accommodation with less impact on neighbors and/or the town.
- C. In granting the request or granting the request with modifications, the reviewing authority may impose any conditions of approval that are reasonable and necessary to ensure that the reasonable accommodation is consistent with the criteria in subsection B above.
- D. The reviewing authority shall issue a written decision on a request for reasonable accommodation within forty-five (45) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Sec. 7.
- E. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the forty-five (45) day period to issue a decision is stayed until the applicant responds to the request.
- E. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority's findings on the criteria set forth in subsection B. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The written decision shall be sent to the applicant by certified mail.
- F. The written decision of the reviewing authority shall be final unless an applicant appeals it to the jurisdiction's planning commission.
- G. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

18.11.060 Appeal

- A. An applicant or any abutting neighbor may appeal an adverse decision within thirty (30) days of the date of the reviewing authority's written decision.
- B. The appeal shall be in writing and shall state the grounds for the appeal. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.

- C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. The appeal shall be heard by the town council in a public hearing, with notice given to all property owners of land directly abutting the proposed site.
- E. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

RESOLUTION NO. _____-2010

RESOLUTION OF THE PLANNING COMMISSION OF THE
TOWN OF PORTOLA VALLEY
RECOMMENDING ADOPTION OF ZONING ORDINANCE AMENDMENTS
TO IMPLEMENT THE HOUSING ELEMENT

WHEREAS, the Town of Portola Valley adopted an updated housing element of its general plan on December 9, 2009, and

WHEREAS, the updated housing element was certified by the California Department of Housing and Community Development as complying with all state requirements, and

WHEREAS, the housing element calls for a number of amendments to the town's zoning ordinance in order to ensure that adequate housing is available to all segments of the community, and

WHEREAS, zoning ordinance amendments have been drafted to implement the housing element, and

WHEREAS, the planning commission finds that, because the zoning ordinance amendments would not significantly affect the development potential or future use of land, and several amendments are simply procedural, it can be seen with certainty that these amendments could not have a significant environmental impact, and that therefore approval of these zoning ordinance amendments is exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission held a study session on November 3, 2010 and a duly noticed public hearing on December 1, 2010 on the draft zoning ordinance amendments, and considered all information presented at that hearing,

NOW, THEREFORE, be it resolved that the Planning Commission recommends that the Town Council adopt the proposed zoning ordinance amendments, as shown in Attachment A and Attachment B, to implement the housing element.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on December 1, 2010.

By: _____
Nate McKitterick, Chairperson

Attest: _____
Leslie Lambert, Secretary