



TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, January 16, 2013 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

AGENDA

Call to Order, Roll Call

Commissioners Gilbert, McIntosh, McKitterick, Targ, Chairperson Von Feldt

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. Zoning Ordinance Reorganization Update: Residential Districts and Uses

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: December 5, 2012

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 Town Center.

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: January 11, 2013

CheyAnne Brown
Planning Technician



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planner
Karen Kristiansson, Principal Planner
DATE: January 10, 2013
RE: Zoning Ordinance Update: Residential Districts and Uses

Planning Commission Study Session and Background

The planning commission included a project to reorganize and update the town's zoning ordinance in the planning program for this year and began work on the project at a study session on October 17, 2012. The intent of the project is to reorganize the zoning ordinance to make it easier to use and understand, while also resolving inconsistencies and clarifying the language as necessary. At the January 16, 2013 commission meeting, the study session will continue based on previous directions from the commission and comments in this memorandum.

The zoning ordinance has been amended a number of times over the years, but has not been comprehensively reviewed since it was first adopted in 1965. Some regulations (such as height, setbacks, and floor area) are discussed in several places, and some areas are difficult even for town staff to locate readily and use efficiently.

At its October 17 meeting, the planning commission started work on the zoning ordinance reorganization by looking at the section on residential districts and uses. The commission agreed with the approach of combining the residential district chapters and using tables to show which uses are allowed in which districts. The information to be considered at the January 16 study session is a follow-up to the information presented at the October meeting.

Attached is a revised proposed draft of the section of the zoning ordinance about the establishment of the residential zoning districts and the uses allowed in those districts. Like the version that was presented in October, this revised section combines and would replace existing sections 18.10, 18.12, 18.14 and 18.16 of the zoning ordinance. In addition, the revised section addresses organizational problems pointed out by commissioners at the October study session and also proposes text amendments to this portion of the zoning ordinance. Six substantive changes are also proposed.

This memo also presents three additional topics which may require more discussion and consideration. If the commission can reach agreement on these topics fairly quickly, we can incorporate any changes as part of this project; otherwise, the topics should be tabled for future consideration as part of a follow-up planning program work item.

Town planning staff has provided suggestions which are incorporated into this memo and the attached proposed zoning ordinance section. The town attorney's office has also reviewed drafts of both the proposed zoning ordinance amendments and this memo.

Organizational Issues

In response to comments at the October study session, one organizational change has been made from the draft discussed at that meeting. This change relates to the "uses allowed in all districts" from Chapter 18.36. In the draft presented in October, some of these uses were individually listed in the new proposed residential uses section, while others were not. The draft attached to this memo no longer incorporates any of these uses but goes back to the previous approach of simply referring to Chapter 18.36. Once we have looked at all of the districts, we will revisit Chapter 18.36. At that time, we can decide whether to keep the chapter as it is or to incorporate some or all of its contents into the sections for the zoning districts. No other organizational changes have been made to the proposed Residential Establishment and Uses chapter since the October 17 meeting.

Text Amendments

As was discussed at the last meeting, there are a variety of text changes which are proposed to shorten, clarify and otherwise simplify the language in this proposed chapter of the zoning ordinance. All changes are shown in the attached document using ~~strikeout~~ and underline.

One text amendment which may appear to be a substantive change to the zoning ordinance is simply a correction. This is in Section 18.10.140.12, where the roof reflectivity for guest houses was changed from 50 percent to 40 percent. The 50% shown in the existing ordinance was an error, and staff has consistently required a limit of 40% reflectivity, which is what was originally adopted and intended. That error is being corrected here.

Substantive Changes

There are six changes that might be considered substantive in the proposed reorganized zoning ordinance. Each of these is described below.

Small family day cares

State law requires all jurisdictions to allow small family day cares as permitted uses in residential zoning districts and to be treated no differently than a single family home. A small family day care can be defined as a home licensed by the State of California which provides family day care to eight or fewer children, with more than six children permitted

only in accordance with state licensing provisions. As a result, this use has been added to the first item in the table of permitted and conditional uses in residential zoning districts, and would be permitted in all three residential zoning districts. A definition of small family day cares would also be added to the definitions section of the zoning ordinance when the definitions section is reviewed.

Rental of a single room or providing table board

In all three residential districts, renting a single room or providing table board is permitted as an accessory use. The language in the zoning ordinance is as follows:

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

This language does not appear to be consistent with recent amendments to the zoning ordinance to comply with state law. For example, the state requires the town to treat any residential care facilities, supportive housing and transitional housing for six or fewer persons as a single family home. Also, the definition of a household has been updated to be consistent with state and federal law, and now reads, “‘Household’ means 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 and economic commitments to each other.” Given these provisions, it would be difficult to regulate renting a room and providing table board for a single person. Therefore, the proposed zoning ordinance has this provision removed.

Publicly owned park areas and the M-R District

Current language in the zoning ordinance allows, as a conditional use, “publicly-owned recreation or open space areas when located in conformance with the general plan” in the M-R District, as well as the R-E and R-1 districts. The R-E and R-1 districts, however, also conditionally allow publicly-owned park areas when located in conformance with the general plan. The terms “park area,” “recreation area,” and “open space area” are not defined, and the difference between a “park area” and a “recreation or open space area” is not clear. It is also not clear whether the omission was deliberate or intentional. The proposed zoning ordinance combines these two uses and would allow “publicly owned park, recreation or open space areas” that conform with the general plan as conditional use in all three residential districts. If, however, the planning commission believes that there should be a difference between what is allowed in the M-R district and the other residential districts in terms of publicly owned park, recreation or open space areas, this language should be changed accordingly.

Private recreation facilities and M-R District

The zoning ordinance currently allows “private swimming pools, cabanas, tennis courts and similar recreation facilities” as an accessory use in the R-E and R-1 zoning districts, but not in the M-R district. There does not appear to be a good reason for this, and it may have resulted from an error at some point. As a result, it would make sense to allow these uses as accessory uses in the M-R district as well.

Landscaping and related uses in R-1 district attendant to uses in the C-C District

One use allowed conditionally in the R-1 district only is: “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.” This use may have been in the zoning ordinance to accommodate the Al’s Nursery site, which included land that was zoned both C-C and R-1. Now that Al’s Nursery is no longer in business and it appears that a similar use will not be taking over the facility, there does not seem to be a need for this use and we propose to remove it from the zoning ordinance.

Group living for senior citizens

The current zoning ordinance allows “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” as a conditional use in the R-E district only. The Town Attorney requested that we shorten this to “Group living accommodations for senior citizens” in order to avoid the appearance of age discrimination by limiting the number of senior living accommodations.

Items that may require additional discussion

The three items listed below are more complex. Below, each item is discussed and one or more options are suggested. The planning commission should determine whether agreement can be reached on these fairly quickly. If additional information or lengthy discussion is needed, it may be better to table the item for future, more detailed consideration.

Large family day cares

Large family day cares are licensed by the state and provide care for between seven and fourteen children, with more than twelve children allowed only under certain circumstances. State law allows local jurisdictions to treat these as permitted uses, to require a nondiscretionary permit, or to require a conditional use permit. The town’s current zoning ordinance allows nursery schools and day care centers as a conditional use in the R-E district only when located on an arterial or expressway. There are three options the planning commission could consider for large family day cares:

1. Like nursery schools and day care centers, allow large family day cares in the R-E district with a conditional use permit when located on an arterial or expressway. This is the most restrictive option.

2. Allow large family day cares as a conditional use in the R-E district as a whole, rather than only along an arterial or expressway. This is the option shown in the proposed zoning ordinance.
3. Allow large family day cares in the R-E district with a zoning permit rather than a conditional use permit. This is the least restrictive option.

The key differences between a large family day care and a nursery school/day care center are that the former is operated out of a home and is limited to no more than fourteen children, while the latter is operated out of a building dedicated to that use and the size is not limited. Because of these differences, it may make sense to treat large family day cares differently from nursery schools/day care centers, by allowing them throughout the R-E district with either a conditional use permit or a zoning permit.

A conditional use permit would be appropriate if the commission believes that a large family day care could potentially have impacts on neighbors or the community, and that conditions could be required to minimize those impacts. A zoning permit simply provides an opportunity to check and confirm that the proposed use complies with all of the requirements of the zoning ordinance.

A definition of large family day cares would be added to the definitions section of the zoning ordinance when that section is reviewed.

Farming, horticulture, nurseries, sale of agricultural products and cattle grazing

The current zoning ordinance lists three related uses, all of which are conditionally allowed in the R-E and M-R districts but not allowed in the R-1 district. These uses are:

1. "Crop and tree farming and truck gardening, including sale of products grown exclusively on the premises."
2. "Nurseries and greenhouses used only for the propagating and cultivation of plants, provided no retail sale be allowed."
3. "Horticulture and grazing of cattle."

The zoning ordinance also allows "the sale of agricultural products grown on the premises, provided that no building or structure is maintained specifically for such purposes" as an accessory use in all three residential districts.

In addition, Section 18.36.040 of the zoning ordinance allows two other related accessory uses in all districts:

1. "Hedges, trees, shrubs and other ornamental planting"
2. "Horticulture"

The provisions in the current zoning ordinance are not as consistent or clear as they could be, especially since none of the terms are defined. Some questions are:

- What is meant by "nurseries and greenhouses"? In particular, "nurseries" and "tree farming" appear to have a lot of similarity.

- What if someone wanted to have a small greenhouse as an accessory structure to grow orchids as a hobby? Would it make sense to require a CUP for that?
- When “retail sale” is prohibited for nurseries and greenhouses, is that for traffic reasons? Would sales to wholesalers be allowed?
- What is meant by “horticulture” and why would a CUP be needed for it? The definition per Merriam-Webster is, “the science and art of growing fruits, vegetables, flowers or ornamental plants.” Since “horticulture” is then listed as a permitted accessory use in all districts, this does not make sense.
- Is it appropriate to continue to allow “grazing of cattle” as a conditional use in the R-E and M-R districts? If so, should there be a minimum lot size, or a maximum number of cattle? This item may be more appropriately addressed as part of a discussion of the regulations regarding pets and domestic animals, as is mentioned below.

Allowing “the sale of agricultural products grown on the premises, provided that no building or structure is maintained specifically for such purposes” as an accessory use in all districts appears to continue to make sense. If someone has a couple of apple or orange trees and wants to sell the extras, that use is in keeping with the town’s rural character and would be unlikely to generate enough traffic to cause problems.

The conditional use of “crop and tree farming and truck gardening” appears to mean mainly that growing agricultural products to sell off-site would need a conditional use. This appears to be generally reasonable, although the language could be clarified. One related item the planning commission may want to address at some point, however, is growing grapes on residential properties. There are apparently a number of residential property owners who grow an acre or so of grapes and then sell them to a winery. In general, this has not posed a problem, but there could be issues with larger areas in production and potential erosion, pesticides, and related issues. This use is not really addressed in the town’s current zoning ordinance and could take considerable discussion. This may be a good follow-up item for discussion.

The proposed zoning ordinance therefore shows the following suggested changes to these items, pending discussion by the commission:

1. Continue to allow “the sale of agricultural products grown on the premises, provided that no building or structure is maintained specifically for such purposes” as an accessory use in all three residential districts.
2. To clarify the language, change “Crop and tree farming and truck gardening, including sale of products grown exclusively on the premises” to “Gardening operations including growing items to sell off the premises. Sale of products grown on the premises would also be allowed.”
3. Remove “Nurseries and greenhouses used only for the propagating and cultivation of plants, provided no retail sale be allowed” as a conditional use. Nurseries would be included in the revised “gardening operations” conditional use mentioned above. For greenhouses, it may make sense to allow

greenhouses as an accessory use in the residential districts, subject to floor area limitations.

4. Remove “horticulture” as a conditional use. This would continue to be allowed as an accessory use under Section 18.36.040.A.6.
5. For now, continue to include “grazing of cattle” as a conditional use. This could be reconsidered in the future if the commission chooses to review the regulations related to pets and domestic animals as discussed below.

When the definitions section of the zoning ordinance is revised, we will add a definition of “gardening operations.”

Pets and Domestic Animals

The zoning ordinance lists “household pets and domestic animals permitted by town ordinances” as an accessory use in all districts. The only ordinance in the municipal code related to pets and domestic animals is Chapter 6, Animals, which contains two sections: “Animal Control” and “Horsekeeping and Stables.” Nothing in Chapter 6 or in the current zoning ordinance defines pets or domestic animals or places any restrictions on the number or type of animal that can be kept, although wolf hybrids and dangerous animals are defined and regulated in the “Animal Control” section. The only other reference to animals in the municipal code is in the noise control section and prohibits keep animals, “including but not limited to, dogs, fowl and crowing roosters which by any persistent sound or cry disturbs a reasonable person owning, using or occupying property in the neighborhood” (Section 9.10.060).

Given that there are no town ordinances governing the types or number of household pets and domestic animals, the proposed ordinance suggests striking the language, “permitted by town ordinances.” The planning commission may want to plan to look at the question of whether the town should define and further regulate pets and domestic animals as a follow-up item.

Existing Zoning Ordinance

Rather than providing individual sections of the existing zoning ordinance to the commission at each session for comparison with the proposed revised zoning ordinance sections, commissioners can refer to the zoning ordinance on the town’s website at <http://www.portolavalley.net/index.aspx?page=149>, where the zoning ordinance is Title 18 of the town’s Municipal Code. For commissioners who would prefer to have an individual electronic and/or paper copy of the full existing zoning ordinance for use throughout the project, the zoning ordinance can be provided as a Microsoft Word file or as a printed paper copy. Please email Karen at kristiansson@spangleassociates.com if you would like the Word file and/or a paper copy of the zoning ordinance so that she can get those to you.

Next Steps

The next step will be to address the remaining zoning provisions for residential districts. We suggest doing this by creating a new zoning ordinance section for conditions and standards for residential zoning districts. We have started work on this revised section and anticipate bringing a draft of this section to you in the next couple of months.

Cc: Nick Pegueros, Town Manager
Steve Padovan, Interim Planning Manager
Carol Borck, Planning Technician II
CheyAnne Brown, Planning Technician
Sandy Sloan/Leigh Prince, Town Attorney

CHAPTER 18.10 - RESIDENTIAL DISTRICTS: ESTABLISHMENT AND USES

Sections:

- 18.10.010 - Purposes of regulations for residential districts.
- 18.10.020 – Establishment and intentions of residential districts
- 18.10.030 – Uses permitted in residential districts
- 18.10.040 – Second units
- 18.10.050 – Home Occupations
- 18.10.060 – Emergency Shelters

18.10.010 - Purposes of regulations for residential districts. (From 18.10.010)

The purposes of regulations for residential districts are as follows:

- A. To control the density and distribution of population in conformance with the general plan;
- B. To provide for residential areas that will permit development of rural living accommodations;
- C. To ~~regulate the~~ ensure that development and use of residential areas ~~in a manner that will minimize disturbance of the natural terrain, and will preserve the inherent visual amenities,~~ and will minimize problems of drainage, erosion, and earth movement;
- D. To provide for grouping or clustering of residential structures where appropriate in order to preserve the natural amenities and open space qualities of Portola Valley;
- E. To permit public and private facilities needed to serve residential areas;
- F. To permit and regulate institutions requiring a location in a residential area.

18.10.020 – Establishment and Intentions of residential districts.

The residential districts are formed with the following intentions:

- A. R-E Residential Estate District. The R-E district is intended to promote and encourage the establishment and maintenance of a rural environment suitable for family living with parcels of adequate size to accommodate single-family dwellings and, where appropriate, accessory equestrian facilities. *(From 18.12.010)*
- B. R-1 Single Family Residential District. The ~~class of R-1~~ district is intended to promote and encourage the establishment and maintenance of a suitable environment for rural-urban family living on parcels of sizes adequate to accommodate single-family dwellings of differing characteristics, enhance privacy, preserve the visual amenities

of existing open space to the maximum extent feasible, and preclude unwarranted reductions in parcel sizes. (From 18.14.010)

- C. M-R Mountainous Residential District. The M-R district is intended to promote and encourage the establishment and maintenance of a rural environment of single-family residences at very low densities consistent with its comparative remoteness within the planning area and the preservation of the unspoiled nature of the mountainous terrain. (From 18.16.010)

18.10.030 – Uses permitted in residential districts.

A. Uses Permitted by Right and Uses Permitted with a Conditional Use Permit

The following table shows which uses are permitted by right (P), which uses are permitted only with a conditional use permit (C), and which uses are not allowed (N) in the residential districts. (From 18.12.020 & 18.12.030; 18.14.020 & 18.14.030; 18.16.020 & 18.16.030)

Permitted and Conditional Uses in Residential Zoning Districts			
<i>(P indicates a permitted use; C indicates a conditional use; and N indicates a use that is not allowed)</i>			
Use	R-E District	R-1 District	M-R District
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, and <u>small family day cares.</u>	P	P	P
Public school when located in conformance with the general plan.	P	P	N
Other public building when located in conformance with the general plan.	P	N	N
Uses Permitted in Section 18.36.010	P	P	P
Temporary Uses Permitted in Section 18.36.030	P	P	P
Crop and tree farming and truck g <u>Gardening operations including growing items to sell off the premises, including On-site sale of products grown exclusively on the premises would also be allowed, provided that no building or structure is maintained specifically for such purposes.</u>	C	N	C
Nurseries and greenhouses used only for the propagating and cultivating of plants, provided no retail sale be allowed;	C	N	C

Permitted and Conditional Uses in Residential Zoning Districts			
<i>(P indicates a permitted use; C indicates a conditional use; and N indicates a use that is not allowed)</i>			
Use	R-E District	R-1 District	M-R District
<p>The following when located on an arterial or expressway as shown on the general plan:</p> <ol style="list-style-type: none"> 1. Religious institution 2. Private noncommercial club or recreational facility 3. Private or parochial elementary or secondary schools 4. 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, 5. Boarding stables, subject to the provisions of the stable ordinance (<u>Chapter 6.08</u>), 6. Nursery schools and day care centers; 	C	N	N
	C	N	C
	C	N	N
	C	N	N
	C	N	C
	C	N	N
Residential planned unit developments as regulated by Chapters 18.44 and 18.72	C	C	C
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;	C	N	C
Horticulture and Grazing of cattle;	C	N	C
Wineries which include all or any combination of the following: <ol style="list-style-type: none"> 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 	C	N	C

Permitted and Conditional Uses in Residential Zoning Districts			
<i>(P indicates a permitted use; C indicates a conditional use; and N indicates a use that is not allowed)</i>			
Use	R-E District	R-1 District	M-R District
on the premises, 5. Winery buildings and related structures;			
Publicly-owned park areas when located in conformance with the general plan.	C	C	N
Publicly-owned park, recreation or open space areas when located in conformance with the general plan.	C	C	C
Employee housing for qualified agricultural uses, as permitted under the California Public Housing Act (Health and Safety Code Section 17000 et seq.)	C	N	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	N	C	N
<u>Large family day care</u>	<u>C</u>	<u>N</u>	<u>N</u>
Uses permitted by Section 18.36.020	C	C	N

B. Accessory uses

Accessory uses permitted in the ~~R-E District~~ residential districts shall be as follows: shown in the following table:

Accessory Uses in Residential Zoning Districts			
<i>(A indicates an allowed accessory use; N indicates an accessory use that is not allowed)</i>			
Accessory Use	R-E District	R-1 District	M-R District
Accessory uses as permitted by Section 18.36.040	A	A	A
Signs as permitted and regulated by Chapter 18.40 (Signs)	A	A	A
Second units as regulated in Section 18.10.040 below	A	A	A
Equestrian facilities serving a single residential dwelling	A	N	A

Accessory Uses in Residential Zoning Districts			
<i>(A indicates an allowed accessory use; N indicates an accessory use that is not allowed)</i>			
Accessory Use	R-E District	R-1 District	M-R District
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			
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	A	A	A
Home occupations as regulated in Section 18.10.050 below	A	A	A
Private swimming pools, cabanas, tennis courts, and similar recreation facilities	A	A	N <u>A</u>
Private garages, carports, and parking areas	A	A	A
The sale of agricultural products grown on the premises, provided that no building or structure is maintained specifically for such purposes	A	A	A
<u>Greenhouses, subject to floor area limitations</u>	<u>A</u>	<u>A</u>	<u>A</u>
Household pets and domestic animals permitted by town ordinances	A	A	A
Emergency shelters for up to 10 individuals only when located on a parcel with a conditional use for a religious institution, as regulated in Section 18.10.060 below	A	A	A

18.10.040 – Second units (From 18.12.040.B)

Second units shall be permitted as an accessory use in all residential districts 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 ~~400four 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 ~~400four hundred~~ square feet in floor area, 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 four hundred square feet subject to ASCC approval per Chapter 18.64. In such cases, however, the second unit floor area may not exceed 750~~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, or including an addition or 400 square feet or less, such second units may be permitted solely with a zoning permit, and without review of the 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.
7. The second unit complies with the definition of dwelling unit in Section 18.04.150
8. 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.
9. The second unit shall have the same address as the principal dwelling.
10. A second unit shall not exceed a height, as defined in Section 18.54.020, of ~~18eighteen~~ feet with a maximum height of ~~24twenty-four~~ feet. A second unit may be permitted to a height of ~~28twenty-eight~~ feet and a maximum of ~~34thirty-four~~ feet subject to ASCC approval per Chapter 18.64.

11. 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.
12. Color reflectivity values shall not exceed ~~40~~forty percent except that trim colors shall not exceed ~~50~~fifty percent. Roofs shall not exceed ~~40~~fifty percent reflectivity.
13. 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 ~~75~~seventy-five watts incandescent light if frosted or otherwise diffused, or ~~25~~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.
14. Landscape plantings shall be selected from the town's list of approved native plants and shall adhere to the town's landscaping guidelines.
15. 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.
16. An application for a second unit shall supply all information required by Section 18.64.040 A.1—13.
17. 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.

18.10.050 – Home Occupations (From 18.12.040.E)

The conduct of an art or profession, the offering of a service, or the handcraft manufacture of products shall be permitted as an accessory use in all residential districts 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 or~~ 400four hundred square feet, whichever is smaller, 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~~ characteristics 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.~~ Traffic related to a home occupation shall not be significantly more than the normal amount for a residential use 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; or a car repair business.

18.10.060 – Emergency Shelters (From 18.12.040.K)

- A. ~~Emergency shelters for up to 10 individuals shall be permitted as an accessory use in all residential districts~~ only when located on a parcel with a conditional use for a religious institution, subject to the following conditions:
 1. ~~A~~ zoning permit shall be required for an emergency shelter.
 2. Emergency shelters shall be for no more than 10 individuals.
 3. 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.
- B. 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.