

ORDINANCE NO. 2017- 2017-420

**ORDINANCE AMENDING SECTIONS OF TITLE 18 [ZONING] OF THE
PORTOLA VALLEY MUNICIPAL CODE RELATIVE TO SECOND UNITS**

WHEREAS, on January 14, 2015, the Town Council of the Town of Portola Valley (“Town”) adopted its current Housing Element identifying second units as a very effective way of providing affordable housing in town;

WHEREAS, recognizing the potential for second units as a housing strategy, California has passed several laws to lower the local regulatory barriers to construction, including a requirement that each local agency have a ministerial process for approving second units;

WHEREAS, in order to fully comply with the most recent California legislation (AB 229 and SB 1069), the Town must amend its Zoning Ordinance;

WHEREAS, the Town has a ministerial process available for approval of second units under limited circumstances and wishes to expand the scope of ministerial approvals;

WHEREAS, the Town desires to go above and beyond the requirements of State law to encourage the building of new second units and therefore desires to amend the Zoning Ordinance allow larger units, increasing the maximum size from 750 square feet to 1,000 square feet on one acre lots;

WHEREAS, due to local climatic, geologic and topographic conditions, after consultation with the Fire District, the Zoning Ordinance amendment requires detached second units to comply with local building code, including fire sprinkler requirements.

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

1. AMENDMENT OF CODE. Section 18.04.422 [Second Units] of Chapter 18.04 [Definitions] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

A “Second Unit” which is referred to as an “Accessory Dwelling Unit” in State law means an attached or detached residential dwelling unit located on the same parcel as a main dwelling unit and which provides complete independent living facilities, including those for living, sleeping, eating, cooking and sanitation, for one household.

2. AMENDMENT OF CODE. Subsection (B) of Section 18.12.040 [Accessory Uses Permitted] of Chapter 18.12 [R-E (Residential Estate) District Regulations] of Title

18 [Zoning] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

- B. The Town Planner shall act on an application for a second unit, either attached or detached, within 120 days of receipt if the proposed second unit meets all of the conditions identified below. The application for a second unit shall include all the information required by Section 18.64.040.A.1 through 13. The Town Planner shall refer the application to the Town Geologist, Director of Public Works, Fire Chief and County Health Department for review prior to action on the application. Any application that does not meet all of the conditions identified below may apply for architectural and site plan review by the Architectural & Site Control Commission, provided that no second unit in the R-E-2A or R-E-2.5A zoning districts shall exceed 1,200 square feet and no second unit in the R-E-3.5A, R-E-5A or R-E-7.5A shall exceed 1,500 square feet.

1. Property and Unit Size.

- a. One attached or detached second unit up to 1,000 square feet is permitted on a parcel which is one acre or larger.
- b. Two second units up to 1,000 square feet each are permitted on a parcel of 3.5 acres or larger. Only one of the second units may be detached from the main dwelling, except that both second units may be detached if both are created by converting existing floor area in legal accessory structures into second units.
- c. An attached second unit as described in subsections 1.a and 1.b may be created in whole or in part through the conversion of existing space within the main dwelling unit.
- d. A detached second unit as described in subsections 1.a and 1.b above may be created in whole or in part through the conversion of an existing legal accessory structure.

2. Design Requirements. Except as stated expressly herein, a second unit must comply with the site development standards and design guidelines applicable to the R-E zoning district, including but not limited to parking, height, setback, lot coverage, landscape and maximum size.

- a. Second unit floor area is inclusive of any basement area, but exclusive of any garage or carport area.
- b. The second unit is served by the same vehicular access to the street as the main dwelling.
- c. Color reflectivity values shall not exceed 40%, except that trim colors shall not exceed 50% reflectivity. Roofs shall not exceed 50% reflectivity.
- d. Exterior lighting on the second unit shall not exceed one light fixture per entry door. All lighting fixtures shall comply with the Town's Municipal Code and Design Guidelines relative to lighting

fixtures. 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.

- e. Landscape plantings shall be selected from the Town's list of approved native plants and shall adhere to the Town's Landscaping Guidelines.
 - f. The second unit shall not exceed a vertical building height of 18 feet with a maximum building height of 24 feet, as defined in Section 18.54.020A.
 - g. The second unit shall have colors, materials and architecture similar to the main dwelling.
 - h. The second unit shall not be visible from a local scenic corridor as identified in the General Plan.
 - i. No setback shall be required for an existing garage that is converted to a second unit and a setback of no more than five feet from the side and rear lot lines shall be required for a second unit that is constructed above a garage.
 - j. If the second unit is created by the conversion of existing space within the main dwelling unit, the second unit must have independent exterior access from the existing residence and side and rear setbacks that are sufficient for fire safety.
3. Parking Requirements.
- a. One dedicated parking space shall be provided for each second unit with one bedroom or less, and two dedicated parking spaces shall be provided for each second unit with two or more bedrooms.
 - b. Parking spaces in garages or carports shall be at least 10 feet wide by 20 feet. Uncovered spaces shall be at least nine feet by 18 feet.
 - c. Parking spaces do not have to be covered, guest spaces are not required and tandem parking is permitted.
 - d. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of a second unit, and when those off-street parking spaces must be replaced, the replacement spaces may be located in any configuration on the same lot as the second unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile lifts.
 - e. If the second unit is created entirely by the conversion of existing space within the main dwelling unit, the parking requirements identified in subsections 3.a-3.d shall not apply.
4. Owner Occupancy and Rental Restrictions.

- a. A second unit shall be permitted only on a lot containing an existing single-family dwelling.
 - b. The second unit shall have the same address as the main dwelling.
 - c. Second units may not be sold separately from the main dwelling.
 - d. Either the second unit or the main dwelling shall be owner occupied. If the second unit is rented, any such rental shall not be for a term of less than 30 days.
5. An application for a second unit, if dependent on a septic tank and drain field, will be referred to and require approval of the County Health Officer in accordance with Town policies.
 6. Second units must comply with local Building Code requirements, including fire sprinkler requirements, unless a modification or waiver of the fire sprinkler requirement is approved by the Fire Marshall. A second unit created by the conversion of existing space within an existing single-family residence shall not be required to provide fire sprinklers if they are not required for the primary residence.
 7. Written notification of a second unit permit application shall be given to owner(s) of adjoining properties at least six days prior to action by the Town Planner.

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

4. ENVIRONMENTAL REVIEW. Pursuant to Public Resources Code Section 21080.17, an ordinance providing for the creation of second units in single family residential zones is not subject to the California Environmental Quality Act.

5. EFFECTIVE DATE; POSTING. This ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCTED: May 10, 2017

PASSED: May 24, 2017

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

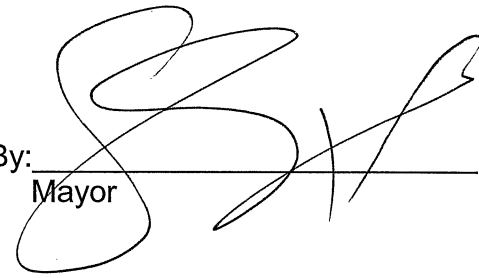
NOES: None

ABSTENTIONS: None


ABSENT: None

ATTEST


Town Clerk

By: 
Mayor

APPROVED AS TO FORM


Town Attorney