

ORDINANCE NO. 2018 - 423

ORDINANCE AMENDING 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, and continues to update its Government Code to further these goals;

WHEREAS, in order to fully comply with the most recent California legislation (AB 494 and SB 29), the Town must amend its Second Unit Ordinance regarding parking requirements, conversion of structures to ADUs, and the ministerial process;

WHEREAS, the ASCC held a duly noticed hearing on March 26, 2018 and recommended the proposed ordinance for approval;

WHEREAS, the Planning Commission held a duly noticed hearing on April 4, 2018, suggested two changes to the proposed language, and recommended the proposed ordinance for approval;

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

1. 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 may 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 fully internal second unit up to 1,200 square feet or 50% of the primary dwelling unit, whichever is less, on all lots with a proposed or existing single family home which is permitted by right in that zoning district, provided the entire second unit is contained within an existing residence or legal accessory structure.
- b. One attached or detached second unit up to 1,000 square feet is permitted on a residentially zoned parcel which is one acre or larger.
- c. Two second units up to 1,000 square feet each are permitted on a residentially zoned 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.

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. All lighting fixtures shall comply with the Town's Municipal Code (Section 18.36.040.A.8, Outdoor Illumination) and Design Guidelines relative to lighting fixtures.
- 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 or a portion of 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 an existing structure on the property, the second unit must have independent exterior access, 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.
- b. Parking spaces in garages or carports shall be at least 10 feet wide by 20 feet. Uncovered spaces shall be at least 9 feet by 18 feet.
- c. Parking spaces do not have to be covered, guest spaces are not required and tandem parking in driveways and in setbacks is permitted.
- d. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of a second unit, or is converted to a second unit, 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 an existing structure, then no parking requirement shall apply.

4. Owner Occupancy and Rental Restrictions.

- a. A second unit shall be permitted only on a lot containing a 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.

2. CONSISTENCY WITH STATE LAW. This ordinance is intended to be consistent with State law regulating accessory dwelling units and to the extent there is any inconsistency with such State law requirements, State law shall control.

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 section 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.

INTRODUCED: April 25, 2018

PASSED: May 9, 2018

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

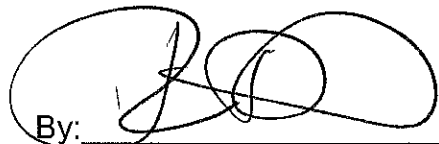
NOES: None

ABSTENTIONS: None

ABSENT: None

ATTEST None


Town Clerk

By: 
Mayor

APPROVED AS TO FORM


Town Attorney