



TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Planning Commission
Wednesday, January 16, 2019
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

REGULAR MEETING AGENDA

7:00 PM - CALL TO ORDER AND ROLL CALL

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

ORAL COMMUNICATIONS

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

PUBLIC HEARING

1. [Consideration of a Resolution to Recommend Approval of a Draft Ordinance on Accessory Dwelling Units \(Staff: A. Cassidy\)](#)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

2. Annual Election of Planning Commission Chair and Vice Chair
3. Commission Reports
4. Staff Reports
5. [News Digest: Planning Issues of the Day](#)

APPROVAL OF MINUTES

6. [Planning Commission Meeting of December 19, 2018](#)

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

AVAILABILITY OF INFORMATION

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

PUBLIC HEARINGS

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



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Laura C. Russell, Planning and Building Director
Arly A. Cassidy, Associate Planner

DATE: January 16, 2019

RE: Resolution Recommending Approval of Proposed Ordinance Further
Implementing State Law on Accessory Dwelling Units

RECOMMENDATION

Staff recommends that the Planning Commission move to:

Adopt a Resolution recommending approval of the proposed ordinance on Accessory Dwelling Units with Findings of General Plan Consistency and Environmental Review (Attachment 1)

BACKGROUND

In the fall of 2016, the Town Council adopted the Housing Strategic Plan, which outlined a number of initiatives designed to engage residents on housing issues and explore housing opportunities. Among the initiatives was a request to study expanding accessory dwelling unit (ADU) construction.

In the fall of 2017, the Town of Portola Valley was awarded a grant from Home for All, an initiative of San Mateo County, to hold a series of convenings to receive resident input on housing. The March, 2018 convening provided, among other feedback, a strong desire from attendees that ADU's were seen as a viable resource to solve some of Portola Valley's housing issues and should be further discussed. Based on the strong support for ADU's expressed in the first convening, the second convening in May, 2018 was focused on sharing information and hearing ideas from residents around ADUs.

Town Council Direction

Based on that resident input, the Town Council held a Study Session on July 11, 2018, to review all of the possible regulatory paths that might facilitate the creation of ADUs. Staff created a list that ranged from small code changes to significant programmatic endeavors. The Council considered each idea and sorted it into one of three categories: preferred ideas for immediate review, ideas to explore at a later date, and issues to not consider at this time. The Town Council has requested that the Planning Commission review and amend the Town's existing ADU ordinance, using the Council's list of preferred ideas as a starting point

At the July 2018 study session, the Council identified goals of creating more opportunities for seniors to age in place, family members who grew up in Portola Valley to return to the community, and employees of Town businesses to live nearby. The Council's primary goal of promoting ADUs can be achieved by increasing consistency within the municipal code, removing barriers to ADU creation, providing incentives for ADUs, and creating a supportive process for residents interested in building an ADU. The overriding goal of the Council is to promote the creation of ADUs while retaining the Town's character.

Planning Commission Review & Public Outreach

The Planning Commission has held five public meetings throughout the fall of 2018 on the subject of accessory dwelling units. On October 3, and 17, 2018, the Planning Commission held a study session on ADUs. The following week on October 22, 2018, staff presented a similar report to the ASCC, where questions and feedback were focused on design related issues within the proposed changes for ADUs. On November 7, 2018, the Planning Commission reviewed additional information from staff and continued its discussion of policy changes. Planning Commission meetings on December 5 and 19, 2018, included additional new information, discussion of fire safety, and built consensus around the Draft Code Outline.

In addition to these formal meetings, staff has conducted additional outreach to the community in informal settings. Planning Director Laura Russell and Associate Planner Arly Cassidy staffed the Portola Valley farmer's market on September 13, 2018, where they engaged with multiple residents around ADUs and housing policy, and promoted the upcoming study sessions. On October 23, 2018, the Town organized an ADU Open House, which involved three ADU owners inviting their fellow residents into their ADUs to look around and learn about the process. Both past events allowed interested residents to engage with staff and their neighbors in an informal setting.

Guide to Staff Report

The goal of this report is to transition from a complex discussion to a finalization of policy. Consensus among the Planning Commission has been achieved on a majority of the policy concepts and the content of the draft code outline from past reports. This report consolidates the policy of the outline into the formal language of a draft ordinance, which is now ready for review and approval. Sections of this staff report include Additional Feedback Requested of the ASCC Chair and the Fire Marshal, a discussion of the Review for Fire Safety included in the ordinance, the Draft Ordinance itself, and the list of Secondary Issues which the Planning Commission will pass on to Council for further consideration. Sections on Findings of General Plan Consistency and Environmental Review reference Attachment 1, Exhibits A.1 and A.2, which discuss these topics in detail. Next Steps describe what will happen once the Planning

Commission forwards the ordinance to Town Council for consideration. The outline of the report is further described below:

- **Discussion**
 - Additional Feedback Requested
 - ASCC Chair
 - Fire Marshal
 - Review for Fire Safety
 - Conflict of Interest
 - Draft Ordinance
 - Secondary Issues to Forward to Town Council
- **Findings of General Plan Consistency**
- **Environmental Review**
- **Next Steps**

At this meeting, staff requests that the Planning Commission review the resolution containing the draft ordinance and exhibits and recommend its approval to Town Council. Next steps and future meeting dates are discussed on the last page of this report.

DISCUSSION

This section summarizes findings from the research staff has done since the last Planning Commission meeting, including soliciting feedback from the ASCC Chair and the Fire Marshal of the Woodside Fire Protection District. It discusses the Review for Fire Safety and a Conflict of Interest for one Planning Commissioner. Finally, it discusses the specific changes to the Draft Ordinance since the last meeting and the Secondary Issues curated by the Planning Commission.

Additional Feedback Requested

At its December 19, 2018 meeting, the Planning Commission expressed general support for the Draft Code Outline and its readiness to review a draft ordinance. However, it requested that staff resolve a number of concerns which arose at the meeting. These included a single question for the ASCC Chair and a number of questions for the Fire Marshal. Staff queried these individuals and received the following feedback.

ASCC Chair

The proposal to allow ADUs in non-residential zones raised the question of how and where a new ADU would be built in these zones. It is probable that most lots zoned Community Commercial (C-C) or Administrative Professional (A-P) are built out; ADUs would then be implemented in the form of a conversion of existing space. The Planning Commission asked the ASCC Chair to confirm that the ASCC would be equipped to review for this conversion, including the impacts from parking, outdoor lighting, building modifications, and the overall change in use. Al Sill, Chair of the ASCC, expressed confidence that the body could competently perform these reviews.

Fire Marshal

The Planning Commission's December 19, 2018 review resulted in a number of requests for additional feedback from the Fire Marshal. Planning Commission Vice Chair Jon Goulden joined staff as they met with the Fire Marshal to learn the following:

Second Addresses

The Fire Marshal is in favor of using second addresses for ADUs, as it facilitates emergency response. She was understanding of the Town's desire to maintain the owner's choice in the matter, and agreed that providing information on the benefits of applying for a second address to the application materials would suffice. She re-iterated her desire to require a second address where a second driveway is permitted (which is included in the draft ordinance).

Shared Parking

In discussing the Town's current parking and development patterns, the Fire Marshal predicted a need for additional parking for larger ADUs. Staff pointed out that all ADUs over 1,200 square feet will require discretionary review, and the Fire Marshal agreed that this number represented a good cut off for larger ADUs. The meeting participants developed a proposal as follows: , on parcels of one acre or more with four existing parking spaces, no new parking should be required for ADUs of 1,200 square feet or less, while ADUs over 1,200 square feet should require an additional fifth parking space. The draft ordinance has been modified to read:

4. Development Standards.
 - f. Parking and Driveways.
 - i. Parking Requirement. Internal ADUs shall not require any dedicated parking spaces. External ADUs shall require one dedicated parking space, as follows:
 3. On parcels of one acre or larger where an ADU of twelve hundred (1,200) square feet or less is proposed, required ADU parking is not required to be dedicated. The ADU parking space may be shared, or overlap with, one guest parking space, provided the property is compliant with the current parking requirements in this title.

The final topic of discussion for the group revolved around the proposed review for fire safety. The Fire Marshal provided valuable input and information. Due to the complex nature of the proposed review, it is described in its own section, below.

Review for Fire Safety

The initial discussion of allowing ADUs on parcels less than one acre in size raised some concerns with the Planning Commission, including around fire safety. In response to this concern, staff has conducted additional research and analysis on the issue of fire safety as it pertains to this ordinance, including driving the roads in smaller-lot neighborhoods, as well as meeting with the Fire Marshal and the Public Works Director. A primary finding of that analysis is that fire safety concerns are not related to lot size alone. Instead, they are related to the combination of access and road width.

The Fire Marshal identified ingress and egress as the most important consideration as the Town considers ADU policy on lots less than one acre. Specifically, the Fire Marshal has provided two road conditions which, in combination, raise concerns about adding additional new units:

- A road width less than eighteen feet (18'), and
- A single point of ingress/egress.

In areas where these two conditions exist together—"Areas of Concern"—the Fire Marshal has expressed concern with the Fire District's ability to access a fire in progress and with evacuations. It is her opinion that development rights for ADUs should not be expanded to new properties in the Areas of Concern at this time. When asked by staff, she clarified that she is less concerned with the size of an ADU and allowing larger ADUs where they are already permitted.

Implementation in the Ordinance

Current ADU regulations create two groups: parcels of one acre or more, where ADUs are permitted according to the parcel's size; and parcels of less than one acre, where ADUs are currently prohibited. The ordinance would expand the right to develop an ADU to all parcels smaller than one acre. However, this would mean permitting ADUs where they are not currently allowed, including in the Area of Concern, which is what raises fire safety concerns.

To limit potential fire danger, a regulation with the Fire Marshal's criteria has been added to the draft ordinance. Under Section 3, Applicability, which expands ADU development rights to all parcels, is Subsection a, Exceptions, which continues the existing prohibition of ADUs on parcels smaller than one acre *where the criteria for an Area of Concern exist*.

1. Applicability. Accessory Dwelling Units shall be permitted on all parcels in all zoning districts, where a primary residence or land use is in existence or is proposed concurrently.
 - a. **Exception. ADUs are prohibited on parcels smaller than one acre which are accessed by a single point of ingress/egress on a road with a width of less than eighteen (18) feet.**

Implementation of This Code Section

The implementation of this section would continue to rely on the expertise of the Woodside Fire Protection District, and would require on-the-ground research and verification, because the Town does not have complete data on existing road width. When an application for an ADU was received, staff would first determine the parcel's gross area. If under one acre, staff would next locate the parcel on a road map to determine if the parcel could be accessed by only one roadway, i.e., had only one point of ingress/egress. If it did, staff would request that Woodside Fire visit the parcel and determine if the road between the parcel and the nearest access to multiple points of ingress/egress ever fell below the local standard of an eighteen foot (18') roadway. If all three of these criteria were found to exist in combination for the parcel, then the parcel would be prohibited from developing an ADU.

Cul-de-Sacs

These regulations would apply to cul-de-sacs in that cul-de-sacs are de-facto roads with only one point of ingress/egress. Therefore, any parcels under one acre on a cul-de-sac would automatically trigger investigation by Woodside Fire upon application for an ADU. If Woodside Fire found that the roadway connecting the parcel to the nearest intersection providing multiple points of ingress/egress remained at or above 18', the parcel would be allowed to develop an ADU. If the connector road was less than 18', a new ADU would be prohibited. Only where all three criteria existing *in combination* are ADUs prohibited.

Conflict of Interest

The current proposal creates a conflict of interest for any Planning Commissioner who owns a parcel where all three criteria exist in combination. There is only one Commissioner for whom this is true; this Commissioner should recuse themselves from any discussion of the ordinance and the final vote on the ordinance.

Draft Ordinance

Staff heard general support for the Draft Code Outline presented at the December 19, 2018 meeting. Since that meeting, staff has made minor updates and edits for clarity and organization, and has transitioned the document from outline to ordinance language. Changes include wording around utilities and moving specific elements of the Staff Discretionary Review document into the code, and reordering the development standards in Section 4. Sections on Findings and Noticing were placed within the description of Discretionary Review, Section 5.b.

Owner Occupancy

Ordinance Section 7.b., was modified to remove the requirement of owner occupancy on a property with an ADU. The minutes of the October 17, 2018 Planning Commission meeting reflect that three Commissioners were in favor of this removal and none were against it.

The requirement likely originated from the General Plan, which describes the need for each property to have a “Person of Responsibility” available, should a problem arise, but does not specifically require that the property owner be present. In order to conform to the General Plan, staff suggests that a contact be maintained for ADUs. Staff currently maintains ADU owners’ names and property addresses in a Master List of all ADUs in Town. It would be a simple matter to begin transferring the phone number and email on the application form into the Master List, where it would be easily available were a problem to arise where an owner was not present.

Draft Ordinance

Transitioning the Draft Code Outline into the Draft Ordinance required careful editing. Staff removed sections which provided explanation but not regulation, transitioned to the legal language of “shall,” and renamed certain sections. At this time, the complete ordinance is ready for the Planning Commission’s consideration; should it feel the ordinance is ready, the Planning Commission may vote to recommend it to the Town Council for review and approval.

In addition to the Resolution, which includes the Ordinance, the Findings of General Plan Consistency, and the Environmental Review (Attachment 1), staff has also included supporting documents for the Planning Commission’s use and review. The text of the ADU ordinance within the ordinance document is red and underlined, which makes for difficult reading. An exact copy of the new ADU ordinance text is attached because it is easier to read (Attachment 2). Also included for information purposes are updated versions of the Draft Staff Discretionary Review Description (Attachment 3) and the Draft ADU Application Path Handout (Attachment 4).

Secondary Issues to Forward to Town Council

In discussing the wide array of issues and design elements related to ADUs, the Planning Commission found that many of these related to all residential development, all zones, or all properties across Town. In order to progress in its consideration of regulations relating only to ADUs, the Commission set these issues to the side. A list of these issues will be included in

staff's report to the Town Council on ADUs as issues which the Planning Commission recommends for future consideration. The list includes:

- Undergrounding Review, generally
 - Shift review for all undergrounding relief from Planning Commission to ASCC
- Utilities, screening at the public right of way
- Deed Restrictions, as an enforcement tool
- Fire regulations, generally
 - Parking impacts on fire safety throughout Town

FINDINGS OF GENERAL PLAN CONSISTENCY

The proposed ADU ordinance is found to be consistent with the Portola Valley General Plan, as described in Attachment 1, Exhibit A.1. Specifically, objectives, principles and goals from the Land Use, Housing and Safety Elements, as well as the Town Center Area and Nathhorst Triangle Area Plans cited and shown to be supported and maintained by the proposed ordinance.

ENVIRONMENTAL REVIEW

The proposed ADU ordinance is found to be exempt from the California Environmental Quality Act (CEQA), as described in Attachment 1, Exhibit A.2.

NEXT STEPS

Updated meeting dates will be published to the Town website. All meetings will begin at 7:00 PM and be held in the Historic School House at Town Hall.

Once satisfied that the draft ordinance addresses the goals laid out by Council, the Planning Commission will recommend it to Town Council for final review, which will likely take place in February 2019. The Town Council will review the draft ordinance and may make further changes to its content. Once satisfied, the Council will conduct a first reading of the ordinance. If the Council makes no substantive changes to the ordinance, it may conduct a second reading at the following Council meeting and adopt the ordinance at that time. The ordinance would then go into effect thirty days following the approval.

The Town Council has final decision making authority on all the proposed changes to the ordinance.

ATTACHMENTS

1. Resolution Recommending Adoption of the Proposed Ordinance on Accessory Dwelling Units
 - Exhibit A: Ordinance on Accessory Dwelling Units
 - Exhibit A.1: Findings of General Plan Consistency
 - Exhibit A.2: Environmental Review
2. Draft Ordinance on Accessory Dwelling Units, dated January 16, 2019

3. Draft Staff Discretionary Review Description, dated January 16, 2019
4. Draft ADU Application Path – Handout, dated January 16, 2019

ADDITIONAL MATERIALS

1. Report from the Community Conversation on Housing, March 3, 2018
<http://www.portolavalley.net/home/showdocument?id=10945>
2. Report from the Community Conversation on Housing, May 5, 2018
<https://www.portolavalley.net/home/showdocument?id=11065>
3. Minutes of Town Council Study Session on ADUs, July 11, 2018
<http://www.portolavalley.net/Home/ShowDocument?id=11155>
4. Staff Report to the Planning Commission on ADUs, dated October 3, 2018
<http://www.portolavalley.net/Home/ShowDocument?id=12227>
5. Minutes of Planning Commission Meeting, October 3, 2018
<http://www.portolavalley.net/Home/ShowDocument?id=12301>
6. Minutes of Planning Commission Meeting, October 17, 2018
<http://www.portolavalley.net/Home/ShowDocument?id=12345>
7. Staff Report to the ASCC, October 22, 2018
<http://www.portolavalley.net/Home/ShowDocument?id=12273>
8. Minutes of ASCC Meeting, October 22, 2018
<http://www.portolavalley.net/Home/ShowDocument?id=12319>
9. Staff Report to the Planning Commission on ADUs, dated November 7, 2018
<http://www.portolavalley.net/Home/ShowDocument?id=12295>
10. Minutes of Planning Commission Meeting, November 7, 2018
<http://www.portolavalley.net/Home/ShowDocument?id=12357>
11. Staff Report to the Planning Commission on ADUs, dated December 5, 2018
<http://www.portolavalley.net/Home/ShowDocument?id=12321>
12. Minutes of Planning Commission Meeting, December 5, 2018
<http://www.portolavalley.net/Home/ShowDocument?id=12403>
13. Staff Report to the Planning Commission on ADUs, dated December 19, 2018
<http://www.portolavalley.net/Home/ShowDocument?id=12363>
14. Draft Minutes of Planning Commission Meeting, December 19, 2018
Attached to this Planning Commission packet at Agenda Item 6, Approval of Minutes

RESOLUTION NO. 2019 - ____

**RESOLUTION OF THE PLANNING COMMISSION OF THE
TOWN OF PORTOLA VALLEY RECOMMENDING APPROVAL
OF AN ORDINANCE AMENDING TITLE 18 [ZONING] OF
THE PORTOLA VALLEY MUNICIPAL CODE**

WHEREAS, on January 14, 2015, the Town Council of the Town of Portola Valley (“Town”) adopted its current Housing Element identifying Accessory Dwelling Units (ADUs, or second units) as an effective way of providing affordable housing in town; and

WHEREAS, on March 3 and May 5, 2018 the Town held facilitated convenings to receive input from residents on the regional housing crisis and appropriate responses from the Town, and heard strong support from residents for the use of ADUs to meet the Town’s housing needs and goals; and

WHEREAS, the Town Council held a study session on ADUs on July 11, 2018 to review an extensive list of ideas and regulatory options for encouraging ADU creation in Town, and tasked the Planning Commission with exploring the more promising of these options; and

WHEREAS, the Planning Commission held five working meetings on October 3 and 17, November 7, and December 5 and 19, 2018, to research and review the Council’s list of regulatory options; and

WHEREAS, in the course of its review, the Planning Commission recognized that, while many properties smaller than one acre could add an ADU without unduly impacting the provision of emergency services to the subject and surrounding properties, there exist in Town some areas where existing conditions prevented this from being the case; and

WHEREAS, the Fire Marshal of the Woodside Fire Protection District, of which the Town of Portola Valley is a part, provided specific criteria which, in combination, impacted the ability of the Fire District to reliably access certain properties; namely, a road width of less than eighteen feet and a single point of ingress/egress; and

WHEREAS, in recognition of the importance of life safety and emergency access to all properties, the ordinance prohibits accessory dwelling units on lots smaller than one acre where the conditions named by the Fire Marshal exist in combination, as described in Subsection 3.a., Exception to Applicability; and

WHEREAS, this limitation applies to a small number of parcels in Town, some of which are owned by a Planning Commissioner, which creates a conflict of interest for this Commissioner and limits their legal ability to discuss this topic and vote on the ordinance; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 16, 2019 regarding the proposed ordinance; and

WHEREAS, Planning Commissioner for whom a conflict of interest exists did not participate in the discussion of nor vote upon the resolution recommending the ordinance; and

WHEREAS, the proposed ordinance is found to be consistent with the General Plan of the Town of Portola Valley, as described in Exhibit A.1; and

WHEREAS, the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 65852.2 of the Government Code and Section 21080.17 of the Public Resources Code, as described in Exhibit A.2;

NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley does hereby recommend that the Town Council approve the proposed ordinance as set forth in Exhibit A.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on January 16, 2019.

Ayes:

Noes:

Absent:

Abstain:

Unable to Vote Due to Conflict of Interest:

By: _____
Nicholas Targ, Chairperson

ATTEST: _____
Laura C. Russell, Planning and Building Director

Exhibit A: Ordinance on Accessory Dwelling Units
Exhibit A.1: Findings of General Plan Consistency
Exhibit A.2: Environmental Review

Attachment 1, Exhibit A:

Ordinance on Accessory Dwelling Units

ORDINANCE NO. _____

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
PORTOLA VALLEY REMOVING SUBSECTION (B) OF
SECTION 18.12.040 [ACCESSORRY USES PERMITTED]
OF CHAPTER 18.12 [R-E (RESIDENTIAL ESTATES) DISTRICT
REGULATIONS] OF TITLE 18 [ZONING], AMENDING
SECTION 8.36.040 [ACCESSORY USES] OF CHAPTER 8.36
[USES PERMITTED IN ALL DISTRICTS] OF TITLE 18 [ZONING],
AND AMENDING SECTION 18.48.030 [ONE-TIME INCREASE]
OF CHAPTER 18.48 [PARCEL AREA, OPEN SPACE AND BULK –
BASIC REQUIREMENTS] OF TITLE 18 [ZONING]
OF THE PORTOLA VALLEY MUNICIPAL CODE**

WHEREAS, the State of California recognizes the potential for Accessory Dwelling Units as a housing strategy, and has passed several laws to lower the local regulatory barriers to construction; and

WHEREAS, the most recent amendment to Section 65852.2 of the Government Code requires that local governments create a ministerial review path for Accessory Dwelling Units of twelve hundred (1,200) square feet or fifty percent (50%) of the existing building, whichever is less; and

WHEREAS, on May 9, 2018 the Town Council of the Town of Portola Valley did adopt an ordinance amending Title 18 [Zoning] to comply with the requirements of State law; and

WHEREAS, Section 65852.2 of the Government Code further enables local governments to go beyond the minimum requirements of said statute to encourage ADUs; and

WHEREAS, the Town Council desires to further encourage the creation of accessory dwelling units to help meet its housing needs and goals; and

WHEREAS, on _____, 2019, the Planning Commission held a duly noticed public hearing to review the draft ordinance regarding accessory dwelling units at which all interested persons had the opportunity to appear and after considering the entire record of proceedings, including but not limited to, the staff report and all written and oral comments received, the Planning Commission voted to recommend that the Town Council approve the ordinance; and

WHEREAS, on _____, 2019, the Town Council of held a public hearing to review the proposed ordinance regarding accessory dwelling units at which all interested persons had the opportunity to appear and after considering the entire record of proceedings, including but not limited to, the staff report and all written and oral comments received and the Planning Commission recommendation, the Town Council voted to approve the ordinance.

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

1. DELETION 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 deleted in its entirety:

~~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. AMENDMENT TO CODE. Section 18.36.040 [Accessory Uses] of Chapter 18.36 [Uses Permitted in All Districts] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

- A. An accessory use is a related minor use which is either (a) necessary to the operation or enjoyment of a lawful principal use or conditional use, or (b) appropriate, incidental and subordinate to any such use. No use in any district shall be permitted as an accessory use which is not qualified as hereinabove set forth, or which constitutes in effect a conversion of a principal use to one not permitted in that district. In addition to other uses meeting the qualifications set forth in this section, and subject to the limitations set forth in this title, the following accessory uses are permitted in all districts when located on the same parcel as the principal use: This section shall apply to new construction and replacement fixtures upon adoption.
 1. The installation and operation of necessary facilities and equipment in connection with such schools and other institutions as are permitted in the respective district;
 2. Recreation, refreshment and service buildings in public parks;
 3. Required off-street parking spaces and required off-street loading spaces as regulated by this title;
 4. Fences and walls subject to the height and area regulations of this title;
 5. Hedges, trees, shrubs and other ornamental planting;
 6. Horticulture;
 7. Electric and communication service lines provided that all such lines are placed underground except where exempted in accordance with the procedure set forth in subsection B of Section 18.36.010;
 8. Outdoor Illumination [See Ordinance No. 2018-424, adopted on August 8, 2018, for full text].

9. Septic tanks and drain fields;
10. Antennas designed to receive television or microwave signals transmitted from satellite or terrestrial stations. Antennas with diameters exceeding four feet are subject to review by the architectural and site control commission as provided for by paragraph 6 of subsection A of Section 18.64.010.
11. Tennis courts and paddle tennis courts, provided the sum of the maximum depth of cut and maximum height of fill for such facilities shall not exceed the following:

Parcel Area	Combined Cut & Fill Feet
1.0 ac. or less	8
1.2 ac.	9
1.4 ac.	10
1.6 ac.	11
1.8 ac. or more	12

~~B. This section shall apply to new construction or replacement fixtures upon adoption, and to all installations after an amortization period of five years.~~

B. Accessory Dwelling Units.

1. Purpose. The purpose of this section is to define Accessory Dwelling Units (ADUs), and describe their development standards, review required, and additional regulations. Accessory dwelling units are allowed in certain situations in order to:
 - a. Create new housing units while respecting the look and scale of current development patterns;
 - b. Support more efficient use of existing housing stock and infrastructure;
 - c. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
 - d. Provide housing that responds to changing family needs, smaller households, and increasing housing costs;
 - e. Promote provision of affordable housing for people who work in Town; and
 - f. Provide accessible housing for seniors and persons with disabilities.
2. Definitions. The following definitions shall govern this Section.
 - a. Accessory Dwelling Unit, or ADU. An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the main building to which it is accessory. An accessory dwelling unit also includes:
 - i. Internal ADU. Created by converting existing space, such as bedrooms, attached garages, basements or attics; or a combination

- thereof. Converted space can be within or detached from the main building.
- ii. External ADU. A unit which requires new construction, either attached to or detached from the main building.
 - 1. Attached ADU. A unit which is attached to or part of the main building. Attached ADUs include new construction which is attached to the existing building, and a mix of new construction and converted space.
 - 2. Detached ADUs. A separate building, independent from the main building, built using new construction.
 - b. Junior Accessory Dwelling Unit. A unit consisting of habitable space with a separate entrance and sink, but which may share bathroom facilities with the main building. Typically created by converting existing space into a separate unit. Junior Accessory Dwelling Units do not constitute ADUS under this code.
 - c. Director. Planning and Building Director, also referred to as the Town Planner.
 - d. Discretionary Review. Review of a project against the General Plan, municipal code, and Design Guidelines. The reviewing body exercises judgement in applying policies to a specific project in context and determining whether the required findings for approval can be made. The reviewing body considers public comment and may impose conditions of approval on the project.
 - i. Staff Discretionary Review. A review process wherein the Planning and Building Director shall review certain Accessory Dwelling Unit applications in coordination with one member of the Architecture and Site Control Commission (ASCC).
 - ii. Architectural and Site Control Commission, or ASCC. A review process wherein the full ASCC reviews projects at a public meeting.
 - e. Existing Interior Space. For the purposes of internal ADU creation, Existing Interior Space shall be space which was permitted by the Town and passed its final building inspection at least one year prior to any application for an ADU.
 - f. Guest House. A building separate from the main residence which includes a bedroom and may include a bathroom, but does not include a kitchen.
 - g. Main building. The building to which an ADU is accessory. Main buildings can have a residential or non-residential use, as permitted by this Title.
 - h. Ministerial Review. A review process which is objective in nature and involves no personal judgement. The reviewing body confirms that all requirements are satisfied before approving a project, and may not consider public comment or impose conditions of approval.

- ii. Parking provided for ADUs shall not be included in floor area calculations.
- d. Height.
 - i. Height limitations for an ADU shall be those of the base zoning district. This includes daylight planes, where applicable. ADUs taller than eighteen feet (18') vertical height or twenty-four feet (24') maximum height, where allowed by the base zoning district, shall require Staff Discretionary Review.
- e. Parking and Driveways.
 - i. Parking Requirement. Internal ADUs shall not require any dedicated parking spaces. External ADUs shall require one dedicated parking space, as follows:
 - 1. ADU parking may be located in a covered or uncovered space, in tandem with other parking, and/or in setbacks.
 - 2. Parking space design shall conform to Section 18.60.020, Parking, Dimensions and Access.
 - 3. On parcels of one acre or larger where an ADU of twelve hundred (1,200) square feet or less is proposed, ADU parking is not required to be dedicated. The ADU parking space may be shared, or overlap with, one guest parking space, provided the property is compliant with the current parking requirements in this title.
 - ii. Covered Parking Conversion. When covered parking which is required by this code is demolished in conjunction with the construction of an ADU or converted to an ADU, the required parking spaces must be provided elsewhere on site. The replacement parking may be covered or uncovered, in tandem, or in mechanical lifts.
 - iii. Driveways. An ADU with a second driveway must be assigned a separate address, as described in Section 18.36.040.B.4.k. Driveways shall conform to Section 15.12.300, Driveways, with the exception that the ASCC may approve a second driveway for an ADU, provided that all of the following are true:
 - 1. The property is two (2.0) acres or greater in size;
 - 2. The ASCC finds that a separate driveway for the ADU would result in less impervious surface than providing an extension from the existing driveway;
 - 3. It is shown that the proposed driveway:
 - a. Does not cross a trail, as mapped by the Town;
 - b. Does not exit onto a Scenic Corridor; and
 - c. Provides for safe traffic movements into and out of the adjoining street, as determined by the Public Works Director.
- f. Materials.
 - i. Color reflectivity values shall not exceed 40%, except that trim colors and roofs shall not exceed 50% reflectivity.

- g. Landscaping.
 - i. Landscape plantings shall be selected from the Town's list of approved native plants and shall adhere to the Town's Landscaping Guidelines, as described in the Design Guidelines.
 - h. All lighting shall comply with Section 18.36.040.A.8, Outdoor Lighting.
 - i. Setbacks.
 - i. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage. This shall apply to both conforming and legal non-conforming garages.
 - j. Second Address. ADUs may be assigned a separate address at the property owner's request. Applicants requesting an address shall submit an application as part of the Building Permit submittal. The Planning and Building Director, in consultation with Woodside Fire Protection District, shall review and approve applications.
 - k. Utilities. When visible from the public right of way, utilities installed to serve an ADU shall be grouped with any existing infrastructure for the main building and screened to the extent feasible, as determined by the Planning & Building Director. In determining feasibility, the Planning & Building Director may consider cost, topography, and the natural landscape.
 - i. Utility Undergrounding. Utilities shall be required to be placed underground, as described in Section 18.36.010.B, with the following exceptions for ADUs:
 - 1. An internal ADU and any associated electrical service increases shall not trigger undergrounding of utilities.
 - 2. A detached ADU shall always underground utilities between the main house and the ADU, when connecting from the main house.
 - ii. Any other instance of new construction for an external ADU shall require undergrounding as stipulated in Section 18.36.010.B relating to utility undergrounding, with the exception that an applicant may apply to the ASCC for relief from these requirements if the ASCC finds that undergrounding is not feasible or practicable, or that there is no reasonable alternative location for the related equipment. Significant financial costs may be included in this consideration.
 - l. ADUs must comply with applicable Building Code requirements, including fire sprinkler requirements, unless a modification or waiver of the fire sprinkler requirement is approved by the Fire Marshall. An ADU created by the conversion of Existing Interior Space shall not be required to provide fire sprinklers if sprinklers are not required for the main residence.
5. Types of Review.

- a. Ministerial Review. Ministerial Review shall be completed by the Planning and Building Director or her/his designee under the building permit review process. No public hearings or noticing are required as part of this review. An ADU application which qualifies for Ministerial Review shall be acted upon within 120 days of the application being accepted by the Town.
- b. Discretionary Review.
 - i. Discretionary Review shall be conducted by one of the following review bodies:
 - 1. The Planning and Building Director shall complete Staff Discretionary Review in consultation with an ASCC member. The Director may refer items directly to the ASCC when in her/his opinion the public interest would be better served by having the ASCC conduct the review.
 - 2. Architectural and Site Control Committee (ASCC) Review is a discretionary review completed by the full ASCC at a noticed evening meeting.
 - ii. Findings for Approval. The review body must be able to make all of the following findings in order to approve an ADU subject to discretionary review:
 - 1. The structure is designed so as to minimize disturbance to the natural terrain;
 - 2. Existing vegetation is preserved to the maximum extent possible.
 - 3. The structure is designed and located to allow adequate light and air for itself and its neighbors;
 - 4. Landscaping, screening and fencing preserve privacy and mitigate adverse effects on neighboring properties;
 - 5. Entrances, exits and internal circulation shall be sited to promote traffic safety and ease and convenience of movement;
 - 6. Night lighting is located and fixtures chosen to promote public safety but minimize effects on adjoining properties;
 - 7. Planting and site design mitigate the problems of drainage and soil erosion;
 - 8. Materials and colors are compatible with the rural setting of the town and the surrounding landscape and structures;
 - 9. Proposed grading minimizes the apparent disturbance to the natural terrain;
 - 10. The project is consistent with the Portola Valley Design Guidelines;
 - 11. The physical position, massing, and architectural design of the ADU reflect that it is accessory in nature and holds a subservient position to the main building;
 - 12. Design of the ADU reflects its physical position on the property, such that units on or adjacent to setbacks are designed to minimize impacts toward adjacent properties.

- iii. Notice. Minimum noticing for ADUs requiring discretionary review shall include:
 - 1. Noticing to adjacent neighbors by the applicant, as required by the Planning and Building Director in published application materials.
 - 2. Noticing as described by Section 18.64.085, ASCC – Notification
 - c. An ADU application which is dependent on a septic tank and drain field shall be referred to and require approval of the County Health Officer in accordance with Town policies.
 - d. An ADU application which requires soil movement above fifty cubic yards or other work requiring a Site Development Permit under Section 15.12.070 shall be referred to the Town Geologist, the Town Engineer, and any other review bodies necessary as determined by the Planning and Building Director.
6. Assignment of Review Responsibilities.
- a. ASCC Review. ADUs which include any of the following shall be subject to ASCC Review:
 - i. External ADUs larger than:
 - 1. 1,200 square feet, on parcels 0 – 3.49 acres; or
 - 2. 1,500 square feet on parcels 3.5 acres or larger.
 - ii. A separate driveway for the ADU.
 - iii. Location in a non-residential zone.
 - iv. Location on a property with historic resources, as identified in the historic resources element of the general plan, as provided for in Section 18.31, H-R (Historic Resources) Combining District Regulations.
 - b. Staff Discretionary Review. ADUs which do not meet the criteria listed in subsection 18.36.040.B.6.a., ASCC Review, and which include any of the following shall be subject to Staff Discretionary Review:
 - i. An internal ADU larger than twelve hundred (1,200) square feet or fifty percent (50%) of the existing building, whichever is less;
 - ii. An ADU on a property adjacent to a Scenic Corridor;
 - iii. An ADU with a different architectural style than the main house or building;
 - iv. An ADU taller than eighteen feet (18') in vertical height or twenty-four feet (24') in maximum height;
 - v. An ADU with a light well larger than the minimum Building Code requirement;
 - vi. An attached ADU which causes the main residence to exceed 85% of the Adjusted Maximum Floor Area (AMFA);
 - c. Ministerial Review. ADUs which do not meet the criteria listed in subsection 18.36.040.B.6.a., ASCC Review, or 18.36.040.B.6.b., Staff Discretionary Review, shall be subject to Ministerial Review. All projects

subject to Ministerial Review shall comply with all code requirements. Additionally, Internal ADUs shall:

- i. Include Sufficient side and rear setbacks for fire safety;
 - ii. Occupy Existing Internal Space, as defined by this section.
7. Additional Restrictions. In addition to the development standards described in this section, all ADUs shall be subject to the following restrictions:
 - a. Sold Separately. ADUs shall not be sold separately from the main dwelling;
 - b. Rental Restrictions. If the ADU is rented, any such rental shall not be for a term of less than 30 days.
8. Administration.
 - a. Appeals. A decision by the Director or ASCC on an ADU may be appealed, if the appeal is filed within fifteen days of the decision.
 - i. A decision made by the Planning and Building Director is appealable to the ASCC.
 - ii. A decision made by the ASCC is appealable to the Planning Commission.
 - b. Application Administration. The Town Council authorizes the Planning and Building Director to establish permit application requirements, forms, and checklists that the Director finds necessary or useful for processing any applications governed by this Chapter.

3. AMENDMENT TO CODE. Section 18.48.030 [One-time increase] of Chapter 18.48 [Parcel Area, Open Space and Bulk – Basic Requirements] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

Any single-family residential building or related accessory building existing on October 25, 1995, may be increased one time up to a total of five percent (5%) of the existing floor area of one hundred and fifty (150) square feet, whichever is smaller, regardless of whether such increase exceeds the floor area limit that applies to the property. ~~This provision shall not be applied so as to allow a second unit (guest house) to exceed seven hundred fifty square feet of floor area.~~ This provision shall not be applied to Accessory Dwelling Unit maximums as described in subsections i. and ii. of Section 18.36.040.A.4.b.

4. 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.

5. 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.

6. ENVIRONMENTAL REVIEW. An ordinance providing for the creation of accessory dwelling units is not subject to the California Environmental Quality Act (CEQA), as provided for in Exhibit A.2.

7. 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:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST

Town Clerk

By: _____
Mayor

APPROVED AS TO FORM

Town Attorney

Exhibit A.1: Findings of General Plan Consistency
Exhibit A. 2: Environmental Review

**Attachment 1, Exhibit A.1:
Findings of General Plan Consistency**

Land Use Element

General Objectives

2102

1. To provide for residential uses and related facilities that will preserve and enhance the quality of living enjoyed by local residents.

ADUs will provide additional residential units for existing and future residents. They will allow existing residents to age in place, children to remain in Town, and local employees to live closer to their place of work. Design and floor area requirements for both ministerial and discretionary units will ensure that new ADUs will conform to existing architectural and development standards.

General Principles

2103

6. In order to maintain the rural atmosphere of Portola Valley, all buildings should be subordinate to their natural surroundings in size, scale and siting. Monumental building should be avoided.

Existing Adjusted Maximum Floor Area (AMFA) requirements will continue to control the total developable floor area on each parcel. ADUs will be further limited to 1,700 square feet, and 70% of the existing building for external units. All other development standards will still be in place.

9. In all developments in the planning area, full consideration should be given to fire protection needs, including those identified in the safety element, and adequate measures should be taken to ensure that these needs are met.
 - 9.1 Development should be limited in areas when fire risk cannot be reduced to an acceptable level and adequate emergency access cannot be provided. Also, recognizing fire protection measures could have adverse effects on native vegetation, development should be configured to minimize damage as well as fire hazard.

Fire protection is a high priority in the proposed amendment. The Fire Marshal identified ingress and egress as the most important consideration as the Town considers ADU policy on lots less than one acre. Specifically, the Fire Marshal has provided two road conditions which, in combination, raise concerns about adding additional new units: 1) a road width less than eighteen feet (18'), and 2) a single point of ingress/egress. These criteria have been described within the ordinance in order to improve fire safety where these conditions apply.

17. In all new developments, the undergrounding of utilities should be considered a high priority.

Utility Undergrounding remains a high priority for the Town. The ADU ordinance continues to enforce undergrounding for new development, with the exception of internal ADUs which do not alter the existing exterior of a building.

Residential Areas – Objectives

2104

5. To control the occupancy of parcels so as to:
 - a. Prevent overcrowding of dwellings.
 - b. Insure that occupancy of land and dwellings will be in balance with service facilities such as on-site parking, traffic capacity of access streets and capacity of utilities such as water and sewage disposal.
 - c. Insure against adverse impact on neighboring residences.
 - d. Fix responsibility for use, occupancy and conduct on the premises in relation to town standards and requirements. That is, on each parcel and in each main dwelling, someone must be “in charge” as owners or tenant of the owner.

The ADU Ordinance will continue to enforce compliance with the Adjusted Maximum Floor Area (AMFA) requirements for all residential parcels, and coverage and landscaping requirements for non-residential parcels. No additional floor area is permitted under this ordinance. Buildings developed as ADUs under this ordinance could be permitted with a different use or programming, i.e., a guest house could be developed where now an ADU would be allowed.

Residential Areas – Principles

2105

1. Lands indicated for residential use on the comprehensive plan diagram should be used primarily for residential living, a use of land characterized by a single household occupying a main detached dwelling as the principal use of a parcel, together with uses and structures customarily accessory to a main dwelling in a rural residential community.

Rural development typically consists of a main building surrounded by multiple outbuildings. The ordinance requires that accessory dwelling units are subservient to the main building. Attached ADUs which exceed 85% massing in the main building require discretionary review, including specific findings. Accessory Dwelling Units are considered an appropriate accessory use by this General Plan, as described below.

2. In addition to other accessory uses and structures, accessory living quarters within the main dwelling or in a separate structure should be deemed an appropriate accessory use on parcels large enough and under conditions adequate to insure the objectives cited in Sec. 2104.5 are met. Specific limits on accessory living quarters should be included in the zoning ordinances.

Section 2104.5 is described above; the ADU ordinance is found to be consistent with this General Plan Objective for Residential Areas. As described in the finding above, the use of the existing Adjusted Maximum Floor Area (AMFA) maximums for all parcels as a limit for ADU development ensures that all ADUs shall be sized appropriately for each parcel within its

context of slope, soil type, and size. Further limits on ADUs are described in detail in the ordinance, which include height, setbacks, proportion to the main building, and materials.

3. Population densities within the planning area should be guided by considerations of topography, geology, vegetative cover, access to transportation and services, fire hazards, emergency access, impact on preexisting residential development and other factors such as:
 - a. The highest densities should be located on relatively level land close to local shopping and service areas, other local facilities and transportation facilities. Densities should decrease as the distance from these facilities increases.
 - b. Population density should decrease as steepness of terrain increases.
 - c. The lowest densities and largest lots should be located on the steepest hillsides on which the town allows development and in mountainous areas where it is necessary to limit storm runoff, prevent erosion, preserve existing vegetation, protect watersheds, avoid potentially unstable ground and maintain the scenic quality of the terrain.

The California Department of Housing and Community Development (HCD) states that the addition of an ADU on a single family lot shall not be considered an increase in density. This General Plan describes accessory dwelling units as a use appropriate accessory use; and the proposed ordinance retains existing AMFA limits on floor area.

Existing higher density neighborhoods, where lots are generally smaller and houses are clustered together, already exist in close proximity to the two small commercial centers in Town; namely, the Village Square at Town Center, adjacent to the Highlands neighborhood, and the Nathorst Triangle area, adjacent to the Corte Madera neighborhood.

Factors of concern for emergency access, such as road width and options for ingress/egress, are taken into account by the ordinance when considering where ADUs are appropriate in Town. Specifically, ADU development on lots smaller than one acre is prohibited in areas with a road width of less than 18' and only one point of ingress/egress, in combination. These factors are often found where slopes are steepest and unstable ground exist, reinforcing the need for limiting additional development.

8. In all residential areas of the town, or its spheres of influence, particular attention must be given to the effects of approaching the maximum amount of development permitted on individual parcels. The cumulative effect of buildout under appropriate ordinances and policies should be examined and steps taken to ensure that its effect will not be injurious to the unique and desirable characteristics of each area. Overall development levels as measured by floor area ratios and impervious surfaces should be limited so as to preserve the rural setting.

No change to the Adjusted Maximum Floor Area (AMFA) or Impervious Surface (IS) limits on buildable area is proposed by this ordinance. Discretionary review is required for attached ADUs exceeding a massing of 85% in the main building, as well as for ADUs above 1,200 square feet.

The average rate of ADU development in Town has been slow and steady in the Town's recent history. A total of 220 ADUs are currently permitted; a continuation of these development patterns predicts only 150 new ADUs over the next 10 years. This number represents less than

10% of parcels in Town adding an ADU. Even if the rate of development increases slightly, the total development will not represent a dramatic shift in the development patterns across Town.

Area Plans

Town Center Area Plan

Objectives

6304

1. To develop the Town Center Area as an integrated area for businesses and institutional type uses serving the residents of Portola Valley and its spheres of influence along with compatible residential uses.
2. To produce a unified commercial-service-institutional-residential complex in the TCA with a scale and design quality compatible with the rural setting of the town.

Principles

6305

1. In order to serve as an integrated community serving area, the TCA shall provide space for:
 - e. Single family residences as well as housing for senior citizens.

The ADU ordinance allows for units accessory to both residential uses as well as commercial uses in non-residential zones. Residential uses are described as appropriate and compatible with the Town Center Area Plan. The addition of Accessory Dwelling Units to the existing and allowed residential uses will have little to no impact on the functioning and success of the Town Center Area as a commercial center serving the Town's residents.

Nathhorst Triangle Area Plan

Objectives

6104

2. To produce a unified commercial-service-institutional-residential complex with a scale and design quality compatible with the rural setting of the town.

Principles

6106

2. In order to meet desired design objectives:
 - b. Flexibility shall be allowed as to land use on those community commercial parcels which due to location and access can reasonably accommodate commercial, office or residential uses. Requirements shall be established to ensure their compatibility with surrounding land uses.

The ADU ordinance allows for units accessory to both residential uses as well as commercial uses in non-residential zones. Flexibility to allow residential uses is a principle of the Plan. The addition of Accessory Dwelling Units to the existing uses will have minimal impact on the functioning and success of the Nathhorst Triangle Area as a commercial center serving the Town's residents.

Housing Element

Goals & Policies

Goal 1

2475

Maintain and enhance the character and quality of Portola Valley's residential neighborhoods and the condition of its housing, and preserve the natural beauty of the town's scenic corridors and open spaces.

- Policy 1A: Accommodate new residential development in a manner compatible with the rural character of existing residential development.
- Policy 1B: Continue to control the location, design and density of new residential development in order to preserve regional open spaces, avoid areas of seismic and geologic hazards, have minimal visual impact, create minimal discernable effect on infrastructure capacity, and ensure the adequate provision of safe and convenient access to public services.
- Policy 1C: Require all housing units in the town to conform to the principles and standards set forth in the general plan and town regulations, including that all housing be subservient to the natural environment.

The ADU Ordinance will help maintain and enhance the character of Portola Valley by accommodating additional dwelling units on existing parcels. The ADU itself will not represent any new floor area not already permitted by the Adjusted Maximum Floor Area limit on each parcel. In addition, the ordinance controls for location and design to ensure appropriate siting and architecture and minimal impacts. The ordinance conforms to all applicable General Plan Land Use regulations, as described above.

Goal 2

2476

Endeavor to provide opportunities for a diverse population, including for people of all income levels and with special housing needs, particularly elderly residents and those employed in Portola Valley, to live in the town.

- Policy 2A: Accept and fulfill responsibility for a reasonable share of the regional need for affordable housing.
- Policy 2B: Encourage the creation of a diversity of housing options to meet the needs of people in different stages of the life cycle and with different income levels.
- Policy 2E: Continue to encourage affordable housing that can be produced in association with market rate housing and otherwise.
- Policy 2F: Distribute diverse and affordable housing options throughout the community.
- Policy 2G: Use an open and inclusive process when implementing housing policies and programs, by consulting as appropriate with people with differing housing needs and income levels, housing advocates, housing developers, property owners, and the community at large.

Accessory Dwelling Units will provide additional housing units accessible to a wider range of income levels and family arrangements than currently served by the traditional housing stock of Portola Valley. It provides additional housing units needed desperately both at the regional and local level. ADUs will allow existing residents to age in place, create options for local children to return home, and provide options for individuals with accessibility or developmental challenges. The smaller size of ADUs will naturally lower their rental price, creating more affordable housing options in Town.

The ADU ordinance is a product of significant public outreach over a year's time. Facilitated convenings with Town residents, a Town Council study session, and five Planning Commission meetings were held to study the topic; Town staff organized an ADU open house and attended the local Farmer's Market to answer questions; and webpage devoted to housing issues was created on the Town's website, with a dedicated email address for housing questions.

Goal 3 2477

As set forth in the Sustainability Element of this General Plan, encourage energy conservation and green building practices, and adopt housing policies to reduce costs of living, respect wildlife and plants and protect the environment.

- Policy 3B: Continue to encourage cluster development in order to preserve resources and encourage sustainability.
- Policy 3C: Continue to require native landscaping, which reduces water and power consumption, provides habitat, and helps to strengthen natural ecosystems in town.
- Policy 3D: Allow and encourage green building practices.
- Policy 3E: Design and locate housing to minimize impacts on wildlife and be subservient to the environment.

The ADU ordinance encourages the clustering of new dwelling units where an existing building already exists and is connected to services. Requirements for ADUs include native landscaping and Build It Green evaluation.

Goal 4 2478

Work to address housing issues on a regional basis while preserving local control and minimizing fiscal impacts on the town.

- Policy 4A: Continue to participate in regional and county efforts to increase the availability of affordable housing in the region and county, including housing for people with special needs, while working to ensure that factors such as size, geographical and seismic hazards, fire risks, and land dedicated to open space are considered in establishing housing requirements.
- Policy 4C: Preserve local control over zoning, diversified housing locations and design.
- Policy 4D: Minimize the fiscal impact of new housing on the town.

- Policy 4E: Define housing needs in a manner recognizing the special cultural and historic planning conditions for the town, including the agricultural and rural history and a culture of respecting the environment.

ADUs create additional units for residents and local employees while continuing to support and retain the Town's rural values and aesthetic. By locating ADUs on lots already containing a house or commercial use, ADUs will require minimal additional infrastructure and associated fiscal investment. The ADU ordinance will not encourage or further allow subdivision of existing park or agricultural land.

Safety Element

Potential Hazards in the Planning Area:

Fire Hazards

4141

Conclusions drawn from the analysis of fire hazards in Portola Valley are:

2. The western hillsides of Portola Valley, which are steep, have few roads, lack an adequate water supply and have dense vegetation are relatively hazardous when judged from a fire safety point of view. These areas cannot be reached quickly by fire fighters, and when reached, fire fighters may have substantial difficulty in fighting the fire because of an inadequate road system, dependence on hand carried equipment, and lack of water. These lands are clearly the most hazardous in the planning area.

*In light of the concerns summarized above and expressed by the Fire Marshal of the Woodside Fire Protection District, the ADU ordinance excludes certain parcels from external ADU development (Internal ADUs are allowed, as required by State law). Parcels are excluded where **all** of the following conditions apply: parcels which are smaller than one acre and therefore do not already have ADU development rights; accessed by roads less than eighteen feet wide; and accessed by a road with only one point of ingress/egress. These conditions cause increased difficulty for emergency services and evacuation.*

Policies Concerning Fire Hazards

1. Do not construct buildings for human occupancy, critical facilities and high value structures in areas classified as having the highest fire risk unless it is demonstrated that mitigation measures will be taken to reduce the fire risk to an acceptable level.

Where higher fire risk exists, the ADU ordinance prohibits development of external ADUs in certain instances. In areas with limited emergency access, as defined by roads less than eighteen feet in width and with only one point of ingress/egress, parcels of less than one acre are prohibited from ADU development.

Attachment 1, Exhibit A.2: Environmental Review

Statutory Exemption. Statutory exemptions apply to classes of projects determined by the California Legislature to promote an interest important enough to justify not undertaking environmental review. Unlike Categorical Exemptions, a project that falls within a Statutory Exemption is not subject to CEQA even if it has the potential to significantly affect the environment. The California Legislature has found and declared that ADUs provide an essential component in addressing housing needs in California.

The proposed ordinance makes adjustments to the Town's Municipal Code which are consistent with state law requirements established in Government Code Section 65852.2. This section expressly allows local agencies to amend their zoning ordinances to incorporate policies applicable to the creation of Accessory Dwelling Units (ADUs). Furthermore, the section authorizes local agencies to adopt less restrictive regulations for the creation of ADUs. State law contemplates that municipalities may go beyond the minimum requirements of Section 65852.2 to further encourage ADUs, as is proposed with certain aspects of the proposed ordinance. The proposed ordinance is therefore Statutorily Exempt from review under the California Environmental Quality Act (CEQA) under Public Resources Code Section 21080.17, which states that CEQA does not apply to a local agency's adoption of an ordinance to implement the provisions of Government Code Section 65852.2.

Alternative Exemption. If the Statutory Exemption is found to not cover the incremental portion that goes beyond the State law requirements (ADU floor area above 1,200 square feet), the proposed amendments are exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The ordinance would allow ADUs up to 1,700 square feet which goes beyond the floor area of 1,200 which is cited in the State Law. The 1,700 square feet size would only occur in rare cases where the project is within the allowed floor area and all other development standards. Furthermore, the Town's data for ADUs approved in the last three years shows that many applicants do not build up to the allowed maximum size, even where floor area limits would allow it. That trend is expected to continue.

The rate at which Portola Valley residents are choosing to build Accessory Dwelling Units has been increasing by approximately 0.6 units each year for the last eighteen year period, which includes three Code amendments to encourage construction of ADUs. If this trend continues, approximately 150 new ADUs will be proposed over the next ten years. With 220 ADUs already built, this represents less than a doubling of the total number of ADUs, and less than 10% of all parcels in Town adding a new ADU, over a ten year period.

If 150 ADUs may be expected over the next ten years, a conservative estimate is that 20% of those could be between 1,200 square feet (State law) and 1,700 square feet (Town limit), resulting in 30 units. This is negligible for CEQA analysis purposes because the potential impact of the additional floor area of (up to) 500 square feet in 30 units results in 15,000 square feet total. The units would be dispersed throughout Town and all units would be subject to generally applicable development standards related to grading, tree removal, creek setbacks, impervious surface, noise and related environmental standards.

In regards to traffic, it is difficult to extract the new demand from ADUs from the demand generated by the main housing units. The ADU may be used by members of the primary residence household, resulting in no net new trips. The ADU may be rented at some times, but not others in the life of a property. Or the ADU may be rented by existing residents of the Town, which changes traffic patterns but does not increase trips.

The Institute of Traffic Engineers (ITE) does not have a published trip generation rate for ADUs. Some municipalities use a rate of 3 trips per day for ADUs, for purposes of calculating traffic mitigation feesⁱ. This rate assumes small ADUs and is a reasonable proxy for the 500 square foot increment beyond State law under consideration by the Town. If 30 units produce an additional 3 trips per day, the result is 90 trips per day spread throughout the Town road system, which is an insignificant impact. For context, the traffic volume on Portola Road was measured in 2016 and found to be 4,900 vehicles per day (referred to as “average daily traffic”). This is well below the industry standard capacity for a two-lane road, which is of 15,000 vehicles per day, or average daily traffic. Moreover, for CEQA purposes, traffic impacts are typically calculated at peak hours and the assumed 90 trips would not all take place during such peak hours.

Therefore, it can be seen with certainty that the incremental difference between the State law’s floor area of 1,200 square feet and the Town’s limit of 1,700 square feet will not have a significant effect on the environment.

Exemption for Individual ADUs. Construction of individual ADUs is covered by CEQA Guidelines Section 15303(a) which exempts a second dwelling unit in a residential zone. ADUs in commercial zones are covered by Guidelines Section 15303(a) and (c), which exempt new small residential and commercial buildings on sites zoned for such use.

ⁱ Trip generation for ADUs is an emerging area of CEQA analysis. Statistically valid information is limited because ADUs are typically integrated with the primary land use. Municipalities that use trip generation rates for the purposes of traffic impact fee analysis include San Francisco, Benicia, and Bend, Oregon. Those cities use (approximately) 3 trips per day for small ADUs.

Draft Ordinance

B. Accessory Dwelling Units.

1. Purpose. The purpose of this section is to define Accessory Dwelling Units (ADUs), and describe their development standards, review required, and additional regulations. Accessory dwelling units are allowed in certain situations in order to:
 - a. Create new housing units while respecting the look and scale of current development patterns;
 - b. Support more efficient use of existing housing stock and infrastructure;
 - c. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
 - d. Provide housing that responds to changing family needs, smaller households, and increasing housing costs;
 - e. Promote provision of affordable housing for people who work in Town; and
 - f. Provide accessible housing for seniors and persons with disabilities.

2. Definitions. The following definitions shall govern this Section.
 - a. Accessory Dwelling Unit, or ADU. An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the main building to which it is accessory. An accessory dwelling unit also includes:
 - i. Internal ADU. Created by converting existing space, such as bedrooms, attached garages, basements or attics; or a combination thereof. Converted space can be within or detached from the main building.
 - ii. External ADU. A unit which requires new construction, either attached to or detached from the main building.
 1. Attached ADU. A unit which is attached to or part of the main building. Attached ADUs include new construction which is attached to the existing building, and a mix of new construction and converted space.
 2. Detached ADUs. A separate building, independent from the main building, built using new construction.
 - b. Junior Accessory Dwelling Unit. A unit consisting of habitable space with a separate entrance and sink, but which may share bathroom facilities with the main building. Typically created by converting existing space into a separate unit. Junior Accessory Dwelling Units do not constitute ADUS under this code.

- c. Director. Planning and Building Director, also referred to as the Town Planner.
 - d. Discretionary Review. Review of a project against the General Plan, municipal code, and Design Guidelines. The reviewing body exercises judgement in applying policies to a specific project in context and determining whether the required findings for approval can be made. The reviewing body considers public comment and may impose conditions of approval on the project.
 - i. Staff Discretionary Review. A review process wherein the Planning and Building Director shall review certain Accessory Dwelling Unit applications in coordination with one member of the Architecture and Site Control Commission (ASCC).
 - ii. Architectural and Site Control Commission, or ASCC. A review process wherein the full ASCC reviews projects at a public meeting.
 - e. Existing Interior Space. For the purposes of internal ADU creation, Existing Interior Space shall be space which was permitted by the Town and passed its final building inspection at least one year prior to any application for an ADU.
 - f. Guest House. A building separate from the main residence which includes a bedroom and may include a bathroom, but does not include a kitchen.
 - g. Main building. The building to which an ADU is accessory. Main buildings can have a residential or non-residential use, as permitted by this Title.
 - h. Ministerial Review. A review process which is objective in nature and involves no personal judgement. The reviewing body confirms that all requirements are satisfied before approving a project, and may not consider public comment or impose conditions of approval.
 - i. Second Address. An address issued by the Planning and Building Department for a permitted Accessory Dwelling Unit on a parcel that has a main building with a different address.
 - j. Second Unit. See *Accessory Dwelling Unit*.
3. Applicability. Accessory Dwelling Units shall be permitted on all parcels in all zoning districts, where a main building is in existence or is proposed concurrently.
- a. Exception. ADUs are prohibited on parcels smaller than one acre which are accessed by a single point of ingress/egress on a road with a width of less than eighteen feet (18').
4. Development Standards. All existing development restrictions in the base zoning district shall apply, except as modified by this section. These requirements include but are not limited to coverage, open space, bulk, density, floor area and adjusted maximum floor area, impervious surface,

height, setbacks, parking, site development, and outdoor lighting requirements.

a. Number.

- i. One ADU shall be permitted on all parcels smaller than 3.5 acres in size.
- ii. Two ADUs shall be permitted on parcels 3.5 acres or larger in size as follows: only one ADU may be detached from the main dwelling, except that both may be detached if they are created by converting Existing Internal Space in legal buildings.

b. Floor Area Maximums

- i. The minimum size of an ADU shall be defined by the California Building Code. The maximum size of any type of ADU shall be seventeen hundred (1,700) square feet.
- ii. An external ADU shall be additionally limited to 70% of the floor area of the existing or concurrently proposed main building.
- iii. Within the parameters in this subsection, an ADU may utilize any unused floor area within the subject property's floor area allowed by the base zoning district and any other applicable land use restriction. The ADU may consist of converted Existing Internal Space, new construction, or any combination of the two. Additions to existing ADUs shall be regulated by this section.

c. Floor Area – Calculations

- i. Basements. Space which meets the definition of a basement (Section 18.04.065), whether under a main residence or an ADU, shall not be counted as floor area nor be included in AMFA calculations. However, size limitations (Section 18.36.040.B.4.b, Floor Area Maximums) and size triggers for review (Section 18.36.040.B.6, Review Authority) shall both apply to basement floor area which is part of an ADU.
- ii. Parking provided for ADUs shall not be included in floor area calculations.

d. Height.

- i. Height limitations for an ADU shall be those of the base zoning district. This includes daylight planes, where applicable. ADUs taller than eighteen feet (18') vertical height or twenty-four feet (24') maximum height, where allowed by the base zoning district, shall require Staff Discretionary Review.

e. Parking and Driveways.

- i. Parking Requirement. Internal ADUs shall not require any dedicated parking spaces. External ADUs shall require one dedicated parking space, as follows:
 1. ADU parking may be located in a covered or uncovered space, in tandem with other parking, and/or in setbacks.

2. Parking space design shall conform to Section 18.60.020, Parking, Dimensions and Access.
 3. On parcels of one acre or larger where an ADU of twelve hundred (1,200) square feet or less is proposed, ADU parking is not required to be dedicated. The ADU parking space may be shared, or overlap with, one guest parking space, provided the property is compliant with the current parking requirements in this title.
- ii. Covered Parking Conversion. When covered parking which is required by this code is demolished in conjunction with the construction of an ADU or converted to an ADU, the required parking spaces must be provided elsewhere on site. The replacement parking may be covered or uncovered, in tandem, or in mechanical lifts.
 - iii. Driveways. An ADU with a second driveway must be assigned a separate address, as described in Section 18.36.040.B.4.k. Driveways shall conform to Section 15.12.300, Driveways, with the exception that the ASCC may approve a second driveway for an ADU, provided that all of the following are true:
 1. The property is two (2.0) acres or greater in size;
 2. The ASCC finds that a separate driveway for the ADU would result in less impervious surface than providing an extension from the existing driveway;
 3. It is shown that the proposed driveway:
 - a. Does not cross a trail, as mapped by the Town;
 - b. Does not exit onto a Scenic Corridor; and
 - c. Provides for safe traffic movements into and out of the adjoining street, as determined by the Public Works Director.
- f. Materials.
 - i. Color reflectivity values shall not exceed 40%, except that trim colors and roofs shall not exceed 50% reflectivity.
 - g. Landscaping.
 - i. Landscape plantings shall be selected from the Town's list of approved native plants and shall adhere to the Town's Landscaping Guidelines, as described in the Design Guidelines.
 - h. All lighting shall comply with Section 18.36.040.A.8, Outdoor Lighting.
 - i. Setbacks.
 - i. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage. This shall apply to both conforming and legal non-conforming garages.
 - j. Second Address. ADUs may be assigned a separate address at the property owner's request. Applicants requesting an address shall submit an application as part of the Building Permit submittal. The Planning and

Building Director, in consultation with Woodside Fire Protection District, shall review and approve applications.

- k. Utilities. When visible from the public right of way, utilities installed to serve an ADU shall be grouped with any existing infrastructure for the main building and screened to the extent feasible, as determined by the Planning & Building Director. In determining feasibility, the Planning & Building Director may consider cost, topography, and the natural landscape.
 - i. Utility Undergrounding. Utilities shall be required to be placed underground, as described in Section 18.36.010.B, with the following exceptions for ADUs:
 - 1. An internal ADU and any associated electrical service increases shall not trigger undergrounding of utilities.
 - 2. A detached ADU shall always underground utilities between the main house and the ADU, when connecting from the main house.
 - ii. Any other instance of new construction for an external ADU shall require undergrounding as stipulated in Section 18.36.010.B relating to utility undergrounding, with the exception that an applicant may apply to the ASCC for relief from these requirements if the ASCC finds that undergrounding is not feasible or practicable, or that there is no reasonable alternative location for the related equipment. Significant financial costs may be included in this consideration.
- l. ADUs must comply with applicable Building Code requirements, including fire sprinkler requirements, unless a modification or waiver of the fire sprinkler requirement is approved by the Fire Marshal. An ADU created by the conversion of Existing Interior Space shall not be required to provide fire sprinklers if sprinklers are not required for the main residence.

5. Types of Review.

- a. Ministerial Review. Ministerial Review shall be completed by the Planning and Building Director or her/his designee under the building permit review process. No public hearings or noticing are required as part of this review. An ADU application which qualifies for Ministerial Review shall be acted upon within 120 days of the application being accepted by the Town.
- b. Discretionary Review.
 - i. Discretionary Review shall be conducted by one of the following review bodies:
 - 1. The Planning and Building Director shall complete Staff Discretionary Review in consultation with an ASCC member. The Director may refer items directly to the ASCC when in her/his opinion the public interest would be better served by having the ASCC conduct the review.

2. Architectural and Site Control Committee (ASCC) Review is a discretionary review completed by the full ASCC at a noticed evening meeting.
- ii. Findings for Approval. The review body must be able to make all of the following findings in order to approve an ADU subject to discretionary review:
 1. The structure is designed so as to minimize disturbance to the natural terrain;
 2. Existing vegetation is preserved to the maximum extent possible.
 3. The structure is designed and located to allow adequate light and air for itself and its neighbors;
 4. Landscaping, screening and fencing preserve privacy and mitigate adverse effects on neighboring properties;
 5. Entrances, exits and internal circulation shall be sited to promote traffic safety and ease and convenience of movement;
 6. Night lighting is located and fixtures chosen to promote public safety but minimize effects on adjoining properties;
 7. Planting and site design mitigate the problems of drainage and soil erosion;
 8. Materials and colors are compatible with the rural setting of the town and the surrounding landscape and structures;
 9. Proposed grading minimizes the apparent disturbance to the natural terrain;
 10. The project is consistent with the Portola Valley Design Guidelines;
 11. The physical position, massing, and architectural design of the ADU reflect that it is accessory in nature and holds a subservient position to the main building;
 12. Design of the ADU reflects its physical position on the property, such that units on or adjacent to setbacks are designed to minimize impacts toward adjacent properties.
 - iii. Notice. Minimum noticing for ADUs requiring discretionary review shall include:
 1. Noticing to adjacent neighbors by the applicant, as required by the Planning and Building Director in published application materials.
 2. Noticing as described by Section 18.64.085, ASCC – Notification
 - c. An ADU application which is dependent on a septic tank and drain field shall be referred to and require approval of the County Health Officer in accordance with Town policies.
 - d. An ADU application which requires soil movement above fifty cubic yards or other work requiring a Site Development Permit under Section 15.12.070 shall be referred to the Town Geologist, the Town Engineer, and any other review bodies necessary as determined by the Planning and Building Director.

6. Assignment of Review Responsibilities.
- a. ASCC Review. ADUs which include any of the following shall be subject to ASCC Review:
 - i. External ADUs larger than:
 - 1. 1,200 square feet, on parcels 0 – 3.49 acres; or
 - 2. 1,500 square feet on parcels 3.5 acres or larger.
 - ii. A separate driveway for the ADU.
 - iii. Location in a non-residential zone.
 - iv. Location on a property with historic resources, as identified in the historic resources element of the general plan, as provided for in Section 18.31, H-R (Historic Resources) Combining District Regulations.
 - b. Staff Discretionary Review. ADUs which do not meet the criteria listed in subsection 18.36.040.B.6.a., ASCC Review, and which include any of the following shall be subject to Staff Discretionary Review:
 - i. An internal ADU larger than twelve hundred (1,200) square feet or fifty percent (50%) of the existing building, whichever is less;
 - ii. An ADU on a property adjacent to a Scenic Corridor;
 - iii. An ADU with a different architectural style than the main house or building;
 - iv. An ADU taller than eighteen feet (18') in vertical height or twenty-four feet (24') in maximum height;
 - v. An ADU with a light well larger than the minimum Building Code requirement;
 - vi. An attached ADU which causes the main residence to exceed 85% of the Adjusted Maximum Floor Area (AMFA);
 - c. Ministerial Review. ADUs which do not meet the criteria listed in subsection 18.36.040.B.6.a., ASCC Review, or 18.36.040.B.6.b., Staff Discretionary Review, shall be subject to Ministerial Review. All projects subject to Ministerial Review shall comply with all code requirements. Additionally, Internal ADUs shall:
 - i. Include Sufficient side and rear setbacks for fire safety;
 - ii. Occupy Existing Internal Space, as defined by this section.
7. Additional Restrictions. In addition to the development standards described in this section, all ADUs shall be subject to the following restrictions:
- a. Sold Separately. ADUs shall not be sold separately from the main dwelling;
 - b. Rental Restrictions. If the ADU is rented, any such rental shall not be for a term of less than 30 days.

8. Administration.
 - a. Appeals. A decision by the Director or ASCC on an ADU may be appealed, if the appeal is filed within fifteen days of the decision.
 - i. A decision made by the Planning and Building Director is appealable to the ASCC.
 - ii. A decision made by the ASCC is appealable to the Planning Commission.
 - b. Application Administration. The Town Council authorizes the Planning and Building Director to establish permit application requirements, forms, and checklists that the Director finds necessary or useful for processing any applications governed by this Chapter.

DRAFT Staff Discretionary Review Description

- General
 - Goal of process is to approve most ADU projects with one round of review.
 - ASCC members rotate on a quarterly basis to be the representative for participation in Staff Discretionary Review.
 - The approval authority in the Code is the Planning & Building Director or their designee.
 - The Planning & Building Director may refer projects up to the ASCC if there are significant concerns or neighborhood feedback that would benefit from full Commission review.
 - Staff will respond to an application within 30 days of submittal, and will process applications within the Permit Streamlining Act timeframe.
- Submittal Requirements
 - Detailed checklist to assist applications in preparing submittal
 - Confirmation of applicant neighbor outreach
 - Applicant notifies adjacent neighbors in all directions before submittal
 - Narrative describing how findings can be met
 - Story poles/stakes up upon submittal
- Staff Analysis of Project
 - Compliance with development standards in Code
 - Consistent with Design Guidelines
 - Site visit completed to evaluate project in context
 - If significant issues are identified, Planning Director will refer project up to ASCC for review
- If Application is Incomplete, issue Letter of Incompleteness
- If Application is Complete
 - Inform applicant
 - Issue formal Town Notice to 300 feet radius (standard Town noticing procedures)
 - Invite comment and input
 - Written comments will receive notice of decision with appeal period
 - Set date of decision (at least 10 days from notice)
 - Prepare Draft Approval Document, which includes
 - Detailed data table (expanded version of project data table in staff report)
 - Development standards such as floor area, impervious surface, height, setbacks, parking, landscaping, etc.
 - Summary of neighbor comments
 - Findings for approval
 - General Design Review findings
 - Accessory in nature finding
 - Site design finding
 - Conditions of Approval
 - On or soon after noticed decision date, meet with ASCC member to review project and draft approval document. If necessary, conduct site visit with staff and ASCC member.
 - If approved, update Approval Document with ASCC comments and conditions, and issue

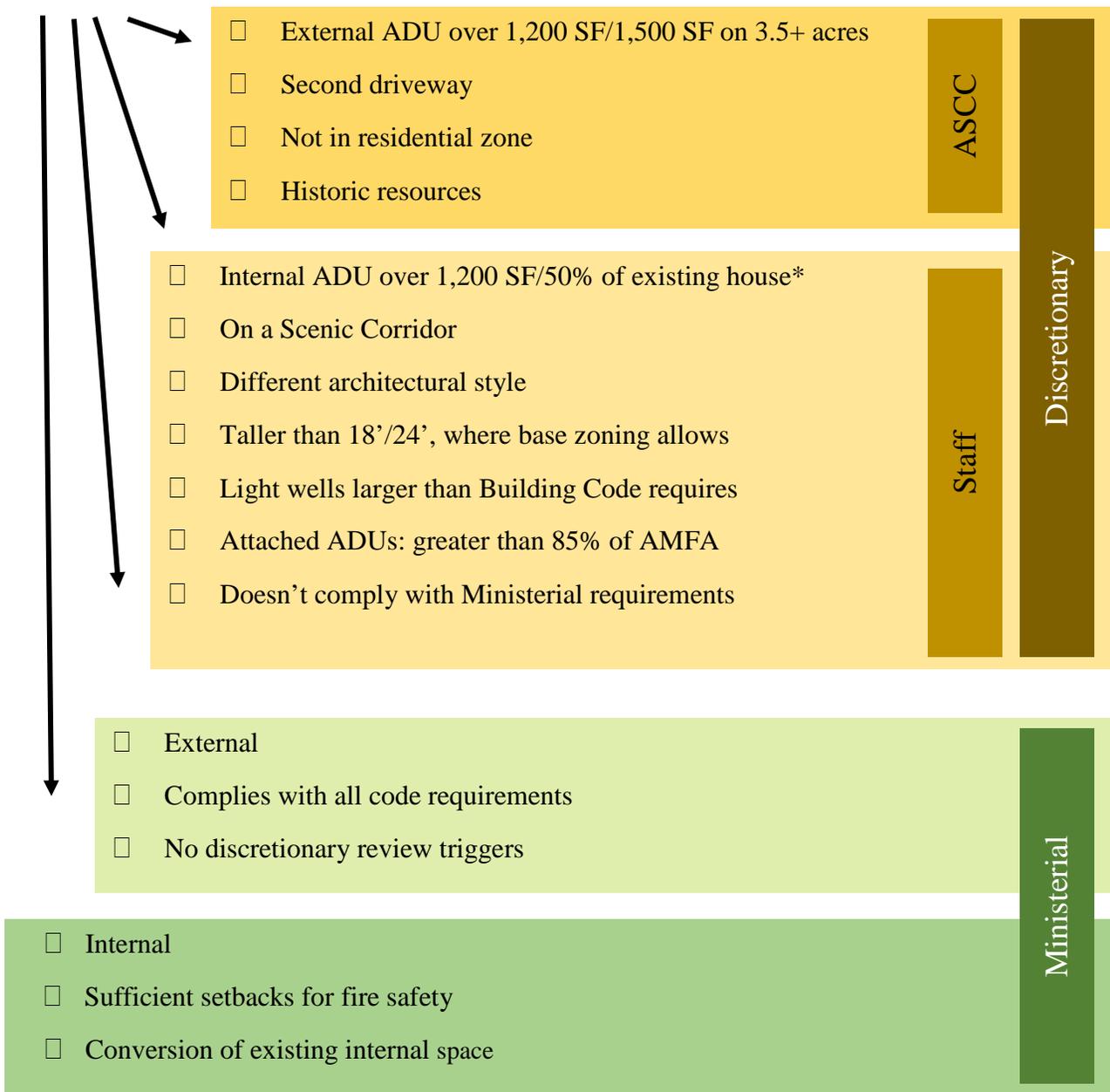
- If project was incomplete or is not approvable and resubmittal was required,
 - If approvable, issued Approval within 30 days of resubmittal
 - If not approvable, offer applicant a choice:
 - ASCC review
 - Denial, appealable to ASCC

Draft ADU Application Path

ADUs cannot be larger than **1,700 SF**.
 External ADUs cannot be larger than **70%** of the existing house.

Review Triggers _____ Review Type _____

Are any of these true about your project?



* Whichever is less