

**ORDINANCE NO. 2025 - 643**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE AMENDING CHAPTER 153 OF THE MUNICIPAL CODE (ZONING) TO IMPLEMENT PROGRAMS H1.3.a AND H1.3.b OF THE TOWN'S HOUSING ELEMENT ADOPTED JULY 23, 2024 BY AMENDING SECTION 153.211 OF THE WOODSIDE MUNICIPAL CODE TO MODIFY REGULATIONS RELATED TO ACCESSORY DWELLING UNITS; ESTABLISHING A PROCESS FOR THE PREAPPROVAL OF ACCESSORY DWELLING UNIT PLANS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65852.27; AND IMPLEMENTING A PORTION OF PROGRAM H4.3.a OF THE TOWN'S HOUSING ELEMENT TO UPDATE THE DEFINITION OF "EMERGENCY SHELTER" UNDER SECTION 153.005 OF THE MUNICIPAL TO BE CONSISTENT WITH GOVERNMENT CODE SECTION 65583.**

**WHEREAS**, the Town's Cycle 6 Housing Element (2023-2031) was adopted by the Town Council on July 23, 2024;

**WHEREAS**, the adopted Housing Element includes Programs H1.3.a and H1.3.b, which indicate that the Town will amend its Municipal Code to allow additional Accessory Dwelling Units (ADUs) on larger parcels in Town and remove other regulatory barriers to the construction of ADUs by December 31, 2024;

**WHEREAS**, the adopted Housing Element includes Program H4.3.a, which indicates that the Town will amend the definition of "emergency shelter" in the Municipal Code to be consistent with the definition provided in Government Code 65583 by December 31, 2024;

**WHEREAS**, the California Department of Housing and Community Development (HCD) issued a letter on July 30, 2024, indicating that the Town's adopted Housing Element was certified as substantially compliant with State Law, subject to the successful rezoning of identified parcels for multifamily development, and to stay in compliance the Town is required to complete the timely implementation of the several programs included in the Housing Element;

**WHEREAS**, Government Code section 65852.27 requires that the Town establish a program for the preapproval of ADU plans by January 1, 2025;

**WHEREAS**, a proposed ordinance, in **Exhibit A** ("Proposed Ordinance"), would amend the Municipal Code required by Programs H1.3.a, H1.3.b, and H4.3.a of the adopted Housing Element;

**WHEREAS**, the Proposed Ordinance would establish a process for the preapproval of ADU plans and direct the Planning Director or their designee to administer that program pursuant to Government Code 65852.27;

**WHEREAS**, on November 6, 2024, the Planning Commission conducted duly noticed public hearing to initiate and complete review of the Proposed Ordinance, at which time all public oral and written comments, and the staff report/recommendation were presented to the Planning Commission for its review and consideration;

**WHEREAS**, on November 6, 2024, the Planning Commission approved Planning Commission Resolution No. 2024-009, recommending Town Council approval of the Proposed Ordinance with the following additional recommendations:

**WHEREAS**, on December 10, 2024, the Town Council conducted duly noticed public hearing to initiate and complete review of the Proposed Ordinance, at which time all public oral and written comments, and the staff report/recommendation were presented to the Town Council for its review and consideration; and,

**WHEREAS**, the Town Council finds that the Proposed Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to Public Resource Code Section 21080.17 (CEQA is not applicable to local ordinances regulating the construction of Accessory Dwelling Units), and pursuant to Section 15061(b)(3) for updating the definition of Emergency Shelters (no possibility that the minor code amendment will have a significant impact on the environment), of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

**IT IS HEREBY ORDAINED** by the Town Council of the Town of Woodside as follows:

**SECTION ONE:** The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.

**SECTION TWO:** The definition of “Emergency Shelter” within Section 153.005 of the Woodside Municipal Code is hereby amended as shown in Exhibit A, attached hereto, with deleted text shown in ~~striketrough~~ and added text shown as underlined.

**SECTION THREE:** Section 153.211 of the Woodside Municipal Code is hereby amended as shown in Exhibit A, attached hereto, with deleted text shown in ~~striketrough~~ and added text shown as underlined.

**SECTION FOUR:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of the Ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

**SECTION FIVE:** Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect 30 days after its passage.

**SECTION SIX:** The Town Clerk shall cause this Ordinance to be published in accordance with the requirements of Section 36933 of the Government Code of the State of California.


I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct

copy of Ordinance No. 2025-643 of the Town of Woodside entitled as above; that it was introduced on the 10th day of December 2024 and was passed and adopted by the Town Council on the 14th day of January 2025 by the following vote:

AYES, Councilmembers Aburish, Brown, Goeld, Wall, and Mayor Dombkowski  
NOES,  
ABSENT,  
ABSTAIN,

  
Clerk of the Town of Woodside

APPROVED:

Signed by:  
  
Mayor of the Town of Woodside

## Exhibit A to Ordinance No. 2025-643

### Sec. 153.005 - Definitions.

~~**EMERGENCY SHELTER.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (California Health and Safety Code §§ 50801 and 124250).~~

**EMERGENCY SHELTER.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied *emergency shelter* because of an inability to pay. (California Health and Safety Code §§ 50801 and 124250). *Emergency shelters* may also include other interim interventions, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care.

### 153.211 - ACCESSORY DWELLING UNITS

#### (A) Requirements applicable to all accessory dwelling units.

All *accessory dwelling units* whether internal, attached to, or detached from the *main dwelling* unit, shall conform to the following requirements:

- (1) **Building and fire safety, and septic.** Conformance with all applicable building, housing, zoning, and site development laws, codes, and regulations shall be required, as applicable to *accessory dwelling units*. *Accessory dwelling units* shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection. The construction of an *accessory dwelling unit* shall not require installation of fire sprinklers in an existing primary residence *structure*, subject to State regulations. Subject to the requirements of Article III, Chapter 51, Title V of this Code, an accessory dwelling unit may be served by a dedicated private wastewater disposal system or a private wastewater disposal system that is shared with the primary residence and/or other accessory dwelling unit(s) located on the same parcel.
- (2) **Parking and driveway access.** Off-road parking spaces shall be provided in accordance with the requirements of Sections 153.221 through 153.225, as applicable to *accessory dwelling units*; and specifically as follows:
  - (a) **Parking requirements.** Parking requirements for *accessory dwelling units* shall be one parking space per *accessory dwelling unit* that has one or more bedrooms. No parking spaces shall be required for units that do not have a separate bedroom, such as a studio *accessory dwelling unit*. Off-street parking shall be permitted in *setback* areas in locations determined by the *Town*, or through tandem parking, unless specific findings are made that parking in *setback* areas or tandem parking

is not feasible based upon specific site or regional topographic or fire and life safety conditions.

(b) **Parking waiver.** Parking requirements for *accessory dwelling units* are not required in the following instances:

1. The *accessory dwelling unit* is located within one-half mile walking distance of public transit, including transit stations and bus stops;
2. The *accessory dwelling unit* is located within an architecturally and historically significant historic district;
3. The *accessory dwelling unit* is part of the existing primary residence or an existing *accessory structure*;
4. The *accessory dwelling unit* is located in an area where parking permits are required, but are not offered to the occupant of the *accessory dwelling unit*; or
5. The *accessory dwelling unit* is located within one block of a car share vehicle.
6. The *accessory dwelling unit* is included in an application to create a new single-family or multifamily dwelling on the same lot and the proposed *accessory dwelling unit* meets one or more of the criteria for a parking waiver listed above.

(c) **Driveway access.** The *principal access driveway* shall be used as the primary access for any proposed *accessory dwelling unit*, unless, pursuant to Municipal Code Section 151.44, a *second driveway exception* is approved.

(3) **Application review.** All plans for *accessory dwelling units* shall be subject to ministerial review and approval or denial by the *Planning Director* within 60 days of receiving a complete application. However, if an *accessory dwelling unit* is proposed in conjunction with the construction of a new *main dwelling*, the *Planning Director* need not act on the *accessory dwelling unit* prior to the issuance of the permit for the *main dwelling*.

(4) **General accessory dwelling unit regulations.** All requirements related to *accessory buildings* contained in the Municipal Code, including, but not limited to: *height, setbacks, floor area, lot coverage, natural state, environmentally sensitive areas, slopes in excess of 35 percent*, second driveways, grading, and landscaping shall apply. The following ministerial exceptions shall apply to *accessory dwelling units*:

(a) **Exceptions to setbacks.**

1. **Detached accessory dwelling units.** New detached *accessory dwelling units* may have a side and/or rear setback of no less than four feet from the side and rear property lines.
2. **Attached accessory dwelling units.** New *accessory dwelling units* attached to the main residence may have a side and rear setback of four feet from the side and rear property lines, but no portion of the main residence may be located within the required setbacks outlined in Municipal Code Section

153.207(A)(Table H). Portions of attached *accessory dwelling units* located within the required setbacks outlined in Section 153.207(A)(Table H) shall have an 11-foot maximum plate height and a 17-foot maximum overall height, except as permitted by Section 153.211(A)(10) and (11).

3. ~~**Two—Multiple accessory dwelling units.**~~ Properties with ~~two—multiple~~ *accessory dwelling units*, attached or detached, may only have one unit with a side and/or rear setback of four feet. A second *accessory dwelling unit* shall comply with the required setbacks outlined in Municipal Code Section 153.207(A)(Table H).
4. **Size Limitation.** Notwithstanding Section 153.211(A)(6) and (7) below, an *accessory dwelling unit* that does not comply with basic setback requirements outlined in Section 153.207(A) shall be limited to 800 square feet of *floor area* within the required basic setbacks.

(b) **Exceptions to height regulation.**

1. **Detached accessory dwelling units.** New detached *accessory dwelling units* may be up to 18 feet in *height* if the existing or proposed primary *structure* is a multistory multifamily dwelling. New detached *accessory dwelling units* may also be up to 18 feet in *height*, or up to 20 feet in *height* to match the roof pitch of the primary residence *structure*, if located within one half mile walking distance of a major transit stop or high-quality transit corridor, as defined in Section 21155 of the Public Resources Code.
2. **Attached accessory dwelling units.** An attached *accessory dwelling unit* may be up to 25 feet in *height*, or the *height* allowed for a two-story primary residence *structure*, whichever is lower.

(c) **Exceptions to WMC Regulations.** If it is not feasible to comply with all regulations of the Municipal Code to construct one 800 square foot *accessory dwelling unit* on a property, the applicant shall provide all necessary information requested by the *Town* (e.g., a topographic survey, septic feasibility study, etc.) to demonstrate that it is infeasible to construct one 800 square foot *accessory dwelling unit* while complying with all applicable regulations for review by the *Town*. Once the complete feasibility study is reviewed by the *Town*, the *Planning Director* shall determine which Municipal Code regulations may be reduced and/or waived by evaluating feasible locations for the *accessory dwelling unit* that create the fewest impacts to environmentally sensitive areas such as stream corridors, wetlands, and steep slopes.

(d) **Exceptions for any Accessory Dwelling Units Within Slopes in excess of 35 percent.** Notwithstanding the standard provisions of this Code related to Slope and Natural state, accessory dwelling units or a septic system in compliance with San Mateo County standards, and/or utilities serving one or more accessory dwelling units may be located within areas of a parcel having a ground slope greater than 35 percent but less than 50 percent when it is infeasible to locate the accessory

dwelling unit or septic system of the same size, or the utilities serving one or more accessory dwelling units, on an area of the parcel having a slope 35 percent or less. In such instances, the accessory dwelling unit may not include an attached garage, new portions of a main residence, or other use not associated with the accessory dwelling unit. This exception includes grading necessary to construct the accessory dwelling unit and driveways, if required by the Fire District, to the minimum Fire District driveway standard. This exception includes minimum walkways, building egress patios, and retaining walls necessary to serve the accessory dwelling unit. This exception shall not apply to any grading, installation of utilities, paving, or additions for existing or proposed main residences, and shall only apply to development necessary for detached or attached accessory dwelling units.

- (ed) **Exceptions for dormers.** An accessory dwelling unit above a detached garage that complies with the *basic setbacks* in 153.207(A)(Table H), may include *dormer(s)* up to 65 percent of the horizontal length of each side of the roof to provide for increased interior head *height*.
  - (fe) **Noticing requirements for exceptions.** Accessory dwelling units which utilize any of the ministerial exceptions in Section 153.211(A)(4)(a) through Section 153.211(A)(4)(c) shall be noticed to any property owner of property adjacent to the proposed accessory dwelling unit, including lots located across an abutting public or private road. The notice shall be sent within five business days of receipt of ~~the a complete~~ application and shall clearly state that an accessory dwelling unit application is ministerial and therefore there are no appeal rights.
- (5) **Number of accessory dwelling units allowed.** The maximum number of ~~No more than two~~ accessory dwelling units, including accessory dwelling units in barns and junior accessory dwelling units, ~~are~~ permitted on a parcel are determined by parcel size and zoning subject pursuant to Table L-1.

<u>Table L-1: Number of Accessory Dwelling Units Allowed</u>		
<u>Lot Size in Acres</u>	<u>Zone District</u>	<u>Number of Accessory Dwelling Units and Junior Accessory Dwelling Units Allowed</u>
<u>≥ 1</u>	<u>R-1, SR, RR, SCP-5, SCP-7.5, and SCP-10</u>	<p><u>A maximum of four accessory dwelling units and junior accessory dwelling units total as follows:</u></p> <ul style="list-style-type: none"> <li>• <u>No more than three accessory dwelling units may be attached to, or detached from the main dwelling.</u></li> <li>• <u>A fourth accessory unit may be allowed if at least one of the four total units is a junior accessory dwelling unit.</u></li> </ul>

<u>&lt; 1</u>	<u>R-1, RR, SR, SCP-5, SCP-7.5, and SCP-10</u>	<p><u>A maximum of one accessory dwelling unit and one junior accessory dwelling unit as follows:</u></p> <ul style="list-style-type: none"> <li>• <u>One accessory dwelling unit may be attached to, or detached from, the main dwelling.</u></li> <li>• <u>One junior accessory dwelling unit.</u></li> </ul>
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<del>TABLE L-1: Number of Accessory Dwelling Units Allowed</del>	
<del>Parcel Size or Zoning</del>	<del>Number of Accessory Dwelling Units Allowed</del>
<del>Equal to, or greater than, 1.5 acres</del>	<del>A maximum of two, whether attached or detached.</del>
<del>Equal to, or greater than, 1.0 acre; but less than 1.5 acres</del>	<del>A maximum of one detached and one attached.</del>
<del>Less than 1.0 acre</del>	<del>No more than one, whether attached or detached, and one junior accessory dwelling unit.</del>
<del>In the R-1 District</del>	<del>No more than one, whether attached or detached, and one junior accessory dwelling unit.</del>

- (6) **Attached accessory dwelling units.** The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the size of the main residence, including the accessory dwelling unit, or 1,500 square feet, whichever is less.
- (7) **Detached accessory dwelling units.** The floor area of a detached accessory dwelling unit, including the floor area of any attached garage, shall not exceed 1,500 square feet.
- (8) **Basement accessory dwelling units.** Basement area used for an accessory dwelling unit, or a portion thereof, shall be limited to the unit sizes prescribed in divisions (A)(6) and (A)(7) of this section.
- (9) **Rental accessory dwelling units.** Accessory dwelling units which are rented shall not be rented for less than 30 consecutive days.
- (10) **Existing detached garages and other existing accessory structures converted to accessory dwelling units.** No new setback shall be required for an existing detached garage or other existing accessory structure that is converted to an accessory dwelling unit and a setback of no more than four feet or the setback of the existing detached garage, whichever is greater, from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an existing detached garage, as long

as access and egress requirements, as prescribed by the Building Code and Municipal Code *height* requirements, are met.

(11) **Existing attached garages converted to accessory dwelling units.** No new *setback* shall be required for an existing attached *garage*, storage area, or similar attached and enclosed area, that is converted to an *accessory dwelling unit* and a *setback* of no more than four feet or the *setback* of the existing attached *garage*, whichever is greater, from the side and *rear lot lines* shall be required for an *accessory dwelling unit* that is constructed above an existing attached *garage*, as long as access and egress requirements, as prescribed by the Building Code and Municipal Code *height* requirements, are met.

(12) **Processing requirements:**

(a) **Accessory dwelling units within an existing structure.** An *accessory dwelling unit* within an *existing structure* (including the primary residence *structure*, attached or detached *garage*, or other *accessory structure*) shall be permitted ministerially with a *building permit*, and a demolition permit, if applicable, within 60 days of the submittal of a complete application, in compliance with other standards within the chapter, if complying with the following codes and requirements:

1. Building and safety codes;
2. Independent exterior access from the existing residence;
3. Sufficient *side* and *rear setbacks* for fire safety, as set forth in the Building Code; and,
4. A minimum four-foot *setback* for a second-story *accessory dwelling unit* above an existing nonconforming *garage*.
5. Construction of a new access stair located a minimum of five feet from the side or rear property line, or the existing *setback* of the building, whichever is greater, to access a new *accessory dwelling unit* built above an existing, legal nonconforming *garage* is allowed. An existing *garage* located at the required *setback* shall be allowed an access stair which may encroach a maximum of five feet into the required *setback*.

(b) **Denial.** In order to deny an *accessory dwelling unit*, the *Planning Director* shall find that the *accessory dwelling unit* would be detrimental to the public health and safety and shall transmit in writing to the applicant a full set of comments explaining the reasons for the denial within 60 days of the submittal of a complete application.

(c) **Nonconforming Conditions.** The *Town* shall not deny an application to create an *accessory dwelling unit* due to the existence of, or failure of the property owner to correct, nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and would not be affected by the construction of the *accessory dwelling unit*. The

*Planning Director* shall not condition the approval of a permit to create *accessory dwelling unit* on the correction of existing nonconforming zoning condition.

**(B) Requirements applicable to accessory dwelling units within barns.**

In addition to the requirements applicable to all *accessory dwelling units*, any such *accessory dwelling units* located within *barns* shall conform to the following additional requirements:

- (1) No more than one *accessory dwelling unit* within a *barn* shall be permitted on a *parcel* with the following exception: up to two *accessory dwelling units* may be permitted within a *barn* located on a property containing a *Town-approved professional stable*. Such additional *accessory dwelling units* shall only be permitted after approval of a *conditional use* permit by the *Planning Commission*, in accordance with applicable *conditional use* permit procedures.
- (2) The *floor area* of the *accessory dwelling unit* within a *barn* shall be no greater than 50 percent of the *footprint* area of the *barn*, or 1,200 square feet, whichever is less, but in no instance will such an *accessory dwelling unit* be limited to less than 850 square feet or 1,000 square feet for *accessory dwelling units* that include more than one bedroom.
- (3) The *accessory dwelling unit* and the *barn* shall contain an automatic fire sprinkler system, and the *accessory dwelling unit* shall be separated from the other portions of the *barn* with a one-hour firewall, in accordance with the *Town's Building Code*.
- (4) An *accessory dwelling unit* in a *barn* may be located on either a first or second floor, of that portion of the *barn* that adheres to required *setbacks*.

**(C) Requirements applicable to junior accessory dwelling units.**

A *junior accessory dwelling unit* is a unit that is no more than 500 square feet in size, is contained entirely within an existing or proposed *main dwelling structure*, includes an *efficiency kitchen*, has a separate exterior entry from the *main dwelling*, and maintains an interior connection to the main living area of the *main dwelling*. *Junior accessory dwelling units* shall conform to the following requirements:

- (1) Only one *junior accessory dwelling unit* is allowed per *lot*.
- (2) Owner-occupancy is required in any residence that contains a *junior accessory dwelling unit*. The owner may reside in either the remaining portion of the *structure* or in the newly created *junior accessory dwelling unit*. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
- (3) A *junior accessory dwelling unit* shall be constructed within the existing *walls* of the *structure*, including attached garages, attached storage areas, and other similar attached and enclosed areas.
- (4) A *junior accessory dwelling unit* may include separate sanitation facilities, or may share sanitation facilities with the existing *structure*.

- (5) A *junior accessory dwelling unit* shall include a separate entrance from the main entrance to the *structure*, with an interior entry to the main living area. A *junior accessory dwelling unit* may include a second interior doorway for sound attenuation.
- (6) A *junior accessory dwelling unit* shall have an *efficiency kitchen*, which shall include all of the following:
  - (a) A cooking facility with appliances; and,
  - (b) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (7) A *junior accessory dwelling unit* does not require additional parking.
- (8) This *subdivision* shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the *junior accessory dwelling unit* is in compliance with applicable building standards.
- (9) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or *special use permits*, be considered ministerially, without discretionary review or a hearing. The *Planning Director* shall approve or deny any application and the *Town* shall issue a *building permit* within 60 days of submission of a complete application for a permit pursuant to this section. The *Town* may charge a fee as reimbursement for costs incurred in connection with the issuance of a permit pursuant to this section.
- (10) For the purposes of any fire or life protection ordinance or regulation, a *junior accessory dwelling unit* shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit the *Town* from adopting ordinances or regulations relating to fire and life protection requirements within single-family residences and uniformly applying those ordinances and regulations to all single-family residences within the zone regardless of whether the single-family residence includes a *junior accessory dwelling unit* or not.
- (11) For the purposes of providing service for water, sewer, or power, including a connection fee, a *junior accessory dwelling unit* shall not be considered a separate or new dwelling unit.
- (12) This section shall not be construed to prohibit the *Town* from adopting ordinances or regulations related to parking or a service fee or a connection fee for water, sewer, or power, that applies to single-family residences and uniformly applying those ordinances and regulations to all single-family residences regardless of whether the single-family residence includes a *junior accessory dwelling unit*.

**(D) Plan Preapproval Program.**

Pursuant to California Government Code Section 65852.27, or future subsequent Government Codes, the *Planning Director* or their designee shall maintain an application and process for the preapproval of detached accessory dwelling unit plans for accessory dwelling unit vendors.

Access to preapproved plans shall be provided to the public and subject to streamlined review as required by the Government Code.