

ORDINANCE NO. 2025 - 644

URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE AMENDING THE CLASSIFICATION OF THE MULTI-FAMILY RESIDENTIAL DISTRICT UNDER WOODSIDE MUNICIPAL CODE CHAPTER 153, SECTION 153.102(E)

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the Town of Woodside (Town) adopt a Cycle 6 Housing Element for the eight-year period 2023-2031 to accommodate the Regional Housing Need Allocation (RHNA) of 328 housing units assigned to the Town by the Association of Bay Area Governments, plus a planning buffer of approximately 20% for a total of 394 housing units;

WHEREAS, State Housing Element Law also requires the Town to rezone specific properties as outlined in the Housing Element that will accommodate multi-family housing with densities to meet the Town’s RHNA targets for each of the designated income levels. Each of the multi-family housing sites are rezoned to implement Programs H2.1.a and H3.2.a of the Housing Element, permitting the sites to develop affordable housing units at income levels projected in Housing Element, Table 3-7 (RHNA), including meeting all requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i);

WHEREAS, on July 23, 2024, the Town Council adopted the 2023-2031 Housing Element (Cycle 6), which identifies specific properties proposed for rezoning to accommodate the Town’s regional multi-family housing need for very-low-income and low-income units;

WHEREAS, Program H2.1.a of the adopted Housing Element requires the Town to, “[a]dopt an ordinance allowing higher density housing of up to 20 units/acre on one privately owned parcel (773 Cañada Road), and two Town-owned sites at Raymundo Drive and High Road”;

WHEREAS, Program H4.2.c calls for the Town to “partner with a non-profit developer or non-profit developers,” to develop housing units that are affordable to “lower and moderate-income households” at the two Town-owned sites at Raymundo Drive and High Road;

WHEREAS, on July 30, 2024, the California Department of Housing and Community Development (HCD) issued a letter indicating that it had reviewed the Town’s adopted Housing Element and found that it met the statutory requirements of State Housing Element Law, but that the Housing Element could not be found in substantial compliance with State Housing Element Law until the Town amended its Zoning Code/Map to allow for multi-family development at the sites designated in the Housing Element;

WHEREAS, to achieve substantial compliance and to implement the 2023 – 2031 Housing Element, on September 24, 2024, the Town completed several amendments to the Municipal Code Chapter 153 (Zoning), including the creation of new Multi-Family (MF) zoning district development standards, amendment to the Zoning Map designation for APN 069-170-450 (High Road) from Open Space for Preservation of Natural Resources (OSN) to MF, and amendment the Zoning Map designation for Assessor Parcel Number (APN) 072-041-040 (Raymundo Drive) from Open Space (OS) to MF (the “Rezoning”);

WHEREAS, in accordance with Program H2.1(a) of the adopted Housing Element, the Rezonings included an amendment to Section 153.102(E) of the Municipal Code to state the classification of the MF zoning district as “a multi-family residential classification that allows development of up to 20 residential units per acre” and an amendment to Section 153.110(B)(1)(a) to state that the maximum density in multi-family residential districts “shall be 20 residential units per acre”;

WHEREAS, on December 6, 2024, HCD issued a letter to the Town, indicating that it had reviewed the Rezonings and found that they did not meet all of the statutory requirements necessary for the Housing Element to be found in substantial compliance with State Housing Element Law;

WHEREAS, prior to sending the December 6, 2024, letter, HCD shared preliminary comments on the Rezonings with Town staff, including HCD’s concern that the MF zoning classification for sites that would supply very low income and/or low income units (High Road and Raymundo Drive) did not set a minimum density of 20 units per acre, as required by Government Code section 65583.2;

WHEREAS, Town staff worked with HCD staff to create additional draft revisions to the Town’s Zoning Code that would allow HCD to find the Housing Element in substantial compliance with State Housing Element Law, while preserving the Town’s ability to complete Program H4.2(c) of the Housing Element by developing the High Road and Raymundo Drive sites consistent with the number of units designated for each site under the Housing Element’s RHNA Plan;

WHEREAS, HCD’s December 6, 2024, letter indicated that it had reviewed these “draft revisions” provided by Town staff and that “the housing element will substantially comply with State Housing Element Law upon adoption of the draft revisions and review by HCD pursuant to Government Code section 65585”;

WHEREAS, the “draft revisions” required to receive HCD’s finding that the Housing Element is substantially compliant with State Housing Element Law are proposed for adoption through Section Two this Urgency Ordinance;

WHEREAS, the Town Council finds that the proposed amendments to Sections 153.201(E) and 153.110(B)(1)(a) are non-substantive, in that it will not alter the Town’s plan, as stated in the Housing Element, to develop the High Road site with 16 units (11 low and very low income and 5 moderate income) and the Raymundo Drive site 17 units (12 low and very low income and 5 moderate income);

WHEREAS, Government Code section 36937(b) allows for the adoption of an urgency ordinance, containing a declaration of facts constituting the urgency, which is passed by a four-fifth vote of the Town Council;

WHEREAS, the Town believes that it completed all actions necessary to bring its Housing Element into substantial compliance with State Housing Element Law as of September 24, 2024,

when it adopted the Rezoning that allowed for all development planned under the adopted Housing Element to occur;

WHEREAS, notwithstanding the Town’s belief that the Rezoning brought its Housing Element into substantial compliance with State Housing Element Law on September 24, 2024, the proposed language amendments to Sections 153.102(E) and 153.110(B)(1)(a) are required to obtain HCD’s finding that the Housing Element is in substantial compliance;

WHEREAS, until HCD makes a finding that the Town’s Housing Element is in substantial compliance, the Town potentially remains subject to penalties applicable to jurisdictions that have not adopted compliant housing elements, such as the “Builder’s Remedy,” which allows developers to propose projects that are inconsistent with the Zoning Code; and

WHEREAS, because the proposed amendments to Sections 153.102(E) and 153.110(B)(1)(a) will not alter the Town’s stated plan to develop the High Road and Raymundo Drive sites at the number of units specified for each, and because additional delay in completing this amendment would potentially leave the Town open to penalties applicable to jurisdictions without compliant housing elements, the Town Council finds that this Ordinance should be adopted on an Urgency basis.

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: Section 153.102(E) of the Woodside Municipal Code is amended to read as follows:

~~(E) — The MF District is a multi-family residential classification that allows development of up to 20 residential units per acre.~~

(E) The MF District is a multi-family residential classification that, pursuant to Government Code Sections 65583.2(h) and (i), permits development without discretionary action and requires a minimum of 20 residential units per acre and a maximum of 25 units per acre when at least twenty percent (20%) of the units are affordable to lower income households. Developments of up to 20 units per acre will also be allowed if at least sixty percent (60%) of units are affordable to lower income households and the remaining units are affordable for moderate income households and at least 16 units total are provided.

SECTION THREE: Section 153.110(B)(1)(a) of the Woodside Municipal Code is amended to read as follows:

~~(a) — **Density.** The maximum density shall be 20 residential units per acre.~~

(a) **Density.** The allowable density shall be defined pursuant to Section 153.102 of this Code.

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: Town Council find the amendments to the Municipal Code and Zoning Map enacted through this Ordinance are subject to the California Environmental Quality Act (CEQA). As part of the Housing Element update process, an Environmental Impact Report (EIR) was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Woodside Municipal Code. The EIR consists of the Draft EIR dated May 3, 2024 and circulated for public review and comment and the Final EIR dated June 24, 2024 containing responses to the comments received on the Draft EIR. On July 23, 2024, the Town Council passed Resolution No. 2024-7695, certifying the EIR. The amendments to the Zoning Code through this Ordinance are consistent with and implements the project studied under the certified EIR, and none of the triggers for subsequent environmental review are met. The amendments are minor in nature and do not involve substantial changes to the project that will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Similarly, substantial changes have not occurred with respect to the circumstances under which the project will be undertaken that require major revisions of the EIR due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant effects. The circumstances under which the project will be undertaken are materially the same as they were on July 23, 2024 when the EIR was certified. Further, no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows the project will have any of the following: (a) new significant effects, (b) substantially more severe significant effects, (c) mitigation measures or alternatives previously found not be feasible would be feasible but the project proponent declines to adopt them, or (d) mitigation measures or alternatives considerably different than those analyzed in the EIR would substantially reduce a significant effect, but the project proponent declines to adopt them.

SECTION SIX: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect immediately upon its passage.

SECTION SEVEN: 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.

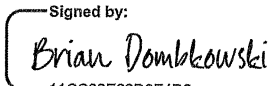
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I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 2025-644 of the Town of Woodside entitled as above; that it was passed and adopted as an Urgency Ordinance by the Town Council on the 14th day of January 2025, by the following vote:

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


Clerk of the Town of Woodside

APPROVED:

Signed by:

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Mayor of the Town of Woodside