

## **ORDINANCE NO. 2018-594**

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE AMENDING MUNICIPAL CODE CHAPTER 153 (ZONING), TO ALLOW FOR THE CONVERSION BETWEEN NONCONFORMING SINGLE-FAMILY RESIDENTIAL AND HABITABLE ACCESSORY STRUCTURES WITHOUT A CHANGE OF USE GRANTED BY THE PLANNING COMMISSION (FILE NO. **ZOAM2018-0001**).

**WHEREAS**, a Conceptual Design Review application was submitted to construct a new main residence and rebuild an existing nonconforming structure as a guest suite (File No. ASRB2018-0001);

**WHEREAS**, Municipal Code Section 153.235(C)(3) allows for the alteration of nonconforming structures only if such alteration does not result in a Change of Use, other than the ministerial conversion of nonconforming structures or buildings to Accessory Dwelling Units;

**WHEREAS**, the Municipal Code does not explicitly list accessory habitable structures in Municipal Code Section 153.107 Table A-3;

**WHEREAS**, Planning staff requested that the Planning Commission determine whether a Change of Use is required to convert a nonconforming main residence to another residential use;

**WHEREAS**, the Town of Woodside is committed to inclusive public participation and involvement in matters pertaining to the General Plan and its Elements, and the Zoning Code;

**WHEREAS**, the Planning Commission recommends that the Town Council find that the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) (no possibility that the activity may have a significant impact on the environment), of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations);

**WHEREAS**, on February 7, 2018, the Planning Commission determined that a Change of Use would not be required for the 327 Hillside Drive project or any other similar projects in the future and directed staff to return to the Planning Commission with a draft code amendment to memorialize this direction;

**WHEREAS**, on March 7, 2018, the Planning Commission conducted a duly noticed hearing on the interpretation of Section 153 (Zoning) of the Municipal Code at which time oral and written comments and a staff recommendation were presented to the Commission. The Planning Commission reviewed and considered the information in the administrative record;

**WHEREAS**, on March 7, 2018, the Planning Commission approved a Resolution of Intent and recommendation to the Town Council (PC Resolution No. 2018-004) to adopt an ordinance to allow for the conversion between nonconforming single-family residential and habitable accessory structures without a Change of Use granted by the Planning Commission;

**WHEREAS**, on April 3, 2018, the Town Council conducted a duly noticed public hearing at which time all oral and written comments and a staff recommendation were presented to the Town Council for this review and consideration, and provided a first reading and introduction of this ordinance; and

**WHEREAS**, on April 24, 2018, the Town Council conducted a public meeting, and provided a second reading of this ordinance.

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the Town Council of the Town of Woodside to amend the Woodside Municipal Code as follows:

**SECTION ONE: FINDINGS.**

The Town Council finds that a Change of Use granted by the Planning Commission shall not be required for the conversion between nonconforming single-family residential and habitable accessory structures;

The Town Council finds the changes to the Municipal Code consistent with the current General Plan; and,

The Town Council finds that based on the findings above and the Town Council Staff Report of April 3, 2018, the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) (no possibility that the activity may have a significant impact on the environment), of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

**SECTION TWO: AMENDMENT.** Chapter 153 of the Municipal Code is amended as follows as identified by underlined and ~~strikethrough~~ text:

***§153.107 TABLE A-3: Accessory Uses in Residential and Commercial Zoning Districts***

<i>Accessory Uses</i>	<i>SCP</i>	<i>RR</i>	<i>SR</i>	<i>R-1</i>	<i>CC</i>	<i>MFRD</i>
<u>Habitable structures, including but not limited to, guest suites, workshops, pool cabanas, exercise rooms, home offices, and media rooms. A change of Use shall not be required for the conversion of a nonconforming single-family residential structure to the uses listed in this box, or for the conversion of an accessory habitable structure to a single-family residential use (See Section 153.235(C)(3)).</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		
Hay/feed sales (see Conditional Uses)						
<del>Hobby shops and studios not containing noisy equipment and not involving on-</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	

<i>Accessory Uses</i>	<i>SCP</i>	<i>RR</i>	<i>SR</i>	<i>R-1</i>	<i>CC</i>	<i>MFRD</i>
<u>premises sales</u>						

**§ 153.235 LIMITATIONS ON MODIFICATIONS.**

(3) In R-1, SR, RR, all SCP and all OS Districts Nonconforming Structures or buildings may be altered as provided in this subchapter only if such Alteration does not result in a change of Use, other than ministerial conversion of Nonconforming Structures or Buildings to Accessory Dwelling Units and conversion between single-family residential and habitable accessory uses, of the nonconforming portion of the Building or Structure, unless it is determined by the Planning Commission that:

(a) The proposed new Use will conform to the General Plan and Zoning Ordinance;

(b) The proposed new Use will not create adverse impacts on adjacent properties or properties across a public or private roadway, including but not limited to, impacts related to privacy, noise, odors, parking and traffic;

(c) The proposed new Use will not negatively impact development potential on adjacent properties by, including, but not limited to, encroaching into the required separation of Structures; or impacting the ability to house or maintain Livestock, fowl and small animals; and,

(d) The Planning Director shall notify, by first class mail, all property owners within 300 feet of the subject property of the exception request, at least ten days prior to the Planning Commission meeting.

**SECTION THREE:** In the event that any provision of this ordinance is in conflict with any other ordinance of the Town of Woodside or the Woodside Municipal Code, the provisions of this ordinance shall prevail.

**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, the Ordinance shall take effect and be in full force and effect thirty (30) days after its final 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.

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I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 2018- 594 of the Town of Woodside entitled as above; that it was introduced on the 3<sup>rd</sup> of April, 2018, and was passed and adopted by the Town Council on the 24<sup>th</sup> of April, 2018, by the following vote:

AYES,	Councilmembers:	Gordon, Livermore, Tanner, Yost, and Mayor Shaw
NOES,	Councilmembers:	None
ABSENT,	Councilmembers:	Kasten
ABSTAIN,	Councilmembers:	None

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Clerk of the Town of Woodside

APPROVED:

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Mayor of the Town of Woodside