

TOWN OF WOODSIDE

Report to Town Council
From: Susan George, Town Manager

Agenda Item 5
September 27, 2011

SUBJECT: REPORT ON ISSUES RELATED TO THE HISTORY OF THE WOODSIDE ROAD-WHISKEY HILL ROAD PARKING ASSESSMENT DISTRICT (PAD) AND INITIAL CONSIDERATION OF A CURRENT OFFER OF DEDICATION OF INGRESS/EGRESS AND TRAIL EASEMENTS WITHIN THE PAD

RECOMMENDATION

It is recommended that the Town Council review this report, accept public input, and provide direction to staff relative to the specific questions posed of the Council within the report.

BACKGROUND

On December 14, 2010, the Town Council considered and accepted public input on a staff report entitled *Overview of Parking Issues in the Town Center and Provision of Direction to Staff for Future Related Work Plan Projects (Attachment 1)*. The Council did not direct staff to take any immediate action that evening, but suggested that the merchants work together to find immediate solutions to some of the issues raised in the report and during the meeting. It was noted that the larger issue of the needed update of the Town Center Plan, which will have to address parking and circulation, was a Strategy included in the pending 2012 General Plan. Since that time, both the Planning Commission and the Town Council have approved a Conditional Use Permit for a new café in the Town Center. The consideration of this new café triggered discussion of its parking space requirements and of the larger issue of Town Center parking. It was once again suggested that a committee be formed to study the parking issue(s) now, and not when the Town Center Plan update is initiated. Additionally, one of the property owners within the Town Center has made an offer of dedicated ingress/egress and trail easements. The proffered ingress/egress easement should specifically be discussed within the context of the history of the Woodside Road-Whiskey Hill Road Parking Assessment District (PAD).

Staff has prepared what it considers to be a second installment of the history of the PAD and has identified the issues relevant to any future undertakings.

DISCUSSION

History - Part 2

A quick review of the December staff report (Attachment 1) will facilitate an understanding of the following additional history. As the December 2010 report indicates, the PAD was originally formed in 1988. The formal Engineer's Report for the parking district, which includes the official plan, scope, cost, and assessment spread for the district, specified the boundaries of the PAD. It included thirteen parcels between Whiskey Hill Road and Mountain Home Road. One of the objectives of the district was to rationalize the parcel lines among several of the parcels in order to provide parking in the proximity of each business. Another factor in the planning of the district was the location of a Town Hall complex.

The original plan for the PAD contemplated the purchase by the Town (on behalf of the PAD) of both full parcels and portions of parcels. The cost of these land acquisitions was included

in the estimated total cost of all PAD improvements. The owners of the lands involved were to receive either cash or a credit against their assessment for final parking improvements. Attachment 2 is a copy of the Acquisition Diagram prepared by the Engineer for the PAD. The PAD was designed to acquire property as is summarized in the following chart, which is keyed to Attachment 2.

Parcel	Owner(s)	Description	Square Feet to PAD	Cash or Credit to be Taken
1	Gilbert	Collar of land around building outline	8,138	\$ 162,760
2	Oswald/Schutz	Entire parcel	9,421	94,210
3	Town	Entire parcel	48,766	620,440
4	Gilbert	Entire parcel	49,874	498,740
5	Mathisen	Entire parcel	59,402	594,020
6	Gilbert	Easement across center	13,873	138,730
7	Ersted	Front and rear strips	9,576	191,520
8	Sifers	Front strip	1,876	37,520
9	Ersted	Front and rear strips	4,517	90,340
10	Seymour	Front and rear strips	2,118	42,360
11	Oswald/Schutz	Front and rear strips	2,211	44,220
12	Oswald/Schutz	Front and rear strips	4,605	92,100
13	Mathisen	All land outside of projected building outline	10,254	205,080
TOTAL			224,631	\$2,812,040

The Town and all of the property owners within the PAD, except for the Mathisens, entered into Real Property Agreements that governed the terms of the various land acquisitions. Besides receiving the cash or credit attributable to the land acquisition, the property owners were to receive potential benefit in the form of additional development rights. The Town promised to review its zoning code with respect to lot coverage and setbacks within the Commercial Zone and, in fact, modified the code in 1989 by adding Section 153.054(B), which provides that the Planning Commission may “allow greater lot coverage, without limitation, for such lots in the Town Center Parking Assessment District” which participated in the district to “the full extent outlined in the engineer’s report.” Because of litigation with the Mathisens regarding Parcels 5 and 13, only the agreements with the Gilberts and the Village Pub owners (Oswald/Schutz) were able to move forward. The remaining real property agreements lapsed and subsequent negotiations never resulted in new land acquisition agreements. Thus the acquisition of land and construction of the parking improvements did not proceed as planned. Phase 1 of the PAD involved only Parcels 1, 2, 3, 4, 6, and 11. The Town acquired the land around the Pioneer Hotel on Parcel 1, all of Parcels 2 and 4, and the easement across Parcel 6. The Town also contributed Parcel 3 to the PAD to offset a portion of its own assessment. Through these real property transactions, the Gilberts received cash (about \$800,000), as indicated in the chart, as did the owners of the Village Pub for Parcel 2 (about \$94,000). Although Parcel 11 participated in Phase 1 through an assessment for 12 parking spaces, the strips of lands in front of and to the rear of the parcel were not acquired. The Mathisen Judgments in 1991 and 1992 resulted in the acquisition of all of Parcel 5 and a portion of Parcel 13, which is outlined later in this report. In the end, the Town acquired in fee 179,780 square feet of the land needed to complete the PAD, plus the easement across Parcel 6.

The Town’s inability to acquire the front and rear strips of land from Parcels 7 through 12 meant that planned circulation improvements to the rear of the properties fronting Woodside Road could not be completed and that the Town’s ability to construct a barrier along

Woodside Road to separate parked vehicles from bicyclists and to improve the bicycle lanes along Woodside Road had to be eliminated. A federal grant had been obtained to help offset the cost of these front improvements, but it was lost when the Town could not gain control of the front property strips. **Attachment 3** depicts the PAD as originally planned. The plan shows that the easement across the Gilbert Center was to be connected to the property at the rear of Parcels 7 through 12, with an improved and widened access, providing an adequate and engineered means of moving from Whiskey Hill Road to Mountain Home Road. Additional discussion of this issue is included later in this report.

The Impact of Litigation

As has been previously discussed, four lawsuits came into play as a result of the PAD. The first was the **Mathisen I** litigation. It involved Parcel 13 and was the subject of a Stipulated Judgment in 1991. Under that Judgment:

- The Town conveyed 1,293 square feet of Parcel 3 to the Mathisens, to improve the configuration of Parcel 13.
- The Mathisens agreed to convey 5,472 square feet of Parcel 13 to the Town for the PAD.
- The Mathisens retained the remainder of Parcel 13.
- The Town agreed to construct eight parking spaces on the southerly boundary of Parcel 13, with five to be on the Mathisens' Parcel 13 remainder and three to be on PAD property. All eight spaces were to be open to nonexclusive public uses and a permanent easement exists over the five spaces that are on private property.
- The Mathisens agreed to a \$51,451 assessment (to be levied when a Phase 2 of the PAD was undertaken) for the cost of the eight spaces.
- The Mathisens agreed to construct twelve spaces on Parcel 13 within three years for the exclusive use of Parcel 13 owners or tenants.
- The Town agreed to credit Parcel 13 with twenty parking spaces (eight plus twelve) for future development and to allow the square footage conveyed to the Town to be used to calculate building coverage when development of Parcel 13 should occur.
- There were various other less salient but related deal points.

Next came **Mathisen II**, involving Parcel 5, which was the subject of a Judgment in 1992. Under this Judgment, the Town acquired Parcel 5 from the Mathisens for over \$1.2 million. The Town took possession of this parcel in mid-1992. Nothing was done with it until after the next two cases of litigation were resolved.

The **Gilbert** litigation was filed in October of 1993 as a Complaint for Declaratory Relief. It was the subject of a judicially-supervised settlement initially approved in July of 1995 and finally executed in October of 1996. The terms of the settlement include:

- The Town agreed to move ahead with a second phase of the PAD.
- The Town agreed to rectify a drainage problem on the Pioneer Hotel property and to redesign existing parking spaces around the front of the Pioneer.
- The Town agreed to convey to the Gilberts fee simple title to the thirty-six parking spaces surrounding the Pioneer Hotel, plus the former Whiskey Hill Road right-of-way, upon the full repayment of the 1990 bonds (which is to occur no later than September 2, 2015). The Gilberts agreed that this property would only be used for "parking, landscaping, and related purposes" in perpetuity.

- ☑ The Town agreed that the Gilberts would also have an additional thirty-four spaces in perpetuity within the PAD allocated toward meeting the parking needs of Parcel 1 (this was in keeping with the Gilberts' assessment for seventy spaces for Parcel 1 in Phase I).
- ☑ The Town agreed to credit Parcel 13 (which had been acquired by the Gilberts while the litigation was proceeding) with three parking spaces to make up for the loss of three spaces on the Gilbert Center easement.
- ☑ There were also various other terms of a less critical nature for the purposes of this report having to do with maintenance of the Gilbert Center Easement, the purchase by the Gilberts of a land strip adjacent to Parcel 13, and building permits for a 1,000 square foot addition to the Pioneer Hotel, among other things.

The **Woodside Restaurant Partners (Village Pub)** litigation was filed against the Town in March of 1997 (First Amended Complaint), naming the Gilberts as codefendants. This lawsuit sought the return of Parcel 2 and the removal of Parcels 11 and 12 from the PAD. A Settlement and Mutual Full Release Agreement was executed in April of 1998. The Agreement provided the following:

- ☑ The assessment for Parcel 11 would remain at \$167,244 for thirteen spaces (twelve of which were constructed in Phase I), while the assessment for Parcel 12 would be reduced by forty-one spaces to \$283,030, for twenty-two spaces and the Town would move forward to issue additional bonds to complete a second phase of the PAD.
- ☑ The Town would construct twenty-three public parking spaces on PAD lands to be credited to Parcels 11 and 12.
- ☑ The Town would build an additional thirty-five public parking spaces within Phase II of the PAD.
- ☑ The Woodside Restaurant Partners (WRP) agreed to construct twenty-eight spaces upon Parcels 11 and 12, with the Town constructing ten of these and receiving reimbursement from the WRP.
- ☑ The WRP agreed to provide to the Town an easement across the lands underlying these ten spaces, placing these spaces into public use in perpetuity, as well as a roadway easement across the southerly portions of Parcels 11 and 12.
- ☑ The Gilberts agreed to convey a pedestrian easement across a strip of land lying between Parcels 12 and 13 to the benefit of the WRP and the Town agreed to give the Gilberts four parking space credits to the benefit of the development of Parcel 13 in recognition of the loss of use of the land underlying the pedestrian easement.
- ☑ The Agreement memorialized the development rights of Parcel 13, describing the thirty-five parking spaces that are credited to that parcel through various means, plus its right to have the lot coverage exemption applied to it at time of development.
- ☑ As with the other litigation cases, there were various other less salient but related deal points, including the Town's agreement to convey what is called the "Oak Tree Parcel" to the Gilberts and other points regarding sewer connections, surveys, drainage repairs, and landscaping.

As is highlighted in Attachment 1, the Woodside Restaurant Partners sold their property shortly after the settlement was reached. The new owners requested that the Town construct an additional thirteen spaces in anticipation of demolishing the existing structures and rebuilding on the two parcels. Based upon these factors, seventy-one additional parking

spaces were constructed on public lands, supported by bonds issued in October of 1999, against the outstanding assessments on Parcel 11, 12, and 13. One last addition was made to the PAD when the former Mathisen farmhouse was relocated and rehabilitated through private fundraising efforts and became the Woodside Community Museum. Four additional parking spaces were built to support this institutional use in the Town Center. No further activity has occurred within the PAD since then and the district is considered to be completed. In the end, 163 spaces were built on Town land to support the parking requirements of the uses located upon Parcels 1, 4, 11, 12, and 13, augmented by private spaces on Parcels 11, 12, and 13. No other properties or property owners participated in the financial support of the PAD. The spaces constructed by the Town are nonetheless public spaces, a point which is addressed later in this report. The Town has the responsibility for maintaining these 163 spaces, as well as the related travel lanes and landscaping. It also maintains the easement across the Gilbert Center and other parking and travel lane easements acquired through litigation. It is worth noting that the original concept and agreement was that a formal maintenance district would be formed and all parties to the PAD were to provide financial support for the ongoing maintenance of the improvements. This never materialized once all of the litigation was filed.

Current Easement Offer

The owners of PAD Parcels 7 and 9 have recently reinvigorated an offer to dedicate an access easement and equestrian easement across their properties (these two properties are held by members of the Ersted family). **Attachment 4** is a schematic of the proposed easements. Parcel 7 is the property at 2989 Woodside Road, the location of the recently approved café. Parcel 9 encompasses 2975, 2977, and 2979 Woodside Road. This property is currently vacant and future plans for it have not yet been shared with the Town. Parcels 7 and 9 are separated by Parcel 8, owned by the Sifers family, which is essentially landlocked on the rear portion of the property and has historically received access through a private access easement agreement with the Ersteds.

Staff is looking to the Town Council for direction concerning this easement offer before any additional staff energy or other Town resources are spent on the matter. Although a preliminary survey was done in 2002, it will need to be updated to ensure its accuracy. Further, an easement agreement will need to be drafted following further discussions with the property owners and their representatives. As with everything related to the Town Center, there are many things to consider. In summary form, the following are the issues that are or may be of impact (all involving the access easement - staff has no concerns about the trail easement offer):

- The pavement is currently not in good condition over much of the proposed easement and will require some as yet undetermined level of repair just to bring it to a marginally acceptable point and somewhat mitigate the potential liability that will accrue to the Town should it be accepted.
- Building upon the first point, the Town will have to accept the risks associated with the use of the access easements by the public. The connection point between Parcel 7 and the Gilbert Center access easement is narrow and difficult to navigate, with room for just one vehicle.
- The Gilbert Center easement, especially the actual connection point, has a long history that may or may not come into play should the Town accept this new access easement and contemplate an improvement to the connection point.
- Improvement of the connection point and of the full pavement area will not be inexpensive and will be a General Fund cost.

- ☑ The Town will still not have full control of the roadway/access driveway behind Parcels 7 through 13 with these easements, as the area behind Parcel 10 has not been offered in easement form to the Town.
- ☑ Countering the foregoing points is the fact that acceptance of the access easements does provide the Town with the opportunity at some future point to accomplish objectives of the current Town Center Plan by providing a means of traveling within the Town Center that is away from Woodside Road.
- ☑ Further, the property owner of Parcel 7 (the café site) can potentially shut down the steep driveway that currently runs from Woodside Road to the rear of the property (this driveway was a point of discussion when the café use was considered).

Staff would appreciate the Town Council's discussion of this item and, after hearing from the public, would like the Council's direction regarding further staff investigation of this offer. If the Town Council is favorably inclined towards the offer, additional work will be needed before a formal acceptance is possible. An estimate of the cost of both short and long-term improvements will be needed, as will survey work and the drafting of acceptable language and an easement agreement.

Formation of a Committee and Other Related Issues

Staff agrees that at some point in the near future, the Town Council would be well advised to create a committee of concerned and impacted residents and Town Center property owners to study the many issues that revolve around parking and circulation within the Town Center, both that part that was included in the PAD and that part to the west end of the Town Center. The last such committee was formed in 1999 (the Town Manager's Ad Hoc Town Center Committee). It focused on just a few specific issues within the Town Center.

Before a committee can take on the parking and circulation task, staff will have to provide needed background information so that the committee is armed with answers to some key questions. For example:

1. What are the currently approved uses in the Town Center, what parking requirements are associated with them, and how many spaces are actually provided? This information has not been comprehensively collected since the last formal Parking Study was done in 1992. Such an undertaking will be time consuming and will require the cooperation of the various Town Center property owners and their tenants.
2. What can the Town do regarding the public spaces within the Town Center by way of restricting use? These improvements were funded largely through the issuance of tax exempt assessment district bonds. With the issuance of such bonds, certain covenants come into play. For example, these spaces need to be available to anyone in the public - the Town cannot limit usage to selected groups. Time limits on use can be adopted (e.g. meters, two-hour limits, etc.) as long as they are evenly applied. More research into this question is needed, however, before the committee or the Council will know what parameters apply to potential solutions to the parking shortage.
3. Are the Town's parking standards reasonable? The last time a comparison was made was when the aforementioned Parking Study was completed in 1992. The test of reasonableness cannot be based solely upon a side-by-side review of regulations. The question really has more to do with whether the Town's regulations are reasonable with regard to the actual usage/demand patterns that the Town experiences. The 1992 study looked at usage patterns. This type of study may be needed as an information baseline for the committee.

Other issues that the Town Council may want a committee to study might include a review of the Town's requirements for permitted and conditional uses within the commercial zoning district. Most of the uses that involve less than 2,000 square feet of space are permitted, not conditional, uses. This means that there are many businesses within the Town Center that are not the subject of a Conditional Use Permit. Although the Town's parking standards apply when building permits are involved, there is no Planning Commission review or other public hearing process involved with such projects unless exterior changes require the review of the Architectural and Site Review Board. This may be another issue for a committee to consider.

It is the current Town Manager's position, after giving the issue much thought, that the formation of a committee at this juncture is not practical. There is no available surplus staff capacity to support such a committee nor can the research needed to answer the outlined questions be undertaken at the current time. There is still a great deal of work remaining to bring the General Plan to a point of adoption early next calendar year. The Residential Design Guidelines likewise have months more work to be completed before they are ready for public hearing and adoption. The current Town Manager has just over three months remaining to complete a variety of tasks, including the completion of a written version of important pieces of institutional memory. Based upon past experience, it would not be feasible to take on an Ad Hoc Parking Committee and complete any meaningful work by mid-January of 2012. Further, the issues that such a committee will have within its scope will be of long-term importance and the Town's new Town Manager should be involved with the development of solutions and their prioritization.

If the Town Council wishes to at least partially advance this matter, then the Council may want to direct staff to include a discussion on an upcoming agenda of the feasibility of commissioning a formal parking study, similar to the one completed in 1992, by a qualified traffic engineer/consultant. The scope of this work could be broad enough to provide the data needed for a full understanding of the Town Center's parking status and help to further frame the related issues. Such a study will likely be needed when the Town takes on a full review and update of the Town Center Plan, so initiating it sooner than later may be a prudent first step.

CONCLUSION

This report was prepared to provide additional historic background information about the issues of parking and circulation in the Town Center (as the old cliché goes "You can't know where you are going until you know where you have been"). It was also prepared to help the Town Council assess its interest in pursuing the current access/trail easement offer and to set some direction for the future study of the Town Center. Following the acceptance of public input, staff will await the Town Council's direction.

Attachments

TOWN OF WOODSIDE

Report to Town Council
From: Susan George, Town Manager

Agenda Item 8
December 14, 2010

SUBJECT: OVERVIEW OF PARKING ISSUES IN THE TOWN CENTER AND PROVISION OF DIRECTION TO STAFF FOR FUTURE RELATED WORK PLAN PROJECTS

RECOMMENDATION

It is recommended that the Town Council review this report and provide direction to staff on additional work the Council would like to have accomplished in support of a future Work Plan project related to Town Center parking.

BACKGROUND

During the last eighteen months, the Town has been working to address parking problems and concerns in the Woodside Road corridor, specifically the stretch that runs from Cañada Road past the Woodside Elementary School to the Kings Mountain Road intersection. The actions that the Town Council has taken to date have been characterized as the initial steps of a larger potential undertaking, the goal of which would be to potentially provide additional parking at the Cañada Corners Center. As the Town Council undertakes a discussion of the larger issue, staff felt that an overview of parking issues in the Town Center would provide a solid framework and understanding of the complexity of the matter.

DISCUSSION

The Town first adopted a Town Center Plan in 1970. A major goal of the Plan was to reduce problems of access and circulation in the Town Center and to focus parking off of Woodside Road, preferably behind the commercial structures. The Plan was revised in 1976, by establishing Areas A and B. Commercial activities are to be limited primarily to Area A and low intensity uses, such as cultural and institutional activities, are to be limited to Area B. **Attachment A** is a copy of a depiction from the Plan of the Town Center, showing its boundary limits and the two areas within it. Area B encompasses the two residentially zoned parcels bordered by Dry Creek, Whiskey Hill Road, and Area A. There is no other residentially zoned property within the Town Center. A residentially zoned parcel is contiguous to the commercially zoned Cañada Corners parcel and it is used, in part, to support commercial activities. The Town Center Plan was not modified when the General Plan was updated in 1988, and remains in its 1976 form today. Much has occurred in the ensuing years, however, and the record of these occurrences is an important aspect of Town Center planning and decision-making. Discussion of events that have occurred in the past is best undertaken by looking at defined portions of the Center separately, based upon commonalities.

The East End: Pioneer Hotel to Gilbert Center

This part of the Town Center historically suffered from parking shortage and location issues. This area looks significantly different today than it did twenty years ago. **Attachment B** is a copy of a 1983 article from *The Country Almanac* (with apologies for the quality) that does a good job of describing the problems that existed and one of the solutions the Town and the commercial property owners pursued to resolve them. **Attachment C** is a copy of the Assessment Diagram from the Woodside Road-Whiskey Hill Road Parking Assessment District,

developed in 1988 and discussed in detail later in this report. The following table provides a key to the status and ownership of each of the involved parcels at that time.

#	1988 Owner	Status
1	Gilbert	Developed (Pioneer)
2	Oswald/Schutz	Undeveloped
3	Town	Undeveloped (Old PG&E Site)
4	Gilbert	Undeveloped
5	Mathisen	Developed (Farmhouse)
6	Gilbert	Developed (Gilbert Center)
7	Ersted	Developed
8	Sifers	Developed
9	Ersted	Developed
10	Seymour	Developed
11	Oswald/Schutz	Developed
12	Oswald/Schutz	Developed (Pub)
13	Mathisen	Undeveloped

The Town also owned the Village Hill site, across Woodside Road. One additional fact not mentioned in the news article is that patrons of the commercial properties were using the north side of Woodside Road for parking to access these businesses, creating life safety concerns.

As the 1983 news article indicates, attempts were made to regularize the parking at the east end of the Town Center and to find a location for a Town Hall, as the Town was leasing space at the Woodside Elementary School at the time (Town Hall offices had been located in the Pioneer Hotel, but were moved to the school in 1980). None of these efforts were successful, however. Finally, in 1987-88, a needed catalyst was provided. The Woodside Elementary School served notice upon the Town that it needed the space the Town was occupying on the school grounds to provide for growing school enrollment numbers. The school board exercised its termination clause in the lease but gave the Town time to find a place to which it could relocate its offices. In addition, relations between two of the commercial property owners had soured and former agreements to share space for parking had been terminated, increasing the emphasis on the parking problem.

The Town Council asked its Town Properties Development Advisory Committee to provide a recommendation for the construction of a Town Hall. The old PG&E site and Village Hill were the focus of the committee's work, and the final recommendation was that Village Hill be developed as a civic center. The Town's efforts were not met with total resident satisfaction, however, and in June of 1988, two ballot initiatives were filed with the Town Clerk for the November, 1988 election. The first - "Save Village Hill" - did not appear on the ballot that fall because the Town Council preempted it by formally establishing the property as an Open Space Preserve, via ordinance. The second, which dealt with commercial development in the Town Center, became "Measure J" on the November ballot. A copy of Measure J is included as **Attachment D**. It was approved by the voters and its language became Town law, embodied in Municipal Code Section 153.030. Its impact is discussed in a later section of this report.

In the meantime, meetings were held with the commercial property owners regarding the parking problems to try and craft a solution once again. The Town Council now needed an alternative site for Town Hall with the loss of Village Hill, so the PG&E site was back into consideration. During the Town Council's many public discussions about these two separate

but linked matters, the concept of a parking assessment district was initiated. The first Town Center Plan had included reference to such a district as an option for resolving many of the challenges facing the area. This concept was embraced by the Council and the proceedings for formation of the Woodside Road-Whiskey Hill Road Parking Assessment District (PAD) were initiated in late 1988, pursuant to the Municipal Improvement Act of 1913, as specified in the California Streets and Highways Code. In addition, the Town engaged the services of Esherick, Homsey, Dodge and Davis, a San Francisco architecture firm, to develop a site plan for Town Center, including a concept plan for a Town Hall. **Attachment E** is a copy of the Town Center Site Plan that the Town Council ultimately adopted in March of 1989. It called for a Town Hall on the undeveloped residential parcel (parcel 4), owned by the Gilberts.

A multitude of activities were undertaken at this time. The formal Engineer's Report for the parking district, which includes the official plan, scope, cost, and assessment spread for the district, specified the boundaries of the PAD. It included the thirteen parcels previously highlighted and depicted in **Attachment C**, which is the Assessment Diagram for the PAD. One of the objectives of the district was to rationalize the parcel lines in order to provide parking in the proximity of each business. Another factor in the planning of the district was the location of Town Hall, as proposed in the Town Center Site Plan.

Measure J, which had been passed by the voters the previous November, posed a problem for the successful implementation of the Site Plan and the PAD, as proposed. Specifically, Section 5 of the Measure, which had to do with the commercial use of residential properties, read as follows:

"Parcels zoned Residential in or adjoining the Town Center may not be used to facilitate or support commercial use of other parcels, including parking or access, except where a permit was granted by the Town for the use of the residential parcel and improvements were constructed prior to June 1, 1988."

This language effectively precluded the use of parcel 5, the Mathisen farmhouse property, from being developed with parking or access improvements and the parcel was to be a major source of parking in the approved assessment diagram and Site Plan. In response to this major hurdle, the Town Council placed another ballot measure before the voters through Measure 1, which was passed on the June, 1989 ballot. Measure 1 added a second exception to the language of Measure J's Section 5. It indicates that parcels zoned Residential in or adjoining the Town Center may not be used to facilitate or support commercial use of other parcels, including parking or access,:

"except residentially zoned parcels within the Woodside Road-Whiskey Hill Road Parking Assessment District, as established November 2, 1988, which may be improved only as shown on the Town Center Site Plan, dated March 8, 1989 with at least fifty percent (50%) of each residential parcel remaining undeveloped or landscaped."

The successful passage of Measure 1 allowed the Town to move forward with the PAD and the Town Hall construction. Property acquisition agreements were negotiated with the various property owners, with the exception of the Mathisens (for parcel 5 - the farmhouse parcel). The PAD was to acquire essentially all of the land on each of the parcels within the district that was not encumbered by a commercial structure, with the exception of the Gilbert Center (parcel 6). Only an easement for ingress and egress was to be acquired from that parcel's owners. The Town, as the public agency that undertook the assessment district proceedings, would own the land and develop it for public parking, as outlined in the Engineer's Report. After determining the existing and future potential uses, a required number of parking spaces

was assigned to each parcel. A total of 265 spaces were planned. This number was eventually reduced to 253, as the Mathisen family protested the assessment for its vacant commercial property (parcel 13) and sued the Town. A Stipulated Judgment resulted from that litigation in 1991, reducing the number of spaces from twenty to eight and reducing the assessment commensurately. The Judgment also required the “swapping” of pieces of land between the Town and the Mathisens to regularize their parcel and to provide land needed to construct the PAD (note that this parcel was eventually purchased by the Gilberts in 1994). The final number of spaces and the assessments are as follows:

Parcel	Owner(s)	# STALLS	ASSESSMENT *
1	Gilbert	70	\$ 900,545
2	Oswald/Schutz	0	0
3	Town	37	225,349
4	Gilbert	0	0
5	Mathisen	0	0
6	Gilbert	0	0
7	Ersted	15	192,974
8	Sifers	18	231,569
9	Ersted	19	244,434
10	Seymour	10	128,649
11	Oswald/Schutz	13	167,244
12	Oswald/Schutz	63	810,491
13	Mathisen	8	51,451
TOTAL		253	\$2,952,706

* The Town’s share was paid in cash.

Because it could not successfully negotiate a real property agreement with the Mathisens, the Town Council undertook eminent domain proceedings to acquire the needed parcel 5. This led to protracted legal proceedings. Because of continuing litigation with the Mathisen family, the Town proceeded with a first phase of the PAD in 1990, issuing \$1,054,925 in Improvement Bonds and contributing Town funds. In this phase, ninety-three permanent spaces were constructed. The Parcel 1 (Gilbert) assessment was fully bonded and \$154,380 of the Parcel 12 (Pub) assessment was bonded during this phase. The Town acquired land from the Gilberts (around Parcel 1 and all of Parcel 4) and from the Pub (Parcel 2) in order to complete the first phase. It also contributed Parcel 3 for parking use. Town Hall was constructed on Parcel 4.

The Mathisen litigation was finally resolved in mid-1992 and the Town acquired the residential parcel, at a cost of over \$1.2 million, twice the estimate included in the Engineer’s Report for the cost of acquiring the parcel. The Town ended up paying for this parcel with General Fund monies. By this time, moving to a second phase was further impacted by the Town’s inability to reach agreement with the owners of Parcels 7 - 12 regarding land use and development rights. Additionally, the real property agreements that had been negotiated and executed in the 1989-90 timeframe had lapsed and the Town was unable to acquire the land it needed in front and in back of the businesses on those parcels. Although negotiations and discussions continued, no progress was made. In late 1993, the Gilberts filed suit against the Town, beginning a 4 and ½ year journey through the Court system with first the Gilberts and then with the Woodside Restaurant Partners (Village Pub), who filed suit in 1997. The Gilberts were named as codefendants with the Town in this suit. Both suits were the subject of judicially supervised settlements. These settlements finally cleared the way for the Town to build a Phase 2 of the PAD.

The settlement of the Woodside Restaurant Partners litigation required the provision of another 58 parking spaces, 53 through new construction and 5 through restriping in front of Town Hall. The Woodside Restaurant Partners sold their property shortly after the settlement was reached. The new owners requested that the Town construct an additional thirteen spaces in anticipation of demolishing the existing structures and rebuilding on the sites. Based upon these factors, seventy-one parking spaces were constructed on public lands. An additional seven spaces were constructed on the former Woodside Restaurant Partners property and dedicated as public through an easement to the Town (a requirement of the Settlement Agreement). These were built primarily upon Parcel 5 (former Mathisen residential) with a bank provided in front of Town Hall. This phase also provided for the addition of a second lane for the access road to Town Hall from Woodside Road (it was a one-lane drive prior to this). The Town issued an additional \$514,590 in Improvement Bonds in October of 1999, against the outstanding assessments on Parcel 11, 12, and 13. The funds made available from this issuance fully supported the cost of the Phase 2 improvements. One last addition was made to the PAD when the former Mathisen farmhouse was relocated and rehabilitated through private fundraising efforts and became the Woodside Community Museum. Four additional parking spaces were built to support this institutional use in the Town Center. No further activity has occurred within the PAD since then and the district is considered to be completed. In the end, approximately 163 spaces were built on public land and another twelve spaces were built on private land on easements dedicated to the Town for this purpose. The bonds for both Phases of the PAD will be fully defeased in 2015 for Phase 1 and 2024 for Phase 2. The annual debt service is paid through assessment collected on the property tax bills from the commercial property owners of Parcels 1, 11 and 12. No Town funds are used to pay off this debt.

In short, the provision of parking for the east end of the Town Center has been a multi-decade undertaking that was fraught with litigation, significant Town expense, and community disharmony (including a 1992 recall attempt). Today, however, the area is much improved and provides adequate parking for the commercial and institutional uses housed there (on most days). The area also serves to support community events, such as the Horse Fair on the Day of the Horse, and has been the location in the past for the Environment Fest and the Rotary Club's Pooch Pageant.

Some of the objectives of the 1989 Town Center Site Plan could never be met, however, and components of the PAD that were designed to improve circulation never came about because of disputes with some of the commercial property owners. When the current Town Center Plan is revisited, these objectives are likely to be an important discussion point.

The West End and Beyond

The parking conditions at the west end of the Town Center and beyond it to the fire station, library, Village Church, and Woodside Elementary School have been at the heart of more recent Town Council discussions and actions. During 2009, the Town Engineer commissioned a study of traffic, circulation, parking, and bicycle/pedestrian safety in this area. A series of actions were recommended to address the traffic back-up that occurs during peak school drop-off and pick-up periods. The Town Council adopted the recommendation of the Town Engineer, via resolution, in September of 2009. The recommendations involved the creation of "No Parking" areas, limited parking areas, and a Special Event exception process. CalTrans' approval was required before the needed signs could be installed. This approval was finally gained and the signs were installed in August of 2010, in time for the advent of the new school year. The new parking rules appear to be working well to resolve the school circulation and parking issues.

Immediately following the implementation of the "No Parking" regime, the merchants who have businesses at the Cañada Corners Center requested that the Town provide an additional exception to the "No Parking" rules. There are currently two periods during the day when parking is allowed on the South side of Woodside Road, which provides some limited street parking for drop-off and pick-up of students during peak school hours. The merchants wished to have this "allowed" parking period modified so that parking would be allowed on both sides of Woodside Road from 11:00 a.m. to 2:30 p.m., seven days a week. They requested that this be provided for a sixty foot stretch on the south side of the road and for 140 feet on the north side of the road. Staff brought this request to the Town Council on November 9, 2010, and indicated that such a change would require CalTrans' approval via a Town Council resolution. The Council asked staff to bring the needed resolution back for consideration at the November 16th Special Meeting and to work with the merchants in the meantime to craft a Holiday Parking Exception Program that could be immediately implemented. At the November 16th meeting, after hearing public input on the matter, the Council decided to table the resolution in order to allow broader community input at some point in the future. The Council also directed staff to approve a limited Holiday Parking Exception program, allowing parking on only one side of the road. Staff implemented this program pursuant to Council direction. It was met with opposition by members of the community and CalTrans ultimately notified the Town to cancel the program and remove the temporary signage that allowed the parking (**Attachment F**). This has been done. Based upon CalTrans' stated concerns and opposition, staff will not be reagentizing the resolution to request permission for an additional exemption to accommodate the request for the merchants.

There remains a general observation that there is inadequate parking in this area, particularly during the middle of the day in and around the Cañada Corners Center. The idea of developing additional parking spaces on this privately held property has been raised as a means of getting parked cars off of Woodside Road and providing sufficient off road spaces for the area.

The Cañada Corners Center is comprised of two parcels. The front parcel is zoned Commercial and is about 2.14 acres in size. The rear parcel is zoned Residential and is about 2.21 acres in size. The Center is operated under a Conditional Use Permit. When the property owner applied to expand the Center in the late 1970's, his ultimate approval came with Conditions that required the dedication of an Open Space Easement across a significant portion of the rear parcel (in addition to a Conservation Easement along the creek bank and a trail easement). The Condition that required the Open Space Easement read:

"That the remainder of the northerly portion of the property which is currently zoned R-E-3 and is not indicated as an employee or reserved parking area on the approved site plan, be placed within an open space and conservation easement, which would preclude any future development within the easement."

Attachment G is a page from the Assessor's Parcel Book, showing the two parcels that comprise the Center.

The number of parking spaces needed to support the existing uses at the Center has changed over time, as the uses have changed. Amendments have been made to the Conditional Use Permit on several occasions, allowing for additional restaurant seating and for other changes in use. Parking requirements have consistently been examined as a part of each change. The last change that impacted parking was approved in 1998, when the maximum seating at the Woodside Bakery was increased. At that time, staff conducted an "audit" of required parking spaces for each of the businesses and compared this number with the number of physical spaces on the property. It was determined that there were 158 spaces, but that many of them

were substandard in width. Restriping was required and 149 legal spaces resulted. The 1998 change to the maximum seating at the Woodside Bakery was developed based upon the 149 count. The non-restaurant uses at the Center required 73 spaces and Buck's required 48 spaces, leaving 28 spaces to accommodate the Woodside Bakery. This allowed the seating at the Woodside Bakery to increase from 50 seats to 70 seats during the day (up until 6:00 p.m.). Because many of the businesses are closed after 6:00 p.m., the Planning Commission approved an increase in seats up to 95 for after 6:00 p.m. Thus, in 1998, all parking spaces were allocated. Staff has not undertaken an "audit" of the Center since that time, although the uses at the Center have been modified to some degree (for example, the pharmacy went out of business and its space has been divided up among other businesses). The only recent check of parking at the Center was done as a part of an amendment to the Conditional Use Permit for the Woodside Bakery, which will be before the Planning Commission on December 15, 2010. Although the pending amendment does not impact the number of seats allowed, staff counted seats and found that 87 seats were in use during the lunch hours, versus the approved 70. This has been addressed through a recommended Condition of Approval in the December 15th hearing before the Planning Commission, which indicates that if the Woodside Bakery does not comply with the 70 daytime seat limit, that the Conditional Use Permit will be returned to the Planning Commission and the nighttime seating reduced to 70, as well. Based upon the Town's parking standards, the additional 17 seats would require an additional 6.8 spaces. Staff does not currently know how the other businesses in the Center would stack up against their parking requirements.

If a plan to provide additional parking spaces at the Cañada Corners Center is to be developed, several challenges must be met. First is the matter of the language in the Open Space easement, which limits parking to what was depicted on the approved site plan from the late 1970's to early 1980's. A review of the Town's records provide an indication that the full complement of allowed parking has already been achieved, eliminating the addition of further spaces *unless the easement language is modified*.

Second, this parcel is a residentially zoned parcel that adjoins the Town Center and is thus restricted by the terms of Measures J and 1. Neither of the exceptions apply to this parcel (the first exception allowed parking only if it had been permitted and constructed prior to June 1, 1988 and the second exception allowed parking only if the parcel were a part of the PAD). Because these limitations were imposed by a voter initiative, *they can only be modified by a subsequent voter initiative*.

Finally, because the parcel is zoned as Residential, it is limited to 15,000 square feet of paved area coverage. There is some indication in the Town's records that this limit may already have been reached, and possibly exceeded.

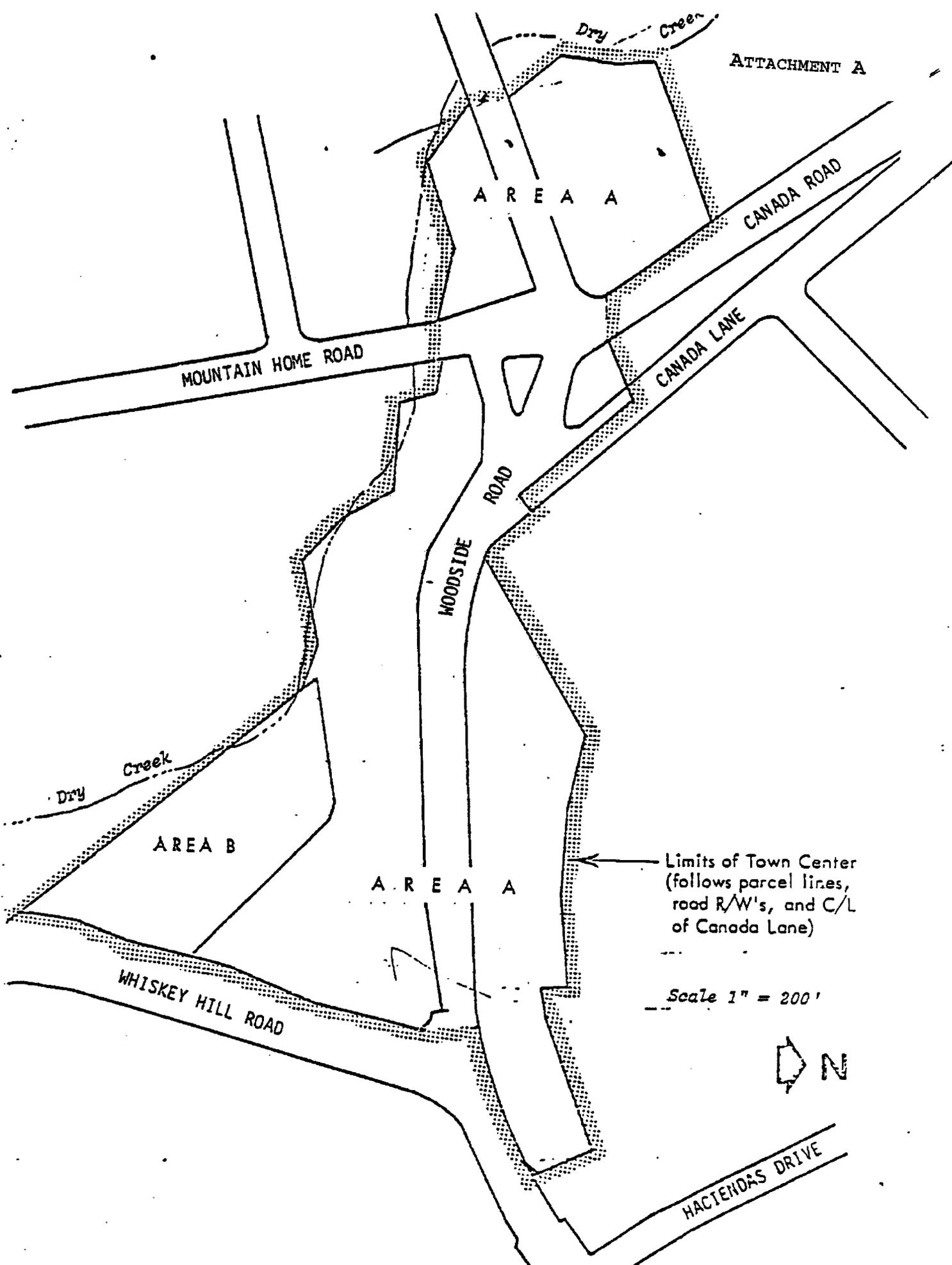
Although these are steep challenges, further analysis and research should be undertaken before the possibility of adding parking is dismissed. A thoughtful plan that provides community benefit and improvement to the Town Center may receive broad community support. The legwork needs to be started first, however, to clearly identify the full scope of the issue.

If the Town Council, after receiving public input, and the property owner are interested in pursuing this further, staff should be directed to work with the property owner to: (1) undertake a current audit of uses versus parking at the Center and (2) determine the amount of paved area on the rear parcel. When this information is available, the matter can come back before the Town Council for additional public discussion.

CONCLUSION

The issue of parking in the Town Center has a long and complicated history. Nothing that has ever been done to address parking needs in the Town Center has been easy or uncontroversial. Some further exploration of the existing situation at the West End of the Town Center, however, may be worthwhile to scratch the surface of the matter and determine the feasibility of further actions.

Attachments



ATTACHMENT A

A R E A A

MOUNTAIN HOME ROAD

CANADA ROAD

CANADA LANE

WOODSIDE ROAD

Dry Creek

A R E A B

A R E A A

Limits of Town Center
(follows parcel lines,
road R/W's, and C/L
of Canada Lane)

Scale 1" = 200'

WHISKEY HILL ROAD



HACIENDAS DRIVE

Alm caac
1983

Woodside considers town center land swap

BY MARION SOTKY

A complicated land exchange involving three property owners may put Woodside farther along the path toward making town center between Whiskey Hill and Canada roads both attractive and safe for motorists, bicyclists, pedestrians and pedestrians.

At a special meeting March 27 the town council examined the details of the proposed exchange of land parcels among three principal property owners at the east end of town center—the owners of the Pioneer Hotel, Village Pub and the town itself.

If approved by the council, possibly May 8, the exchange would untangle the jigsaw pattern of ownerships, would give the Pub and the Pioneer adequate parking to meet town zoning requirements, and it would leave the town with two parcels which could be either developed or sold. The total cost to the town to conclude the deal would be \$73,000.

"It's kind of a win-win for all the property owners. We've increased flexibility all around," said Councilman Robert Kirkwood, who helped negotiate the deal along with former Town Manager Robert E. Myers and former councilman Allan Newlands.

The proposed property exchange started several years ago when the town was looking for a location for a new town all and condemned the former PG&E substation behind the Pioneer. This was obtained in 1979 for \$165,000. The deal was ready to be concluded in 1982, but the death of William Hansen and the first severe storm season caused it to be postponed. Meanwhile town hall is in Woodside school—at least for the time being.

The exchange is designed to rationalize the "peculiar ownership pattern" at the Whiskey Hill end of town center, Mr. Kirkwood explained. Ownerships include:

- The corner of Whiskey Hill and Woodside roads used for the Pioneer for parking belongs to the town.

• The vacant lot along Whiskey Hill Road belongs to the Pioneer. It counts toward their parking requirement but is too far away to be used.

• The parking lot behind the Pioneer belongs to Jack Schutz and Ralph Oswald, owners of the Pub.

• The former PG&E site of a little more than an acre belongs to the town.

• The Pub belongs to Mr. Schutz and Mr. Oswald, but the Pub's main parking lot belongs to Mrs. Mathiesen, who also owns the old home behind the Pub and town lot. The Pub's lease on its parking lot runs until 1985.

After the proposed exchange:

• The Pioneer would own the town property at the corner of Whiskey Hill Road, the parking could thus meet its parking requirements around the building where people park anyway.

• The Pub's owners would pay the town \$52,000 for construction of 14 parking places on the town property to meet their requirements for parking.

Town Manager Les Doolittle urged there is a "strong public interest in proceeding with the project." He noted the town has already made a substantial investment in town center with the purchase of the PG&E site. The additional cost of \$73,000 for the proposed land exchange, plus planning costs, will bring the town's total investment in town center to \$540,000, he reported.

Discussion brought out advantages of the proposal and ways it would advance the town toward its ultimate dream for town center. It would: rationalize parking; allow the town to establish easements for trails connecting Mountain Home Road with Woodside Road and Whiskey Hill Road; and move the town closer to its ultimate goal to develop a road and parking behind "Pub Row" and to get parked cars off Woodside Road.

Councilmen Jeanne Dickey and Betsy Alexander questioned whether the town should be involved in this kind of activity. "My problem is I don't think the town should be

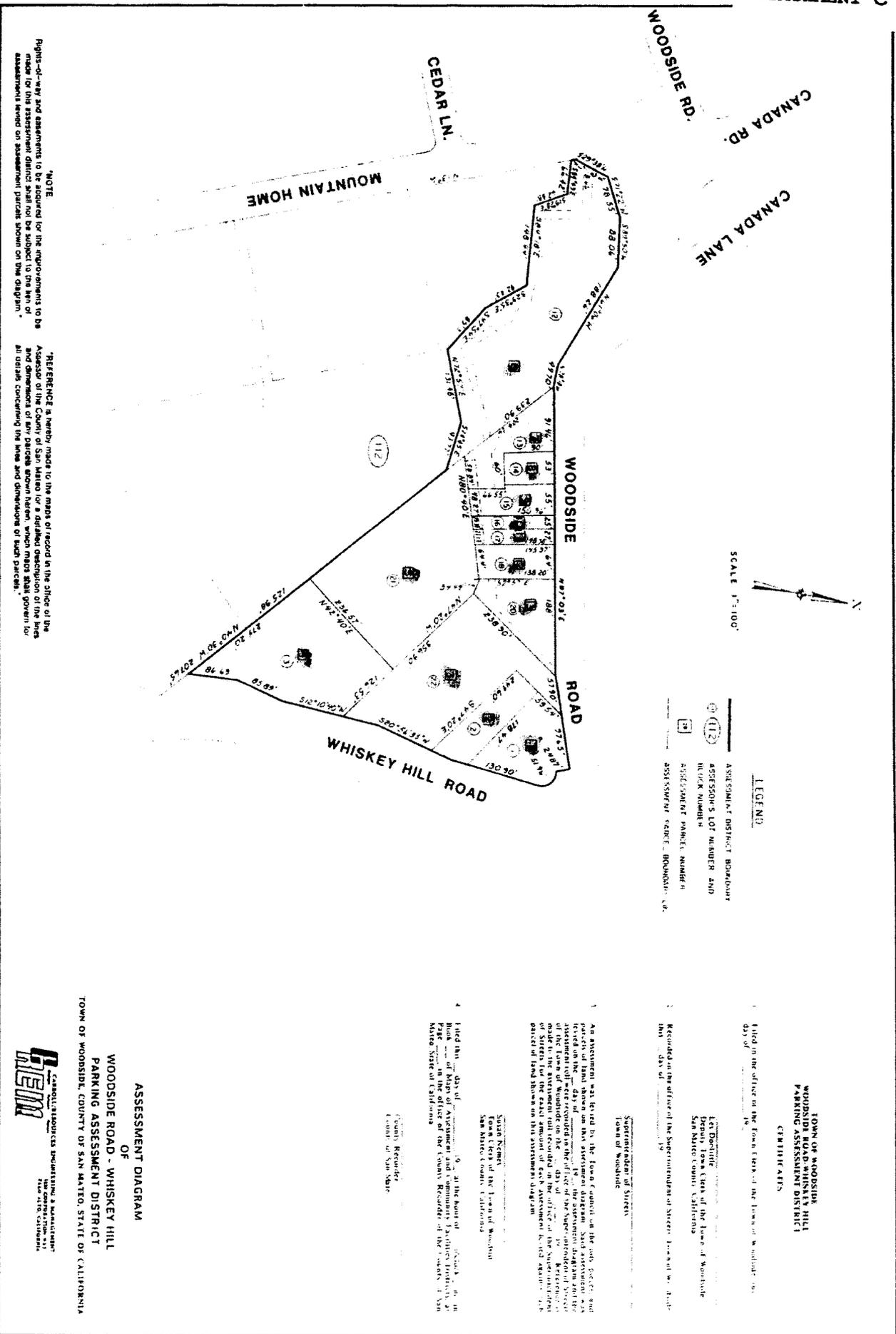
in the real estate business. It's mind boggling," Mrs. Alexander said.

Mayor Joan Stiff and others questioned the \$175,000 price of the vacant parcel of just over an acre along Whiskey Hill Road.

Mr. Kirkwood noted the town, which already has a substantial investment in real estate, would end up with several parcels which could be either developed or sold. "I think someday the school may close and the town may want to buy the playing fields," he said. "I'd rather it had another piece of property to sell so it could buy the playing fields."

A still unknown factor in the equation is Mrs. Mathiesen, who controls part of the access to Woodside Road as well as the Pub parking lot and a key parcel that will ultimately be involved if and when trails and roads are constructed behind the Pub. "It is important to get Mrs. Mathiesen's approval before the town goes ahead with improvements," Mr. Kirkwood emphasized.

"Maybe the trade will not solve our problems, but we won't be burning our bridges," said Councilman Stanley Golden. "If we wait until every part of the jigsaw puzzle is in place, we will never get it."



ARGUMENT AGAINST MEASURE J

Measure J will not accomplish its claimed purpose. What it will do is cost you, the taxpayers of Woodside.

Measure J would cost Woodside citizens over \$500,000 overnight by denying any commercial development on the "PG&E" site, no matter how beneficially that might be achieved, but does not address the financial impacts of restricting the uses of that site.

With the PCC Ordinance the Town now has the most restrictive ordinances in the State for control of commercial development. Any proposed development requires full scrutiny and approval by the citizens of the Town. Measure J will smash the Town's long-sighted PCC Ordinance which is the only legal way known to control aesthetics.

Measure J will tie the Town's hands and will make it impossible to solve the traffic and safety problems that exist in the Town Center. It will deny implementation of a trail system and creekside preservation.

If Measure J passes, the only uses allowed on the Town-owned "PG&E" site would be to construct Town Hall, a public building, or a parking lot.

Measure J does not represent the general public interest. Informed voters will reject it.

/s/ Barbara Sellite, Mayor
/s/ Themis Michos, Mayor-Pro-Tem
On Behalf of the Woodside Town Council

REBUTTAL TO ARGUMENT AGAINST MEASURE J

Opponents argue "informed voters" should reject Measure J. They offer three basic reasons which bear closer scrutiny.

First, they argue denial of commercial development of the town-owned PG&E site will "cost" citizens over \$500,000. They fail to explain this \$500,000 estimate is based on maximum permissible commercial development of the parcel. Nor do they consider the substantial financial return available from lease or sale for sorely needed parking. PG&E was purchased in 1979 for \$175,000 to help solve traffic and circulation problems, not for real estate speculation. Profit lost from prohibiting maximum commercial use is a small price to pay for avoiding increased traffic and congestion.

Arguing that Measure J will "smash" the Planned Commercial ordinance is unfair and untrue. All procedures and controls of the new ordinance are left intact. This Measure changes the ordinance only by removing a loophole subject to serious abuse. It eliminates the power to waive all size and height limits and set-back requirements unless the usual variance procedure is followed. The Town is free to be restrictive and control aesthetics, but not to permit bigger, taller or bulkier buildings without a variance.

The town says it has been studying how to solve traffic and safety problems in Town Center since 1965, while commercial space has at least doubled. Virtually every study plan has included additional development. Measure J allows viable traffic and safety solutions, trails and creekside preservation. Most importantly, it places important limits on the root problem: additional commercialization of Woodside.

/s/ Donald E. Pugh
/s/ Arjay Miller
/s/ Olive G. Mayer

TOWN OF WOODSIDE

SPECIAL MUNICIPAL ELECTION
CONSOLIDATED WITH THE
PRESIDENTIAL GENERAL ELECTION

TUESDAY, NOVEMBER 8, 1988

VOTER'S INFORMATION
PAMPHLET

Containing

INFORMATION ON MEASURE J

ARGUMENTS IN SUPPORT OF OR IN OPPOSITION TO
THE PROPOSED LAW ARE THE OPINIONS OF THE AUTHORS

3155 Woodside Road, Woodside, CA 94062

Prepared for distribution by
DOLORES BABICH, Town Clerk

ATTACHMENT D

MEASURE J

"Shall an ordinance restricting the use of town-owned property in Town Center and restricting the use of residentially-zoned property in and adjacent to Town Center, and setting other zoning standards be adopted?"

MEASURE J

(Full Text)

This ordinance is to protect the small-town uncongested, rural qualities and beauty of the Town of Woodside. It limits the extent and amount of commercial development in the Town Center. It preserves the character and scenic values of Woodside Road and prevents further traffic congestion and hazards.

Section 2. Findings

- (a) A substantial increase in the extent and amount of commercial development in the Woodside Town Center is now under consideration.
- (b) This development is unnecessary. The Woodside General Plan provides that commercial development shall be limited to "establishments needed to provide reasonable and accustomed services to local residents." Woodside has sufficient retail and commercial facilities to meet the needs of its residents.
- (c) The Town Center already has traffic, congestion, parking and noise problems. Further commercial development will exacerbate these problems.
- (d) The Town of Woodside owns the former Pacific Gas and Electric substation site in the Town Center. This site can properly be used to relieve traffic and parking problems.
- (e) Lands zoned residential should not be used for commercially-related purposes, to prevent expansion of commercial uses into residential areas and excessive development of commercial parcels.
- (f) Multi-story buildings in the Town Center facing Woodside Road would impair the visual qualities of the scenic road and would cause traffic congestion.
- (g) The Town Council recently enacted an ordinance allowing the Council to designate any property in Woodside as a Planned Commercial Combining District. This ordinance permits the Council to waive all size, height and setback limits without complying with existing variance procedures. This latitude is inconsistent with reasonable limits on commercial development.
- (h) Residents prefer to maintain the unique rural character and quality of life in Woodside rather than obtain additional revenues for the Town from real estate development.

Section 3. Rezoning and Use of Residential Parcels in the Town Center

The Town Center Local Area Plan of the General Plan of Woodside, Part E.1, is amended by adding:

Property zoned residential on June 1, 1988, in or adjoining the Town Center, may not be rezoned to commercial or professional uses. Ordinances regulating the use of this property may not be changed to allow any nonresidential use, except a use permitted in the same residential zone on June 1, 1988, under Sections 9-2.112 and 9-2.113 of the Woodside Municipal Code, if the zoning or other regulations are changed prior to the effective date of this ordinance to permit any use which would be proscribed if the change were made after the effective date of this ordinance, the change is hereby rescinded.

Section 4. Former Pacific Gas and Electric Substation Site

The Town Center Local Area Plan, Part E.1.C, is amended by adding the following: The former Pacific Gas and Electric Substation site in the Town Center, owned by the Town of Woodside, may be used to mitigate parking and traffic problems, whenever practical upon payment by those who benefit. The parcel may not be sold or leased by the Town without the approval of a majority of voters, except on the condition that

it not be used for commercial or professional purposes other than parking or traffic circulation. No building may be erected on the parcel, except a Town Hall or public building primarily to serve the needs of Woodside residents or a building otherwise permitted in a residential zone on June 1, 1988. Any public building may not exceed 5,000 square feet of usable floor area and may not be used for private commercial or professional purposes.

Section 5. Commercial Use of Residential Parcels

(a) Section 9-2.114 is added to Title 9 of the Woodside Municipal Code:

Section 9-2.114. Use of Residential Parcels for Commercial Purpose in the Town Center

Parcels zoned Residential in or adjoining the Town Center may not be used to facilitate or support commercial use of other parcels, including parking or access, except where a permit was granted by the Town for the use of the residential parcel and improvements were constructed prior to June 1, 1988.

(b) The Town Center Local Area Plan is amended by deleting the following Language from Part F:

"The zoning ordinance contains a provision permitting commercial off-street parking on land zoned for residential use when situated adjacent to the commercial use to be served. This provision gives the Town a means of allowing some controlled expansion of commercial activities without actual rezoning."

Section 6. Height Limitation in Town Center

(a) The Town Center Local Area Plan, Part D.3., is amended by adding:

Provided however, buildings on commercially zoned parcels immediately adjacent to Woodside Road may not be constructed or altered to exceed one story facing Woodside Road. They may include a basement, as defined in Section 9-2.105(g) of the Municipal Code on June 1, 1988.

(b) Section 9-2.203A is added to the Municipal Code:

Section 9-2.203A. Height Limit in Town Center Area.

Buildings on commercially zoned parcels immediately adjacent to Woodside Road in the Town Center may not be constructed or altered to exceed one story facing Woodside Road, notwithstanding Sec. 9-2.203. These buildings may include a basement, as defined in Sec. 9-2.105(g) of the Municipal Code on June 1, 1988, and other provisions in Secs. 9-2.211 and 9-2.212, or successor sections, for structures or mechanical equipment covering not more than 150 square feet shall apply.

If a building existing on June 1, 1988 has more than one story, it shall be subject to the then current provisions of the Municipal Code governing nonconforming uses and buildings.

Section 7. Planned Commercial Combining District

Section 9-112A(B) of Title 9 of the Woodside Municipal Code is amended to read:

(B) Standards. All standards governing the use of property zoned Community Commercial shall apply to property included in a Planned Commercial Combining District. Variances must be obtained in accordance with the variance provisions of the Municipal Code, including public hearings.

Section 8. City Government Responsibilities

The Town Council and other officials and employees of Woodside are mandated by the voters to fully implement and enforce the provisions of this ordinance.

Section 9. Supersession of Inconsistent Provisions

To the extent that any provision in the General Plan, zoning ordinances, or other ordinances or resolutions of the Town of Woodside is inconsistent with this ordinance, that provision is superseded and nullified by this ordinance.

Section 10. Consistency with Federal and State Law

The provisions of this ordinance shall not apply to the extent, but only to the extent, that they would violate the Constitution or law of the United States or of the State of California.

Section 11. Severability

If any provision or application of any provision of this ordinance is held unconstitutional or violative of any state or federal law, the invalidation shall not affect the validity of effect of any other provision or application of any provision. The voters of Woodside declare that the provisions and applications of the provisions of this ordinance are severable and would have been enacted as they were even though any other provision or provisions or application or applications are held unconstitutional or otherwise violative of law.

Section 12. Repeal or Amendment

This ordinance may be repealed or changed only by a majority vote of the citizens of Woodside in an election.

Section 13. Definition

(a) "Town Center" means the land included in the Town Center Planning Area in the March 9, 1970, Town Center Plan.

TOWN ATTORNEY ANALYSIS OF MEASURE J

Measure J primarily addresses land use of Town Center property. Town Center is located adjacent to Woodside Road on its south side, and generally between Whiskey Hill Road to the east, and Roberts Corner at the Canada Road intersection to the west.

Property in Town Center is presently used for retail and office commercial. The land use designation in the General Plan is for retail and office commercial. The property is zoned commercial, excepting three parcels zoned residential which are useable for commercial parking.

The Town of Woodside owns a 1.2 +/- acre parcel, which it acquired in 1979 from PG&E. This parcel is zoned commercial. This parcel was appraised on September 12, 1987, at \$350,000 - \$500,000. Measure J would change the available use of the Town owned parcel and the residential parcels.

The Town's parcel would be prohibited from commercial or professional office use, and would be restricted to being used either for a parking lot, a Town Hall, or a public building. Any public building would be limited to 5000 sq. ft. In addition, the Town parcel may not be sold or leased without approval of a majority of voters, unless the sale or lease by its terms restricted the future use of the property to a parking lot or to traffic circulation, and prohibited commercial or professional office use.

The residential properties within the Town Center boundaries would remain residential only. This restriction also applies to residentially zoned property adjoining Town Center. No rezoning to commercial or professional office of these properties would be allowed. Commercial parking which is available by permit on the residentially zoned parcels would be allowed to continue provided the permit was granted prior to June 1, 1988. Presently the RR District standards apply to the Town Center residential parcels. This district allows uses which include residential, greenhouses, Churches, schools and recreational facilities. Measure J prohibits any change to the said residential standards in the RR District that would add any additional non-residential uses.

Measure J would restrict the height limit allowed buildings in Town Center adjacent to Woodside Road to one story in height. This would apply to new buildings or remodels.

Finally, Measure J restricts any parcel zoned Planned Commercial Combining District to the zoning standards in the Community Commercial Zoning District. It would apply the present zoning standards found in the Community Commercial Zoning District to any development under the "PCC". Measure J requires variances to be obtained in accordance with the variance provisions of the Woodside Municipal Code.

As an initiative, Measure J, if adopted, may only be modified or repealed in the future by a majority vote of the Woodside voters.

/s/ Robert J. Lanzone

ARGUMENT IN FAVOR OF MEASURE J

Woodside remains one of the few towns left on the San Francisco Peninsula with a small town, rural environment. However, over the past 20 years, Highway 280 has been built, Roberts Corner expanded, and Gilbert Center added. As the population of the peninsula has increased, so has the traffic passing through Woodside to the mountains and the beaches.

Measure J will place specific limitations on further commercial development in town center in order to curtail additional traffic, noise and congestion. The Town presently has sufficient commercial space to accommodate the day-to-day retail and service needs of local residents. Woodside does not need additional commercial buildings in town center. Measure J will limit additional commercial development in town center four ways:

1. It will prohibit rezoning of residential property to commercial property or paving residential parcels for parking or roads.
2. It will limit expansion of present commercial properties by prohibiting construction of two-story buildings fronting Woodside Road.
3. The town-owned PG&E site behind the Pioneer Hotel cannot be used for commercial buildings, but may be used for a town hall, public building, parking or access.
4. In March 1988, the Town enacted a "Planned Commercial" ordinance which allows waiver of standards in the present zoning code, including size and height limits and setback requirements on any land the Town designates "PC". Measure J will remove this waiver power. It will require that existing variance procedures be followed before changing the present zoning standards for such parcels.

Many of us value Woodside for its unique un congested, small-town environment. Voting on Measure J will allow additional development of limited scope on existing commercial parcels while helping to preserve the rural charm and beauty of the Town.

/s/ Phyllis Brock
/s/ Donald E. Pugh
/s/ Arjay Miller
/s/ Olive Mayer

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE J

Measure J will:

1. Force the Town to forfeit a \$500,000 investment.
2. Provide a windfall of subsidized parking for private property owners at the expense of the public.
3. Cripple the Town's existing Planned Community Commercial Ordinance, the most restrictive brake on commercial development that has been developed in the State of California. The PCC Ordinance applies only to commercially-zoned properties and cannot be imposed on residentially-zoned property.
4. Deny a safe trail system and preservation of the creekside.

Measure J will not:

1. Limit traffic, noise or unsafe conditions, the major detractors of rural, small-town values.
2. Control the appearance of new or replacement commercial buildings. Measure J will open the door to structures that are ugly and out of harmony with the general appearance of the Town.

The present zoning regulations have controlled the size of the commercial area for thirty years. With the adoption of the new PCC Ordinance, the control of the appearance of commercial buildings as well as the size of the commercial area is further strengthened. Passage of Measure J will remove these controls.

The revised General Plan, adopted in April 1988 reaffirms and enhances the Town's commitment to maintain the rural character of Woodside, and to limit commercial enterprise within Town Center to that which serves the needs of local residents first and foremost.

Measure J would serve only narrow special interests. Vote NO on J.

/s/ Barbara Seittle, Mayor
/s/ Themis Michos, Mayor-Pro-Tem

On Behalf of the Woodside Town Council

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23360
OAKLAND, CA 94612
PHONE (510) 286-6345
FAX (510) 286-6194
TTY 711

ATTACHMENT F

*Flex your power!
Be energy efficient!*

December 7, 2010

Mr. Paul T. Nagengast
Director of Public Works/Town Engineer
Town of Woodside
2955 Woodside Road
Woodside, CA 94062

Dear Mr. Nagengast:

We have received some complaints since last week regarding the temporary modifications in parking restriction on State Route 84 (Woodside Road) between Cañada Road and Kings Mountain Road in the Town of Woodside. As background, in June 2010, Caltrans approved Town of Woodside's request, as summarized in the Town's Resolution No. 2009-6770, to restrict parking on Woodside Road between Kings Mountain Road and Cañada Road.

Upon the implementation of the parking restriction, we received positive feedback relating enhanced safety for bicyclists and pedestrians along the highway. It has since been brought to our attention that the June 2010 approved parking restriction has been temporarily modified near the downtown area to allow parking, from 11:00 a.m. to 2:00 p.m., between Thanksgivings and New Year holidays. This modification has raised significant concern for bicycling groups (as described in the recent correspondence by the Silicon Valley Bicycle Coalition) and also creates potential accessibility concerns relative to the Americans with Disabilities Act.

Our staff discussed this issue with you on December 3, 2010, and it appears that clarification is required relative to modifications of the parking restrictions by the Town for special events. Generally, a special event is an activity that is not consistent with the primary use of the State highway system, and therefore requires closing a portion of the State highway and/or using special traffic control for a short time frame. Typical events include activities such as parades, marches, bicycle events, footraces, and sidewalk sales.

It is hereby requested that the temporary modification now in place be removed immediately to facilitate safe and efficient movement of pedestrians and bicycle traffic. In the future, if the Town wishes to modify the parking restrictions on the highway for any special events, it is best to first coordinate with our traffic safety staff and then receive our formal concurrence via an encroachment permit. Encroachment permit applications are available at:

<http://www.dot.ca.gov/hq/traffops/developserv/permits/applications/index.html>

Mr. Paul T. Nagengast
December 7, 2010
Page 2

Thank you for your assistance in this matter. If you have any questions or further concerns, please contact me at 510-286-6345, or Ms. Katie Yim, Senior Transportation Engineer, at 510-286-4578.

Sincerely,



S. SEAN NOZZARI
Deputy District Director
Traffic Operations

- c: Corinne Winter - Silicon Valley Bicycle Coalition
- Millo Fenzi, Chair/Woodside Bicycle Committee
- Kevin Bryant, Woodside/Assistant to Town Manager
- Richard Napier, C/CAG/Executive Director

72-16

TAX CODE AREA

ATTACHMENT G

LANE FEB 23 1993

CANADA

DEAN ST

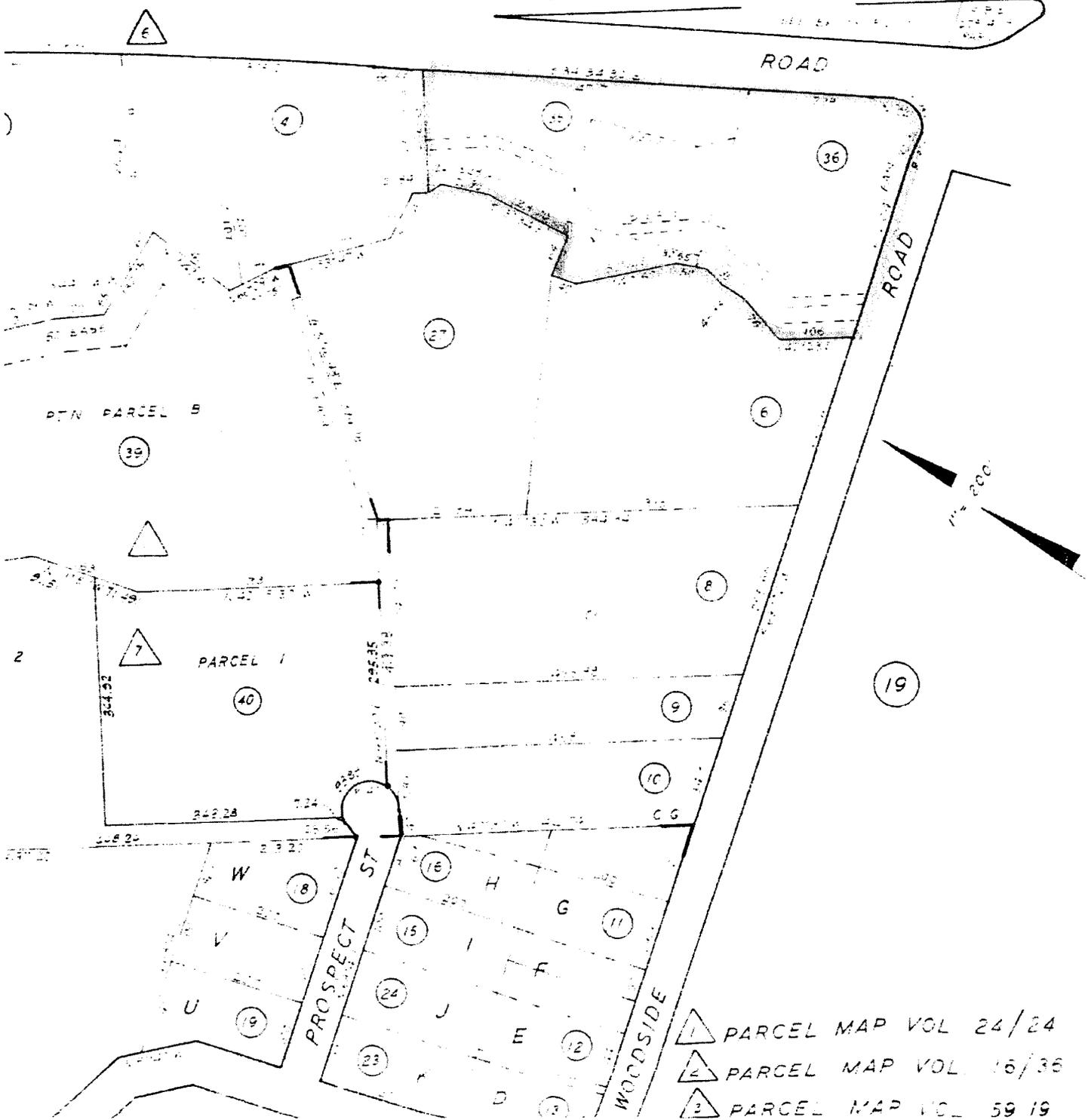
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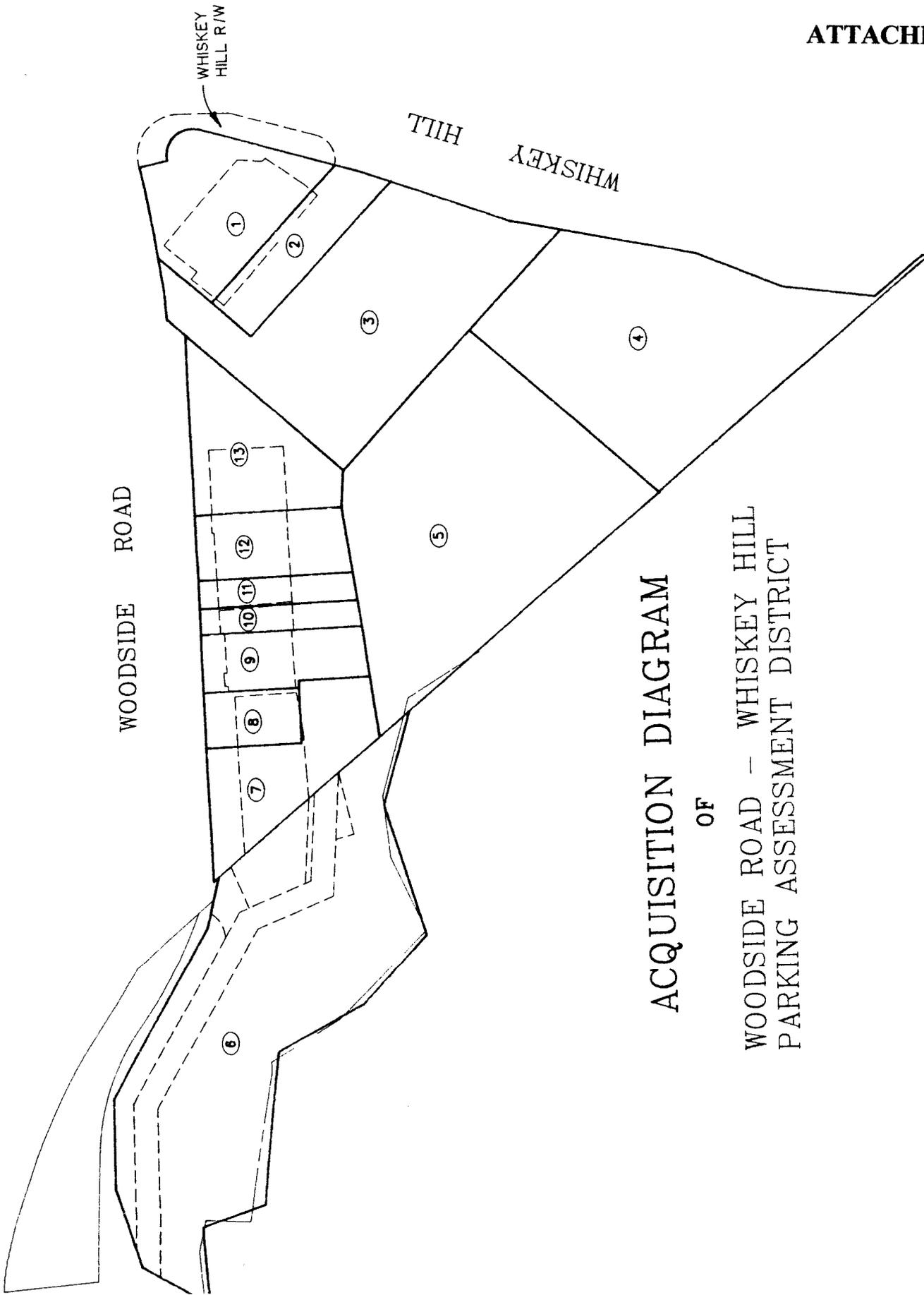
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ROAD

1/4 200'



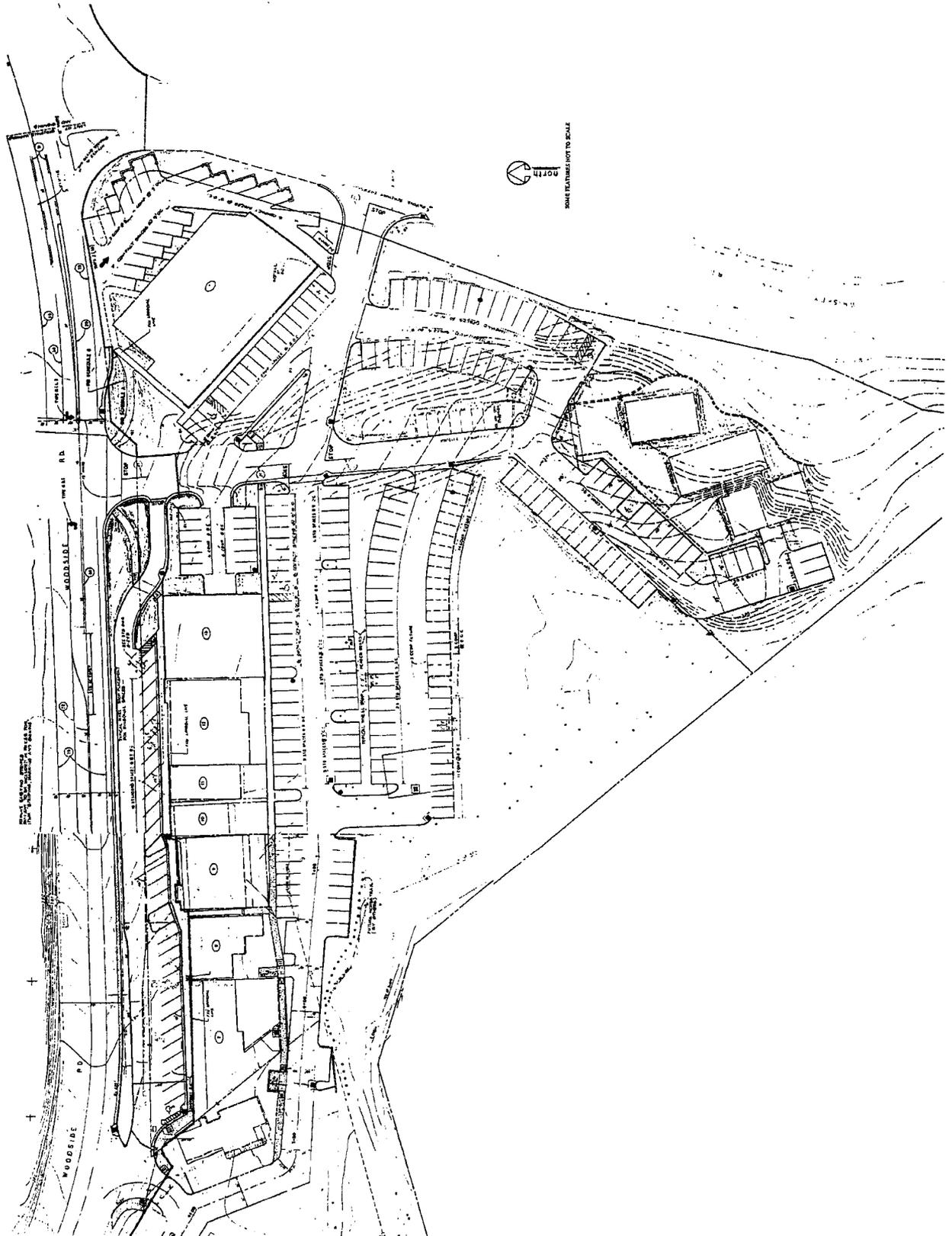
- 1 PARCEL MAP VOL 24/24
- 2 PARCEL MAP VOL 16/36
- 3 PARCEL MAP VOL 59 19



ACQUISITION DIAGRAM

OF

WOODSIDE ROAD - WHISKEY HILL
PARKING ASSESSMENT DISTRICT

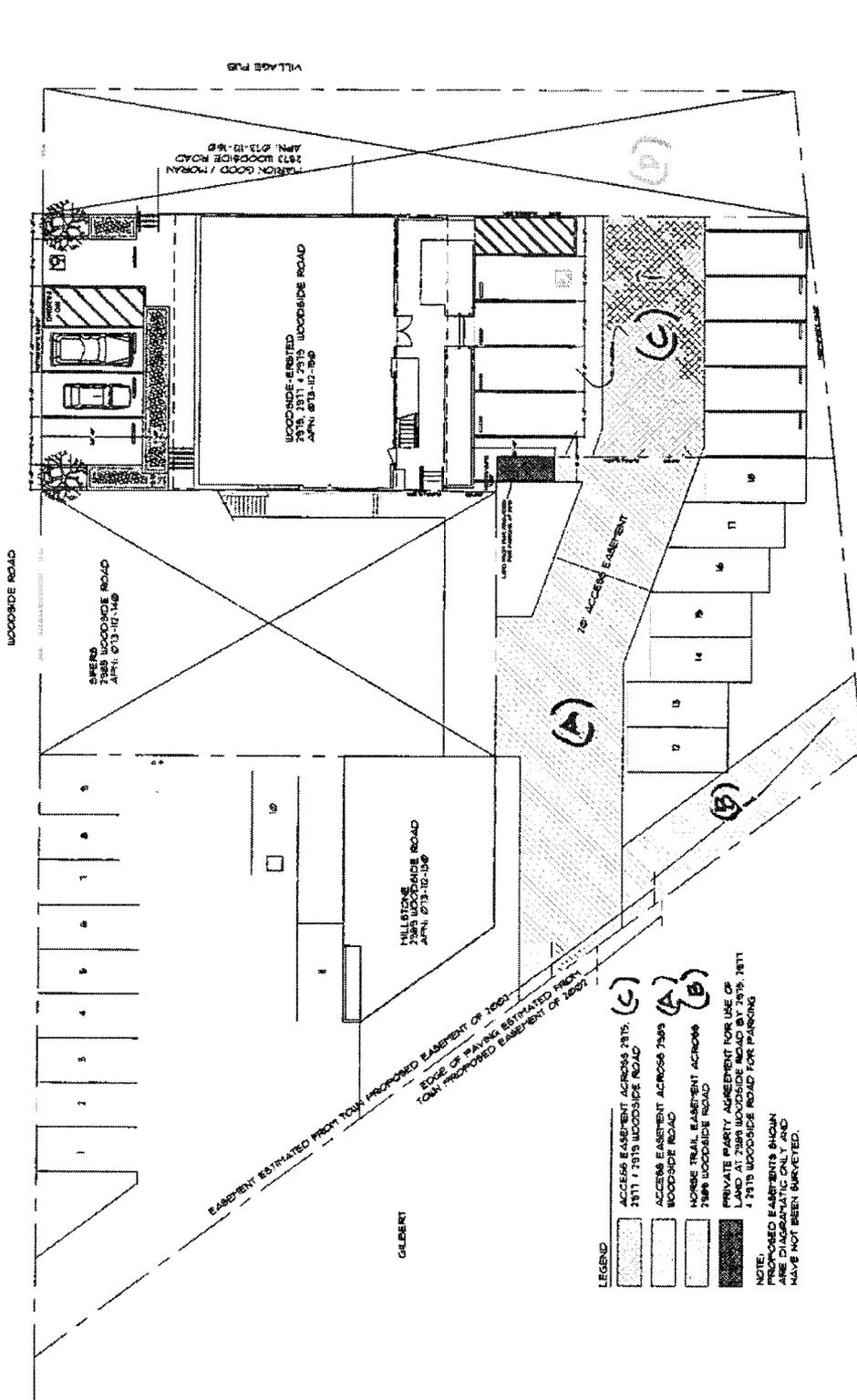


December 17, 2008



WILLIAM AERULUS PATRICK
MCABE, 16888 PARKWAY
ALBANY STEVEN PATRICK, AIA
ARCHITECTS
LICENSE C47949, C17709

311 WEST 10TH STREET
WOODBRIDGE, NJ 07095
WWW.MOGLERSTUDIO.COM



SITE PLAN
SCALE: 1" = 40'

A1

easement layout
2975, 2977, 2979 & 2989 woodside road

- LEGEND
- ACCESS EASEMENT ACROSS 2975, 2977 & 2979 WOODSIDE ROAD (C)
 - ACCESS EASEMENT ACROSS 2989 WOODSIDE ROAD (A)
 - HORSE TRAIL EASEMENT ACROSS 2989 WOODSIDE ROAD (B)
 - PRIVATE PARTY AGREEMENT FOR USE OF LAND AT 2989 WOODSIDE ROAD BY 2975, 2977 & 2979 WOODSIDE ROAD FOR PARKING
- NOTE:
PROPOSED EASEMENTS SHOWN ARE DIAGNOSTIC ONLY AND HAVE NOT BEEN SURVEYED.