

ORDINANCE NO. 2022 - 625

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE AMENDING MUNICIPAL CODE SECTION 152.161, APPLICABILITY AND REVIEW PROCESS, OF CHAPTER 152, SUBDIVISIONS, AND MUNICIPAL CODE SECTION 153.983, APPLICABILITY AND REVIEW PROCESS, OF CHAPTER 153 ZONING, TO CLARIFY THE PARCELS THAT MAY BE SPLIT AND/OR DEVELOPED PURSUANT TO MINISTERIAL REVIEW AND APPROVAL

WHEREAS, on September 16, 2021, the Governor signed into law SB9, Atkins, concerning ministerial lot splits that meet certain conditions and the construction of two residential units that are at least 800 square feet each on single-family residential lot;

WHEREAS, on January 1, 2022, SB9 took effect;

WHEREAS, to ensure that the Town of Woodside had local regulations to properly implement SB9 on the date it became effective, on December 14, 2021, the Town Council adopted an Urgency Ordinance amending Chapters 152 and 153 of the Municipal Code to add provisions related to SB9 projects;

WHEREAS, on January 11, 2022, the Town Council adopted an Ordinance that mirrored the provisions of the Urgency Ordinance adopted on December 14, 2021;

WHEREAS, since January 11, 2022, the Town has received clarifications about the proper implementation of SB9, and particularly the characteristics of parcels that are eligible for SB9 projects; and

WHEREAS, to ensure the Municipal Code clearly articulates which parcels are eligible to apply for SB9 projects, the Town Council now wishes to amend the “Applicability and Review Process” sections of Chapters 152 and 153 related to SB9 projects.

IT IS HEREBY ORDAINED by the Town Council of the Town of Woodside, based on and incorporating the recitals above, to amend the Woodside Municipal Code as follows:

SECTION ONE: The Town Council finds that the Municipal Code amendment set forth herein is consistent with mandated California State Senate Bill 9 (Atkins) and is responsive to the constituents in Woodside;

SECTION TWO: Chapter 152, Subdivisions, Section 152.161, Applicability and Review Process, subsections (A)(5) and (A)(8) of the Woodside Municipal Code are hereby amended as follows:

152.161 Applicability and Review Process.

(A) This Article shall apply when:

(5) The Project is not located on a site that is ~~land identified as~~ habitat for protected species

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identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(8) The Project is not located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to California Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to California Public Resources Code Section 4202. However, the Project may be located in a very high fire hazard severity zone when the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

SECTION THREE: Chapter 153, Zoning, Section 153.983, Applicability and Review Process, subsections (A)(5) and (A)(8) of the Woodside Municipal Code are hereby amended pursuant to read as follows:

153.983 Applicability and Review Process.

(A) This Article shall apply when:

(5) The Project is not located on a site that is ~~land identified as~~ habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(8) The Project is not located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to California Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to California Public Resources Code Section 4202. However, the Project may be located in a very high fire hazard severity zone when the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

SECTION FOUR: All other subsections of Municipal Code sections 152.161 and 153.983 not explicitly mentioned herein shall remain in full force and effect as previously enacted.

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

SECTION SIX: 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 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. 2022-625 of the Town of Woodside entitled as above; that it was introduced on the 22nd of February, 2022, and was passed and adopted by the Town Council on the 8th of March, 2022, by the following vote:

AYES, and in favor thereof, Councilmembers: Carvell, Dombkowski, Fluet, Shaw, Wall, and Mayor Brown
NOES, Councilmembers:
ABSENT, Councilmembers: Scott
ABSTAIN, Councilmembers:


Clerk of the Town of Woodside

APPROVED:


Mayor of the Town of Woodside