

ORDINANCE NO. 2021-622

URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE AMENDING MUNICIPAL CODE CHAPTERS 152, SUBDIVISIONS (**MCAM2021-0001**), AND 153, ZONING (**ZOAM2021-0005**), TO BRING THE WOODSIDE MUNICIPAL CODE INTO COMPLIANCE WITH RECENTLY ENACTED LEGISLATION (SB9, ATKINS), WHICH BECOMES EFFECTIVE JANUARY 1, 2022. THIS LEGISLATION AMENDED SUBDIVISION REGULATIONS STATE-WIDE BY ALLOWING MINISTERIAL APPROVAL OF THE LOT SPLIT ON ANY SINGLE-FAMILY RESIDENTIAL LOT THAT MEETS CERTAIN OBJECTIVE REQUIREMENTS; AND ZONING/SITE DEVELOPMENT REGULATIONS STATE-WIDE BY ALLOWING MINISTERIAL APPROVAL OF TWO RESIDENTIAL UNITS THAT ARE AT LEAST 800 SQUARE FEET, AND UP TO FOUR FEET FROM SIDE AND REAR PROPERTY LINES, ON ANY SINGLE-FAMILY RESIDENTIAL LOT THAT MEETS CERTAIN OBJECTIVE REQUIREMENTS.

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, this new State law will take effect;

WHEREAS, the legislation is designed to allow construction of more residential units than currently permitted locally, and to remove barriers to splitting single-family residential lots, such as local minimum lot sizes;

WHEREAS, SB9, Atkins, requires mandatory local compliance;

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 Municipal Code;

WHEREAS, SB9 allows local jurisdictions to convert existing Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs) on single-family residential lots into SB9 Units without requiring those jurisdictions to allow new ADUs or JADUs on SB9 Lots;

WHEREAS, Municipal Code Chapter 152, Subdivisions, provides definitions, procedures, and required reviews concerning divisions of land which need to be amended to include SB9 Lot Splits to be consistent with State law;

WHEREAS, Municipal Code Chapter 153, Zoning, provides definitions, procedures, and local development standards which need to be amended to include SB9 Lot Development Standards consistent with State law;

WHEREAS, on October 26, 2021, an SB9 Study Session with the Town Council, Planning Commission, and Architectural and Site Review Board was held, and the Town Council provided general direction to staff concerning necessary code amendments and Objective Design Standards,

including possible SB9 Units that could exceed 800 square feet, and allowance for basements, on SB9 Lots in Woodside that have fewer development constraints;

WHEREAS, on November 17, 2021, the Planning Commission conducted a duly noticed public hearing to initiate the amendment of Municipal Code Chapter 152, Subdivisions, as it pertains to text changes related SB9 Lot Splits, at which time oral and written comments and a staff recommendation were presented to the Planning Commission for their review and consideration, and when the Planning Commission provided a recommendation to the Town Council regarding SB9 Lot Splits;

WHEREAS, on December 1, 2021, the Planning Commission conducted a duly noticed public hearing to initiate the amendment of Municipal Code Chapter 153, Zoning, as it pertains to text changes related SB9 Lot Development Standards, at which time oral and written comments and a staff recommendation were presented to the Planning Commission for their review and consideration and the Planning Commission provided a revised recommendation to the Town Council regarding SB9 Development Standards including, but not limited to: restrictions on SB9 Units to 800 square feet; no basements for SB9 Units; and no new garages/carports for SB9 Units, until such limitations can be further studied by the Town with expansive public input after the adoption of this Ordinance;

WHEREAS, on December 14, 2021, the Town Council conducted a duly noticed public hearing at which time all oral and written comments and a staff recommendation related to this Urgency Ordinance were presented to the Town Council for its review and consideration, and provided a first reading and introduction of this ordinance;

WHEREAS, despite the Town's diligent efforts to study SB9, receive public input, receive Planning Commission input and recommendation, and draft proposed Municipal Code amendments to account for SB9's provisions, the Town will not be able to enact the needed Municipal Code amendments through the normal ordinance drafting and adoption process prior to SB9 taking effect due to the short period between SB9's passage and its effective date;

WHEREAS, the Town has a significant interest ensuring that the local regulations contained in the Municipal Code adequately protect public health and safety;

WHEREAS, SB9 contains no objective zoning, subdivision, or design standard, potentially threatening the public peace, health, and safety;

WHEREAS, this Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety because the subdivision of lots and design and construction of single-family residences, duplexes and accessory dwelling units pursuant to SB9, without adequate local standards may cause unnecessary visual, privacy, or acoustic impacts, encroachments into protected or sensitive areas, unsafe conditions, or other conditions which would negatively impact the public welfare and the unique quality and character of the Town;

WHEREAS, the Town has received inquiries from architects, developers, and members of the public regarding how the Town intends to implement SB9's provisions, evidencing the need to enact local regulations to implement SB9 on or before it becomes effective;

WHEREAS, fire hazards in Woodside are exacerbated by the urban/wildland interface characteristics of the Town, including heavily wooded lands and large fuel loads. Further exacerbating fire hazards is Sudden Oak Death Syndrome (SODS), which kills trees, increasing fire fuel loads. Residential development of wildlands has complicated the fire-protection mission of federal, State and local agencies. Decades of wildland fire-suppression has led to increasing fire fuel levels, percentages of dead fire fuel per wildland acre, and fuel ladders that allow fires to reach large conflagration sizes quicker and more frequently. The wildlife protection agencies are experiencing a change in the type and effects of wildland fire. Though fires are not necessarily larger, they are burning much more intensely, are more costly to control, and create greater risks and losses to the resources and citizens in the wildland areas;

WHEREAS, a review of past urban/wildland interface fires in the United States shows many common contributors to major loss of life, property, and natural resources. The most common characteristics of these fires include: poor access for emergency and evacuation vehicles; hot, windy, and dry conditions; sloping topography; a buildup of wildland vegetation; lack of defensible space; and the use of combustible construction materials; and,

WHEREAS, California Government Code Section 36937 authorizes the Town to adopt an Urgency Ordinance measure by a four-fifths (4/5) vote where necessary to protect the public health, safety, and welfare without following the procedures otherwise required prior to adoption of a zoning ordinance.

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: The Town Council finds that based on the Town Council Staff Report of December 14, 2021, the adoption of this Urgency Ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) (no significant impact on the environment pursuant to the California Legislature), of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

SECTION THREE: Chapter 152, Subdivisions, of the Woodside Municipal Code is hereby amended pursuant to **Exhibit A**.

SECTION FOUR: Chapter 153, Zoning, of the Woodside Municipal Code is hereby amended pursuant to **Exhibit B**.

SECTION FIVE: In the event that any provision of this ordinance is in conflict with any other 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: Pursuant to Section 36937(b) of the Government Code of the State of California, the Ordinance shall take effect and be in full force and effect immediately upon its adoption by four-fifths vote of the Town Council.

SECTION EIGHT: 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 Urgency Ordinance is a full, true and correct copy of Ordinance No. 2021-622 of the Town of Woodside entitled as above; that it was passed and adopted by the Town Council on 14th of December, 2021, by the following vote:

AYES, Councilmembers: Fluet, Shaw, Dombkowski, Wall, Carvell, and Mayor Brown

NOES, Councilmembers:

ABSENT, Councilmembers: Scott

ABSTAIN, Councilmembers:


Clerk of the Town of Woodside

APPROVED:


Mayor of the Town of Woodside

TITLE XV. Land Usage
CHAPTER 152. Subdivisions
ARTICLE XIV. SB9 Lot Splits

152.160 Purpose.

- (A) The purpose of this Article is to reasonably regulate, to the extent permitted under California law, lot splits authorized by State law known as Senate Bill 9 (hereinafter “SB9”). SB9 amends California Government Code Section 66452.6 and adds Sections 65852.21 and 66411.7 to the California Government Code. SB9 applies within the Town of Woodside to parcels located within a single-family residential zone and requires ministerial approval of a Parcel Map for a Lot Split that meets the requirements outlined in this Article.
- (B) SB9 Lot Splits can result in no more than two residential units per parcel, would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; does not propose the demolition of more than 25% of existing exterior structural walls of residential units unless permitted by Chapter 153 for SB9 development or if the site has not been occupied by a tenant in the last three years; and, will not occur on any parcel included on the State Historic Resources Inventory, or within a site that is legally designated or listed as a Town historic property.
- (C) This Article sets forth the Town’s objective subdivision standards required for SB9 lot splits which will apply, so long as those standards would not have the effect of physically precluding the construction of two residential units on either of the resulting parcels or physically precluding either of the two units from being at least 800 square feet in floor area.
- (D) This Article requires property owners to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the SB9 Lot Split under the penalty of perjury, unless the applicant is a community land trust or a qualified nonprofit corporation.

152.161 Applicability and Review Process.

- (A) This Article shall apply when:
 - (1) The Project is located within a single-family residential zone and contains no more than two residential units on each resulting lot.
 - (2) The Project is not located on prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of

Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the Town's voters.

- (3) The Project is not located in wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
- (4) The Project is not located on lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
- (5) The Project is not located on 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).
- (6) The Project is not located on lands under conservation easement.
- (7) The Project is not located on a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- (8) A 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.
- (9) A Project may be located within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, provided the project complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

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- (10) The Project may be located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency provided:
- i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.
 - ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- (11) The Project may be located within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, provided the project has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
- (12) The Project would not require demolition or alteration of any of the following types of housing:
- i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- (13) The Project site is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
- (14) The Project does not allow the demolition of more than 25 percent of the existing exterior structural walls of residential units unless:
- i. A local ordinance so allows; or
 - ii. The site has not been occupied by a tenant in the last three years.
- (15) The Project is not located on property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a Town historic property.
- (16) The Project site has not been established through prior exercise of an SB9 Lot Split as provided for in this section.
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- (17) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an SB9 Lot Split as provided for in this section.
 - (18) Each resulting lot contains no more than two existing residential units, which include Accessory Dwelling Units and Junior Accessory Dwelling Units.
 - (19) All objective requirements set forth by the Town and other applicable public agencies, such as San Mateo County Department of Environmental Health and Woodside Fire Protection District.
- (B) Ministerial review of an SB9 Lot Split shall occur after the owner files an SB9 Lot Split Application in which the property owner declares that the SB9 Lot Split and Project shall be subject to all SB9 Lot Split, site development, and zoning and objective design standards.
 - (C) Dedications of right-of-way or the construction of offsite improvements shall not be required.

152.162 Definitions and acronyms.

- (A) For the purposes of this Article, all definitions included in Section 152.005 shall apply, in addition to the definitions listed below that shall have meanings as follows:

PARCEL MAP. A map describing the existing and proposed conditions of the land for an SB9 Lot Split application submitted for review by the Town, and recordation with the County of San Mateo upon application approval by the Town.

PROJECT. SB9 physical development on a lot.

SENATE BILL 9, ATKINS, (SB9). An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the California Government Code, relating to land use, that was signed into law by the Governor on September 16, 2021, and filed with Secretary of State on September 16, 2021. Referred to as SB9 in this chapter.

SB9 LOT SPLIT. Division of single-family residential lots from one lot to two lots that comply with the requirements of Article XIV of this chapter.

SB9 LOT. Single-family residential lots that are created from an SB9 Lot Split.

WILL SERVE LETTER. Formal signed letter from a utility provider, unconditionally certifying that the utility can be provided to a proposed lot for existing and proposed development. If no development is proposed, such letter shall certify that the maximum development potential of the proposed lot can be served by the utility.

152.163 Applications and additional materials required.

- (A) Prior to filing an application for a SB9 Parcel Map, the owner, or his/her representative shall consult with the Planning Department to determine the requirements necessary for an adequate review of the proposed Parcel Map. Following the consultation, the owner shall file a formal application with the Planning Department on a Town approved form prescribed for such purpose. The application shall be accompanied by:
- (1) A Parcel Map prepared by a licensed land surveyor or civil engineer authorized to practice land surveying containing the information set forth in Section 152.164 of this Chapter along with the number of copies determined necessary by the Planning Department;
 - (2) A title report from a title company, dated within the last six months, giving the name of the owners and all easements and reservations of record affecting the land;
 - (3) Recorded documents for all easements, restrictions, and reservations of record affecting the land that are listed in the title report;
 - (4) A geotechnical report as prescribed by Section 152.123 of this Chapter;
 - (5) Will Serve Letters from all utility providers;
 - (6) Completed Deed Restriction pursuant to the requirements outlined in Section 152.167;
 - (7) Completed Owner Occupancy Affidavit pursuant to the requirements outlined in Section 152.168;
 - (8) Completed Property Owner Affidavit stating that all housing units on the lot proposed for demolition have not been occupied by a tenant within the previous three years from the date of application;
 - (9) Materials necessary to verify that all proposed buildings and parcels located within the State Mapped Very High Fire Hazard Severity Zones, special flood hazard areas, and earthquake fault zones, comply with current requirements for such areas;
 - (10) Materials necessary to verify that all existing buildings and structures will comply with building code required setbacks from all new lot lines.
 - (11) One complete set of traverse calculations in a form approved by the Town Engineer giving the coordinates and showing the mathematical closure and area calculations;

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- (12) Written consents of all existing easements holders in accordance with Government Code Section 66436(c);
 - (13) A guarantee of title or a letter from a title company certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being developed and all acknowledgments thereto appear on the proper certificates and are correctly shown on the Parcel Map, both as to consents to the making of such map and affidavits or dedications. Such guarantees shall be issued for the benefit of the Town and the protection of the Council and shall be continued complete up to the instant of the recordation of the Parcel Map;
 - (14) The completed application form, and the required fee and deposit outlined in Municipal Code Section 152.156; and
 - (15) Site Plan Exhibit detailing requirements outlined in Section 152.165.

152.164 Parcel Map requirements.

- (A) Parcel Maps shall be prepared by a licensed land surveyor or civil engineer authorized to practice land surveying and shall contain or be accompanied by the information set forth in this section. The Parcel Map shall be in full compliance with the requirements of this chapter and shall clearly show all details of the proposed SB9 Lot Split. The Parcel Map shall show the entire proposed development on one sheet, and to a scale determined by the Town Engineer or Planning Director with the following information:
 - (1) The SB9 Lot Split number;
 - (2) The scale, north point, and date of preparation;
 - (3) The date of preparation and space for future revision dates and the north point, scale, and key map;
 - (4) The name, address, and telephone number of the individual who prepared the Parcel Map and the registration or license number of the engineer or surveyor (signed and sealed);
 - (5) The Parcel Map boundaries including proposed square footage and acreage of resulting SB9 Lots, to the nearest one-hundredth of a square foot and one thousandths of an acre. Town boundaries shall be indicated if they abut the proposed Parcel Map;
 - (6) The location and size of the existing drainage facilities;
 - (7) The lines of all easements, public and private, to which the lots are subject. The easements shall be clearly labeled and identified as to nature and purpose and, if
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already of record, their recorded reference given. Easements shall be denoted by fine dotted lines. Distances and bearings on the side lines of lots which are cut by easements shall be shown with the distance from a corner or angle point to the easement and the width of the easement along the lot line. The total length of the lot line and the exact location of the easement shall be clearly indicated. The width of the easements and the lengths and bearings of the lines shall be shown;

- (8) Any limitation on right of access or nonaccess strips or reserve strips to and/or from roads and lots and other parcels of land;
 - (9) Major natural features, such as: streams and stream corridors; earthquake faults and fault setbacks; wetlands and other environmentally sensitive areas;
 - (10) The names and numbers of adjacent subdivisions, showing the lot and block or assessor's parcel numbers of the adjoining lots and the names of the owners and parcel numbers of all adjacent lands;
 - (11) The existing and proposed public utility easements and their location and width;
 - (12) The lot lines, approximate dimensions of all lots, and the areas of each lot.
 - (13) All required certificates outlined in Municipal Code Section 152.166; and
- (B) The Town shall require the following when considering an application for a Parcel Map for an SB9 Lot Split:
- (1) Easements that are necessary for the provision of public services and facilities;
 - (2) Proposed lots have access to or provide access to a paved roadway within a public right-of-way (access from a private roadway to a public roadway is compliant);
 - (3) Compliance with all SB9 objective standards in Municipal Code Chapters 151 and 153, including proposed lot lines that allow all existing structures to comply with such standards; and,
 - (4) Proposed lots shall be at least 40 percent of the size of the existing parcel or 1,200 square feet, whichever is greater. Lot Area is defined in Municipal Code Section 153.205(B).

152.165 Site Plan Exhibit requirements.

- (A) A Site Plan Exhibit required with an SB9 Lot Split Parcel Map application shall include all information for a Parcel Map outlined in Municipal Code Section 152.164, except required certificates outlined in Section 152.166, and the following information:

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- (1) Major natural features, such as: streams and stream corridors; trees; rock outcrops; natural vegetation; known landslides; earthquake faults and fault setbacks; wetlands; and, other environmentally sensitive areas;
 - (2) The location and an outline to scale of each existing building, structure, septic tank, and drainfield, noting whether or not each is to remain. The distances between all buildings and proposed property lines shall be shown;
 - (3) Existing equestrian pedestrian and bicycle adjacent to the Parcel Map boundaries, and their location(s) and width(s) dimension(s);
 - (4) The location and size of existing and proposed sanitary sewers, fire hydrants, gas and water lines, and power, telephone, and other public utilities. If sewage disposal is to be by septic tank and drainfield, the approximate locations of the drainfields, with 100 percent of the expansion area, shall be shown, as well as the locations of the percolation test holes and a copy of the test results for review and approval by County Department of Environmental Health;
 - (5) The location of areas subject to inundation or stormwater overflow and of all areas covered by water and the location, width, and direction of flow of all watercourses;
 - (6) The existing contours in the range of ten-foot intervals to a one-foot interval to produce one contour at least every 50 feet. The source of the topographical information shall be stated. The contour interval shall be uniform for the entire Parcel Map. If grading is proposed, the finished grades shall be clearly shown and supplementary cross sections showing the completed elevations of excavations and fills shall be provided. The quantity in cubic yards of cut and fill shall be stated. All grading shall be in conformance with the Town's site development provisions;
 - (7) The outlines of groves and orchards and approximate location of all individual trees having a trunk circumference of 10 inches or greater (measured four feet about the ground level). Individual trees shall be shown within all areas where roads, driveways, utility easements, pathways, or buildings will occur. A tree loss count shall be provided; and,
 - (8) The outline, to scale, of a conforming building site and drainfield and the location and grade of the existing and proposed driveways for each proposed lot. This is to provide assurance that at least one conforming and adequate building site exists that can accommodate two residential units subject to the requirements in the Zoning Code for SB9 development, as well as adequate driveway access.

152.166 Certificates to appear on maps.

The following certificates and statements shall appear on Parcel Maps:

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- (A) ***Owners' certificates.*** A certificate signed and acknowledged by all parties having any record title interest in the real property, consenting to the preparation and recordation of the Parcel Map, including any dedication of interest in real property;
 - (B) ***Town Clerk's certificate.*** A certificate executed by the Town Clerk stating that the Town has approved the Parcel Map and has accepted, accepted subject to improvement, or rejected on behalf of the public any real property offered for dedication for public use;
 - (C) ***Civil Engineer's or Land Surveyor's certificate.*** A certificate executed in accordance with the requirements of the Subdivision Map Act;
 - (D) ***Town Engineer's certificate.*** A certificate executed in accordance with the requirements of the Subdivision Map Act;
 - (E) ***Recorder's certificate.*** A certificate executed in accordance with the requirements of the Subdivision Map Act; and
 - (F) ***Geotechnical statement.*** A statement on the title page of the Parcel Map indicating the date of the geotechnical report and the names of all persons involved in preparing the report and the location where the report is on file for public inspection.

152.167 Deed restriction requirements.

- (A) Along with the recordation of the Parcel Map, a Deed Restriction that includes notarized signatures of all property owners shall be recorded on all lots that are the subject of an SB9 Lot Split including the following restrictions:
 - (1) All lots shall be subject to SB9 development standards outlined in the Woodside Municipal Code;
 - (2) Each lot shall take access from one driveway shared between the two lots unless it precludes the development of two 800 square foot units on such lot; then one driveway for each lot can be allowed;
 - (3) Neither the owner of the lot subject to the SB9 Lot Split, nor any person acting in concert with the owner, can apply for an SB9 Lot Split of any adjacent lots;
 - (4) Rental of all units shall be for a term of more than 30 days. Rentals of 30 days or less are prohibited;
 - (5) Land uses are limited to residential uses outlined in the SB9 zoning development standards listed in Municipal Code Section(s) 153.980 – 153.989;
 - (6) All existing site improvements that become nonconforming to general or SB9 zoning or site development regulations from the SB9 Lot Split may only be

modified subject to nonconforming regulations outlined in Municipal Code Chapters 151 and 153;

- (B) No removal or modification of the recorded deed restriction shall occur without Town approval, or State laws that supersede current deed restriction requirements.

152.168 Owner Occupancy requirements

- (A) All owners of a property included in an SB9 Lot Split shall provide a notarized signature on the Owner Occupancy Affidavit provided by the Town, stating that the property owner(s) intend to occupy one of the existing housing units, or proposed housing units if none exist or if existing unit(s) will be demolished prior to recordation of the Parcel Map, as their principal residence for a minimum of three years from the date of the Town approval of the Parcel Map of the SB9 Lot Split, except when the owner is one of the following:
 - (1) A “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the State Revenue and Taxation Code; or,
 - (2) A “qualified nonprofit corporation” as described in Section 214.15 of the State Revenue and Taxation Code.

- (B) The Town shall not impose additional owner occupancy standards.

152.169 Lot design.

- (A) The design of all lots included in SB9 Lot Splits shall be subject to the following:
 - (1) All SB9 Lot Splits shall result in the creation of lots which are capable of being developed with a residential unit, pursuant to the development standards for SB9 lots in Municipal Code Chapters 151 (Site Development) and 153 (Zoning), and the Objective Design Standards adopted by reference in Chapter 153 (Zoning). Lots shall not be configured in a way that cannot comply with the objective standards and all applicable requirements of public agencies, such as the Woodside Fire Protection District, County Department of Environmental Health, and any applicable sewer districts;
 - (2) Proposed lot lines shall be free of jogs in alignment, except where existing physical conditions and established property lines preclude the establishment of straight property boundaries, or such alignment would prohibit the creation of lots which are capable of being developed with a residential unit;
 - (3) Panhandle lots shall comply with all access requirements from the Town, Woodside Fire Protection District, and California Department of Transportation (Caltrans) if adjacent to a State highway; and,

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- (4) Lots shall not create any inconsistencies with SB9 development requirements in Municipal Code Chapters 151 (Site Development) and 153 (Zoning).
 - (B) Notwithstanding California Government Code Section 66411.1, the Town shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the SB9 Lots being created as a condition of issuing a Parcel Map for an SB9 Lot Split.

152.170 Review/Timing/Noticing.

- (A) The Planning Department shall determine which Town departments and other public agencies are required to review the Parcel Map, and shall transmit copies of the Parcel Map and accompanying materials to those Town departments and other public agencies for review.
- (B) Within 30 days after receiving the SB9 Lot Split application, the Parcel Map, and accompanying documents and materials, the Town and applicable agencies shall complete the review for sufficiency of information required by this Article and other applicable public agency requirements. After which time, the Town shall issue a letter deeming the application complete, or incomplete and outlining items that are missing or need to be corrected for a complete application.
- (C) Within 60 days of receiving a complete application, the Town shall approve such application if determined to comply with all applicable objective requirements. If it is determined that the application does not comply with all applicable objective requirements, the application shall be denied with written reasoning for such denial.
- (D) If the application is approved, it shall be recorded with the County of San Mateo pursuant to the timeline outlined in Section 152.172. If any required owner notarized signatures are not supplied on all required documents and recordation by the owner does not occur within the required timeline, the Parcel Map approval shall expire.
- (E) SB9 Lot Splits shall be noticed to any property owner of property adjacent to the proposed SB9 Lot Split, including lots located across an abutting public or private road. The notice shall be sent within five business days of receipt of the complete application and shall clearly state that an SB9 Lot Split application is reviewed and acted on ministerially and not subject to appeal

152.171 Denial of Applications.

- (A) An application for an SB9 Lot Split shall be ministerially reviewed and approved subject to the requirements in this Article unless:
 - (1) The Woodside Building Official makes written findings, based upon a preponderance of the evidence, that the proposed Project would have a specific,

adverse impact, as defined in California Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; or,

- (2) A resulting lot leaves existing accessory structures without any residential units, or an application for required construction permits of residential units on such resulting lot is approved concurrently with approval of the Parcel Map.

152.172 Recording of maps, copies, and survey requirements.

- (A) ***Recording of maps.*** After approval by the Town Departments and other applicable public agencies, the Town Engineer and the Town Clerk shall sign the Parcel Map. Within 12 months after the approval of an SB9 Lot Split Parcel Map, the Parcel Map shall be recorded by the Town Clerk or the owner's title company if deemed necessary by the Planning Director and Town Engineer.
- (B) ***Copies.*** After recording, two complete sets of prints on vellum and one set electronic reproducible copy shall be submitted to the Town by the owner and shall be paid for by the owner. In addition, two copies of recorded deed restrictions, shall be provided with the sets of vellum prints.
- (C) ***Survey requirements.*** All surveys for Parcel Maps shall be in accordance with the Subdivision Map Act and the Land Surveyor's Act of the state. All lot corners shall be monumented and tagged with the registration number with iron pipe monuments or rock bolts. Iron pipe monuments shall be at least one inch in diameter, at least 18 inches long, and driven flush with the surface of the ground. All monuments and lot corners shall be installed by a licensed land surveyor or civil engineer authorized to practice land surveying. The licensed land surveyor or civil engineer authorized to practice land surveying shall certify in writing with a seal submitted to the Town that all monuments and lot corners are in place as shown on the recorded Parcel Map.

TITLE XV. Land Usage
CHAPTER 153. Zoning
SECTION 153.980. SB9 Unit Development Standards

153.980 SB9 UNIT DEVELOPMENT STANDARDS

153.981 Purpose.

- (A) The purpose of this Section ("Section" includes Municipal Code Sections 153.980 – 153.989) is to reasonably regulate, to the extent permitted under California law, SB9 Housing Projects authorized by State law known as Senate Bill 9 (hereinafter "SB9"). SB9 amends California Government Code Section 66452.6 and adds Sections 65852.21 and 66411.7 to the California Government Code. SB9 applies to Lots located within single-family residential zoning, except Lots excluded under Section 153.983.
- (B) SB9 Housing Projects can result in no more than two residential units per parcel, would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; does not propose the demolition of more than 25% of existing exterior structural walls of residential units if the site has been occupied by a tenant in the previous three years from the date of the SB9 Housing Project application filed with the Town and complies with the requirements in this Section; and, will not occur on any parcel included on the State Historic Resources Inventory, or within a site that is legally designated or listed as a Town historic property.
- (C) This Section sets forth the Town's Objective Development Standards required for SB9 Housing Projects which will apply, so long as those standards would not have the effect of physically precluding the construction of two residential units on a single-family residential Lot from being up to 800 square feet in floor area.

153.982 Definitions and acronyms.

- (A) For the purposes of this Section, all definitions included in Section 153.005 shall apply, in addition to the definitions listed below that shall have meanings as follows:

OBJECTIVE DESIGN STANDARDS. Most current Objective Design Standards adopted by the Town Council.

SENATE BILL 9, ATKINS, (SB9). An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the California Government Code, relating to land use, that was signed into law by the Governor on September 16, 2021, and filed with Secretary of State on September 16, 2021. Referred to as SB9 in this Chapter.

SB9 HOUSING PROJECT. Development that includes up to two residential units that use the SB9 development standards outlined in this Section.

SB9 LOT. Single-family residential Lots that are created from an SB9 Lot Split or a lot upon which one or more SB9 Units are constructed.

SB9 LOT SPLIT. Division of a single-family residential Lot from one Lot to two Lots that comply with the requirements of Article XIV of Chapter 152.

SB9 UNIT. Existing residential unit(s) on a Lot(s) created from an SB9 Lot Split, or a new residential unit(s) constructed as an SB9 Housing Project.

153.983 Applicability and Review Process.

(A) This Section shall apply when:

- (1) The proposed SB9 Housing Project is located within a single-family residential zone and contains no more than two residential units on the SB9 Lot.
- (2) The SB9 Housing Project is not located on prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the Town's voters.
- (3) The SB9 Housing Project is not located in wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
- (4) The SB9 Housing Project is not located on lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
- (5) The SB9 Housing Project is not located on 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).
- (6) The SB9 Housing Project is not located on lands under conservation easement.

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- (7) The SB9 Housing Project is not located on a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- (8) A SB9 Housing 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.
- (9) A SB9 Housing Project may be located within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, provided the project complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
- (10) The SB9 Housing Project may be located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency provided:
- i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.
 - ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- (11) The SB9 Housing Project may be located within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, provided the project has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
- (12) The SB9 Housing Project would not include demolition or alteration of any of the following types of housing:
- i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
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- ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - iii. Housing that has been occupied by a tenant in the last three years prior to the date of application.
- (13) The SB9 Housing Project is not located on a parcel which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
- (14) The SB9 Housing Project does not allow the demolition of more than 25 percent of the existing exterior structural walls of residential units if the site has been occupied by a tenant in the last three years and complies with the requirements of this Section.
- (15) The SB9 Housing Project is not located on property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a Town historic property.
- (16) Each SB9 Lot contains no more than two existing or proposed residential units, which include existing main residences, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). Any existing main residences, ADUs, and JADUs on a Lot which are proposed to remain as part of an SB9 Housing Project are reclassified as SB9 Units and shall comply with the SB9 development standards for any proposed improvements.
- (17) The SB9 Housing Project complies with the adopted Objective Design Standards set forth by the Town and the objective requirements by other applicable public agencies, such as San Mateo County Department of Environmental Health and Woodside Fire Protection District.
- (B) Ministerial review of an SB9 Housing Project, shall occur after the owner files an SB9 Housing Project Building Permit Application in which the property owner declares that the project shall be subject to all SB9 Lot regulations and Objective Design Standards.

153.984 Applications and additional materials required/Noticing.

- (A) Prior to filing an SB9 Housing Project Building Permit Application, the owner, or his/her representative shall consult with the Planning Department to determine the requirements necessary for an adequate review of the proposed SB9 Housing Project. Following the consultation, the owner shall file a formal application with the Planning Department on a Town approved form prescribed for such purpose. The application shall be accompanied by items included in the SB9 Housing Project Checklist on file with the Planning Department in addition to the following:

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- (1) Completed Deed Restriction pursuant to the requirements outlined in Section 153.988;
 - (2) Completed Property Owner Affidavit stating that all existing residential units on the Lot for which demolition of more than 25 percent of the existing exterior structural walls have not been occupied by a tenant within the previous three years from the date of application;
 - (3) The required fee and/or deposit outlined in the adopted Town Council Fee Schedule.
- (B) SB9 Units encroaching into the required basic setbacks outlined in Table H of this Chapter shall be noticed to any property owner of property adjacent to the proposed SB9 Unit, including lots located across an abutting public or private road. The notice shall be sent within five business days of receipt of the application and shall clearly state that an SB9 Unit application is reviewed and acted on ministerially and not subject to appeal.

153.985 Allowable Land Uses for SB9 Lots.

- (A) SB9 Lots shall only contain uses listed below in Tables R-1 and R-2. The tables set forth in this section indicate, by the symbol "X", the permitted and accessory uses allowed in each district. Uses not listed in the table under any case category, shall not be permitted under this Section unless the Planning Director determines that the use is similar to the uses listed in the Tables R-1 and R-2. Any uses not listed in the Tables below and determined by the Planning Director not to be a similar use to those listed, shall not be permitted on SB9 Lots. In no case shall Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs) be permitted on an SB9 Lot. Existing main residences, ADUs, and JADUs that remain on an SB9 Lot as part of an SB9 Lot Split or SB9 Housing Project are reclassified as SB9 Units. Any existing nonconforming uses, including nonconforming uses created by a SB9 Housing Project, are subject to the SB9 nonconforming standards in Section 153.987.

TABLE R-1: Permitted Uses on SB9 Lots				
Permitted Uses	R-1	SR	RR	SCP
SB9 Units (including any residential uses typically associated and located within/attached to a residential dwelling, including Home Occupations as defined in § 153.005 and limited by § 153.111)	X	X	X	X
Residential Care Homes	X	X	X	X
Supportive Housing	X	X	X	X

TABLE R-2: Accessory Uses on SB9 Lots				
Accessory Uses	R-1	SR	RR	SCP
Keeping of Domestic Animals for noncommercial purposes, including small, enclosed animal shelters no larger than 100 square feet and no taller than 5 feet that meet required front setbacks, and are at least 10 feet from side and rear property lines (not to count as floor area); and the keeping of not more than three adult dogs. A kennel permit shall be required for the keeping of more than three adult dogs, subject to review and approval as per § 115.14(A)(1) and (2) and (B)—(E) (Stable permit exceptions) of the code. The limitation on the number of dogs shall not apply to animals less than six months old.	X	X	X	X
Electric vehicle charging stations	X	X	X	X
Fences and Walls subject to the Height and location requirements of this Chapter	X	X	X	X
Off-road parking	X	X	X	X
Signs subject to the provisions of §§ 153.501 through 153.507 of this Chapter	X	X	X	X

- (B) Existing permitted and Accessory Uses, and structures, that occur onsite and are not listed in Tables R-1 and R-2 prior to becoming an SB9 Lot, may remain if they continue to comply with Chapter 150 (Building Regulations). Such uses and structures shall be deemed nonconforming and are subject to the nonconforming standards in this Section.
- (C) Existing animal Accessory Uses not listed in Tables R-2 that occur onsite prior to becoming an SB9 Lot, may remain subject to the following requirements:
- (1) The number of any type of animals currently living on a property in compliance with Table A-3 (Accessory Uses in Residential Zoning Districts) of this Chapter that no longer comply with the property size requirements for animals listed in Table A-3 after an SB9 Lot Split shall be subject to review and approval per Sections 115.14(A)(1) and (2) and (B)—(E) (Stable permit exceptions) of the code to remain on the SB9 Lot.
 - (2) Unoccupied nonconforming barns may be used to house Domestic Animals permitted in Table R-2, or may be used to house horses, subject to all requirements in Chapter

115 (Stables). No new animal shelters shall be permitted except small structures for Domestic Animals that comply with the requirements in Table R-2.

- (D) Rental of all units shall be for a term of more than 30 days. Rentals of 30 days or less are prohibited.

153.986 Objective Development Standards for SB9 Housing Projects.

- (A) SB9 Units shall comply with all development regulations in Chapters 151 (Site Development) and 153 (Zoning) unless such regulation is modified by this Section. In the event there is a conflict between this Section and other parts of the Municipal Code, the requirements in this Section shall apply. Table S-1 below provides development standards for SB9 Units that are up to 800 square feet in floor area on any parcel greater than 1,200 square feet in a single-family residential zone.

TABLE S-1: Development Standards for all SB9 Lots				
	<i>Zoning Districts</i>			
<i>Development Standards</i>	R-1	SR	RR	SCP
Lot Area Size Minimum	None. See Chapter 152, Article XIV for SB9 Lot Splits			
Floor Area Maximum (Square Feet)				
SB9 Unit Size	800	800	800	800
TFA ¹	1,600 (Includes 800 for each SB9 Unit.)			
Setbacks Minimum (Feet)				
Front	30	50	50	50
Sides	4	4	4	4
Rear	4	4	4	4
Ministerial Setback Encroachments	Ministerial exceptions to Setbacks in Section 153.207(C) apply for SB9 Housing Projects with the following modifications:			

	1. The minimum setback is four feet to the side and rear, and the encroachments allowed in Section 153.207(C)(1), are prohibited. 2. Heating, Ventilation, and Air Conditioning (HVAC) equipment must be at least four feet from side and rear property lines and comply with the required front setback, or a greater setback if required by Chapter 150 (Building Regulations). 3. Section 153.207(C)(6) [Building Corner Wall Exception] is not permitted on SB9 Lots.			
Height Maximum (Feet)				
Plate Height	11	11	11	11
Building	17	17	17	17
Ministerial and Discretionary Height Exceptions listed in Section 153.208(C) and (D)	Not Permitted on SB9 Lots			
Parking				
Number of spaces	One parking space per unit			
Paved Area and Surface Coverage Maximum (Square Feet)	(10% of Lot Area in square feet + 1,000)(1.2)	50% of Lot Area or 15,000, whichever is less	50% of Lot Area or 15,000, whichever is less	50% of Lot Area or 9,000, whichever is less
Basements (Cubic Yards)	Not Permitted			
Design Review Process	Town staff shall review SB9 Housing Projects for compliance with the Objective Design Standards on file in the Planning Department with review of a Building Permit Application			
Exceptions for the Woodside Glens in this Chapter	Not Permitted on SB9 Lots			

¹Unused allowable floor area for any individual SB9 unit may not be used to increase the allowable size any other SB9 unit.

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- (B) ***Exceptions to Standards in Chapters 151 and 153 for SB9 Housing Projects.*** If it is not feasible to comply with all applicable standards for SB9 Housing Projects when constructing up to two 800 square foot residential units on a property, the applicant shall provide all necessary information requested by the Town (e.g., a topographic survey, septic feasibility study, etc.) to demonstrate that it is infeasible to construct one or both of the proposed 800 square foot residential units while complying with all applicable development standards for review by the Town. Once the complete feasibility study is reviewed by the Town, the Planning Director, and Town Engineer if the exception is subject to Section 151.60, shall determine which of the development standards in Chapters 151 (Site Development) and 153 (Zoning) may be modified to allow for up to two residential units that are no more than 800 square feet and evaluate feasible locations for the residential unit(s) to find the location(s) that create the fewest impacts to environmentally sensitive areas such as stream corridors, wetlands, and steep slopes.

153.987 Nonconforming Structures, Uses, and Paved Area and Surface Coverage.

- (A) Any existing Structures, site improvements, and uses on an SB9 Lot that do not conform to the land use and development regulations in this Section shall become nonconforming once the Lot is converted to an SB9 Lot from completion of an SB9 Lot Split or SB9 Housing Project. Any Nonconforming Uses or Structures on an SB9 Lot are not subject to the regulations in Sections 153.230 – 153.239 and shall be subject to the regulations within this Section.
- (B) A Nonconforming Use or Structure may be continued, except as otherwise provided in this Section.
- (C) Maintenance may be performed on a Nonconforming Structure.
- (D) Nonconforming Uses shall not be altered, increased, enlarged, or established.
- (E) Nonconforming Structures may be altered if such Alteration does not result in a change of use, other than a conversion to an SB9 Unit if such conversion complies with the minimum development standards in this Section, and complies with the following:
- (1) Demolition or Structural Alterations of more than 25% of the existing structural walls shall not occur unless materials submitted with the permit application include the following:
 - i. An notarized affidavit from the property owner that a residential unit subject to complete or partial demolition or Structural Alteration has not been occupied by a tenant in the previous three years from the date of application;
 - ii. Removal of the Nonconforming Accessory Structure, without replacement;

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- iii. Details including modifications to an existing residential unit to comply with the minimum development standards for SB9 Units in this Section, and all Chapter 150 (Building Regulations); or,
 - iv. Details that demonstrate that: any proposed reconstruction of such demolition replaces all exterior Structure features (e.g., walls; window and door sizes and locations; roofs, etc.), as it currently exists unless modifications are required by Chapter 150 (Building Regulations) and consistent with this Section; the modifications reduce the nonconformity removing, not altering, existing Structure features, or the modifications comply with the Objective Design Standards as noted in subsection (2).
- (2) Modifications to the exterior of the Structure shall comply with the Objective Design Standards, such as, exterior materials windows, doors, lighting location/fixture types, and, roofing;
 - (3) Increases to the existing, or the creation of new, nonconforming attributes are prohibited.
 - (4) Increases/expansion to the existing Footprint, Plate heights, and overall Structure height are prohibited.
 - (5) Mitigation required for structures in areas listed in Section 153.983, shall not conflict with the other requirements of Section 153.986;
- (G) Nonconforming Paved Area and Surface Coverage shall be subject to the following:
- (1) Paved Area and Surface Coverage may be repaired or replaced in the same location.
 - (2) Paved Area and Surface Coverage totaling no more than 250 square feet may be relocated within a 12 consecutive month period. The 12 consecutive month period shall begin on the date of receiving a final inspection of the relocated materials.
 - (3) Paved Area and Surface Coverage totaling more than 250 square feet may be relocated if: the relocation will result in elimination of the nonconformity; or, the relocation will result in a reduction of 25 percent or more of the Paved Area and Surface Coverage which exceeds the maximum permitted Paved Area and Surface Coverage for the SB9 Lot.

153.988 Deed restriction requirements.

- (A) Along with the approval of a SB9 Housing Project, a Deed Restriction that includes notarized signatures of all property owners shall be recorded on the SB9 Lot including the following restrictions:

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- (1) The Lot shall be subject to SB9 allowable land uses and development standards outlined in the Woodside Municipal Code;
 - (2) Rental of all units shall be for a term of more than 30 days. Rentals of 30 days or less are prohibited; and,
 - (3) All existing site improvements that become nonconforming to general or SB9 Municipal Code regulations from the SB9 Housing Project may only be modified subject to SB9 Objective Development Standards outlined in Municipal Code Section 153.980.
- (B) No removal or modification of the recorded deed restriction shall occur without Town approval, or State laws that supersede current deed restriction requirements. Alternatively, SB9 Housing Projects that were not part of an SB9 Lot Split could remove the SB9 Housing Project improvements, remove the Deed Restriction, and revert back to general Site Development and Zoning development standards.

153.989 Denial of Applications.

- (A) An application for an SB9 Housing Project shall be ministerially reviewed and approved subject to the requirements in this Section unless:
- (1) The Woodside Building Official makes written findings, based upon a preponderance of the evidence, that the proposed SB9 Housing Project would have a specific, adverse impact, as defined in California Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact;
 - (2) The SB9 Housing Project does not comply with any objective standards outlined in this Section; or,
 - (3) The SB9 Housing Project does not comply with objective requirements set forth by other regulatory agencies, such as the Woodside Fire Protection District and San Mateo County Environmental Health.