

**TOWN OF WOODSIDE  
REPORT TO TOWN COUNCIL**

**Meeting Date:** December 13, 2016  
**Prepared by:** Jackie Young, Planning Director  
**Approved by:** Kevin Bryant, Town Manager

**Agenda Item: 7**

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**ZOAM2016-0005: Introduction of an Ordinance to Amend Woodside Municipal Code Chapter 153, Zoning, to: 1) Exempt Utility Pads from Paved Area and Surface Coverage Calculations; 2) Allow Utility Meters Within Setbacks; 3) Reduce the Required Setbacks from Highway 280 and Skyline Boulevard; and 4) Locate the Development Standards for Commercial Projects in One Code Section. Ordinance No. 2016 - \_\_\_\_**

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**RECOMMENDATION**

It is recommended that the Town Council take public testimony, and introduce the draft ordinance included as **Attachment 1**.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The proposed code changes are not subject to the provisions of the California Environmental Quality Act (CEQA), as they do not meet the definition of “project” under Section 21065.

**BACKGROUND**

*Review of Process Improvements*

On September 13, 2016, the Town Council performed a six-month review of the Architectural & Site Review Streamlining & Process Improvements adopted on December 8, 2015. At this meeting, the Town Council directed staff to complete several simple changes to the Woodside Municipal Code (WMC) Chapter 153, Zoning, as follows:

1. Exempt utility pads from Paved Area and Surface Coverage calculations;
2. Allow utility meters within setbacks;
3. Reduce the required setbacks from Highway 280 and Skyline Boulevard; and,
4. Locate the development standards for Commercial projects in one code section.

**DISCUSSION**

The first three code changes listed above serve to simplify regulations for low impact development. The fourth code change is a needed code cleanup. Each code change is discussed below:

**(1) Exempt utility pads from Paved Area and Surface Coverage calculations.**

(a) Existing Code Requirements:

- Section 153.056(A) and Tables E-1 through E-6 establish maximum paved area and surface coverage based on Lot Area. Section 153.056(D) establishes exceptions to the limitations.
- Section 153.301 (C) Paved Area and Surface Coverage:  
 Properties that exceed the maximum permitted paved area and surface coverage for the zoning district shall be subject to the following:
  - (1) Paved area and surface coverage may be repaired or replaced in the same location.

- (b) Issue to be Resolved: When utility pads are proposed for air conditioners, propane tanks, electric panels, pool equipment, and other utility components, applicants are required to prepare a Paved Area and Surface Coverage Plan demonstrating compliance with maximum Paved Area and Surface Coverage requirements. Alternatively, applicants can assume they have reached their maximum paved area, and remove comparable square footage as that proposed for the utility pad. Preparation of the Plan can be of considerable expense and delay that is not commensurate with the typical impact of a small utility pad (generally up to a maximum of 140 square feet). Exempting utility pads from Paved Area and Surface Coverage requirements would result in more reasonable project requirements and costs.
- (c) Proposed Revision: Staff proposes to amend Section 153.056(D), to add a category [Section 153.056(D)(9)] to the Paved Area and Surface Coverage exceptions listed, as follows:

**(9) Up to a maximum of 140 square feet per parcel for installation of a mechanical equipment/utility pad(s).** (Notes from the Building Official: the actual sizes of pads can vary from approximately 8 x 4 (32 square feet) for an electrical panel; 6 x 8 (48 square feet) for a propane tank; 10 x 8 (80 square feet) for a generator; and, 10 x 14 (140 square feet) for a utility pad accommodating multiple utilities. Generators and propane tanks generally have a fire suppression wall separating them.) Most pads are fenced, so they would also be subject to fence requirements in Section 153.051.

**(2) Allow utility meters within setbacks.**

- (a) Existing Code Requirement:  
Section 153.050(B)(2) identifies *Exceptions* for items which do not need to meet setback requirements:  
*(2) Walls, hedges, walks, driveways, garage aprons, uncovered decks three feet or less above the ground, landscape features, such as patios, and water features, other than swimming pools, may be located in any required setback.*
- (b) Issue to be Resolved: When a utility meter needs to be installed outside of the required setbacks, a Variance is required. This can be of considerable expense and delay that is not commensurate with the typical impact of siting a utility meter in this manner. There could be instances, however, where a “meter” is combined with a large service and could have an undesirable visual impact.
- (c) Proposed Revision: Staff proposes to amend Section 153.050(B), *Exceptions*, to allow for utility meters outside of required setbacks when it does not create an undesirable visual impact. Staff therefore proposes to add Section 153.050(B)(3) which includes discretion to review any potential visual impact, as follows:

**(3) Utility meters may be located in any required setback, at the discretion of the Planning Director.**

**(3) Reduce the required setbacks from Highway 280 and Skyline Boulevard.****(a) Existing Code Requirements:**

- Section 153.061: *Notwithstanding the other requirements of this chapter, the following special setback lines shall prevail where applicable: no building or structure shall be constructed closer than 200 feet from the right-of-way of Skyline Boulevard or I-280. However, the Architectural and Site Review Board may allow a reduction of the setback to no less than 100 feet when it finds that in such a location, the proposed building or structure will not be visible from the right-of-way of Skyline Boulevard or I-280.*
- Section 153.021(A)(2): *The Town Constraints Map, dated April, 1988 identifies constraints which have been identified as relevant to the public health, safety and welfare of the residents of the Town. The Constraint related to Scenic Corridor is defined, as follows: "Viewshed from Skyline and 280 scenic corridors".*

- (b) Issue to be Resolved:** Maintaining a 200-foot setback from Highway 280 and Skyline Boulevard can render a lot unbuildable. The flexibility of reducing the setback to 100 feet where the structure would not be visible from the right-of-way, reduces this impact for some parcels. The map in **Attachment 2** illustrates the parcels affected by the 200- and 100-foot setback requirement from Highway 280, and the map in **Attachment 3** illustrates the parcels affected by the 200- and 100-foot setback requirement from Skyline Boulevard.

The most recent Setback Variance which was processed to reduce this requirement was for the construction of a new residence on a vacant parcel at 110 Stadler Drive, a parcel which backs onto Skyline Boulevard. When the required setbacks were applied to the lot, the 50-foot setback from the north property line (along Stadler Drive) and the 200-foot special building setback from the Skyline Boulevard right-of-way overlapped, resulting in a lot without any buildable area. This Variance was approved on September 21, 2106. The application fee for this Variance was \$3,090.00

- (c) Proposed Revision:** Staff proposes to amend Section 153.061, to eliminate this setback requirement for smaller parcels, and keep this requirement in place for larger and more visible parcels. Staff therefore recommends that the increased setback requirement on Skyline Boulevard be eliminated, and that a 200-foot setback apply only to the largest parcels fronting Highway 280, as follows:

*Notwithstanding the other requirements of this chapter, the following special setback lines shall prevail where applicable for parcels located on Moore Road, Valley Road, Valley Court, Lawler Ranch Road, and Cañada College: no building or structure shall be constructed closer than 200 feet from the right-of-way of Skyline Boulevard or I-280. However, the Architectural and Site Review Board may allow a reduction of the setback to no less than 100 feet when it finds that in such a location, the proposed building or structure will not be visible from the right-of-way of Skyline Boulevard or I-280.*

Design Review will continue to be required for all parcels fronting Highway 280 and Skyline Boulevard (designated scenic corridors) pursuant to WMC Section 153.220-231.

**(4) Locate the development standards for Commercial projects in one code section.**

Staff originally conceived locating the height and setback requirements for commercial properties in one code section. Upon a deeper review of the code, however, staff identified numerous citations for commercial development standards sprinkled throughout zoning code (**Attachment 4**). This code change would therefore be more complex than anticipated; and staff did not want to delay processing the first three proposed code cleanups as they arise often for customers, while commercial projects are infrequent.

This exercise also spotlighted a more global issue: the highly disorganized state of the entire zoning code. Planning staff completed a complete cleanup of WMC Chapter 151, Site Development, when the basement ordinance was drafted. Planning staff recommends that the same be done for the entire WMC Chapter 153, Zoning. This will also be of great help in tackling the review of the nonconforming regulations, which is the next code change on the Planning work plan after completion of the Maximum Residence ordinance. Staff anticipates that the Planning Commission will complete their review of the Maximum Residence ordinance on December 7, 2016.

**CONCLUSION**

If adopted, the attached draft ordinance will reduce the time and cost of processing entitlements and permits for: 1) utility pads; 2) utility meters within setbacks; and, 3) development proposals within the Highway 280 and Skyline Boulevard scenic corridors; while having no to a de minimis impact on scenic resources.

Additionally, a cleanup of WMC Chapter 153, Zoning, would result in an organized, customer-friendly document; and would be of great help in tackling the review of the nonconforming regulations, which is the next code change on the Planning work plan after completion of the Maximum Residence ordinance.

**ATTACHMENTS:**

1. **DRAFT** Town Council Ordinance 2016-xxxx
2. Parcels affected by the 200- and 100-foot setback requirement from Highway 280.
3. Parcels affected by the 200- and 100-foot setback requirement from Skyline Boulevard.
4. WMC, Chapter 153, Zoning, Commercial Development Standards citations.

**ORDINANCE NO. 2016-\_\_\_\_**

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE AMENDING WOODSIDE MUNICIPAL CODE CHAPTER 153: ZONING, TO 1) EXEMPT UTILITY PADS FROM PAVED AREA AND SURFACE COVERAGE CALCULATIONS; 2) ALLOW UTILITY METERS WITHIN SETBACKS, AND 3) REDUCE THE REQUIRED SETBACKS FROM HIGHWAY 280 AND SKYLINE BOULEVARD

**IT IS HEREBY ORDAINED** by the Town Council of the Town of Woodside 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 the General Plan of the Town of Woodside and is required for the public convenience and to achieve the health, safety, and welfare of the Town of Woodside.

**SECTION TWO:** Title XV, Land Usage, Chapter 153, Zoning, is hereby amended as follows:

***Code Amendments concerning Exempting Utility Pads from Paved Area and Surface Coverage***

Title XV, Land Usage  
Chapter 153, Zoning:

Section 153.056(D), Measurement of Paved Area and Surface Coverage, Exceptions:

- (D) *Exceptions. The following features or designated portions thereof shall not count towards the maximum permitted paved coverage for each zoning district:*
- (1) *Constructed equestrian riding arenas so long as there is no change in use. If a change in use occurs all or a portion of the materials that are defined as paved area and surface coverage shall be removed so the remaining paved area and surface coverage on the property do not exceed the maximum permitted paved area and surface coverage.*
  - (2) *Portions of principal access driveways that are beyond 50 feet from either the structure in which the primary use occurs, or the detached garage that serves the structure in which the primary use occurs.*
  - (3) *Up to 2,500 square feet for each required fire truck turnaround, or the size of the required fire turnaround, whichever is less.*
  - (4) *Portions of informal water features, such as ponds, or other water features without formal linear or uniform circular/oval shapes if the paved material does not project above the grade so long as the portions of such informal water features cover less than 2.5% of the lot area or 10,000 square feet, whichever is less.*
  - (5) *Required drainage facilities.*

- (6) *Retaining walls and landscape walls of any material.*
- (7) *Up to 500 square feet total of decomposed granite, gravel, sand, or similar material that is not used for driveways or parking areas.*
- (8) *Up to 3,000 square feet of turnout area, or up to 1,000 square feet of turnout area per horse allowed on the property without an exception granted pursuant to § 115.14 of the Municipal Code, whichever is greater.*
- (9) **Up to a maximum of 140 square feet per parcel for installation of a mechanical equipment/utility pad(s).**

**SECTION THREE:** Title XV, Land Usage, Chapter 153, Zoning, is hereby amended as follows:

***Code Amendments concerning Allowing Utility Meters within Setbacks***

Title XV, Land Usage  
Chapter 153, Zoning:

Section 153.050(B), Setback Requirements, Exceptions:

- (1) *Chimneys, fire escapes, bay windows, eaves, cornices, canopies, stairway landings, uncovered balconies, decks, porches, and stairs from the ground to an uncovered balcony, deck, or porch may extend into a required side setback a distance of not more than three feet and into a required front or rear setback a distance of not more than six feet.*
- (2) *Walls, hedges, walks, driveways, garage aprons, uncovered decks three feet or less above the ground, landscape features, such as patios, and water features, other than swimming pools, may be located in any required setback.*
- (3) **Utility meters may be located in any required setback, at the discretion of the Planning Director.**

**SECTION FOUR:** Title XV, Land Usage, Chapter 153, Zoning, is hereby amended as follows:

***Code Amendments Concerning Reducing the Required Setbacks from Highway 280 and Skyline Boulevard***

Title XV, Land Usage  
Chapter 153, Zoning:

Section 153.061, Special Building Setback Lines:

*Notwithstanding the other requirements of this chapter, the following special setback lines shall prevail where applicable **for parcels located on Moore Road, Valley Road, Valley Court, Lawler Ranch Road, and Cañada College;** no building or structure shall be constructed closer than 200 feet from the right-of-way of ~~Skyline Boulevard or I-280. However, the Architectural and Site Review Board may allow a reduction of the setback to no less than 100 feet when it finds that in such a~~*

~~location, the proposed building or structure will not be visible from the right-of-way of Skyline Boulevard or I-280.~~

**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 of the Government Code of the State of California, the Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

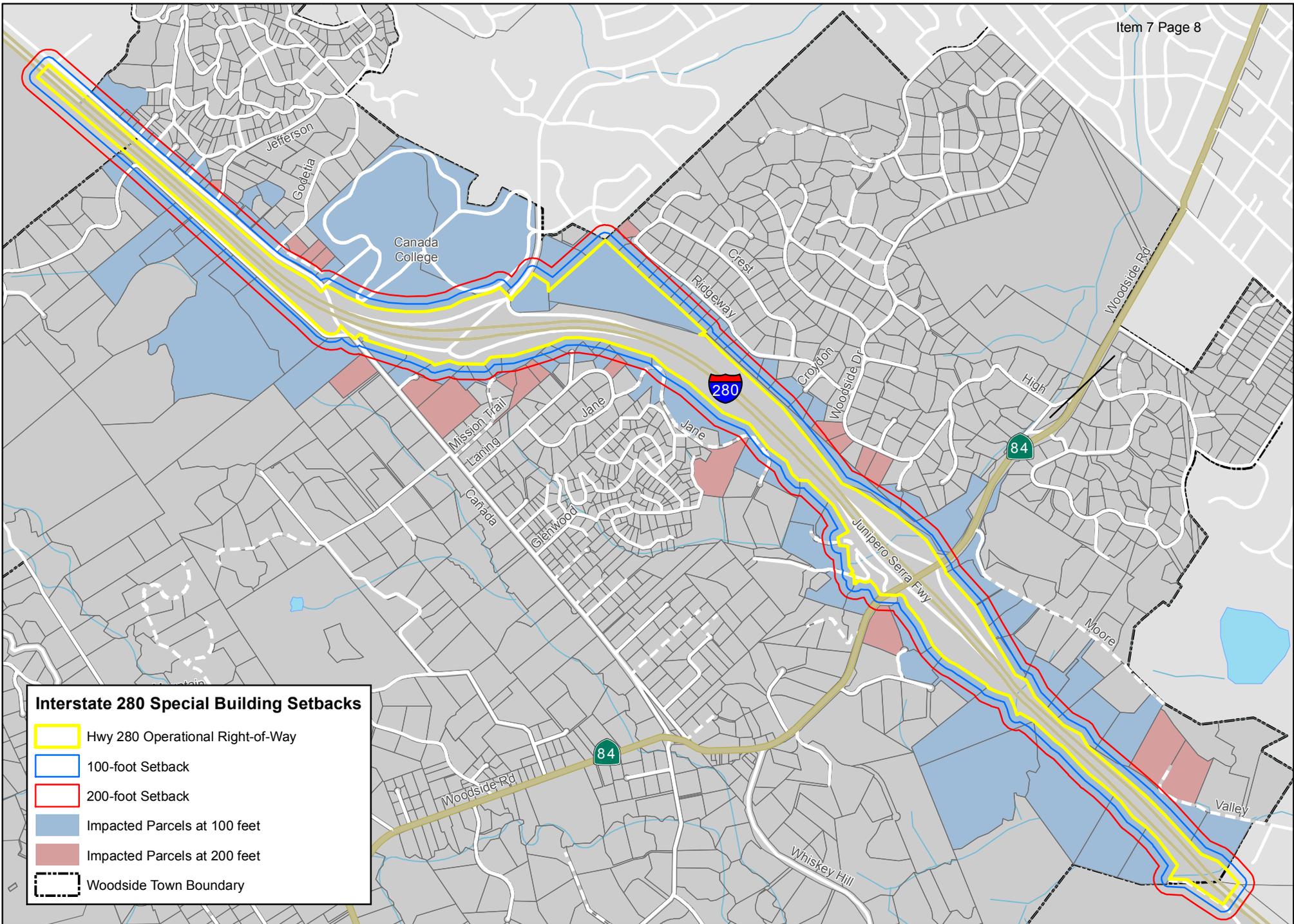
**SECTION EIGHT:** The Town Clerk shall cause this Ordinance to be published in accordance with the requirements of Section 36933 of the Government Code of the State of California.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 2016- \_\_\_\_ of the Town of Woodside entitled as above; that it was introduced on the 13<sup>th</sup> of December, 2016, and was passed and adopted by the Town Council on the \_\_\_\_ of \_\_\_\_\_, 2017, by the following vote:

APPROVED: \_\_\_\_\_  
Clerk of Town of Woodside

APPROVED: \_\_\_\_\_  
Mayor of Town of Woodside



**Interstate 280 Special Building Setbacks**

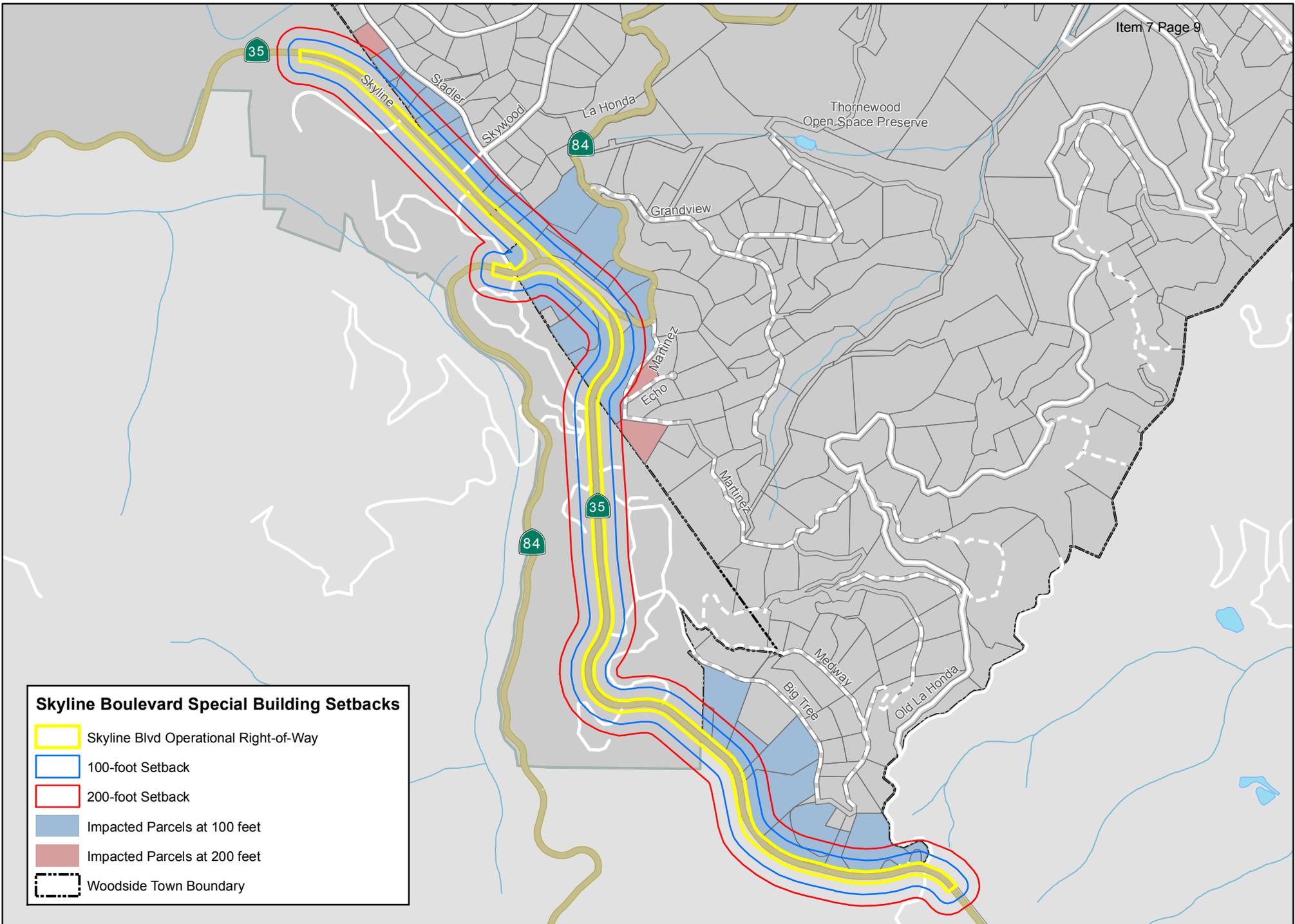
- Hwy 280 Operational Right-of-Way
- 100-foot Setback
- 200-foot Setback
- Impacted Parcels at 100 feet
- Impacted Parcels at 200 feet
- Woodside Town Boundary

# Special Building Setbacks



# Town of Woodside

December 13, 2016  
Created By Woodside GIS 12/07/16



**Skyline Boulevard Special Building Setbacks**

- Skyline Blvd Operational Right-of-Way
- 100-foot Setback
- 200-foot Setback
- Impacted Parcels at 100 feet
- Impacted Parcels at 200 feet
- Woodside Town Boundary



**WMC, Chapter 153, Zoning  
Citings for Commercial Development Standards**

Table of Contents:

**153.027** Planned Community Development District  
**153.030** Use of residential parcels for commercial purposes in the Town Center  
**153.047** Building Limitations  
**153.076** Signs Permitted in All Districts  
**153.079** Signs permitted in the Community Commercial District  
**153.115-120** Off-Road Parking and Loading Regulations  
**153.245-255** Conditional Uses

**153.005**, Definitions: Commercial Uses  
Garage, Commercial  
Stable, Commercial  
  
Building Coverage (weak definition, better to refer to 153.054)  
Non-Residential Development (unnecessary definition)  
Outdoor Display (primarily for CC District)  
Standing Space (ties to commercial parking regulations)

**153.020**, Zoning Districts: CC, Community Commercial  
PCCD, Planned Community Commercial

**153.021**, Classification of Zoning Districts: (E) CC District  
(G) PCCD

**153.026**, Uses in Zoning Districts: Permitted, Conditional and Accessory Uses in CC District

**151.027**, Planned Community Commercial District

**153.030**, Use of Residential Parcels for Commercial Purposes in the Town Center

**153.047**, Building Limitations:

(C) Height Exception (appears to only apply to residential, but does not include or exclude specific Zoning Districts)

**153.047**, Table B, Lot Area and Building Limitations: Includes CC District (but is incomplete).

**153.047**, Table C, Required Setbacks: Includes CC District (but is incomplete).

**153.047(F1-5)**: Development Standards for CC District. References a map not on file.

**153.048**, Height Limit in Town Center Area

**153.049, Accessory Buildings and Uses:**

- (A) Permitted Accessory Uses (awkward Section)
- (B) Accessory Structures need to comply with regulations (unnecessary Section)
- (D) Building Coverage applies to accessory structures (unnecessary Section)
- (E) Tennis court setbacks (applies to all Districts)
- (F) Pool setbacks (applies to all Districts)
- (G) Accessory structure setbacks for building containing livestock or fowl
- (H) General lighting requirements for all Districts
- (I) Outdoor lighting for commercial building and parking areas
- (J) Setback conformance reference (unnecessary Section)
- (K) Size limitation on accessory structure (doesn't specify that it does not apply to CC District, but could apply to buildings that are accessory to one or more primary commercial uses)
- (L) Accessory structure height limitations (doesn't specify that it does not apply to CC District, but could apply to buildings that are accessory to one or more primary commercial uses)
- (M) Setback for Constructed Riding Arenas

**153.050, Setback Requirements, Exceptions:**

- (A)(6) Two-foot increase in front setback for every one foot a building is above 17 feet (This particular section only excludes the R-1 District, which implies that it could apply to CC District. 153.047 Table C indicates that this does not apply in the CC District. This Section is repetitive of Table C and should be deleted.)
- (B) Exceptions to setbacks (i.e., eaves, decks, backflow devices, etc. Applies to all Districts.)

**153.051, Fences, Walls, Gates, Pylons, and Berms:**

- (B) The title of this section, which includes all of the fence regulations is ***Residential Zoning District*** (This implies there are no fence regulations in the OS or CC Districts. The title should be removed to clarify that the fence regulations are the same in all Districts.)

**153.052, Measurement of Height, Exceptions:**

- (B) Exceptions for towers, spires, cupolas, etc. (This exception for towers applies to all districts, although it could potentially conflict with other voter-approved Town Center height restrictions.)

**153.054, Measurement of Building Coverage (B): Lot coverage allowances in the Town Center Parking Assessment District****153.056, Paved Area and Surface Coverage(C): CC District****153.057, Exceptions to Measurements of Required Setbacks: Minor exception to setbacks that applies to all Districts.**

**153.061**, Special Building Setbacks: Increased setbacks from Skyline Boulevard (CC District)

**153.075-153.081**, Signs

**153.220**, Architectural and Site Review, Section 5, Non-Residential Development

Below is a list of Sections that Apply to all Zoning Districts:

<b>153.058</b>	Lot Area Requirements; Exceptions
<b>153.059</b>	Required Conditions in All Zoning Districts
<b>153.095 - 153.101</b>	Satellite Antennas
<b>153.135 - 153.139</b>	Hillside Development Regulations (35% slopes, Natural State, etc.)
<b>153.150 - 153.155</b>	Geologically Hazardous Areas
<b>153.170 - 153.178</b>	Tree Protection
<b>153.205 - 153.209</b>	Stream Corridor Protection
<b>153.295 - 153.304</b>	Nonconforming Uses, Lots, Structures, and Buildings (Various sections apply, including 153.304 concerning nonconforming signs. Some Sections are strictly for residential.)