

**RESOLUTION NO. 52/2018**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DETERMINING THAT THE PLANNING DIRECTOR PROPERLY EXERCISED HIS MINISTERIAL DUTIES PURSUANT TO THE APPLICABLE PROVISIONS OF CORTE MADERA MUNICIPAL CODE SECTIONS 18.31.050 (3), (6), AND (7) AND THE CALIFORNIA GOVERNMENT CODE, IN THE APPROVAL OF AN ACCESSORY DWELLING UNIT (ADU) AT 159 PRINCE ROYAL DRIVE.**

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**WHEREAS**, on February 1, 2018 an application was received for an ADU at 159 Prince Royal Drive; and

**WHEREAS**, on February 27 an incompleteness letter was sent to Applicant with request for additional materials and clarification; and

**WHEREAS**, on April 10 the applicant submitted responses to Incompleteness Letter; and

**WHEREAS**, on May 1 a second incompleteness letter sent to Applicant; and

**WHEREAS**, State law requires that local agencies that adopt an ADU ordinance consistent with state law “shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision” (Govt Code 65852.2(a)(1)(D)(4); and

**WHEREAS**, the State of California requires local agencies to approve or deny an application for an Accessory Dwelling Unit within 120 days of submittal and on May 31, Staff notified the Applicant that pursuant to Government Code Section 65852.2, and the incomplete status of the application, the application was denied; and

**WHEREAS**, on June 4 the applicant reapplied, restarting the 120 day review period; and

**WHEREAS**, on July 2 a Courtesy Notice was sent to all properties within 300 feet of the subject property, as required by Section 18.31.080 of the Corte Madera Municipal Code; and

**WHEREAS**, the Planning Department determined that pursuant to Section 21080 of the Public Resources Code, the approval of the proposed ADU is exempt from the California Environmental Quality Review Act (CEQA), because ministerial approvals do not qualify as projects under the purview of CEQA; and

**WHEREAS**, the Zoning Administrator conducted a review of Application PL-2018-0016 for a detached ADU at 159 Prince Royal Drive. Each objective criteria set forth in Corte Madera Municipal Code (CMMC) Section 18.31.050 was reviewed and applied to the Application in a

ministerial manner and after careful consideration, the Zoning Administrator determined that the Application met the objective criteria. The Zoning Administrator approved Application PL-2018-0016 as memorialized in the Approval Letter entitled "Accessory Dwelling Unit Approval by Zoning Administrator's Action" dated August 3, 2018; and

**WHEREAS**, on August 13, 2018, the Town of Corte Madera received an Application for Administrative Review (PL-2018-0066) of the approval of the ADU (PL-2018-0016) at 159 Prince Royal Drive; and

**WHEREAS**, on August 28, 2018, the Planning Commission conducted an administrative review of the Zoning Administrator's ministerial approval of ADU Application PL-2018-0016. The Planning Commission reviewed and considered the Application and the Accessory Dwelling Unit Approval by Zoning Administrator's action letter issued on August 3, 2018 and a staff report and presentation by the Zoning Administrator and Planning Staff. The Planning Commission also reviewed written and oral comments from members of the public opposing the approval of the ADU, and

**WHEREAS**, on September 7, 2018 an application for Administrative Review was received by the Planning Department for review of the ministerial approval by the Zoning Administrator of the ADU at 159 Prince Royal Drive, and

**WHEREAS**, on September 18, 2018, the Town Council conducted an administrative review of the Zoning Administrator's ministerial approval of AUD Application PL-2018-0016. The Town Council reviewed and considered the Application and Accessory Dwelling Unit Approval Letter by Zoning Administrator's action letter issued on August 3, 2018 and a staff report and presentation by Town Staff. The Town Council also reviewed oral and written comments from members of the public opposing the approval of the ADU and from the property owners/applicants in favor of the ADU; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the Town of Corte Madera does hereby find and resolve as follows:

1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

2. Record

The Record of Proceedings ("Record") upon which the Town Council makes its recommendation includes, but is not limited to:

(1) the 2009 General Plan, (2) all staff reports, Town files and records and other documents prepared for and/or submitted to the Town Council relating to Application PL-2018-0016 and PL-2018-0066, (3) all documentary and oral evidence submitted to the Town relating to

Application PL-2018-0016 and PL-2018-0066, and (4) all matters of common knowledge to the Town Council and the Town, including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, and records related to development within the Town and its surrounding areas.

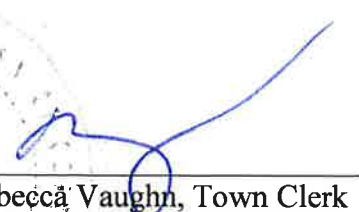
**NOW, THEREFORE, BE IT FURTHER RESOLVED**, based on its review of the Accessory Dwelling Unit Approval by Zoning Administrator's Action letter issued on August 3, 2018 and Chapter 18.31.050 (3), (6), and (7) of the CMMC and relevant State Law regarding Accessory Dwelling Units (Government Code Sections 65852.150 and 65852.2), the Town Council determines that the Planning Director, acting as the Zoning Administrator, properly exercised his ministerial duties pursuant to the applicable provisions of CMMC Sections 18.31.050 (3), (6), and (7) and the California Government Code, in the approval of an accessory dwelling unit (ADU) at 159 Prince Royal Drive

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**I HEREBY CERTIFY** that the foregoing resolution was duly adopted by the Town Council of Corte Madera at the meeting held on the 18<sup>th</sup> day of September, 2018, by the following vote, to wit:

- AYES: Councilmembers: Bailey, Beckman, Kunhardt and Ravasio
- NOES: Councilmembers: - None -
- ABSTAIN: Councilmembers: - None -
- ABSENT: Councilmembers: Andrews

  
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Bob Ravasio, Mayor

ATTEST:   
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Rebecca Vaughn, Town Clerk

