



**CORTE MADERA
PLANNING COMMISSION
STAFF REPORT**

REPORT DATE: MAY 4, 2017
MEETING DATE: MAY 9, 2017

TO: PLANNING COMMISSION

FROM: DOUGLAS BUSH, ASSISTANT PLANNER

**SUBJECT: ZONING ORDINANCE AMENDMENTS REGARDING
RESIDENTIAL LOT COVERAGE STANDARDS IN THE R-1
ZONE**

ZONE: R-1 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL

APPLICANT: CORTE MADERA PLANNING AND BUILDING DEPT.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Resolution 17-010, recommending that the Town Council adopt zoning ordinance amendments regarding lot coverage in the R-1 Residential Zone.

PROCEDURE

The adoption of the included resolution would recommend that the Town Council adopt the proposed zoning ordinance amendments as shown in Attachment 1 Exhibit A.

CEQA STATUS

The Planning Department recommends that the project is categorically exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

BACKGROUND

Prior to March 28, 2017, notice of the Planning Commission public hearing was posted on the Town website, emailed to interested parties and posted on the marquee sign at the Town Park

March 28, 2017 The Planning Commission held a preliminary study session to discuss existing lot coverage standards for the R-1 Medium Density Residential Zone

Prior to April 25, 2017, notice of the Planning Commission public hearing was posted on the Town website, emailed to interested parties and posted on the marquee sign at the Town Park

April 25, 2017 The Planning Commission held a preliminary study session to discuss potential modifications to lot coverage standards for the R-1 Medium Density Residential Zone

April 28, 2017 Notice of the Planning Commission public hearing was posted on the Town website, emailed to interested parties, posted on the marquee sign at the Town Park, posted in three public places

April 29, 2017 Notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090

May 9, 2017 The Planning Commission holds a public hearing on proposed Zoning Ordinance amendments related to lot coverage in the R-1 Zone.

SUMMARY

Lot coverage is one of the primary development standards that control the physical form of development in the R-1 Medium Density Residential Zone. Working in tandem with required setbacks, maximum floor area and height limits, lot coverage affects the distribution of bulk and proportion of open space to structures on residential parcels. After applications to exceed the allowable lot coverage were brought to the Planning Commission in the last year, the Planning Commission requested that Staff explore the Town's existing lot coverage standards. As discussed at the March 28 and April 25, 2017 preliminary public hearings, Staff finds that a less restrictive lot coverage standard would provide multiple benefits. These benefits include greater flexibility for property owners who wish to pursue single story additions, reduction or elimination of variance applications for exceeding allowable lot coverage, and moving toward standards which are more consistent with neighboring jurisdictions.

In response to direction provided by the Planning Commission at the preliminary public hearing of April 25, 2017, Staff has returned with a resolution recommending approval of the proposed zoning ordinance amendments to the Town Council. These amendments (Exhibit A of Attachment 1) include recommendations to increase the maximum lot coverage to 40% on lots over 4500 square feet and to eliminate lot coverage on lots 4500 square feet and below.

Attachments:

Attachment 1 Resolution 17-010

Attachment 2 Submitted Public Feedback

Attachment 3 Planning Commission Staff Report April 25, 2017

Attachment 4 Planning Commission Staff Report March 28, 2017

ATTACHMENT 1
RESOLUTION 17-010

**CORTE MADERA PLANNING COMMISSION
RESOLUTION NO. 17-010**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
CORTE MADERA RECOMMENDING ADOPTION OF AMENDMENTS TO
CHAPTER 18 OF THE CORTE MADERA MUNICIPAL CODE REGARDING
LOT COVERAGE IN THE R-1 MEDIUM DENSITY RESIDENTIAL ZONE**

WHEREAS, the Planning Commission directed staff to explore the existing lot coverage standards due to the quantity of applications to exceed maximum lot coverage; and

WHEREAS, Staff finds that the existing lot coverage maximums in the R-1 Zone are more restrictive than a majority of local jurisdictions, restrictive lot coverage standards may unnecessarily reduce flexibility of design, and less restrictive standards may result in reduced neighborhood impacts by facilitating opportunities for single story development; and

WHEREAS, the 2009 General Plan includes policies and programs to encourage design creativity to better reflect site planning opportunities and constraints, emphasizes maintenance and enhancement of the Town's many unique neighborhoods, while also recognizing the merits of allowing individual design themes in new residential construction; and

WHEREAS, the Planning Commission finds that modifications to lot coverage standards in the R-1 district as outlined in this resolution would encourage design creativity, facilitate enhancement of the Town's many unique neighborhoods in ways which are consistent with the objectives of the General Plan and Zoning Ordinance, while reducing applications for variances from lot coverage standards; and

WHEREAS, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and is not subject to CEQA pursuant to CEQA Guidelines Section 15061 (b)(3); and

WHEREAS, prior to March 28, 2017 notice of the Planning Commission public hearing was posted on the Town website, emailed to interested parties and posted on the marquee sign at the Town Park; and

WHEREAS, on March 28, 2017, the Planning Commission held a preliminary study session to discuss existing lot coverage standards for the R-1 Medium Density Residential Zone,

WHEREAS, prior to April 25, 2017 notice of the Planning Commission public hearing was posted on the Town website, emailed to interested parties and posted on the marquee sign at the Town Park; and

WHEREAS, on April 25, 2017, the Planning Commission held a preliminary study session to discuss potential modifications to lot coverage standards for the R-1 Medium Density Residential Zone; and

WHEREAS, on April 28, 2017, notice of the Planning Commission public hearing was posted on the Town website, emailed to interested parties, posted on the marquee sign at the Town Park, posted in three public places; and

WHEREAS, on April 29, 2017, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on May 9, 2017, the Planning Commission held a public hearing on the proposed Zoning Ordinance amendments, received the staff report and reviewed a presentation from the Planning Department, received comments from the public;

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 Planning Commission 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 Planning Commission relating to these zoning ordinance amendments, (3) all documentary and oral evidence received at public hearings or submitted to the Town relating to the zoning ordinance amendments, and (4) all matters of common knowledge to the Planning Commission 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.

3. Compliance with the California Environmental Quality Act (CEQA)

Based on the fact, analysis and findings contained in Planning Commission Resolution 17-010, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and is not subject to CEQA. (CEQA Guidelines Section 15061 (b)(3))

4. General Plan Consistency

The Planning Commission of the Town of Corte Madera does hereby find that the proposed Zoning Ordinance Amendments regarding lot coverage in the R-1 Residential Zone as shown in Exhibit A are consistent with the 2009 General Plan policies and programs. The specific policies and programs on which the Planning Commission makes this finding include, but are not limited to:

Implementation Program LU-1.1a Ordinance Revisions

Prepare and adopt revisions to the Municipal Code, including the Zoning and Subdivision Ordinances, that organize and update existing resolutions and ordinances of the Town to ensure consistency with the General Plan, including land uses, lot sizes and floor area ratios. Uses and structures made non-conforming by adoption of the General Plan will be allowed to be continued, and further addressed in the Zoning Ordinance update.

Policy Program LU-2.5

Encourage property owner reinvestment in upgrades to existing residences and related property improvements.

Implementation Program CD-2.2.a Reduce Visible Building Bulk

Incorporate options to reduce visible building bulk in the residential Design Guidelines.

Policy CD – 2.3.a:

Require new residential construction, including large additions, to respect the scale and character of nearby structures by minimizing abrupt or excessive difference in appearance or scale.

Implementation Program CD-2.3.b: Design Flexibility

Review and, as necessary, revised the Zoning Ordinance development standards to ensure flexibility and promote the use of innovative site planning and design solutions.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town of Corte Madera Planning Commission forward its recommendation to the Town Council to adopt the Zoning Ordinance amendments listed in Attachment 3, attached in Exhibit A.

* * * * *

PASSED AND ADOPTED by the Corte Madera Planning Commission on May 9, 2017
by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

Chair

Adam Wolff, Planning Director

EXHIBIT A

ZONING ORDINANCE AMENDMENT (Corte Madera Municipal Code Sections 18.08.220, 18.24.080)

Note: Text proposed for removal is indicated with a strikethrough (~~example~~). Text proposed to be added is shown as underlined (example).

Section 18.08.220 (e)

- (1) Measured in accordance with Section 18.24.080, on lots greater than 4500 square feet, not more than forty percent of the total site area shall be covered by structures. Such lots may add an additional two percent for unenclosed structures no greater than 10 feet in height, including but not limited to arbors, trellises and covered decks or patios.
- (2) No lot coverage requirement shall apply to lots less than or equal to 4,500 square feet in area.
- (3) On a site located within the Special Flood Hazard Area, the lot coverage allowance for a site as described in subsection (1) above may be exceeded by an additional two percent for construction of uncovered decks that do not exceed the height of the first floor of a house that has been raised above the base flood elevation with approval of Design Review in accordance with Section 18.30.
- ~~(1) On a site containing at least seven thousand five hundred square feet, not more than thirty percent of the total site area shall be covered by structures.~~
- ~~(2) On a site containing less than seven thousand five hundred square feet, but more than six thousand square feet, the maximum permitted coverage shall be determined by the equation: Maximum % coverage = 55 - (.0033 x site area).~~
- ~~(3) On a site containing six thousand square feet, or less, the maximum permitted coverage shall be thirty five percent.~~
- ~~(4) On a site located within the Special Flood Hazard Area, the lot coverage allowance for a site as described in subsections (1) through (3) above may be exceeded by an additional two percent for construction of uncovered decks that do not exceed the height of the first floor of a house that has been raised above the base flood elevation with approval of Design Review in accordance with Section 18.30.~~
- ~~(5) "Coverage" shall be measured in accordance with Section 18.24.080.~~

Section 18.24.080

Lot Coverage shall be measured by dividing the total square feet of ground area covered by all open or enclosed structures greater than 3 feet in height, by the net area of land. Required handrails extending less than 4 feet from the surface of a deck or patio shall not be counted toward the height of an element for purposes of this provision. Eaves projecting three feet or less shall not be counted. Only one-half of the area of uncovered and unenclosed decks fifteen or more feet above the ground shall be counted. Additional lot coverage for uncovered decks shall be allowed in accordance with Section 18.08.220(e)(3).

~~The percent of the site area covered by structures shall be measured by dividing the total number of square feet of ground area covered by structures, open or enclosed, by the net area of land; provided, that the area of uncovered and unenclosed off street parking spaces, walks, patios, in ground swimming pools or pools that do not project more than three feet above the ground, uncovered decks or garage aprons three feet or less above the ground, and eaves projecting three feet or less shall not be counted, and; provided, that only one half of the area of uncovered and unenclosed decks fifteen or more feet above the ground shall be counted. Additional lot coverage for uncovered decks shall be allowed in accordance with Section 18.08.220(e)(4). Notwithstanding the above, in residential districts the area of all required off street parking shall be included in the total coverage.~~

ATTACHMENT 2
SUBMITTED PUBLIC FEEDBACK

Doug Bush

From: Tom McHugh <tom@tmchughlaw.com>
Sent: Monday, March 27, 2017 2:59 PM
To: Doug Bush
Subject: Re: Lot Coverage Discussion

Follow Up Flag: Follow up
Flag Status: Completed

Hello Doug,

Thanks for letting me know about the hearing tomorrow night. Unfortunately I have another commitment and will not be able to attend in person.

I'm sure it comes as no surprise to you or the commissioners, but I do think it makes sense to revisit the LCR rules as they relate to substandard size lots (less than 7,500sf). In particular, I think it makes sense to look at what improvements are counted toward lot coverage and how the actual coverage is calculated. For example, I believe the in LCR regs...any covered porch, patio or deck (below a certain height) is counted toward lot coverage, regardless of how that space is enclosed (one wall, two walls, etc...), whereas for FAR, there is a different standard. It may make sense to try to harmonize these standards. Also, as you and Adam are also no doubt aware, a strict enforcement of the LCR on smaller lots would, in many cases, force homeowners to add 2nd story additions (since the FAR restrictions would in many cases allow for significant increase in the sf, density and massing of a house) which would lead to loss of privacy, views, shading and other related issues that could negatively impact neighbors. As you well know, these were all things that we struggled with on our house. Many of these issues are compounded in those areas of the Town that are located in the flood plain since homeowners also need to contend with FEMA restrictions that can often come into play with 2nd story additions.

Please let me know if this topic is continued to future hearings as I would certainly be interested in following the conversation.

Many thanks,

Tom

Thomas J. McHugh

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Mill Valley, CA 94941
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tom@tmchughlaw.com

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From: Doug Bush <dbush@tcmmail.org>
Date: Monday, March 27, 2017 at 12:22 PM

To: Tom McHugh <tom@tmchughlaw.com>

Subject: Lot Coverage Discussion

Tom,

I hope all is well. The Planning Department is exploring possible modifications of the lot coverage standards for the R-1 Medium Density Single Family Zone. As you know, the current standards allow 30% lot coverage for lots equal to or greater than 7500 square feet, with a sliding scale that allows 35% coverage for lots of 6000 square feet or less. Staff is looking at less restrictive alternatives to the current 30-35% coverage standard. We welcome any feedback you may have on this issue. If you're interested in attending, the first public meeting on this topic will be held at 7:30pm, on Tuesday March 28 in the Corte Madera Council Chambers, 300 Tamalpais Drive. The staff report is listed here.

<http://townofcortemadera.org/Archive.aspx?AMID=41>

Cheers,

Douglas Bush
Assistant Planner
Town of Corte Madera
dbush@tcmmail.org
415-927-5791

March 27, 2017

Corte Madera Planning Commissioners
300 Tamalpais Drive
Corte Madera, CA 94925

Ellen Nicosia
11 Palm Avenue
Corte Madera, CA 94925

Dear Commissioners:

I support an increase in lot coverage to 40%. When we added a bedroom to our home, our initial plan was for a ground-floor addition, but we were forced to build up rather than out due to the 35% lot coverage limit that applies to our just-under 5000 sf lot. An increase to 40% would still limit development, and at the same time provide homeowners with more flexibility.

Sincerely,

A handwritten signature in black ink that reads "Ellen Nicosia". The signature is written in a cursive style with a long horizontal flourish at the end.

Ellen Nicosia

Doug Bush

From: Nina LeBaron <nina@islandarchitecture.net>
Sent: Wednesday, May 03, 2017 8:56 PM
To: Doug Bush
Subject: May 9 Planning Commission Meeting Vote

Follow Up Flag: Follow up
Flag Status: Completed

Dear Doug,
i would like to submit a letter in support of the proposed lot coverage increase to 40%. This will be a huge step for many homeowners to not have to apply for variances for additions that are just a tad over the current limit. The demand for more usable space is huge in this expensive economy of the Bay Area. Please pass this onto the Planning Commission, as a "yes" vote. As an architect doing Residential Additions and remodels in Corte Madera, I can attest to the importance of this change in your planning code. Thanks so very much for your time on this matter.
Kind regards,

Nina Le Baron, AIA
PO Box 2754
Sausalito, CA 94966
415-324-0058
nina@islandarchitecture.net

<http://www.islandarchitecture.net>

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ATTACHMENT 3

PLANNING COMMISSION STAFF REPORT APRIL 25, 2017



CORTE MADERA PLANNING COMMISSION STAFF REPORT

REPORT DATE: APRIL 21, 2017
MEETING DATE: APRIL 25, 2017

TO: PLANNING COMMISSION

FROM: DOUG BUSH, ASSISTANT PLANNER

SUBJECT: STUDY SESSION FOR DISCUSSION OF POTENTIAL
MODIFICATIONS TO LOT COVERAGE STANDARDS FOR THE R-1
SINGLE FAMILY RESIDENTIAL ZONE

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission provide direction to Staff regarding the proposed changes to the Zoning Ordinance regarding lot coverage in the R-1 Residential Zone. If desired by the Commission, Staff will return to the Commission at its May 9, 2017 meeting with a proposed Zoning Ordinance Amendment for a public hearing and recommendation to the Town Council.

BACKGROUND

Lot coverage is one of the primary development standards that control the physical form of development in the R-1 Medium Density Residential Zone. Working in tandem with required setbacks, maximum floor area and height limits, lot coverage affects the distribution of bulk and proportion of open space to structures on residential parcels. After applications to exceed the allowable lot coverage were brought to the Planning Commission in the last year, the Planning Commission requested that Staff explore the Town's existing lot coverage standards. As discussed at the March 28, 2017 public hearing, Staff finds that a less restrictive lot coverage standard would provide multiple benefits. These benefits include greater flexibility for property owners who wish to pursue single story additions, reduction or elimination of variance applications for exceeding allowable lot coverage, and moving toward standards which are more consistent with neighboring jurisdictions.

Staff provided a staff report (Attachment 1) and discussed several potential changes to the zoning ordinance. The Planning Commission and two members of the public, both architects, spoke in support of modifying the existing lot coverage standards by increasing the allowable lot coverage percentage. Based on feedback received at the prior March 28, 2017 hearing (Attachment 2), Staff has returned with several potential changes to the zoning ordinance intended to improve the feasibility of single story design and reduce or eliminate lot coverage variances. Staff is requesting that the Planning Commission review the following applications for

changes and provide feedback prior to Staff returning for a future hearing with a formal application for amendments to the Zoning Ordinance.

PROPOSED CHANGES

1. Increase lot coverage to 40% for R-1 parcels over 4500 square feet and eliminate lot coverage for lots 4500 square feet or less.

The existing lot coverage standards allow a maximum of 35% lot coverage for lots 6000 square feet or less and 30% for lots over 7500 square feet. Lots between 6000 and 7500 square feet allow lot coverage which gradually decreases from 35 to 30%. Increasing the maximum lot coverage to a less restrictive 40% for lots over 4500 square feet would allow for greater flexibility in design while other development standards would continue to provide a predictable pattern of development. These standards include "required setbacks" which establish minimum distances between structures on adjacent properties and "floor area ratio" which sets clear limits on the total area of enclosed structures permitted on a site. For projects subject to Design Review, "required findings" provide an additional discretionary mechanism to facilitate positive outcomes in new development.

In the proposed changes below, lots 4500 square feet or below would not be subject to lot coverage maximums. This is because lots of 4500 square feet and below are already significantly limited by setbacks. For example, on a typical 4500 square foot lot with a 50 foot lot frontage, setbacks result in a buildable area of 2000 square feet or 44% of the lot. On wider lots, the effective allowable lot coverage created by the required setbacks is even smaller. Some additional lot coverage would be allowed pursuant to Section 18.08.220(d) that allows up to 12% of the rear yard to be covered by enclosed structures and an additional 12% of the rear yard to be covered by unenclosed structures. On a typical 4500 square foot lot, this would equate to roughly 300 square feet of additional lot coverage. In summary, this would allow for a maximum of approximately 2,300 square feet or 51% lot coverage.

The existing lot coverage standards are flexible based upon lot sizes; smaller lots get higher allowable lot coverage than larger lots. The proposed change of eliminating lot coverage for lots below 4,500 square feet and allowing setbacks to dictate maximum coverage would maintain a similar policy with respect to smaller lots. Staff estimates that there are approximately 130 lots in Corte Madera to which this would apply.

Existing – Section 18.08.220

(e) Coverage.

- (1) On a site containing at least seven thousand five hundred square feet, not more than thirty percent of the total site area shall be covered by structures.
- (2) On a site containing less than seven thousand five hundred square feet, but more than six thousand square feet, the maximum permitted coverage shall be determined by the equation: Maximum % coverage = $55 - (.0033 \times \text{site area})$.
- (3) On a site containing six thousand square feet, or less, the maximum permitted coverage shall be thirty-five percent.

- (4) On a site located within the Special Flood Hazard Area, the lot coverage allowance for a site as described in subsections (1) through (3) above may be exceeded by an additional two percent for construction of uncovered decks that do not exceed the height of the first floor of a house that has been raised above the base flood elevation with approval of Design Review in accordance with Section 18.30.
- (5) "Coverage" shall be measured in accordance with Section 18.24.080.

Proposed – Section 18.08.220

- (e) Coverage.
 - (1) Measured in accordance with Section 18.24.080, on lots greater than 4500 square feet, not more than forty percent of the total site area shall be covered by structures.
 - (2) No lot coverage requirement shall apply to lots less than or equal to 4,500 square feet in area.
 - (3) On a site located within the Special Flood Hazard Area, the lot coverage allowance for a site as described in subsections (1) through (3) above may be exceeded by an additional two percent for construction of uncovered decks that do not exceed the height of the first floor of a house that has been raised above the base flood elevation with approval of Design Review in accordance with Section 18.30.

2. Additional lot coverage allowance of 2% for unenclosed structures.

The intent of lot coverage is to preserve a portion of open space on a lot by limiting the total footprint of structures. Lot Coverage includes both enclosed and unenclosed structures over 3 feet in height. This includes structures such as arbors, trellises and similar features which can facilitate the enjoyment of outside spaces by serving as attractive landscaping elements, providing shading, protection from harsh weather or a sense of enclosure. In hillside areas, such amenities may allow residents to make use of steep yards which may otherwise be unusable. Given the value of such amenities and the fact that such unenclosed structures often represent only minimal visual bulk, Staff recommends that maximum lot coverage for lots over 4500 square feet be set at 40% with an additional allowance of 2% specifically for unenclosed structures such as arbors, trellises and unenclosed decks under 10 feet in height. The Planning Commission may wish to provide feedback on which features which should be eligible for this 2% allowance.

Proposed

Allow an additional 2% lot coverage for unenclosed structures no greater than 10 feet in height, such as arbors, trellises and raised decks. In tandem with the proposed changes in Proposed Change #1 above, Section 18.08.220(e) could be amended to read:

- (e) Coverage.
 - (1) Measured in accordance with Section 18.24.080, on lots greater than 4500 square feet, not more than forty percent of the total site area shall be covered by structures. *Such lots may add an additional 2% for unenclosed structures no greater than 10 feet in height, including but not limited to arbors, trellises and raised decks.*
 - (2) On a site located within the Special Flood Hazard Area, the lot coverage allowance for a site as described in subsections (1) above may be exceeded by an additional two

percent for construction of uncovered decks that do not exceed the height of the first floor of a house that has been raised above the base flood elevation with approval of Design Review in accordance with Section 18.30.

3. Update Section 18.24.080 – “Measurement of Coverage,” to improve clarity.

Changes to Section 18.24.080 below are intended to simplify and clarify the calculation of lot coverage without altering the method. The revised language is based on numerous conversations with applicants who are commonly confused by the existing language.

Existing

The percent of the site area covered by structures shall be measured by dividing the total number of square feet of ground area covered by structures, open or enclosed, by the net area of land; provided, that the area of uncovered and unenclosed off-street parking spaces, walks, patios, in-ground swimming pools or pools that do not project more than three feet above the ground, uncovered decks or garage aprons three feet or less above the ground, and eaves projecting three feet or less shall not be counted, and; provided, that only one-half of the area of uncovered and unenclosed decks fifteen or more feet above the ground shall be counted. Additional lot coverage for uncovered decks shall be allowed in accordance with Section 18.08.220(e)(4).

Proposed

Lot Coverage shall be measured by dividing the total square feet of ground area covered by all open or enclosed structures greater than 3 feet in height, by the net area of land. Required handrails extending less than 4 feet from the surface of a deck or patio shall not be counted toward the height of an element for purposes of this provision. Eaves projecting three feet or less shall not be counted. Only one-half of the area of uncovered and unenclosed decks fifteen or more feet above the ground shall be counted. Additional lot coverage for uncovered decks shall be allowed in accordance with Section 18.08.220(e)(4).

Attachments:

Attachment 1 Planning Commission Staff Report March 28, 2017

Attachment 2 Minutes of Public Hearing March 28, 2017

ATTACHMENT 4

PLANNING COMMISSION STAFF REPORT MARCH 28, 2017



CORTE MADERA PLANNING COMMISSION STAFF REPORT

REPORT DATE: MARCH 24, 2017
MEETING DATE: MARCH 28, 2017

TO: PLANNING COMMISSION

FROM: DOUG BUSH, ASSISTANT PLANNER

SUBJECT: STUDY SESSION FOR DISCUSSION OF POTENTIAL MODIFICATIONS TO LOT COVERAGE STANDARDS FOR THE R-1 SINGLE FAMILY RESIDENTIAL ZONE

APPLICANT: CORTE MADERA PLANNING DEPARTMENT

PURPOSE

Lot coverage is one of the primary development standards that control the physical form of development in the R-1 medium density residential zone. Along with setbacks, floor area and height limits, lot coverage affects the distribution of bulk on the lot and affects the proportion of open space to built structures on residential parcels. Within the region, lot coverage is a standard that is used in most, but not all jurisdictions. Of those jurisdictions that do utilize lot coverage, Corte Madera's standard of 30-35% is one of the most restrictive. In the last 10 years, the Town has approved at least 14 variances for exceeding allowable lot coverage. While lot coverage variances have historically been based on a number of different factors, small lot size is most common. In light of these recent variances, the Planning Commission has suggested that the Planning Department evaluate current lot coverage standards. Staff is requesting that the Planning Commission provide feedback regarding the information and conclusions drawn in this report and provide guidance and direction regarding potential modification of the existing lot coverage regulations.

BACKGROUND

WHAT IS LOT COVERAGE?

Lot coverage is a development standard that controls the maximum amount of a lot that can be covered by structures, expressed as a percentage of a lot's size. While setbacks create front, side and rear yards, lot coverage creates additional open space within the buildable area of the lot and governs proportion of open space to built structures. Lot coverage speaks to the footprint of structures and does not control height, total square footage, architectural design or building articulation. Lot coverage is one of multiple bulk regulations that together determine the maximum size and placement of a building on a zoning lot. It is important to note that for projects that are subject to Design Review, the maximum lot coverage, like other objective development standards that set maximum standards, may not necessarily be achieved given the requirement that all of the Design Review findings must be adequately satisfied.

HOW IS LOT COVERAGE CALCULATED?

Lot coverage is calculated by dividing the area of all structures (open or enclosed) over 3 feet from grade, into the total site area. The following are exempted:

- The area of uncovered and unenclosed off-street parking spaces, walks, patios, in-ground swimming pools or pools that do not project more than three feet above the ground
- Uncovered decks or garage aprons three feet or less above the ground
- Eaves projecting three feet or less
- Only one-half of the area of uncovered and unenclosed decks fifteen or more feet above the ground shall be counted.

Note: Additional lot coverage (+2%) for uncovered decks may be permitted for properties within the flood plain. See Section 18.08.220(e)(4)

EXISTING LOT COVERAGE STANDARD

In the R-1 zoning district, lot coverage maximums range from 30-35% depending upon the size of the lot.

- Lots less than or equal to 6000 s.f. may not exceed 35%
- Lots greater than 6000 s.f. and less than 7500 s.f. utilize the following formula: Maximum Coverage= $55 - (.0033 \times \text{Site Area})$
- Any lot equal to or greater than 7500 s.f. may not exceed 30% lot coverage.

The following table demonstrates how these current standards apply to common lot sizes.

R-1 MEDIUM RESIDENTIAL LOT COVERAGE REQUIREMENTS		
PARCEL SIZE SQ. FT.	LOT COVERAGE %	SQUARE FOOTAGE
2000	35	700
3000	35	1050
4000	35	1400
5000	35	1750
6000	35	2100
6500	33.55	2181
7000	31.9	2233
7500	30	2250
10,000	30	3000

WHY CHANGE THE LOT COVERAGE REGULATIONS?

Variances

The Planning Department has identified 13 approved Variance applications to exceed allowable lot coverage ("lot coverage variances") since 2007.¹ With 14 lot coverage variances issued in the last

¹ Because there is no master list of such variances, the total number of lot coverage variances is difficult to identify and likely exceeds the examples identified in the table below.

decade, and even more which were issued in the years preceding 2007, the prevalence of lot coverage variances creates multiple issues.

In order to issue a variance, Staff or the Planning Commission must make several required findings, including the finding that the subject property is unique in comparison to other properties in the same zone and vicinity (Attachment 1). Substandard lot size (lots which are under the standard lot size of 7500 square feet in the R-1 Zone) has been commonly used as a justification for lot coverage variances. The problem with considering this factor as “unique,” is two-fold. Firstly, the lot coverage standard is already a sliding scale which takes lot size into account – providing increased lot coverage for substandard lots. Secondly, Staff estimates that there are more properties in the R-1 Zone which are substandard in size – or roughly 1412 lots under 7500 square feet compared to 965 lots which are equal to or greater than 7500 square feet.

When considered in the Town-wide context, substandard lot size may not be an appropriate basis for issuance of a variance. Issuing variances for lots which are not truly unique and which share conditions with many other lots, establishes a precedent that can undermine the legitimacy of the development standard and the ability of the Town to implement such a standard. Changing lot coverage would interrupt the precedent tied to existing lot coverage standard and provide a more reliable application of the standard moving forward.

Lot Coverage Variances Issued Since 2007	
121 Birch Avenue	2015
172 Birch Avenue	2017
3 Council Crest Drive	2016
122 Grove Avenue	2017
317 Oakdale	2016
295 Golden Hind Passage	2010
307 Golden Hind Passage	2010
42 Madera Blvd	2008
14 Prospect Ln	2009
290 Corte Madera Ave	2011
149 Birch Ave	2012
40 Mohawk Ave	2008
16 Echo	2007

At the same time, the fact that so many variances to exceed allowable lot coverage have been approved points to de facto acceptance of: 1) the challenge of redeveloping or creating an addition to a house without exceeding the current thresholds, and 2) the appropriateness of an alternative lot coverage standard.

Neighborhood Impacts

The neighborhood impacts of residential remodels may be influenced by any number of factors such as lot topography, relationship and distance of neighboring properties and structures, and the height of developments. The Zoning Ordinance and General Plan acknowledges impacts related to height through design guidelines and policies including Residential Guidelines #1 which states that,

“in all residential districts, single-story design is encouraged.” General Plan Policy CD2.4 says to “allow second story construction... where site and view conditions warrant.”

Lot coverage is one of the planning tools that can be utilized to try and encourage desired residential construction, such as single story design. Currently, compliance with the Town’s lot coverage regulations tends to force homeowners wishing to construct significant additional allowable floor area onto a second story. This can have potentially negative impacts on neighborhood character, privacy, and views. A change to the lot coverage regulations that relaxes the current standard may help avoid or lessen the frequency of conflicts between an owner’s expectation of allowable floor area and neighborhood concerns of scale and privacy.

Comparison with Other Jurisdictions

Corte Madera’s Lot Coverage standard of 30-35% is more restrictive than a majority of other local towns. Tiburon limits lot coverage to 30% and Sausalito limits lot coverage to 30% for lots over 8000 square feet however a majority of local municipalities allow a maximum lot coverage of 35 or 40% for all lots, irrespective of size. Some jurisdictions such as Marin County or the City of Petaluma do not utilize lot coverage at all.

Jurisdiction	Maximum Lot Coverage %	Minimum Lot Size S.F.	Notes
County of Marin	No lot coverage	NA	
Fairfax	35	7500	
Larkspur	40	7500	
Mill Valley	40	6000	
Novato	40	6000	
San Anselmo	35	7500	
San Rafael	40	5000	"Maximum upper story floor size" Lots less than 5000 sf - 50% of max lot coverage, lots greater than 5000 sf, 75% of max lot coverage
Sausalito	35, 30	6000, 8000	Uses coverage and impervious surface as separate standards (65-67.5%)
Tiburon	30	10000	

INTENDED OUTCOMES

Given the aforementioned issues related to lot coverage, Staff believes a revision of the lot coverage standards could achieve the following positive outcomes:

- Facilitate single story design
- Reduce conflicts and neighborhood impacts associated with remodels and second story additions
- Provide property owners with more flexibility in considering home additions and redevelopment. Reduce frequency of variance applications

POTENTIAL CHANGES

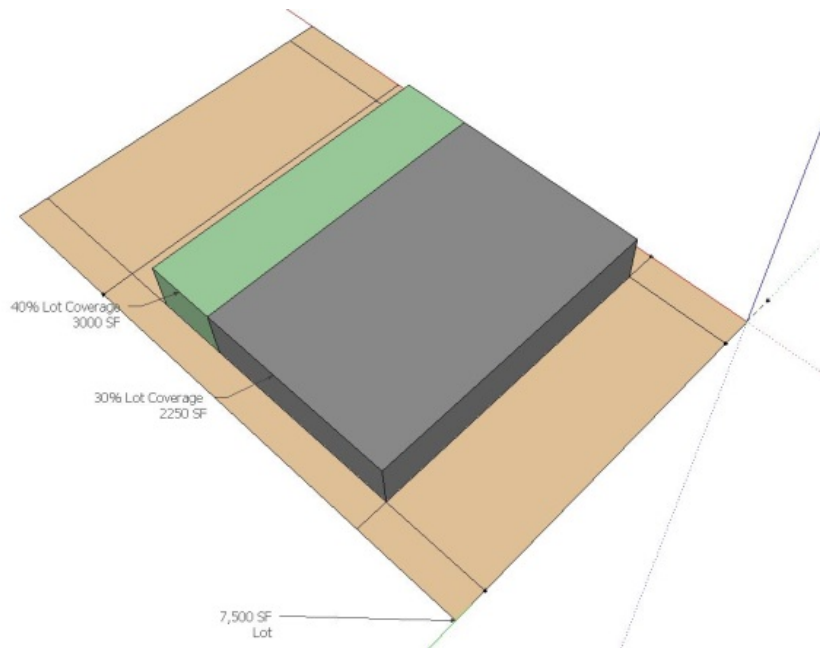
There are a variety of way to modify or change the existing lot coverage regulations in the R-1 zoning district to accomplish the above goals. Below are two different approaches that Staff is currently exploring.

Increase lot coverage to 40% for all R-1 properties.

R-1 LOT COVERAGE					
LOT SIZE	EXISTING LOT COVERAGE %	MAX BUILDING FOOTPRINT (EXISTING)	PROPOSED LOT COVERAGE %	MAX BUILDING FOOTPRINT (PROPOSED)	MAX FLOOR AREA S.F.
2000	35	700	40	800	1200
5000	35	1750	40	2000	2800
6000	35	2100	40	2400	2900
6500	33.55	2181	40	2600	2950
7000	31.9	2233	40	2800	3000
7500	30	2250	40	3000	3050

SCENARIO 1

Applicant has a 7500 square foot lot and desires to expand the size of their existing, single story, 1500 square foot home. The maximum lot coverage for the lot is 30% and the maximum floor area for the lot is 3,050 square feet. The neighboring residences are also single story and the applicant would like to avoid privacy concerns of the neighbor, avoid a costly second story addition and match the pattern of single story development in the neighborhood.



Under the existing 30% lot coverage, the applicant could build up to a 2,250 square foot single level home. This is 800 square feet less than the maximum floor area allowed on the lot. If the applicant desired to maximize the square footage of their home, this would necessitate adding a second floor. In this scenario the applicant desires to maintain a single level design, the neighbors are encouraging a

single story design, and the zoning ordinance clearly states, “in all residential districts, single-story design is encouraged.” (Section 18.30.030(1))

Increasing the lot coverage to 40% would allow the applicant up to 3000 square feet of floor area on the lower floor which is 50 square feet less than the maximum floor area allowed on the site. This would allow the applicant to achieve the goal of expanding their residence to the maximum allowed by development standards, while maintaining a single story design that is encouraged by both the neighbors and the zoning ordinance.

Eliminate Lot Coverage

Lot coverage was put into place to regulate the proportion of open space and structures on a lot. Setbacks also create this affect. For example, on a 5000 square foot lot that is 50 feet wide, by 100 feet deep, setbacks protect 52% of the lot from development. On a 7500 square foot lot that is 75 feet wide by 100 feet deep, setbacks prohibit development on 54% of the lot. As a lot gets wider and less deep, this number is exaggerated even further. Setbacks are an existing regulation that already set aside a significant portion of the lot from development. Lot coverage takes this even further, eliminating an additional 10-20% from the developable area of the lot. Because setbacks and floor area limit the overall bulk and distribution of building footprint on the lot, eliminating lot coverage completely would still result in a significant amount of open space on residential lots. Lastly, elimination of lot coverage would not necessarily allow applicants to maximize lot coverage because Design Review applications must still meet all Design Review Findings including but not limited to, aesthetics, neighborhood impacts, and neighborhood compatibility.

Attachments:

Attachment 1 Required Variance Findings