

## BEFORE THE TOWN OF CORTE MADERA PLANNING COMMISSION

<p><b>In the Matter of:</b> Recommendation to the Town of Corte Madera Town Council to approve an Ordinance adopting a Zoning Amendment to rezone the project site to the Planned Development Overlay District for the Residences at Preserve subdivision application submitted by Aimco Robin Drive L.C. enabling a Planned Development, Preliminary Plan, Precise Plan, Tentative Map, and Design Review to subdivide the property into 19 lots with a private access road and construct 16 single-family units with 8 accessory dwelling units, and associated landscaping, tree removal, and site improvements at the base of Robin Drive (APN 038-011-21).</p>	<p><b>Resolution No. 19-008</b> <b>Permit No. PL-2017-0055 to 2017-0061</b></p> <p><b>Adoption Date:</b> February 26, 2019</p>
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**WHEREAS**, On April 21, 2009, the Town Council conducted a public hearing on the Town of Corte Madera 2009 General Plan (the "2009 General Plan"), including the Revised Final Environmental Impact Report (FEIR) and its accompanying Mitigation Monitoring and Reporting Program, and considered all oral and written testimony submitted to the Town regarding the same prior to taking its action. By Resolution No. 3595, the Town Council certified the FEIR for the General Plan, and considered the FEIR and identified mitigation measures prior to taking action to adopt the 2009 General Plan, including its related goals, policies and programs, by separate Resolution No. 3594; and

**WHEREAS**, in March of 2014, the Town Council of the Town of Corte Madera directed staff to prepare a draft Housing Element for the 2015-2023 housing cycle to update the existing Housing Element approved in April 2011; and

**WHEREAS**, on April 28, 2015, following a written statement from the California Department of Housing and Community Development on April 2, 2015 that the draft 2015-2023 Housing Element would comply with State Housing Element law, the Planning Commission passed resolution 15-004 recommending the Town Council of the Town of Corte Madera adopt an amendment to the 2009 General Plan to incorporate the 2015-2023 draft Housing Element; and

**WHEREAS**, On May 19, 2015, the Town Council passed Resolution 21/2015 authorizing an amendment to the 2009 General Plan to adopt and incorporate the Town of Corte Madera 2015-2023 Housing Element; and

**WHEREAS**, the Corte Madera 2015-2023 Housing Element includes, among other policies, Policy H-2.6, which names the subject property as a High Potential Housing Opportunity site; and

**WHEREAS**, on July 12, 2016, the Planning Commission conducted a study session on a preliminary design for the project and provided non-binding feedback to the applicant on the requested entitlements. At this meeting members of the public also provided comment on the project; and

**WHEREAS**, Aimco Robin Drive L.C. submitted an application on May 8, 2017 for a Zoning Amendment to enable a Planned Development for a clustered subdivision described in the supporting Preliminary Plan, Precise Plan, Tentative Map, and Design Review application involving subdividing the property into 19 lots with a private access road, and constructing a 16-unit single-family subdivision with 8 accessory dwelling units, landscaping, tree removal, and site improvements at the base of Robin Drive (APN 038-011-21); and

**WHEREAS**, the requested Zoning Amendment includes a rezoning of the project site to remove the existing Hillside Land Capacity Overlay District and add the Planned Development Overlay District to the property to allow for a for a clustered subdivision involving 16 single-family homes with 8 accessory dwelling units and associated site improvements; and

**WHEREAS**, on November 13, 2018 the Notice of Completion and Draft Initial Study/Environmental Checklist for the project was filed with the State Clearinghouse beginning a 30-day public review period; and

**WHEREAS**, on November 14, 2018 the Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration for the project was filed with the Marin County Clerk; and

**WHEREAS**, on November 14, 2018 the Notice of Availability of the Draft Initial Study/Environmental Checklist and Notice of Public Hearing for the project were mailed to residents within 500 feet of the subject property; and

**WHEREAS**, on February 15, 2019 the Town sent a notice to all properties within 500 feet of the project site announcing a February 26, 2019 Planning Commission hearing to review the application; and

**WHEREAS**, on February 26, 2019, the Corte Madera Planning Commission held a public hearing on the project, heard testimony from the applicant and interested parties, and at the close of the public hearing voted to adopt Resolution No. 19-008, recommending to the Town Council of the Town of Corte Madera that it approve the requested Zoning Amendment to remove the HLC Overlay District from the project site and add the PD Overlay District to the project site to enable a Planned Development for a clustered subdivision involving 16 single-family homes with 8 accessory dwelling units and associated site improvements.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the Town of Corte Madera does hereby **recommend that the Town Council of the Town of Corte Madera approve a Zoning Amendment** for the Residences at Preserve subdivision application submitted by Aimco Robin Drive L.C., based upon the findings listed below:

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 including the 2015-2023 Housing Element, (2) the FEIR certified for the 2009 General Plan, including the appendices and technical reports cited in and/or relied upon in preparing the FEIR, (3) the Initial Study/Mitigated Negative Declaration for the Residences at Preserve Subdivision Project, (4) all staff reports, Town files and records and other documents prepared for and/or submitted to the Commission relating to the Residences at Preserve Subdivision Project, and its request for a Zoning Amendment, Planned Development, Preliminary Plan, Precise Plan, Tentative Map, and Design Review, (5) all documentary and oral evidence received at public hearings or submitted to the Town relating to the project, and (6) all matters of common knowledge to the Commission and the Town, including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town and its surrounding areas.

The location and custodian of the Record is the Planning Director of the Town of Corte Madera, 300 Tamalpais Drive, Corte Madera, CA 94925.

## 2. Zoning Amendment Findings

### General

The Planning Commission finds that the Zoning Ordinance Amendment is in the best interest of the Town by allowing for the development of a High Potential Housing Opportunity site in accordance with the development program identified for the site in Corte Madera 2015-2023 Housing Element Policy H-2.6. The Zoning Amendment is consistent with the purpose of the Planned Development Overlay District, which is to *"provide locations for well-planned developments... permit clusters of multiple-unit residential developments in appropriate locations within single-family residential zones... protect the appearance and character of areas of public interest or high visibility... permit flexibility in the design and use of an individually owned property or a group of separately owned properties."* Furthermore, the development considerations and protections afforded by the Hillside Land Capacity Overlay have been incorporated into the project's Planned Development program; the site has been adequately analyzed, and the project has been appropriately designed to ensure that the development density, structural and geotechnical integrity, and site design respect the limitations and constraints of the hillside property, including those constraints related to geology, natural resources, wildfire risks, and scenic qualities.

### Required Zoning Ordinance Amendment Findings

Pursuant to Corte Madera Municipal Code §18.36.090, to authorize replacing the Hillside Land Capacity Overlay District with the Planned Development Overlay District through a Zoning Amendment, the Planning Commission may recommend to the Town Council that the rezone is approved provided that all of the following findings are made:

#### **1. The Zoning Amendment is consistent with the General Plan.**

The project site is identified as a High Potential Housing Opportunity Area in the Town of Corte Madera 2015-2023 Housing Element Implementation Program H-2.6.a. The Program

establishes a density capacity of up to 16 single-family units and 8 ADUs on the site through implementation of the Hillside Land Capacity (HLC) Overlay Zoning District standards for the property. Due to the potential environmental impacts associated with tree loss, the Housing Element notes the site's realistic development capacity may be 15 single-family units and 8 ADUs. This site capacity is calculated in accordance with the HLC Overlay Zoning District standards outlined in CMMC §18.18.105 through 110. In the HLC Overlay, density is limited using a sliding scale that reduces the effective buildable area according to average slope as outlined in CMMC §18.18.115.

The requested rezone to the Planned Development Overlay is consistent with the General Plan because it allows for housing development on the site that achieves the 16-unit projected capacity while addressing the unique conditions and constraints faced by the project, specifically:

- a. The Planned Development Overlay District allows for adjustments to Zoning Ordinance requirements beyond development standards that are necessary for the project, including the owner-occupancy waiver that is critical to enable the rental model proposed by the applicant, and the inclusionary housing exemption for accessory dwelling units and associated primary units that is necessary to implement the housing development program identified for the site in Housing Element Program
- b. The Planned Development application, as conditioned incorporates all the analyses and review requirements applicable to the HLC Overlay District, therefore the project is sufficiently vetted and appropriately designed to account for the geotechnical, scenic qualities, view impacts, environmental, wildfire and other considerations that are critical to hillside development.
- c. The Planned Development, as proposed, maintains the same residential density contemplated by the HLC Overlay District and therefore respects the carrying capacity of the site.
- d. The Planned Development, as conditioned and with the CEQA IS/MND mitigations incorporated, yields a more desirable development outcome than HLC controls could achieve alone by clustering structures and reducing the Project's overall footprint. The Planned Development design minimizes tree loss and other habitat impacts due to a clustered subdivision design. Planned Development is necessary to allow for modified development standards that allow development to conform to the physical and environmental limitations of the property.

## **2. The Zoning Amendment conforms with the Zoning Ordinance.**

The Project site is dual zoned: the "lower" area of the site, which contains the proposed structures and site improvements associated with the project, is within the R-1 Zoning District. The "upper" area of the site is within the R-1-C Open Residential Zoning District. The purpose of the R-1 District is to implement the Low Density Residential General Plan land use designation, and the R-1-C District implements the Open Residential land use designation. The Zoning Amendment does not affect the base zoning designations.

The entire property is currently in the HLC Overlay District. The requested Zoning Amendment will remove the HLC Overlay and install the Planned Development Overlay District over the site as shown in Exhibit A.

The Zoning Amendment meets the following objectives of the PD Overlay District as defined in CMMC §18.18.305:

**1. Permitting clusters of multiple-unit residential development in appropriate locations.**

Planned Development allows the project to concentrate residential structures within an already-disturbed portion of the site, limiting development on hillsides and associated grading, limiting structures and improvements within forested and other sensitive habitat areas, and reducing the required circulation infrastructure that is needed to serve the subdivision. The existing R-1 and R-1-C zoning under HLC overlay zoning would result in a more dispersed and impactful subdivision layout than is enabled by a Planned Development with the requested modifications to development standards.

**2. Protecting the appearance and character of areas of public interest or high visibility.**

The clustering enabled by Planned Development and the associated modified development standards allows all structures and site improvements to be located more than 50 feet from ridgelines. The clustering achieves the intended density for the site that is anticipated in the Housing Element while preserving the "upper" R-1-C zoned parcel as private open space in perpetuity. The "upper" area will provide a potential public access trail easement to ensure public enjoyment of the open hillsides surrounding Ring Mountain. Planned Development clustering also allows the structures to be set back from Paradise Drive, leaving a wide landscaped buffer between the roadway and the development, thereby maintaining the scenic qualities of the road. The clustered development enabled by Planned Development protects the appearance and character of areas of public interest or high visibility

**3. Permitting flexibility in the design and use of property to allow for economy, convenience and amenity in development.**

The most significant shift in development standards enabled by the PD rezone is to reduce the minimum required lot width within the R-1 zone. This allows 15 of the new lots to fan off the one-way loop road, thereby clustering the homes. "Adjusting lot lines to and the location of building pads to minimize tree loss" is identified as possibly necessary to reduce environmental impacts on the site in the Housing Element (Page 60).

Per CMMC §18.18.345, the following additional findings must be made to rezone a property to the Planned Development Overlay:

**1. The development is compatible in appearance, character and scale with surrounding developments.**

The area is defined by the Preserve at Marin apartments to the west, Tiburon's single-family neighborhoods to the west and south, and open space ridges to the south. The clustered site layout enabled by the Planned Development program contributes significantly to blending the development into the neighborhood context by establishing wide separation from adjacent developed properties. Natural site features, including the hillsides and vegetation insulate the development from surrounding properties and the property slopes up from Paradise Drive.

The project's modern rectilinear architecture is harmonious with surrounding structures. Other single-family residences in the area range in size from 2,000 square feet to over 7,600 square feet (median: 4,200 square feet) on varying sized lots (median lot size: 1

acre). Residential architecture in the vicinity varies widely from Spanish colonial, to California modern and more contemporary rectilinear forms, to wood-shingle Tudor design, to New England brick forms.

The proposed subdivision is modern and rectilinear and incorporates features (earth tones and wood material as accents) to soften the structures in the wooded landscape. The proposed housing units range in size from 3,000 square feet to 4,900 square feet, where the minimum primary unit size is 1,810 square feet and the maximum is 4,142 square feet at lot 16. Accessory units range between 665-749 square feet. Therefore, apart from lot 16 all of the proposed units are well below the median home size for the area. Thus, the subdivision functions as a land use and structural transition between low density residential development in Tiburon and along the shoreline and the Preserve apartment complex. The development is compatible with surrounding developments.

## **2. The development is environmentally sensitive.**

The clustered site design achieves the intended development program articulated in the Housing Element for this site while minimizing the overall footprint, and environmental impact, of the project. The project, with CEQA mitigations incorporated, does not generate significant environmental impacts. The project preserves 10.75 acres as private open space at the site in perpetuity, incorporates significant habitat restoration through invasive removal and native replanting, and incorporates the geotechnical construction and design requirements that are necessary to ensure structural integrity and safety during construction and at occupancy. The project includes a detailed Vegetation Management Plan, subject to the oversight of the Fire Marshall, which ensures that site landscaping is managed to reduce wildfire fuels to the maximum extent feasible and in perpetuity.

## **3. The development is suitable in mass, bulk, and proportions for its use, the size of parcel(s), and the environmental qualities.**

The Planned Development site plan effectively balances the Housing Element development program for the property and development restrictions on the hillside site. The number of units proposed is consistent with the Housing Element Implementation program H-2.6.b, and the clustered site plan ensures that buildout minimizes encroachment into sloped areas, established forested areas, and identified sensitive habitat. Due to the clustered design, the size and configuration of the proposed lots ensures that the residential structures are of reasonable size for the context. Single-family units range from 1,810ft<sup>2</sup> to 3,318ft<sup>2</sup> (except lot 16 totals 4,142ft<sup>2</sup>), and accessory units range between 665ft<sup>2</sup> to 749ft<sup>2</sup>. The proposed unit sizes are smaller than the typical single-family household size in the vicinity and the accessory units are substantially smaller compared to the residential products available in the area.

The clustered design avoids sensitive environmental areas and ensures 10.75 acres is preserved as private open in perpetuity. The development is suitable in mass, bulk, parcel size and layout given the context and environmental conditions.

## **4. The development achieves variety and interest of design and materials.**

Six design typologies are provided for the 16 structures proposed in the project. Each typology incorporates a variety of high quality, earth-tone materials, context-specific design,

and articulating features to create visual depth and variety. Facades with prominent repetitive garage faces are required to provide additional articulation prior to the issuance of Building Permit to activate the buildings and the private roadway. The project, as conditioned, achieves variety and interest in design and materials.

**5. Compliance with the California Environmental Quality Act (CEQA)**

The Initial Study/Mitigated Negative Declaration was prepared for the Project in accordance with the California Environmental Quality Review Act and that based on the whole record, including public comments received during the public review process, there is not substantial evidence that the project will have a significant effect on the environment as more fully set forth in the Findings in Resolution 19-007.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Town of Corte Madera Planning Commission forwards its recommendation to the Town Council to adopt the Zoning Ordinance amendments attached in Exhibit A for the Residences at Preserve project involving a Zoning Amendment, Planned Development, Preliminary Plan, Precise Plan, Tentative Map and Design Review to subdivide the property into 19 lots with a private access road, and construct a 16-unit single-family subdivision with 8 accessory dwelling units, associated landscaping, tree removal, and site improvements at the base of Robin Drive (APN 038-011-21).

\* \* \* \* \*

**PASSED AND ADOPTED** by the Corte Madera Planning Commission on February 26, 2019 by the following vote:

AYES: Chase, Metcalfe, Bundy

NOES:

ABSTAIN:

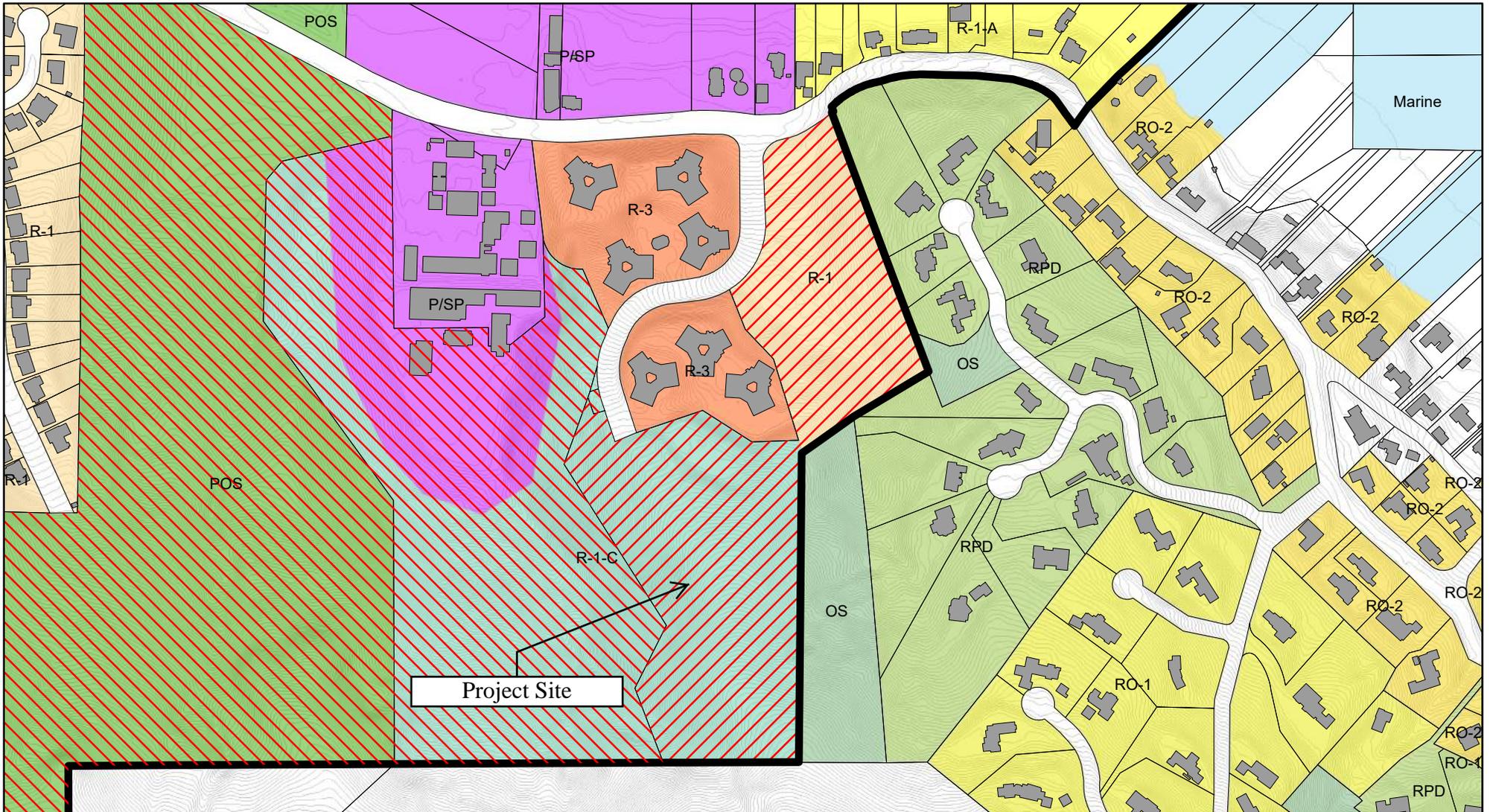
ABSENT: Lee, Bandel

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Peter Chase, Chair

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Adam Wolff, Planning Director



-  TOWN OF CORTEZ MADERA
-  BUILDING FOOTPRINTS
-  PARCELS
-  EXISTING HILLSIDE LAND CAPACITY OVERLAY
-  PROPOSED PLANNED DEVELOPMENT OVERLAY

- CORTEZ MADERA ZONING DESIGNATIONS: EXISTING**
-  WATERBODIES/WATERWAYS
  -  PARKS, OPEN SPACE, AND NATURAL HABITAT
  -  OPEN RESIDENTIAL
  -  LOW-DENSITY RESIDENTIAL
  -  MEDIUM-DENSITY RESIDENTIAL
  -  HIGH-DENSITY RESIDENTIAL
  -  PUBLIC AND SEMI-PUBLIC FACILITIES

- TIBURON ZONING**
-  MARINE
  -  OPEN SPACE
  -  RESIDENTIAL PLANNED DEVELOPMENT
  -  RESIDENTIAL OPEN (20,000 SQUARE FEET)
  -  RESIDENTIAL OPEN (40,000 SQUARE FEET)

Project Site