

Review & Discussion of Proposed Amendments to Corte Madera's Existing Regulations on Accessory Dwelling Units (ADUs)

PLANNING COMMISSION

MAY 14, 2019



Background

- 2016: Staff proposed substantial amendments to the Town's ADU regulations.
- October 25, 2016: Planning Commission approved Resolution 16-030 recommending that the Town Council adopt proposed amendments to Ch. 18.31 (Accessory Dwelling Units).
- December 6, 2016: Town Council adopted Ordinance Nos. 961 & 962 amending Ch. 18.31.
- May 2, 2017: Staff provided a report to Town Council on status of ADU ordinance.
- December 12, 2017: Planning Commission discussed possible amendments to the ADU regulations.
- May 14, 2019: Planning Commission discussion of proposed ordinance amendments.
- Future Date: Planning Commission to consider amendments to Chapter 18.31.

Corte Madera Municipal Code

Chapter 18.31

Purpose:

The purpose of this Chapter is to comply with amendments made in 2016 to California Government Code Section 65852.2 which provides for local jurisdictions to set standards for the development of accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood.

ADUs Approved Since January 1, 2017

Address	Size	Description
112 Edison Avenue	848 square feet	Legalization of an existing interior ADU
21 Edison Avenue	1,120 square feet	New detached ADU
134 Redwood Avenue	867 square feet	Conversion of portions of existing detached structure
600 Oakdale Avenue	510 square feet	Conversion of portions of existing detached garage
700 Oakdale Avenue	927 square feet	Conversion of portions of existing lower level
251 Summit Drive	517 square feet	Conversion of existing accessory structure
7 Lupine Drive	580 square feet	New detached ADU (within lower level of 2-level detached garage)
145 Grove Avenue	624 square foot ADU with 120 square foot deck	New detached ADU above garage
127 Grove Avenue	948 square feet	Legalization of existing ADU in basement
410 Sausalito Street	575 square foot ADU w/ 82 square foot storage space & carport parking space	Conversion of existing detached garage
477 Chapman Drive	491 square feet	Conversion of existing basement
311 Summit Drive	500 square feet	Conversion of existing basement
481 Montecito Drive	540 square feet	Conversion of storage area above existing garage
479 Montecito Drive	725 square feet	New detached ADU (located above new garage)
159 Prince Royal Drive	1,195 square feet	New detached ADU

Required Changes & Opportunities to Improve Existing Ordinance

1. Changes to existing policy to better reflect the Town's ADU goals.
2. Changes to clarify existing regulations.
3. Changes necessary to comply with current state law.

Changes to Existing Policy

1. Size:
 - Decreases maximum size from 1,200 SF to 950 SF
2. Height:
 - Establishes a height standard of 15 feet or 25 feet if ADU is above garage
3. ADU's located in rear yard & lot coverage:
 - Considers allowing ADUs within a portion of the rear yard
 - Considers allowing an increase in lot coverage
4. Location of ADU Parking Spaces & Replacement Parking Spaces:
 - Allows for additional flexibility in the location of required parking spaces for ADU's and replacement parking spaces

Changes to Clarify Existing Regulations

1. Definitions:
 - Adds several new definitions
2. Public Transit:
 - Establishes the measurement of distance from an ADU to transit stop as “traversable”
 - Clarifies that school bus routes are included in the definition of transit
3. Define existing structure in Christmas Tree Hill Overlay District:
 - Requires an existing structure in CTH to be in existence for 5 years before it can be converted to an ADU
4. 30 day rental – deed restriction
5. Review of the record:
 - Modifies review process to create more functional process
6. Consistency with prior approvals:
 - Requires an ADU to not conflict with land use entitlements previously granted

Changes to Comply with State Law

1. Accessory dwelling units within existing structures:
 - Establishes a ministerial process for ADUs within an existing structure
2. Required parking:
 - Modifies required ADU parking from 1 parking space per bedroom to 1 parking space
3. Architectural compatibility:
 - Removes the existing design standards that cannot be determined objectively

Policy Amendment: Size

- Current existing maximum size of an ADU in Corte Madera is 1,200 SF.
- Staff proposes reducing the maximum size to 950 SF.
- Smaller units are more affordable & are likely to have less impacts on a neighborhood.
- Staff has considered allowing an increase above 950 SF through, i.e. discretionary review or based on lot size.

Planning Commission feedback:

1. Maximum size that should be allowed
2. Two-tiered approach
 - a. Discretionary Review
 - b. Lot Size
 - c. Other approach

Municipality	Maximum Unit Size
Sausalito	<p>a. Interior Conversions: 40% of the primary dwelling unit with a maximum of 1,000 SF</p> <p>b. Attached Units: 50% of the primary dwelling unit with a maximum of 800 SF</p> <p>c. Detached Units: 50% of the primary dwelling unit with a maximum of 800 SF</p>
Larkspur	<p>Maximum: 700 SF</p> <p>Minimum: 320 SF</p>
Mill Valley	<p>Minimum: 150 SF</p> <p>Maximum: 1,000 SF</p> <p>ADU shall not exceed 30% of the living area of the primary dwelling unit</p> <p>A detached accessory dwelling unit that is part of a detached garage shall not exceed 1,500 SF in total combined garage and ADU</p>
San Anselmo	<p>Minimum: 150 SF</p> <p>Maximum: 800 SF</p> <p>ADU shall include no more than 2 bedrooms</p> <p>The living area for an attached or interior accessory dwelling unit shall not exceed 50% of the existing living area of the primary dwelling unit</p> <p>1,200 SF ADU is allowed with approval of a Conditional Use Permit</p>
San Rafael	<p>40% of the square footage of the principal residence; except that any second dwelling unit may be at least 500 SF even if that exceeds 40% of the principal residence</p> <p>An ADU larger than 800 SF requires the issuance of a use permit</p> <p>In no case shall the second dwelling unit exceed 1,000 SF</p>
Fairfax	<p>Attached Units: 50% of the existing living area with a maximum increase of 1,200 SF</p> <p>Detached Units: maximum size of 1,200 SF</p>
Novato	<p>Attached Units: 50% of primary dwelling, not to exceed 750 SF. An additional 50 SF is allowed for each 2,000 SF of lot size over 10,000 SF up to a maximum of 1,000 SF</p> <p>Detached Units: 60% of primary dwelling, not to exceed 750 SF. An additional 50 SF is allowed for each 2,000 SF of lot size over 10,000 SF up to a maximum of 1,000 SF</p>

Policy Amendment: Height

- Current ordinance does not establish a height limitation for ADUs.
 - Height is determined by the underlying zoning district, i.e. in the R-1 district the ADU could be 30 feet.
- Staff recommends establishing a reduced building height for ADUs:
 - 15 feet
 - 25 feet if constructed above proposed or existing garage
- Approved/Proposed ADUs:
 - Detached: 21 Edison Ave. – 15'6"; 159 Prince Royal Dr. – 12'; 45 Buena Vista Ave. – 13'
 - Detached above a garage: 7 Lupine Dr. – 16'4"; 145 Grove Ave. – 21'8"; 479 Montecito Dr. – 16'11"

Planning Commission feedback:

1. Maximum building height that should be allowed
 - a. Detached/Attached ADU
 - b. ADU over an existing or proposed garage

Policy Amendment: ADUs w/in Rear Yard & Lot Coverage

- Staff has considered allowing a detached ADU to be located in a portion of the required rear yard & increasing lot coverage.
- Small lot sizes & rear yard setbacks make it challenging to locate an ADU on many R-1 lots.
- Proposed changes include standards to limit impacts of detached ADUs (height & windows).
- To facilitate the construction of ADUs on smaller lots (i.e. Madera Gardens, Mariner Cove & Marina Village) the Planning Commission may want to consider allowing a detached ADU in the rear yard area and also allowing an exception to lot coverage.
- Staff recommends a 10 foot side yard & rear yard setback for a detached ADU in the rear yard.

Allowable ADU Size: Based on Rear Yard Area & Coverage

Rear Yard Area	30% Rear Yard Coverage	40% Rear Yard Coverage	50% Rear Yard Coverage
1,500 square feet	450 square feet	600 square feet	750 square feet
1,615 square feet	484 square feet	646 square feet	807 square feet
2,050 square feet	615 square feet	820 square feet	1,025 square feet

Policy Amendment: Location of Parking Spaces (ADU)

- Town's current ordinance allows for the required ADU parking space to be located in the front setback between the driveway & closest side of the property, if the slope is less than 10%
- Current ordinance does not allow the required ADU parking space to be in the front setback on an existing driveway.
- Staff recommends that the required ADU parking space be allowed on an existing driveway or proposed driveway expansion.



Policy Amendment: Location of Replacement Parking Spaces

- The Town's current ordinance requires that when a garage is converted to an ADU or demolished in conjunction with the construction of an ADU, the spaces be replaced.
- Staff recommends that the ordinance include flexibility on the location of the replacement spaces:
 - Allowed in the front setback on an existing driveway or proposed expanded driveway.
 - Allowed in the front setback between the driveway & closest side of the property, if the slope is less than 10%.

Planning Commission feedback:

1. Should the required ADU parking space be allowed in the front setback on an existing or proposed expanded driveway?
2. Should replacement parking spaces be allowed:
 - a. On an existing driveway/proposed expanded driveway?
 - b. In the front setback between the driveway & closest side of the property?

Changes to Clarify Existing Regulations: Definitions

CURRENT ORDINANCE

Existing definitions:

- Accessory dwelling unit
- Manufactured home
- Passageway
- Junior accessory dwelling unit

PROPOSED CHANGES

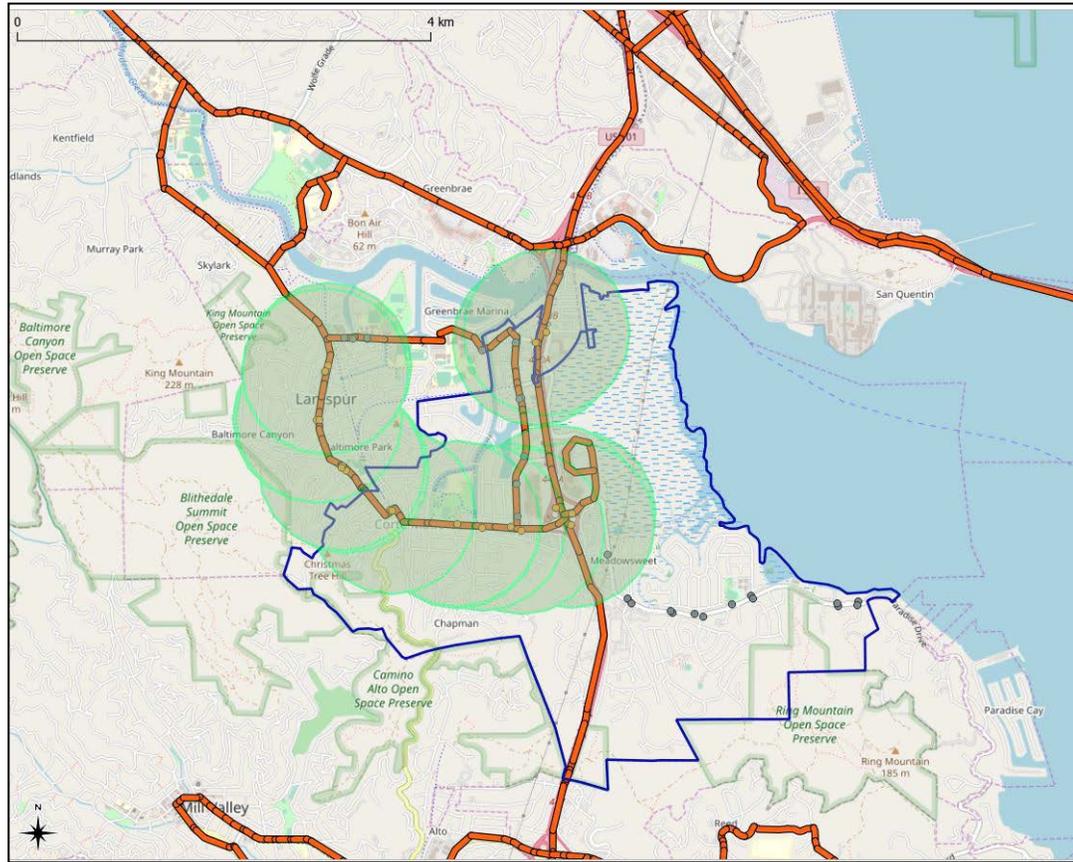
Proposed definitions:

- Accessory dwelling unit – attached
- Accessory dwelling unit – detached
- Accessory dwelling unit – interior
- Efficiency kitchen
- Kitchen
- Existing structure
- Public transit

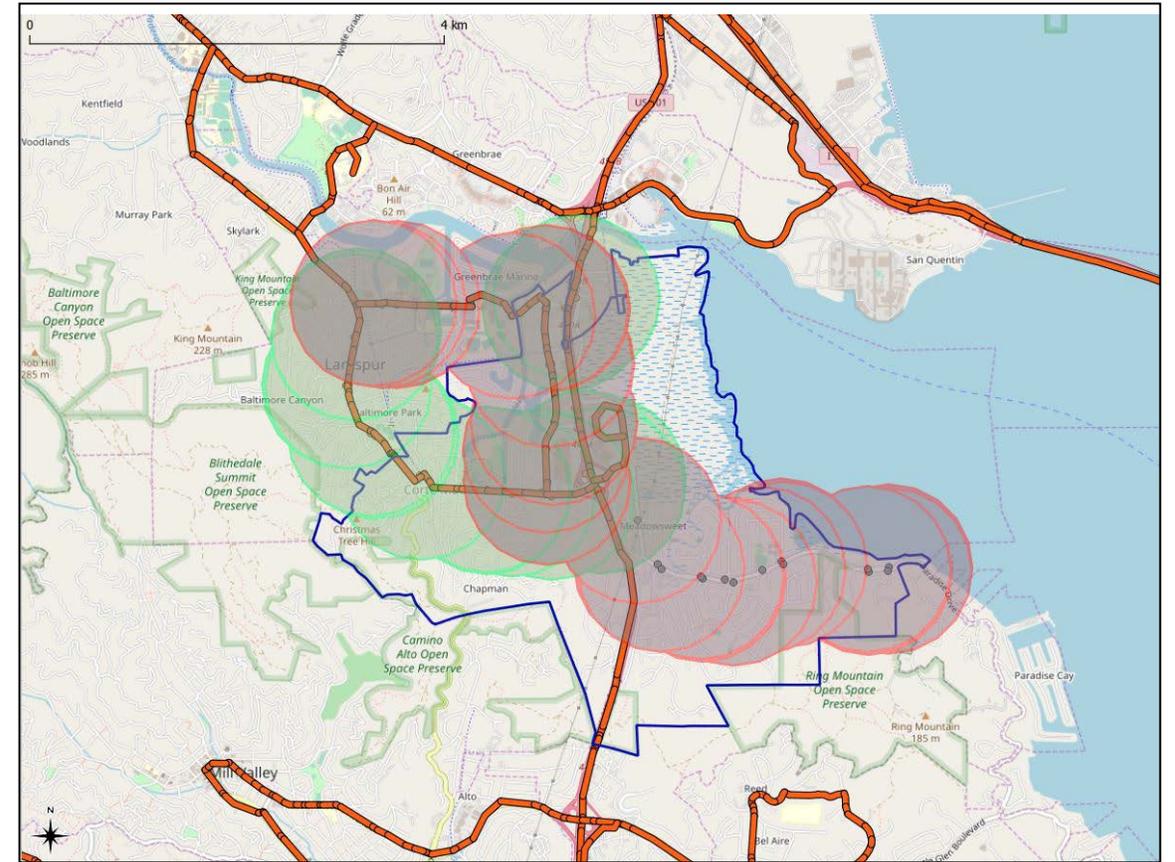
Changes to Clarify Existing Regulations: Public Transit

- If the ADU is located within ½ mile of public transit, a parking space is not required.
 - Proposed change clarifies distance is a traversable distance.
- Public Transit is defined to include public school bus route bus stops (Marin Transit routes 113 & 117).
- “Public transit” means a location, including but not limited to, a bus stop or train station, where the public may access buses, trains, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public. Public transit may include commuter and school bus stops. School bus routes provided by a school district for the exclusive use of students shall not be considered public transit.

Map excludes public school route bus stops



Map includes public school route bus stops



Planning Commission feedback:

1. Should the public school bus routes (113 & 117) be included in the definition of public transit?

Changes to Clarify Existing Regulations: Define Existing Structure w/in Christmas Tree Hill

- “ADUs located in single family residential zones and existing spaces of a single family residence or accessory structure must be approved regardless of zoning standards for ADUs, including locational requirements...”
- Staff proposes updating the definition of “existing structure” for Christmas Tree Hill overlay
 - Require that the structure has existed for 5 years prior to the date of the application to utilize the space as an ADU or JADU.

Changes to Clarify Existing Regulations: 30 Day Rental – Deed Restriction

- Intent of the Town's ADU provisions is to facilitate the creation of affordable infill housing.
- Existing ADU ordinance prohibits an ADU from being rented for less than 30 days.
- Staff recommends that the 30-day rental be recorded as a deed restriction.

Changes to Clarify Existing Regulations: Review of the Record

- Govt. Code Section 65852.2 “the application shall be considered ministerially without discretionary review or a hearing.”
- Proposed ordinance modifies the review process of the Zoning Administrator’s approval or denial of an ADU Permit:
 - Request for a review must be filed within 7 calendar days of the decision date
 - Town Manager shall conduct a review
 - Decision of the Town Manager is final
 - Fee to request the review is \$300 (flat fee)

Changes to Clarify Existing Regulations: Consistency with Prior Approvals

- Staff proposes language to require new ADU to not conflict with other land use entitlements previously granted, i.e. landscaping requirements.
- ADU could not be located if it conflicts with the requirements of a prior entitlement.
- Applicant could submit an application to amend a prior land use entitlement before submitting an ADU application.

Changes to Comply with State Law: ADUs within Existing Structures

- Town's ADU ordinance requires that all applicants for an ADU, even those within an existing structure, obtain an ADU permit prior to building permit.
 - \$850 fee
 - Courtesy noticing
- Govt. Code Section 65852.2(e) – requires agency to ministerially approve an application for a building permit when the ADU is located w/in an existing structure.
- Staff is proposing 2 different procedures:
 1. Detached or attached ADU
 2. Interior ADU or JADU

Changes to Comply with State Law: Required Parking

- The Town's current ordinance requires 1 parking space per bedroom.
- State law (2018) reduced the maximum # of parking spaces to one parking space.
- Staff proposes revisions to the required parking to be consistent with state law.

Changes to Comply with State Law: Architectural Compatibility

Architectural Compatibility. The accessory dwelling unit shall comply with the following design standards:

- (A) Architectural Style and Form. Architectural style and building form shall match the style and form of the main building on the site.
- (B) Architectural Details. Architectural details, including but not limited to, windows, roof pitch, & trim shall match the main building.
- (C) Color. The color of the accessory dwelling unit shall match the color of the main building on the site.
- (D) Materials. The materials of the accessory dwelling unit shall match the materials of the main building on the site.
- (E) Lighting. Lighting shall be shielded and/or directed so that it does not glare off-site or illuminate onto adjacent and nearby property.
- (F) Privacy. Windows shall be located to avoid line of sight to windows of adjacent properties. Obscured glass and other techniques may be used to avoid line of sight.
- (G) Views. The accessory dwelling unit shall not increase a blockage of any view of the bay or Mount Tamalpais caused by the main building on the property as viewed from the main building on an adjacent property.
- (H) Sunlight. The accessory dwelling unit shall not increase the shadow on any window of the main building on any adjacent property. The shadow shall be measured on the winter solstice between the hours of ten a.m. and four p.m.
- (I) Landscaping. Any tree over 30 inches in circumference, removed in conjunction with the construction of an ADU must be replaced by a 24" box tree within the yard from which it will be removed.

Planning Commission feedback:

1. Are there any design standards in the current ordinance that the Commission thinks is important to maintain?

Other Considerations

- Several pending bills in the State Legislature related to ADUs.
- Senate Bill 13
 - Requires that an ordinance allow by right a 850 SF ADU and a 1,000 SF ADU if the unit contains more than 1 bedroom.
 - Eliminates the owner occupancy requirement for either the primary unit or ADU/JADU.
 - Circumvents a jurisdiction from requiring off-street replacement parking spaces when a garage, carport or covered parking is converted to an ADU.
- Assembly Bill 2890
 - Allows for the creation of both an ADU and JADU on a single-family residential parcel.



QUESTIONS/COMMENTS

