



CORTE MADERA PLANNING COMMISSION STAFF REPORT

REPORT DATE: October 18, 2019
MEETING DATE: October 22, 2019

TO: Planning Commissioners

FROM: Martha Battaglia, Senior Planner

SUBJECT: Public Hearing to Consider Proposed Zoning Ordinance Amendments to Chapter 18.04 (Definitions), Chapter 18.18 (Special Purpose Overlay District), Chapter 18.20 (Off-Street Parking and Loading), and Chapter 18.31 (Accessory Dwelling Units)



RECOMMENDED ACTION:

Staff recommends that the Planning Commission, after review of all information, presentations, and public testimony, adopt Resolution No. 19-021 (Attachment 1) recommending that the Town Council repeal and replace Chapter 18.31 (Accessory Dwelling Units) and approve amendments to Chapter 18.04 (Definitions), Chapter 18.18 (Special Purpose Overlay Districts), and Chapter 18.20 (Off-street Parking and Loading) with the draft Town Council Ordinance included as Exhibit A (Attachment 2).

BACKGROUND:

In 2016, in response to state legislation, staff proposed substantial amendments to the Town's Accessory Dwelling Unit (ADU) regulations in the Zoning Code to comply with state legislation adopted at that time and added provisions for the development of Junior Accessory Dwelling Units or JADUs. The term "Junior Accessory Dwelling Unit" is generally used to identify a specific type of second unit that results from the conversion of an existing bedroom within an existing single family structure. This is in contrast to a more traditional type of second unit, created through the addition of new floor area and either attached or detached to an existing structure. JADUs are further differentiated from traditional second units by less stringent planning, building and utility requirements placed upon them and a maximum size limitation of 500 square feet.

ADUs and JADUs have been discussed at several Planning Commission and Town Council meetings in the last three years. Prior staff reports on the topic of ADUs are included as Attachment 3 and the existing Chapter 18.31 is included as Attachment 4.

Most recently, on May 14, 2019 and August 13, 2019, the Planning Commission discussed proposed amendments to the ADU ordinance. Nine members of the public provided comments on the proposed zoning ordinance amendments at each of the Planning Commission meeting. A summary of the public comments are included as Attachment 5.

After several years of implementing the current ADU ordinance, staff has identified required changes and other opportunities to improve the existing ordinance. The proposed changes are broken into three broad categories, which include 1) changes necessary to comply with state law; 2) changes to clarify existing regulations; and 3) changes to existing policy to better reflect the Town's ADU goals.

The draft ordinance, included as Attachment 2, reflects the proposed changes related to these three categories. The existing Chapter 18.31 would be repealed and replaced with a new Chapter 18.31. The draft ordinance also includes the necessary amendments to Chapter 18.04 (Definitions), Chapter 18.18 (Special Purpose Overlay Districts) and Chapter 18.20 (Off-street Parking and Loading) to ensure internal consistency within the Zoning Ordinance.

DISCUSSION:

The stated purpose of the Town's ADU provisions is to set standards for the development of accessory dwelling units to "increase the supply of smaller and more affordable housing while ensuring that they remain compatible with the existing neighborhood (CMMC Chapter 18.31)." The other purpose of the Town's ADU regulations is to comply with state legislation, which was enacted to require that ADU ordinances provide for the creation of ADUs statewide, and that provisions in the ordinance relating to matters such as unit size, parking, fees, and other requirements, are "not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units" (California Government Code Section 65852.150(b).) Additionally, the Town's ability to continue to keep pace with the Regional Housing Needs Allocation (RHNA) targets for moderate and low income categories can largely be attributed to the increased production of ADUs, particularly in 2018, where all seven of the additional housing units permitted in the Town were ADUs.

PROPOSED AMENDMENTS TO CHAPTER 18.31:

A. Changes to Clarify Existing Regulations

On January 1, 2017, the State of California enacted Assembly Bill (AB) 2299 and Senate Bill (SB) 1069, modifying Government Code Section 65852.2, resulting in changes to the state's requirements for Accessory Dwelling Units. On January 1, 2018, the legislature enacted further amendments to refine the mandates to support development of ADUs. SB 229 and AB 494, introduced in 2017, build upon the prior changes to state law and further address barriers to the development of ADUs. Subsequently in the fall of 2019, the legislature adopted and the governor signed several bills that require additional changes to the Town's ADU ordinance. The recently adopted legislation will become effective on January 1, 2020. The Legislative Counsel's Digest of the legislation adopted in 2019 is included as Attachment 6.

The legislation enacted by the legislature this year imposes further limitations on the abilities of municipalities to restrict ADUs. In particular, the legislation: 1) requires that an ordinance allow a minimum 850 square foot ADU for a one bedroom ADU; 2) requires a minimum 1,000 square foot ADU if the unit contains more than one bedroom; 3) precludes a municipality from requiring an owner occupancy requirement for either the primary unit or the ADU/JADU; 4) prevents a jurisdiction from requiring off-street replacement parking spaces when a garage, carport, or covered parking is converted to an ADU or demolished in conjunction with the construction of an ADU; 5) requires approval, by right, of an accessory dwelling unit that is up to 800 square feet and at least 16 feet in height with a 4 foot side setback and 4 foot side yard setback without consideration of lot coverage, floor area ratio, open space, or minimum lot size for either attached or detached ADUs; 6) requires local jurisdictions to permit the creation of both one ADU and one JADU on each residentially zoned parcel with a proposed or existing single family dwelling; and 7) requires local jurisdictions to permit the creation of ADU(s) on each residentially zoned parcel that includes a multi-family dwelling.

To comply with the changes in state law, the proposed ordinance would change the Town's existing ADU ordinance in the following ways:

1. Accessory Dwelling Units within Existing Structures –

The proposed ordinance establishes a ministerial process for ADUs located within an existing structure. The change establishes two different procedures – one for detached and attached ADUs, which would be processed under the current permit structure that requires an ADU permit and a building permit, and a second permit structure applicable to an interior ADU or JADU, which would be processed as a building permit only. A detached ADU and an attached ADU both result in the addition of floor area, while an interior ADU is created through the conversion of existing spaces and can include areas such as partial basements, a garage or an accessory structure. Refer to Attachment 2, Sections 18.31.030, 18.31.035, 18.31.040 & 18.31.050.

2. Parking for the ADU –

The proposed ordinance modifies the required ADU parking from one parking space per bedroom to one parking space, regardless of the number of bedrooms. Consistent with state law, the proposed ordinance includes instances when a parking space is not required for an ADU, for example, if the ADU is located within a half mile of public transit or if the ADU is located within an existing structure. Refer to Attachment 2, Section 18.31.090(1) for the required ADU parking and Section 18.31.090(2) for the instances when a parking space is not required for an ADU.

3. Architectural Compatibility –

The proposed ordinance removes the existing design standards that cannot be determined objectively. In place of the existing design standards, objective standards are proposed, such as height, size, lighting, landscaping, windows and parking. Refer to Attachment 2, Sections 18.31.070 (ADU Development Standards) and 18.31.080 (JADU Development Standards).

A development standard is proposed related to windows to minimize privacy impacts to adjacent properties. The standard states as follows: “All windows that face a side yard adjoining a side yard of an adjacent property and are located within 15 feet of the shared property line shall be clerestory (minimum of 6.5 feet above the finished floor height), except that this standard does not apply if a structure on the adjacent property does not have any non-clerestory windows on the building elevation that faces the ADU.

In addition, an identical standard is proposed when a window faces a rear yard adjoining a rear yard of an adjacent property located within 15 feet of the shared property line.

The proposed change establishes a process where a homeowner can submit an application for discretionary design review to allow windows other than clerestory on the elevation that faces the side yard adjoining a side yard of an adjacent property or that faces the rear yard adjoining a rear yard of an adjacent property. Staff recommends that design review for windows other than clerestory be a Minor Design Review with the Zoning Administrator as the decision maker. Alternatively, the requirement to install clerestory windows could be waived with written approval from the adjacent property owner that faces the proposed window(s). Refer to Attachment 2, Sections 18.31.070(9)(a) and 18.31.070(9)(b).

4. Deed Restriction – Owner Occupancy Requirement –

The proposed ordinance removes the owner occupancy requirement and allows for both the primary residence and any ADU and/or JADU to be rented. The Town’s ordinance still precludes rentals of ADU/JADUs for less than 30 days. Staff is not recommending that this rental requirement be recorded in a deed restriction. Staff will revise the ADU application form by creating a new section where the homeowner acknowledges that the ADU/JADU cannot be rented for less than 30 days. Refer to Attachment 2, Section 18.31.060(3).

5. Allowance for an 800 Square Foot ADU –

The proposed ordinance allows for the creation of an 800 square foot ADU that is at least 16 feet in height with a 4 foot side yard setback and 4 foot rear yard setback without consideration of lot coverage, floor area ratio, open space, or minimum lot size. ADUs that are larger than 800 square feet are required to meet the setback requirements of the underlying zoning district. Refer to Attachment 2, Section 18.31.070(13).

6. Replacement Parking –

The proposed ordinance eliminates the existing requirement that off-street parking spaces be replaced when a garage, carport, or covered parking is converted to an ADU or is demolished in conjunction with the construction of an ADU. Refer to Attachment 2, Section 18.31.090(4).

7. Allowance for an ADU & JADU –

The proposed ordinance allows for one ADU and one JADU per residential parcel that includes a proposed or existing single family residence. Additionally, the proposed ordinance allows for the creation of ADUs on residentially zoned parcels that include a multi-family building. Refer to Attachment 2, Sections 18.31.060(1) & 18.31.060(2).

B. Changes to Clarify Existing Regulations

To clarify existing regulations, the proposed ordinance would change the Town's existing ADU ordinance in the following ways:

1. Definitions –

The proposed ordinance adds the following new definitions: “accessory dwelling unit – attached,” “accessory dwelling unit – detached,” “accessory dwelling unit – interior,” “efficiency kitchen,” “existing structure,” “kitchen,” “living area,” “public transit,” and “tandem parking.”

Several of the definitions noted above are included in Government Code Section 65852.2 and Section 65852.22. For the definitions that are defined by state law, the definitions within the Town's ordinance references the applicable Government Code Section instead of defining the words since these definitions may be amended by the state from time to time, and state legislation in this area seems to be adopted frequently. Refer to Attachment 2, Section 18.31.020 and Attachment 7 for the proposed definitions. Staff intends to provide the state law definitions to the public in paper copies at the public counter and also post the definitions on the website.

2. Define Existing Structure within Christmas Tree Hill –

ADU's located in single family residential zones and within the existing space of a single family residence or accessory structure must be approved by right under state law regardless of zoning standards for ADUs, including locational requirements. State law makes a significant distinction between the creation of new ADUs within existing single family homes and those that are created by building new structures or expanding existing structures. Pursuant to state law, a municipality must ministerially approve an application for a building permit to create an ADU that is located within an existing single family home or within an existing accessory structure. No such restriction exists for attached or detached ADUs.

Currently, there are limitations on the number of accessory dwelling units that can be approved in the Christmas Tree Hill Overlay District. The Christmas Tree Hill Overlay District is divided into eleven capacity districts and each capacity district is allotted an allowable number of ADUs. At the time that the Christmas Tree Hill Overlay District was adopted there were 250 dwelling units, and a total of 25 accessory dwelling units were allowed. The allowable accessory dwelling units are distributed amongst the eleven capacity districts.

The lack of a clear definition for an existing structure in Christmas Tree Hill may create an undesirable workaround to existing locational controls for ADUs in Christmas Tree Hill that were not addressed in the prior ADU ordinance. For example, a homeowner could apply to create an accessory structure (not an ADU) or significant home addition without a kitchen that would not trigger an ADU application and would not be subject to ADU limits on Christmas Tree Hill. Upon completion of the new structure, the applicant could then apply to convert the space to an ADU as an interior ADU or JADU by right that would be exempt from the capacity limits on ADUs in Christmas Tree Hill.

The proposed ordinance requires that any new attached additions or new detached structures in the Christmas Tree Hill Overlay District be in existence for a minimum of five years before the addition or detached structure may be considered an existing structure for the purposes of creating a new ADU pursuant to provisions of state law permitting ADUs within existing structures. This requirement is intended to eliminate a potential loophole in the ADU capacity limit regulations of the Christmas Tree Hill Overlay District that would otherwise exist. Refer to Attachment 2, Section 18.31.100.

3. *Review of the Record* –

The proposed ordinance modifies the review process to create a more efficient and functional process by establishing that the review of the record (which includes all documents submitted as part of the application and review process) will be done by the Town Manager, or his/her designee, within 10 calendar days of a request for review, and that the decision of the Town Manager, or his/her designee, is final. The process eliminates public hearings which is consistent with the state law requirements. The modification also establishes the fee to request such a review be a flat fee of \$300. Refer to Attachment 2, Section 18.31.110.

4. *Consistency with Prior Approvals* –

The proposed ordinance requires that an ADU not conflict with a land use entitlement previously granted, i.e. a Design Review approval that required parking to be located in a certain area or trees planted on a particular portion of the lot in order for the Design Review Findings to be met. Refer to Attachment 2, Section 18.31.070(12).

C. Policy Amendments

To better reflect the Town's ADU goals, the proposed ordinance would modify the Town's existing ADU ordinance in the following ways:

1. *Size* –

The recently adopted state legislation requires a minimum 850 square foot attached or detached ADU and a minimum 1,000 square foot ADU if the unit contains more than one bedroom. The Planning Commission provided feedback to staff at the May 14, 2019 and August 13, 2019 meetings regarding the appropriate size for an ADU in Corte Madera. Based on this feedback, the proposed ordinance reduces the maximum by right unit size of an ADU on lots less than one acre in size from 1,200 square feet to 950 square feet for one bedroom units and up to 1,000 square feet for two bedroom units. The proposed revisions allow a 1,200 square foot ADU by right on residential parcels that are equal to or greater than one acre in size. Additionally, the proposed change establishes a process where the size may be increased, up to a maximum of 1,200 square feet, following submittal of an application for and approval of a discretionary design review application by the Planning Commission. Please refer Attachment 2, Sections 18.31.070(6)(a) – (e).

2. *Height* –

The proposed ordinance establishes a reduced by right building height of 16 feet for an attached or detached ADU. Additionally, the ordinance establishes a maximum 25 foot height standard if the ADU is located above an existing or proposed garage. Refer to Attachment 2, Section 18.31.070(4). The proposed change also establishes a process where the height may be increased in accordance with the standards in the underlying zoning district following submittal of an application for and approval of a discretionary design review application by the Planning Commission.

3. *Location of ADU Parking Space* –

The proposed ordinance allows for greater flexibility in the location of the ADU parking space in instances where a parking space is required. The change allows the required parking space for an ADU to be a tandem space on an existing driveway or proposed driveway expansion, even if the driveway is located within the front yard setback area. Refer to Attachment 2, Sections 18.31.090(3).

PROPOSED AMENDMENTS TO CHAPTER 18.04

Chapter 18.04 (Definitions) includes a definition of an “accessory dwelling unit” and a “junior accessory dwelling unit.” Consistent with the proposed changes to Chapter 18.31, these definitions are being amended to reference the applicable Government Code Section.

PROPOSED AMENDMENTS TO CHAPTER 18.18

Amendments are proposed to Section 18.18.405(3)(K) and Section 18.18.410 of the Christmas Tree Hill Overlay district to change “additional dwelling units” to “accessory dwelling units.” In addition, it is clarified that any new attached additions or new detached structures in the Christmas Tree Hill Overlay District must be in existence for five years before the space can be converted to an ADU.

PROPOSED AMENDMENTS TO CHAPTER 18.20

The parking standards for Accessory Dwelling Units that are currently included in Chapter 18.20 (Off-street Parking & Loading) are proposed to be removed. The amendments to Chapter 18.20 reference the parking standards included in Chapter 18.31.

PUBLIC COMMENT:

The Town received a comment letter from a resident who lives in Hidden Valley. The resident requested that the Planning Commission consider limiting the number of ADUs that can be built in Hidden Valley, similar to Christmas Tree Hill area. If this is something of interest, the Planning Commission could make a recommendation to the Town Council to direct staff to explore other areas in town that may have public safety concerns that would support

consideration for restricting ADUs. The Town received two additional comments from residents in the Hidden Valley neighborhood who had differing points of view regarding limiting the number of ADUs in this neighborhood. All three comments are included as Attachment 8.

ENVIRONMENTAL IMPACT:

The proposed ordinance and ordinance amendments are not subject to the provisions of the California Environmental Quality Act (CEQA). The ordinance and amendments are exempt from CEQA under statutory exemption 15282(h) to allow implementing regulations for accessory dwelling units consistent with Government Code Section 65852.2.

ATTACHMENTS:

1. Planning Commission Resolution No. 19-021
2. Exhibit A to Attachment 1, Draft Town Council Ordinance No. XXX
3. Planning Commission & Town Council Staff Reports (2016-2019)
4. Municipal Code Chapter 18.31 (Accessory Dwelling Units)
5. Planning Commission Minutes from the May 14, 2019 and August 13, 2019 meetings
6. 2019 ADU Legislation
7. Definitions in the ADU Ordinance that reference Government Code Section 65852.2 and Section 65852.22.
8. Public Comments

Attachment 1
Planning Commission Resolution No. 19-021

**CORTE MADERA PLANNING COMMISSION
RESOLUTION NO. 19-021**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CORTE
MADERA RECOMMENDING ADOPTION OF AMENDMENTS TO CHAPTER 18.04
(DEFINITIONS), CHAPTER 18.18 (SPECIAL PURPOSE OVERLAY DISTRICTS)
CHAPTER 18.20 (OFF-STREET PARKING & LOADING) AND CHAPTER 18.31
(ACCESSORY DWELLING UNITS) OF THE CORTE MADERA MUNICIPAL CODE
RELATING TO ACCESSORY DWELLING UNITS AND
JUNIOR ACCESSORY DWELLING UNITS**

WHEREAS, the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

WHEREAS, accessory dwelling units (“ADUs”) offer lower cost housing to meet the needs of the existing and future residents while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the 2009 General Plan, and 2011 and 2015 Housing Element updates included policies and programs to support and create affordable housing, a diverse range of housing types and provisions for a new Junior Second Unit Ordinance through the adoption of amendments to the Corte Madera Zoning Ordinance; and

WHEREAS, the State of California has established that a local agency may, by ordinance, provide for the creation of accessory dwelling units in single family and multi-family residential zones and that ordinances shall designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted and the designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety; and

WHEREAS, state laws related to the review and approval of ADUs apply whether or not a local agency has adopted a local ordinance; and

WHEREAS, the State of California has made several legislative changes since 2016 intended to increase the supply of ADUs by limiting a local jurisdiction’s ability to impose certain standards, review processes, and fees, as codified in California Government Code Section 65852.2 and 65852.22; and

WHEREAS, on December 6, 2016, in response to state legislation, the Town Council of the Town of Corte Madera adopted substantial amendments to the Town’s ADU regulations to comply state legislation adopted at that time and added provisions for the development of junior accessory dwelling units (“JADUs”); and

WHEREAS, the proposed Zoning Ordinance amendments comply with the legislative amendments made in 2016, 2017 and 2019, to State Law Section 65852.2 and 65852.22 which establish standards for the development of accessory dwelling units and junior accessory dwelling units so as to increase the supply of smaller and more affordable housing while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the amendments are exempt from the California Environmental Quality Act (CEQA) under statutory exemption 15282(h) since the proposed ordinance implements the provisions of Government Code Section 65852.2; and

WHEREAS, based on the record, the Planning Commission finds that the Zoning Ordinance amendments are consistent with and facilitates the Housing Element and the General Plan; and

WHEREAS, the Planning Commission discussed proposed amendments to Chapter 18.31 (Accessory Dwelling Units) on May 14, 2019 and August 13, 2019; and

WHEREAS, on October 11, 2019, notice of the Corte Madera Planning Commission public hearing on the proposed Zoning Ordinance amendments was sent by email to all those who signed up for the ADU interested parties list and the Planning and Building Weekly Newsletter newsflash item, was posted at the Town's fire station, Town Hall, library and post office, and was posted to the Town's website and on Nextdoor; and

WHEREAS, on October 11, 2019, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090 and posted in public places throughout Town; and

WHEREAS, on October 22, 2019, the Planning Commission held a public hearing, received the staff report and reviewed a presentation from the Planning Department and received comments from the public and interested parties, 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 Planning Commission makes its recommendation includes, but is not limited to:

(1) the 2009 General Plan, (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 Housing Element updated adopted by the Town Council in 2015, including the adopted environmental determination (4) all staff reports, Town files and records and other documents prepared for and/or submitted to the Planning Commission related to the adoption of Zoning Ordinance amendments.

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

The ordinance and amendments are not subject to the California Environmental Quality Act (CEQA). The ordinance and amendments are exempt from CEQA under statutory exemption 15282(h) to allow implementing regulations for accessory dwelling units consistent with Government Code Section 65852.2.

4. General Plan Consistency

The Planning Commission of the Town of Corte Madera does hereby find that the proposed Zoning Ordinance amendments to Chapters 18.04, 18.18, 18.20 and 18.31 as shown in Exhibit A, is in the best interest of the Town because it furthers establishes goals, policies and implementation programs of the General Plan to promote housing opportunities, maintain a diverse range of housing options, provide infill housing that is potentially affordable, encourages the improvement of existing housing stock while preserving quality of life in residential zones. The ordinance amendments also implement specific policies of the Housing Element by modifying and improving the existing accessory dwelling unit and junior accessory dwelling unit provisions to ensure consistency with state code.

The amendments specifically are consistent with and implement the following General Plan and Housing Element policies and programs:

Goal H-2 Use land efficiently and sustainably. Develop a variety of housing to meet community needs and to promote sustainability.

Policy H-1.4 Variety of Housing Choices. In response to the broad range of housing needs in Corte Madera, the Town will strive to achieve a mix of housing types, densities, affordability levels and designs. The town will work with developers of nontraditional and innovative housing approves in financing, design, construction and types of housing to meet local housing needs.

Policy H-2.1 Housing to meet local needs. Provide for the development of new housing to meet the diverse economic and physical needs of existing residents and projected population capacity by planning for adequate sites and supporting programs to achieve Corte Madera's Regional Housing Needs Allocation.

Policy H-2.15 Second dwelling units. Encourage well designed, legal second units in all residential neighborhoods.

Policy H-2.16 Second Dwelling Units in New Development. Require new second units as part of new detached single family dwelling subdivision development where five or more new units are proposed.

Implementation Program H-2.15.a Second Unit Ordinance. Continue to implement the second unit ordinance.

Implementation Program H-2.15.c Second Unit Fees. Encourage the development of second units by waiving or reducing fees as follows: consider waiver or reduction of the second unit permit application fee. Work with special districts, e.g. water and sanitary, to reduce or waive connection and/or service fees.

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 2, attached in Exhibit A; as follows:

* * * * *

PASSED AND ADOPTED by the Corte Madera Planning Commission on October 22, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

Chair

Adam Wolff, Planning Director

EXHIBIT A

**ZONING ORDINANCE AMENDMENT
CHAPTER 18.04 DEFINITIONS,
CHAPTER 18.18 – SPECIAL PURPOSE OVERLAY DISTRICTS
CHAPTER 18.20 OFF-STREET PARKING & LOADING,
AND
CHAPTER 18.31 ACCESSORY DWELLING UNITS**

ORDINANCE NO. XXX

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
ADOPTING AMENDMENTS TO TITLE 18 OF THE CORTE MADERA
MUNICIPAL CODE TO AMEND CHAPTERS 18.04 – DEFINITIONS, 18.18 – SPECIAL
PURPOSE OVERLAY DISTRICTS, & 18.20 – OFF-STREET PARKING AND LOADING
AND TO REPEAL AND REPLACE CHAPTER 18.31 – ACCESSORY DWELLING
UNITS**

WHEREAS, the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

WHEREAS, accessory dwelling units (“ADUs”) offer lower cost housing to meet the needs of existing and future residents while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the 2009 General Plan, and 2011 and 2015 Housing Element updates included policies and programs to support and create affordable housing, a diverse range of housing types and implementation through the adoption of amendments to the Corte Madera Zoning Ordinance; and

WHEREAS, the State of California has established that a local agency may, by ordinance, provide for the creation of accessory dwelling units in single family and multi-family residential zones and that ordinances shall designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted and the designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety; and

WHEREAS, state laws related to the review and approval of ADUs apply whether or not a local agency has adopted a local ordinance; and

WHEREAS, it is the intent of the Town Council to adopt amendments to the existing accessory dwelling unit ordinance which has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance; and

WHEREAS, the State of California has made several legislative changes since 2016 intended to increase the supply of ADUs by limiting a local jurisdiction’s ability to impose certain standards, review processes, and fees, as codified in California Government Code Section 65852.2 and 65852.22; and

WHEREAS, on December 6, 2016, in response to state legislation, the Town Council of the Town of Corte Madera adopted substantial amendments to the Town’s ADU regulations to comply with state legislation adopted at that time and added provisions for the development of junior accessory dwelling units (“JADUs”); and

WHEREAS, the Town adopted the Christmas Tree Hill Overlay District in 1994 (as set forth in Section 18.18 of the Town of Corte Madera Municipal Code [CMCC]) and, at that time recognized the unique development conditions of Christmas Tree Hill which include:

- (1) The roads on Christmas Tree Hill are steep, narrow and winding;
- (2) There are many small developed lots with severely limited off-street parking;
- (3) Christmas Tree Hill is heavily vegetated and developed with numerous older, wooden structures resulting in high fuel loading and severe fire hazard;
- (4) The road configuration and proliferation of on-street parking limit emergency access to all Christmas Tree Hill residents and property, as well as evacuation of residents in the event of fire, natural disaster, or other emergency;
- (5) Infrastructure facilities, including drainage and roads, are limited in their ability to accommodate additional development, including, but not limited to, residential expansions, new residential units and accessory dwelling units; and

WHEREAS, in acknowledgement of these unique conditions, CMMC Sections 18.18.405 and 18.18.410 limit the number of accessory dwelling units within Christmas Tree Hill to avoid jeopardizing the safety of persons residing in the area related to traffic flow, fire hazards and emergency evacuation, and infrastructure capacity; and

WHEREAS, state law restricts the Town's ability to limit ADUs located within an existing structure or to the development of junior accessory dwelling units, but no such restriction exists for attached or detached ADUs; and

WHEREAS, to retain the intent of the ADU capacity limit regulations of the Christmas Tree Hill Overlay District to the extent permissible under state law, and regulate the number of attached and detached ADUs permitted on Christmas Tree Hill, the Town Council has determined it is necessary to require that new additions or detached structures not proposed as an ADU, be in existence for a minimum of five years before such addition or detached structure may be considered an existing structure for the purposes of creating a new ADU pursuant to provisions of state law permitting ADUs within existing structures. This requirement is intended to eliminate a potential loophole in the ADU capacity limit regulations of the Christmas Tree Hill Overlay District that would otherwise exist; and

WHEREAS, the proposed Zoning Code amendments comply State Law Section 65852.2 which establishes standards for the development of accessory dwelling units so as to increase the supply of smaller and more affordable housing while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the amendments are exempt from the California Environmental Quality Act (CEQA) under statutory exemption 15282(h) since the proposed ordinance implements the provisions of

Government Code Section 65852.2; and

WHEREAS, based on the record, the Town Council finds that the Zoning Ordinance amendments are consistent with and facilitate the implementation of the Housing Element and the General Plan; and

WHEREAS, the Planning Commission discussed proposed amendments to Chapter 18.31 (Accessory Dwelling Units) on May 14, 2019 and August 13, 2019; and

WHEREAS, on October 11, 2019, notice of the Corte Madera Planning Commission public hearing on the proposed Zoning Ordinance amendments was sent by email to all those who signed up for the ADU interested parties list and the Planning and Building Weekly Newsletter newsflash item, was posted at the Town's fire station, Town Hall, library and post office, and was posted to the Town's website and on Nextdoor; and

WHEREAS, on October 11, 2019, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090 and posted in public places throughout Town; and

WHEREAS, on October 22, 2019, the Planning Commission held a public hearing, received the staff report and reviewed a presentation from the Planning Department and received comments from the public and interested parties, and

WHEREAS, by Resolution No. 19-021, the Planning Commission did consider and recommend, by a vote of _____ that the Town Council adopt amendments to the Town of Corte Madera Zoning Ordinance; and

WHEREAS, on _____ 2019, notice of the Corte Madera Town Council public hearing on the proposed Zoning Ordinance amendments was sent by email to all those who signed up for the ADU interested parties list and the Planning and Building Weekly Newsletter newsflash item, was posted at the Town's fire station, Town Hall, library and post office, and was posted to the Town's website and on Nextdoor; and

WHEREAS, on _____, 2019, notice of the Town Council public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090 and posted in public places throughout Town; and

WHEREAS, on _____, 2019, the Town Council of the Town of Corte Madera conducted a public hearing on the item, and considered all oral and written comments submitted to the Town regarding the item prior to taking its actions on the item.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals

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

Section 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) 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 Housing Element update adopted by the Town Council in 2015, including the adopted environmental determination (4) all staff reports, Town files and records and other documents prepared for and/or submitted to the Town Council related to the adoption of Zoning Ordinance amendments.

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

Based on the Record, the Town Council finds the ordinance and amendments are not subject to the California Environmental Quality Act (CEQA). The ordinance and amendments are exempt from CEQA under statutory exemption 15282(h) to allow implementing regulations for accessory dwelling units consistent with Government Code Section 65852.2.

Section 4. General Plan Consistency

The Town Council of the Town of Corte Madera hereby finds that the proposed Zoning Ordinance amendments to Chapter 18.04, 18.18, 18.20 and 18.31, are in the best interest of the Town because they further establish goals, policies and implementation programs of the General Plan to promote housing opportunities, maintain a diverse range of housing options, provide infill housing that is potentially affordable, encourage the improvement of existing housing stock while preserving quality of life in residential zones. The ordinance amendments also implement specific policies of the Housing Element by modifying and improving the existing accessory dwelling unit provisions to ensure consistency with state code.

The amendments specifically are consistent with and implement the following General Plan and Housing Element policies and programs:

Goal H-2 Use land efficiently and sustainably. Develop a variety of housing to meet community needs and to promote sustainability.

Policy H-1.4 Variety of housing choices. In response to the broad range of housing needs in Corte Madera, the Town will strive to achieve a mix of housing types, densities, affordability levels and designs. The Town will work with developers of nontraditional and innovative housing approaches in financing, design, construction and types of housing to meet local housing needs.

Policy H-2.1 Housing to meet local needs. Provide for the development of new housing to meet the diverse economic and physical needs of existing residents and projected population capacity by planning for adequate sites and supporting programs to achieve Corte Madera’s Regional Housing Needs Allocation.

Policy H-2.15 Second dwelling units. Encourage well designed, legal second units in all residential neighborhoods.

Policy H-2.16 Second dwelling units in new development. Require new second units as part of new

detached single family dwelling subdivision development where five or more new units are proposed.

Implementation Program H-2.15.a Second unit ordinance. Continue to implement the second unit ordinance.

Implementation Program H-2.15.c Second unit fees. Encourage the development of second units by waiving or reducing fees as follows: consider waiver or reduction of the second unit permit application fee. Work with special districts, e.g. water and sanitary, to reduce or waive connection and/or service fees.

Section 5. Amendment To The Corte Madera Municipal Code. Subsection 18.04 is amended, as shown in strike-out (deleted) and underline (added text, as follows):

18.04.007 – Accessory Dwelling Unit

“Accessory Dwelling Unit” shall have the same meaning as defined in California Government Code Section 65852.2, as amended from time to time.

~~18.04.007 – Accessory Dwelling Unit~~

~~“Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family dwelling is situated.~~

18.04.392 – Junior Accessory Dwelling Unit

“Junior Accessory Dwelling Unit” shall have the same meaning as defined in California Government Code Section 65852.22, as amended from time to time.

~~18.04.392 – Junior Accessory Dwelling Unit~~

~~“Junior Accessory Dwelling Unit” means a housing unit that is no more than 500 square feet in size and contained entirely within an existing single family structure, including the utilization of an existing bedroom. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. A junior accessory dwelling unit must include an efficiency kitchen with all of the following: a sink with a maximum waste line diameter of 1.5 inches, a cooking facility with appliances that do not require electrical service greater than 120 volts, propane or gas, and a food preparation area that is of reasonable size in relation to the size of the unit.~~

Section 6. Amendment To The Corte Madera Municipal Code. Subsection 18.18.405(3)(K) and Subsection 18.18.410 is amended, as shown in strike-out (deleted) and underline (added) text, as follows:

18.18.405(3)(K)

Consistent with the recognition of the unique physical constraints on Christmas Tree Hill, as described in Section 18.18.400, this section seeks to limit and distribute ~~additional dwelling units~~ accessory dwelling units on the Hill, acknowledging that, if overdeveloped, ~~additional dwelling units~~ accessory dwelling units will jeopardize the health and safety of

persons residing in the area. “Overloading the capacity of the neighborhood” is defined as the number of ~~additional dwelling units~~ accessory dwelling units exceeding ten percent of the total number of primary residential units existing in the area on the date this section becomes effective. Christmas Tree Hill has been divided into capacity districts. In each capacity district, the percentages of the total allowable ~~units~~ accessory dwelling units are as follows:

Capacity District	Percent
1	10
2	7
3	7
4	8
5	7
6	11
7	7
8	8
9	8
10	14
11	13

Example: With two hundred fifty dwelling units on Christmas Tree Hill, a total of twenty-five ~~second units~~ accessory dwelling units are permitted. Capacity District 4, with eight percent of the total dwelling units, is allowed two ~~second units~~ accessory dwelling units.

18.18.410

(a) In recognition of the approximate pattern of town-approved ~~additional dwelling units~~ accessory dwelling units to date, to minimize impacts of ~~additional dwelling units~~ accessory dwelling units in any particular area, and to provide for an even, equitable distribution of these ~~additional dwelling units~~ accessory dwelling units, capacity districts have been delineated as shown on the Christmas Tree Hill capacity map (See Figure 16).

(b) ~~Additional dwelling units~~ Accessory Dwelling Units on parcels greater than twenty thousand square feet in size shall not be considered overloading the capacity of the neighborhood, and therefore shall not be included in calculating the maximum allowable number of ~~dwelling units~~ accessory dwelling units.

(c) Interior accessory dwelling units and junior accessory dwelling units as defined in Chapter 18.31 shall not be included in calculating the maximum allowable number of accessory dwelling units per capacity district.

~~(e)~~(d) The allowed maximum total number of ~~additional dwelling units~~ accessory dwelling units shall include existing legal ~~additional dwelling units~~ accessory dwelling units and future ~~additional dwelling units~~ accessory dwelling units, except those excluded above. If a capacity district already contains more than its allotted number, by virtue of the existence of legal conforming and legal nonconforming ~~additional dwelling units~~ accessory dwelling units, these units shall not be rendered illegal by the provisions of this section.

Section 7. Amendment To The Corte Madera Municipal Code. Subsection 18.20.030 is amended, as shown in strike-out (deleted) and underline (added) text, as follows:

18.20.030 - Required number of parking spaces.

Use	Requirement
<p><u>Accessory Dwelling Unit</u></p>	<p><u>Unless otherwise specified in Chapter 18.31 or as required by state law, one on-site parking space shall be required for the accessory dwelling unit in addition to those required for the primary residence. The required parking space for the accessory dwelling unit shall be provided in a location permitted pursuant to Chapter 18.31.</u></p>
<p><u>Accessory Dwelling Unit</u></p>	<p>One parking space shall be required for each bedroom of the proposed accessory dwelling unit in addition to those required for the primary unit.</p> <p>The required parking spaces for the accessory dwelling unit may be uncovered. If an accessory dwelling unit requires two additional on-site parking spaces, they may be uncovered and in tandem with each other.</p> <p>Parking for an accessory dwelling unit shall not be in tandem with parking for the primary unit on the site. With the approval of the town engineer, one of the parking spaces for an accessory dwelling unit may be located within the front setback between an existing driveway and the closest side of the property line if the slope of the site is ten percent or less.</p> <p>When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.</p> <p>Onsite parking is not required for an accessory dwelling unit in any of the following instances:</p> <p>(1) The accessory dwelling unit is located within one-half mile of public transit.</p> <p>(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.</p> <p>(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.</p> <p>(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.</p> <p>(5) When there is a car share vehicle located within one block of the accessory dwelling unit.</p>

Section 8. Amendment To The Corte Madera Municipal Code. Subsection 18.31 is repealed and replaced as follows:

Chapter 18.31 - ACCESSORY DWELLING UNITS/JUNIOR ACCESSORY DWELLING UNITS

18.31.010 - Purpose.

The purpose of this chapter is to establish the procedures and development standards for the ministerial, non-discretionary processing of applications for new accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”) in compliance with California Government Code Section 65852.2 and Section 65852.22 and consistent with the policies, goals and programs of the Housing Element of the General Plan. ADUs and JADUs increase the overall supply of housing within established residential neighborhoods or as part of new residential subdivisions, while maintaining the existing character of the neighborhood. Such units are intended to increase the supply of smaller, more affordable housing within existing residential neighborhoods and provide independent living units for prospective and current residents, including family members, students, local employees, the elderly, in-home health and childcare providers, and single adults, among others.

The intent of the Town in adopting the code section is to ensure that the Town’s ordinance has the effect of providing for the creation of ADUs and JADUs and that the provisions in this ordinance relating to matters including size, parking, and other development standards are not arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create ADUs or JADUs consistent with state law intended to promote their development.

18.31.020 - Definitions.

"Accessory dwelling unit" shall have the same meaning as defined in California Government Code Section 65852.2, as amended from time to time.

“Accessory dwelling unit – attached” means an accessory dwelling unit that is constructed as a physical expansion (i.e. addition) of the primary dwelling unit and shares a common wall with the primary dwelling unit.

“Accessory dwelling unit – detached” means an accessory dwelling unit that is constructed as a separate structure from the primary dwelling unit.

“Accessory dwelling unit – interior” means an accessory dwelling unit that is created within an existing structure as defined in this chapter.

“Efficiency kitchen” shall have the same meaning as defined in California Government Code Section 65852.22, as amended from time to time.

“Existing structure” means an existing permitted or otherwise legal single family residence, including all fully enclosed areas such as a partial basement, an attached garage, or an accessory structure that can be made safety habitable under building codes.

“Junior accessory dwelling unit” shall have the same meaning as defined in California Government Code Section 65852.22, as amended from time to time.

“Kitchen” means a room or portion thereof containing permanent facilities designed and used for food preparation, cooking, eating and dish washing. A kitchen shall include all of the following: a sink with hot and cold running water; a stove-top/cook-top or an oven; a refrigerator; and built-in dish and utensil storage spaces. In addition to the aforementioned improvements, a kitchen may also include any of the following: microwave, convection oven, hot plate or automatic dishwasher.

“Living area” shall have the same meaning as defined in California Government Code Section 65852.2, as amended from time to time.

“Passageway” shall have the same meaning as defined in California Government Code Section 65852.2, as amended from time to time.

“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 does not include school bus stops associated with bus routes operated seasonally or only during school hours for the intended purpose of serving students, even if the general public may access such bus service; or school bus routes provided by a school district for the exclusive use of students.

“Tandem parking” shall have the same meaning as defined in California Government Code Section 65852.2, as amended from time to time.

18.31.030 – Permit required – detached and attached ADUs.

An ADU permit is required for the creation of an attached or detached ADU as defined in Section 18.31.020 above.

18.31.035 – ADU Application – detached and attached ADUs.

For all ADU permits, an application shall be submitted to the Planning Department on prescribed forms that demonstrates that the ADU complies with the requirements contained in this chapter.

18.31.040 – Procedures for detached and attached ADUs.

The Zoning Administrator or his/her designee shall issue an ADU permit as a ministerial permit. The application shall be processed within the timelines established by California Government Code Section 65852.2. In addition to an ADU permit, the applicant shall also be required to obtain a building permit prior to the construction of a detached or attached ADU.

18.31.045 – Notice.

A courtesy notice which includes a description of the project shall be provided for all attached and detached ADUs as defined in Section 18.31.020 above at least ten days prior to a decision by the Zoning Administrator. The notice shall be mailed to all owners within 300 feet of the project site. No public hearing shall be required.

18.31.050 – Procedures for Interior ADUs and JADUs.

- (1) An ADU permit shall not be required if a proposed unit meets all of the following conditions:
 - a) The unit is fully contained within an existing structure as defined in Section 18.31.020 above or increases the gross floor area of an existing accessory structure by no more than 20 percent.
 - b) The unit is located on a parcel that permits residential uses.
 - c) The unit has an exterior access independent from the existing residence. Access from the public right-of-way to the unit may be provided through the front yard, side yard or rear yard of the primary residence.
 - d) The unit has side and rear setbacks sufficient for fire safety as determined by the Fire Marshal.
- (2) Any structure which does not require an ADU permit may submit a building permit application directly to the Building Department. An Accessory Dwelling Unit Checklist on the Town form

shall be submitted to the Planning Department at the same time of building permit submittal to ensure that the above requirements are met.

- (3) A JADU is exempt from an ADU permit and may submit for a building permit application directly to the Building Department. A Junior Accessory Dwelling Unit Checklist on the Town form shall be submitted to the Planning Department at the same time of building permit submittal to ensure that the above requirements are met.

18.31.060 – General requirements – ADUs/JADUs.

All ADUs/JADUs shall be subject to the following standards:

- (1) One ADU and one JADU may be constructed on a residentially zoned parcel with a proposed or existing single family dwelling.
- (2) ADU(s) shall be allowed on a parcel with an existing multi-family dwelling consistent with state law.
- (3) Owner Occupancy. Owner occupancy is not required for either the primary residence or the ADU/JADU.
- (4) Street addresses shall be assigned to all ADUs to assist in emergency response. Address creation for a JADU may be required depending on the configuration of the unit, and subject to the Fire Marshal’s recommendation.
- (5) The ADU/JADU may be rented, but shall not be sold independently of the primary dwelling on the parcel.
- (6) The ADU/JADU shall not be rented for less than 30 consecutive days.
- (7) Permanent Foundation. A permanent foundation shall be required for all ADUs.
- (8) Adequate Services. The proposed method of water supply and sewage disposal via the Sanitary District No. 2 for the ADU/JADU must be provided, as well as service availability from any associated electric and gas provider for the lot. Letters of service availability must be provided by the appropriate utilities service provider(s) for the lot. The property owner must also demonstrate existing or future legal access.
- (9) Survey. The owner shall be required to respond to the Town of Corte Madera’s annual survey regarding the occupancy and monthly rent charged for the ADU/JADU and any other information as deemed necessary by the Director of Planning and Building.

18.31.070 – Development standards - ADUs.

- (1) Separate Entry, Kitchen and Bathroom. All ADUs shall contain a separate entrance, kitchen and bathroom independent of the primary residence.
- (2) Zoning Conformance. All ADUs shall meet all development standards of the Zoning District in which it is located except as modified by this section.
- (3) Location. Detached ADUs shall be separated from the primary dwelling and any accessory structures by a minimum of 3 feet.
- (4) Height. An attached ADU or detached ADU shall not exceed 16 feet in height; or, when more than 50% of the gross floor area of an ADU is located above an existing or proposed garage, the entire combined structure shall not exceed 25 feet in height. The height may be increased in accordance with the standards in the underlying zoning district following submittal of an application for and approval of a discretionary Design Review application by the Planning Commission.
- (5) Bedrooms. All ADUs are limited to a maximum of two bedrooms.

(6) Size.

ADUs shall be subject to all of the following requirements related to size.

- a) ADUs on lots with a net area of land less than one acre in size shall be limited to the following maximum sizes:

Less than two bedrooms	950 square feet of gross floor area
Two bedrooms	1,000 square feet of gross floor area

- b) ADUs on lots with a net area of land less than one acre in size may exceed the above maximum unit sizes following submittal of an application and approval of a discretionary Design Review application by the Planning Commission. In no case shall the ADU exceed 1,200 square feet of gross floor area.
- c) ADUs on lots with a net area of land equal to or greater than one acre in size shall not exceed 1,200 square feet of gross floor area.
- d) The gross floor area of attached or interior ADUs shall not exceed 50% of the existing living area (as defined by state law) of the primary residence. Notwithstanding the existing living area of the primary dwelling, attached or interior ADUs may contain at least 800 square feet of gross floor area.
- e) The minimum allowable gross floor area of an ADU shall be the minimum size permitted by the Building Code at the time of application, but in no case shall it preclude a minimum sized efficiency unit.

(7) Lighting. All exterior lighting, including landscape lighting, must be dark sky compliant and/or have a BUG (Backlight, Uplight, Glare) rating of B5 or less, U0 or less and G5 or less. All new exterior lighting must be designed and installed so that the filaments, light sources or lenses are shielded with opaque materials in such a way that they will not be visible at property lines. The exterior lights shall have a color temperature of 3500 Kelvin or lower (warm not cool).

(8) Landscaping. Any tree over 30 inches in circumference removed in conjunction with the construction of an ADU must be replaced by a 24 inch box tree on the project site, unless it is determined by the Fire Marshal that replacement planting is not feasible. If a tree permit is required to remove a tree with a circumference of 50 inches or greater, a tree permit shall be obtained pursuant to the tree permit requirements set forth in Chapter 15.50 of the Municipal Code.

(9) Windows.

- a) All windows that face a side yard adjoining a side yard of an adjacent property and are located within 15 feet of the shared property line shall be clerestory (minimum of 6.5 feet above the finished floor height), except that this standard does not apply if a structure on the adjacent property does not have any non-clerestory windows on the building elevation that faces the ADU. Windows, other than clerestory, may be allowed on the building elevation that faces the side yard adjoining a side yard of an adjacent property located within 15 feet of that shared property line following submittal of an application for and approval of a discretionary Design Review application by the Zoning Administrator or with written approval from the adjacent property owner that faces the window(s).

- b) All windows that face a rear yard adjoining a rear yard of an adjacent property that are located within 15 feet of the shared property line shall be clerestory (minimum of 6.5 feet above the finished floor height), except that this standard does not apply if a structure on the adjacent property does not have any non-clerestory windows on the building elevation that faces the ADU. Windows, other than clerestory, may be allowed on the building elevation that faces the rear yard adjoining a rear yard of an adjacent property following submittal of an application for and approval of a discretionary Design Review application by the Zoning Administrator or with written approval from the adjacent property owner that faces the window(s).
- (10) Setback for a structure converted to an ADU. No setback shall be required for an existing living area or accessory structure that is fully or partially converted to an ADU, or for a structure constructed in the same location and to the same dimensions as an existing living area or accessory structure that is fully or partially converted to an ADU.
- (11) Flood Plain. An attached or detached ADU located in the flood plain shall comply with Title 16 of the CMMC.
- (12) Prior Discretionary Approvals. The ADU shall not conflict with any other requirements associated with prior land use entitlements (e.g. Design Review) granted for the subject property, unless such requirements have been amended through required approval processes.
- (13) Notwithstanding the above development standards, an attached or detached ADU may reduce the applicable rear yard or side yard setback requirements to 4 feet, and may exceed applicable lot coverage and floor area ratio, pursuant to state law. The maximum allowable size of any ADU that exceeds standards related to lot coverage or floor area ratio, or reduces rear or side setback beyond otherwise applicable standards, is 800 square feet of gross floor area.

18.31.080 – Development standards - JADUs.

JADUs are subject to the following objective standards.

- (1) Entryways. A JADU must include a separate entrance from the main entrance to the primary residence, with an interior entry to the main living area. A JADU may include a second interior doorway for sound attenuation.
- (2) Location. The JADU must be created within the existing walls of an existing single family residence and must include an existing bedroom.
- (3) Kitchen. The JADU shall include an efficiency kitchen as defined in California Government Code Section 65852.22.
- (4) Bathroom. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- (5) Size. The size of a JADU shall not exceed 500 square feet of gross floor area. The gross floor area of a shared sanitation facility shall not be included in the maximum gross floor area of the unit.
- (6) Zoning Conformance. Any exterior improvements associated with the development of a JADU shall conform to zoning regulations and any existing land use entitlements on the property.

18.31.090 – Parking.

- (1) Unless otherwise specified in Section (2) below, one on-site parking space in a location permitted pursuant to this chapter shall be required for an attached or detached ADU as defined in Section 18.31.020 above. This parking space is in addition to those spaces required for the primary residence. The parking space for the ADU may be uncovered.
- (2) On-site parking is not required for an ADU in any of the following instances:
 - a) The ADU is located within one-half mile walking distance of public transit as defined in Section 18.31.020 above.
 - b) The ADU is located within an architecturally and historically significant historic district.
 - c) The ADU is contained entirely within an existing structure as defined in Section 18.31.020 above.
 - d) When on-street parking permits are required but not offered to the occupant of the ADU.
 - e) When there is a car share vehicle located within one block of the ADU.
- (3) The required parking space for the ADU may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. With approval of the Public Works Director or his/her designee, the required parking space for the ADU may be located within the required front yard setback within the existing driveway or proposed expanded driveway. Alternatively, with the approval of the Public Works Director or his/her designee, the required parking space for the ADU may be located within the front setback between an existing driveway and the closest side property line.
- (4) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or is converted to an ADU, the space(s) eliminated from that structure are not required to be replaced elsewhere on the lot.

18.31.100 – ADUs & JADUs in the Christmas Tree Hill Overlay District.

Sections 18.18.400 – 18.18.425 of the Zoning Code establishes limits on the number of ADUs that can be created within the Christmas Tree Hill Overlay Zone. These limitations are in place because of the unique physical constraints on Christmas Tree Hill. The number of ADUs in Christmas Tree Hill is limited to ten percent of the total number of primary residential units. The total number of ADUs in the Christmas Tree Hill Overlay district shall not exceed the total number permitted by Sections 18.18.405(3)(K) and 18.18.410 of this title. However, the limitations set forth in Section 18.18.405(3)(K) shall not apply to an interior ADU contained within an existing structure or a JADU. To protect the capacity districts established in the Christmas Tree Hill Overlay District, any new square footage of an attached addition or new square footage of a detached structure shall be in existence for five years before the space can be converted to an ADU. The start of the five-year period shall begin on the date when the building permit is signed-off by the Building Official or his/her designee.

18.31.110 – Review of the record.

The decision of the Zoning Administrator granting or denying an accessory dwelling unit permit is a ministerial decision as required by state law, and shall not be subject to a public hearing. Following the decision of the Zoning Administrator, a request for a review of the record must be filed within ten calendar days of the date of the decision with the Town Clerk. Within ten calendar days, the Town Manager, or his/her designee, shall conduct a review of the record based on all documents submitted as part of the application and review process. The fee to request a review

shall be a flat fee of \$300. The ADU applicant and individual(s) filing for the review shall be notified in writing of the decision and such decision shall be final.

18.31.120 – Termination of permit and use.

At his/her discretion, the Planning Director or his/her designee may grant an owner’s request to terminate an ADU/JADU. As a condition of termination, the Planning Director or his/her designee shall require the owner to make modifications to the property to comply with current building code requirements, and remove the kitchen. The property owner shall apply for a building permit to remove the kitchen as required by the Town’s building and fire codes.

Section 9. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional on their face or as applied.

Section 10. Effective Date

This ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

Section 11. Posting

The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal within 5 days prior to passage and within 15 days after passage.

* * * * *

This ordinance was introduced on the ____ day of _____, 2019, and adopted on the ____ day of _____, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

JAMES ANDREWS

ATTEST:

REBECCA VAUGHN
TOWN CLERK

Attachment 3

Staff Reports (w/o Attachments) for
October 13, 2016 Planning Commission Meeting
October 25, 2016 Planning Commission Meeting
November 15, 2016 Town Council Meeting
December 6, 2016 Town Council Meeting
May 2, 2017 Town Council Meeting
December 12, 2017 Planning Commission Meeting
May 14, 2019 Planning Commission Meeting
August 13, 2019 Planning Commission Meeting

Attachment 4
Chapter 18.31 of the CMMC

Chapter 18.31 - ACCESSORY DWELLING UNITS⁴

Sections:

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.

(Ord. 961 § 8, 12-6-2016)

Footnotes:

--- (4) ---

Editor's note— Ord. No. 961, § 8, adopted Dec. 8, 2016, amended Ch. 18.31 in its entirety to read as herein set out. Former Ch. 18.31, §§ 18.31.010—18.31.090, pertained to similar, and derived from Ord. 886 § 6 (part), 2004; Ord. No. 910, § 37, 4-21-2009.

18.31.020 - Accessory dwelling unit permit required.

The zoning administrator or his/her designee shall issue an accessory dwelling unit permit as a ministerial permit to allow for an accessory dwelling unit; provided, that a completed application is submitted which demonstrates that the accessory dwelling unit complies with the requirements contained in this chapter. In addition to an accessory dwelling unit permit, the applicant shall be required to obtain a building permit prior to the construction of the accessory dwelling unit.

(Ord. 961 § 8, 12-6-2016)

18.31.030 - Definition.

An "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

- (A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code as follows,

"Notwithstanding Sections 17922, 17958, and 17958.5, a city or county may, by ordinance, permit efficiency units for occupancy by no more than two persons which have a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities, as specified by the ordinance. In all other respects, these efficiency units shall conform to minimum standards for those occupancies otherwise made applicable pursuant to this part."

- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code as follows,

"Manufactured home," for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes any structure that meets all the requirements of this paragraph except the size

requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).[FN1]

- (C) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(Ord. 961 § 8, 12-6-2016)

18.31.040 - Allowed use.

Accessory dwelling units shall be allowed as permitted uses in the R-1-C open residential, R-1-B very low density, R-1-A low density, R-1 medium density and the R-2 low density and R-3 high density multiple-dwelling districts; provided, that the submitted application satisfies the requirements set forth in this chapter.

(Ord. 961 § 8, 12-6-2016)

18.31.050 - Accessory dwelling unit regulations.

Accessory dwelling units shall be subject to the following regulations:

- (1) No more than one accessory dwelling unit may be constructed on any site. An accessory dwelling unit shall not be allowed on a site with more than one unit.
- (2) Owner Occupancy. One of the dwelling units on the site shall be owner-occupied. For purposes of this section, "ownership" is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for any party named, unless shares are specified, in which case "ownership" requires a majority interest.
- (3) Zoning Development Standards. The accessory dwelling unit shall comply to all development standards included in the underlying zoning district, including standards for lot coverage, setbacks, height and the like.
- (4) Separate Entry, Kitchen and Bathroom. The accessory dwelling unit shall contain a separate entrance, kitchen and bathroom; both the existing dwelling and the accessory dwelling unit shall comply at a minimum with all requirements of the current housing code; and the accessory dwelling unit shall comply with the building code in effect at the time it was constructed.
- (5) Location of Accessory dwelling unit. The accessory dwelling unit may be within, attached to, or detached from the primary dwelling unit. If detached, the accessory dwelling unit shall be separated from the primary dwelling and any accessory structure(s) a minimum of three feet.
- (6) 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, and trim shall match the main building on the site.
 - (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.
- (7) Parking. Parking on the site shall conform to the requirements for accessory dwelling units as contained in Chapter 18.20, Off-Street Parking and Loading.

- One parking space shall be required for each bedroom of the proposed accessory dwelling unit in addition to those required for the primary unit.

The required parking spaces for the accessory dwelling unit may be uncovered. If an accessory dwelling unit requires two additional on-site parking spaces, they may be uncovered and in tandem with each other.

- Parking for an accessory dwelling unit shall not be in tandem with parking for the primary unit on the site. With the approval of the town engineer, one of the parking spaces for an accessory dwelling unit may be located within the front setback between an existing driveway and the closest side of the property line if the slope of the site is ten percent or less.

- When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, those off-street parking spaces shall be replaced. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

- Onsite parking is not required for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(8) Permanent Foundation. A permanent foundation shall be required for all accessory dwelling units.

(9) Size of Unit. The floor area of accessory dwelling units shall not be larger than twelve hundred gross square feet.

(10) Elevation. If the elevation of the existing main house on the site is below the Town's base flood elevation then the floor level of the accessory dwelling unit shall be at least as high as the elevation of the existing main house.

- (11) Street Address Required. Street addresses shall be assigned to all accessory dwelling units to assist in emergency response.
- (12) The accessory dwelling unit is not intended for sale separate from the primary residence and may be rented.
- (13) No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
- (14) The accessory dwelling unit shall not be rented for less than 30 days.
- (15) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(Ord. 961 § 8, 12-6-2016)

18.31.060 - Christmas Tree Hill overlay district.

The total number of accessory dwelling units in the Christmas Tree Hill overlay district shall not exceed the total number permitted by Sections 18.18.405(K) and 18.18.410 of this title. This provision shall not apply to accessory dwelling units contained within the existing space of a single-family residence or accessory structure.

(Ord. 961 § 8, 12-6-2016)

18.31.070 - Deed restriction.

The town shall require the property owner to record a deed restriction in the official records of Marin County, California requiring owner-occupancy of the unit of either the primary unit or accessory dwelling unit at all times. Proof of recordation shall be submitted to the planning division prior to issuance of a building permit. An accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

(Ord. 961 § 8, 12-6-2016)

18.31.080 - Procedures.

An application for an accessory dwelling unit permit shall be filed with the planning department. No public hearing shall be required but a courtesy notice shall be given in the manner prescribed in Chapter 18.36, Administration, at least ten days prior to a decision.

(Ord. 961 § 8, 12-6-2016)

18.31.090 - Administrative review.

The decision of the planning director granting or denying an accessory dwelling unit permit is a ministerial decision as required by State law. Ministerial approvals are not subject to review at a public hearing. In considering accessory dwelling unit permits, review is limited to the objective standards and criteria established by the town as set forth in Section 18.31.050 of this chapter for accessory dwelling units related to parking, height, setback, lot coverage, landscape, architectural review, maximum unit size, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. A request for an Administrative review that is limited to the objective standards and criteria for accessory dwelling units (18.31.050) may be made in by filing an application

and paying applicable fees with the Planning Department. Any application for administrative review must be filed with the planning department within ten calendar days of the date that the decision of the zoning administrator or planning commission was made, whichever is applicable. Any Administrative Review proceedings before the planning commission or the town council shall not be public hearings. The planning commission and town council shall apply the criteria contained in 18.31.050 in an objective and ministerial manner. All costs of the proceedings shall be the responsibility of the party requesting review. The Administrative Reviews should be scheduled so as to minimize delay of review or approval of an accessory dwelling unit.

(Ord. 961 § 8, 12-6-2016)

18.31.1 - Junior accessory dwelling units.

18.31.110 - Purpose.

The purpose of this chapter is to comply with the 2009 Corte Madera General Plan, 2015 Housing Element and California Government Code Section 65852.22 which provides for local jurisdictions to set standards for the development of Junior Accessory Dwelling Units (JADU) so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood.

(Ord. No. 962, § 7, 12-6-2016)

18.31.120 - Junior accessory dwelling unit permit required.

The zoning administrator or his/her designee shall issue a Junior Accessory Dwelling Unit permit as a ministerial permit to allow for a Junior Accessory Dwelling Unit; provided, that a completed application is submitted which demonstrates that the Junior Accessory Dwelling Unit complies with the requirements contained in this chapter. In addition to a Junior Accessory Dwelling Unit permit, the applicant shall be required to obtain a building permit prior to the construction of the unit.

(Ord. No. 962, § 7, 12-6-2016)

18.31.130 - Definition.

"Junior accessory dwelling unit" means a housing unit that is no more than 500 square feet and contained entirely within an existing single-family structure, including the utilization of an existing bedroom. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. A junior accessory dwelling unit must include an efficiency kitchen with all of the following: a sink with a maximum waste line diameter of 1.5 inches, a cooking facility with appliances that do not require electrical service greater than 120 volts, propane or gas, and a food preparation area that is of reasonable size in relation to the size of the unit.

(Ord. No. 962, § 7, 12-6-2016)

18.31.140 - Permitted districts.

Junior Accessory Dwelling Units shall be allowed as permitted uses in the (R-1-C) open residential, (R-1-B) very low density, (R-1-A) low density, (R-1) medium density, (R-2) low density multiple-dwelling and (R-3) high density multiple-dwelling districts; provided, that the submitted application satisfies the requirements set forth in this chapter.

(Ord. No. 962, § 7, 12-6-2016)

18.31.150 - Junior accessory dwelling unit regulations.

A Junior Accessory Dwelling Unit shall be subject to the following regulations:

- A. Number of Units Allowed. Only one Accessory Dwelling Unit or one Junior Accessory Dwelling Unit may be located on any appropriately zoned parcel that contains a one-family dwelling.
- B. Owner-occupancy is required in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- C. Deed Restriction. Prior to obtaining a building permit for a Junior Accessory Dwelling Unit, a deed restriction, approved by the Town Attorney, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a Junior Accessory Dwelling Unit identified in this section. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Planning Department stating that:
 - a. Sale Prohibited. A Junior Accessory Dwelling Unit shall not be sold independently of the primary dwelling on the parcel.
 - b. Floor Area. The Junior Accessory Dwelling Unit shall have a maximum floor area of 500 square feet.
- D. Location of Junior Accessory Dwelling Unit. A Junior Accessory Dwelling Unit must be created within the existing walls of an existing primary dwelling, and must include an existing bedroom.
- E. Entryways. Must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.
- F. Conformance to Zoning Requirements. Any exterior improvements associated with the development of a Junior Accessory Dwelling Unit shall conform to zoning regulations.
- G. Kitchen Requirements. The Junior Accessory Dwelling Unit shall include an efficiency kitchen with all of the following:
 - a. A sink with a maximum waste line diameter of 1.5 inches.
 - b. A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.
 - c. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- H. Parking.
 - a. No off-street parking is required for a Junior Accessory Dwelling Unit.
 - b. A permit for a Junior Accessory Dwelling Unit shall not be issued for a site containing an illegal nonconforming parking condition unless the existing illegal parking condition is corrected or a variance or other applicable permit approval is granted to allow the existing illegal parking condition to remain.
 - c. Reconstruction and/or remodeling and/or expansion of existing residential structures to which Chapter 18.20 - Off-Street Parking and Loading applies shall be required to comply with the applicable parking standards, but an additional off-street parking space shall not be required for a Junior Accessory Dwelling Unit that is part of or created at the same time as the reconstruction and/or remodeling and/or expansion.

- I. Bathroom Requirements. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- J. The Junior Accessory Dwelling Unit shall be considered legal only so long as either the primary residence, or the accessory unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or non-profit housing organization whose primary mission is to create affordable housing.
- K. The Junior Accessory Dwelling Unit shall not be rented for less than the thirty consecutive days.
- L. Expiration of Issued Permit. Junior Accessory Dwelling Unit permits shall expire if not vested within two years of the date of approval. As used in this section, vesting means: (1) recordation of required deed restrictions; (2) securing a valid building permit and/or other permits related to the approval; and (3) substantial completion of improvements in accordance with the secured building permit and/or other permits. Prior to the expiration of a Junior Accessory Dwelling Unit approval, the applicant may apply to the Planning Director for an extension of not more than one year from the original date of expiration. The Planning Director shall grant the extension if (s)he finds that there has been no change in the factual circumstances surrounding the original approval.
- M. Termination of Junior Accessory Dwelling. Termination of the use requires the elimination by the property owner of any secondary utility meters and removal of all kitchen cabinetry, kitchen sink, refrigerator, dishwasher, cooking facilities. The property owner shall apply for building permits to remove such features, as required under the Town's building and fire codes.
- N. Junior accessory dwelling units shall be exempt from Sections 18.18.405(K) and 18.18.410 of this title.

(Ord. No. 962, § 7, 12-6-2016)

18.31.160 - Procedures.

An application for a junior accessory dwelling unit permit shall be filed with the planning department. No public hearing shall be required but courtesy notice shall be given in the manner prescribed in Chapter 18.36, Administration, at least ten days prior to a decision.

(Ord. No. 962, § 7, 12-6-2016)

18.31.170 - Administrative review.

The decision of the planning director granting or denying an accessory dwelling unit permit is a ministerial decision as required by State law. Ministerial approvals are not subject to review at a public hearing. In considering junior accessory dwelling unit permits, review is limited to the objective standards and criteria established by the town as set forth in Section 18.31.150 of this chapter for junior accessory dwelling units. A request for an Administrative review that is limited to the objective standards and criteria for junior accessory dwelling units (18.31.150) may be made by filing an application and paying applicable fees with the Planning Department. Any application for administrative review must be filed with the planning department within ten calendar days of the date that the decision of the zoning administrator or planning commission was made, whichever is applicable. Any Administrative Review proceedings before the planning commission and the town council shall not be public hearings. The planning commission and town council shall apply the criteria contained in 18.31.150 in an objective and ministerial manner. All costs of the proceedings shall be the responsibility of the party requesting review. The Administrative Reviews should be scheduled so as to minimize delay of review or approval of a junior accessory dwelling unit.

(Ord. No. 962, § 7, 12-6-2016)

Attachment 5
Planning Commission Meeting Minutes for
May 14, 2019 Planning Commission Meeting
August 13, 2019 Planning Commission Meeting

Attachment 6
Legislative Counsel's Digest of 2019 ADU Legislation, including
Senate Bill 13
Assembly Bill 68
Assembly Bill 587
Assembly Bill 670
Assembly Bill 671
Assembly Bill 881

Attachment 7
Definitions in the ADU Ordinance that reference Government Code
Section 65852.2 & Section 65852.22

Attachment 8
Public Comments

From: [Lucinda Smith](#)
To: [Martha Battaglia](#)
Cc: [Dale Wheeler](#); [David Zeff](#); [Sean Randolph](#)
Subject: Planning Comm Hearing 10/22/19 Re ADUs
Date: Wednesday, October 16, 2019 11:24:24 PM

Martha

I will not be able to attend the hearing on ADUs on the 22nd. I would again ask the Commission to consider building limitations for Hidden Valley with the same limitations for additional housing, specifically ADUs, as is in place for Christmas Tree Hill. We have very limited exit options and very narrow streets. The neighborhood was built for single family residences, and I believe 2 off street parking spaces were required for each residence. While neighbors do indeed park on the streets, adding additional cars and traffic resulting from the addition of ADUs causes safety concerns for residents and will definitely limit emergency access.

We already have increased traffic on upper Chapman, Alta Way, and Sausalito due to the Waze app many drivers now use when there's heavy traffic on Hwy 101. At peak times during the day, it is almost impossible to exit one's garage (on Alta Way), and it is dangerous for pedestrians and dog walkers as drivers are anxious to get to their destinations and often go too fast for the narrow, curvy streets.

While I realize an expensive study would probably be required to implement the restricted regulations, it seems reasonable that comparisons could and should be made to the Christmas Tree Hill situation and thereby make way for implementation of same for our Hidden Valley area.

Thanks for taking my comments to the Commissioners for consideration.....and hopeful action.

Lucinda Smith
Alta Way
Corte Madera

From: zefflaw1@aol.com
To: rsean.randolph@gmail.com; lucinda.m.smith@gmail.com
Cc: Martha Battaglia; dhwheeler04@gmail.com
Subject: Re: Planning Comm Hearing 10/22/19 Re ADUs
Date: Thursday, October 17, 2019 10:24:56 PM

While I understand Cindy's points, which make sense, I agree with Sean that additional housing alternatives are needed to address both the shortage of housing and the sky high prices of rents and homes, which of course are closely linked. I agree with the Town's desire and plan to permit ADU's where appropriate. Thank you. David Zeff

-----Original Message-----

From: Sean Randolph <rsean.randolph@gmail.com>
To: Lucinda Smith <lucinda.m.smith@gmail.com>
Cc: mbattaglia <mbattaglia@tcmmail.org>; Dale Wheeler <dhwheeler04@gmail.com>; David Zeff <zefflaw1@aol.com>
Sent: Thu, Oct 17, 2019 9:52 pm
Subject: Re: Planning Comm Hearing 10/22/19 Re ADUs

Thanks everyone. I couldn't see the prior correspondence so am not sure what the reference to Christmas Tree Hill is about, but my organization has led the statewide effort to clear the way for more ADUs. The reason is that we are in a severe housing crisis in the Bay Area where few people can afford to own a home or even rent, and our children often can't afford to live in the neighborhoods and cities where they grew up (i.e., close to us). ADUs are not likely to proliferate in large numbers but are one answer. I don't believe we should try to stand in their way.

Sean

On Wed, Oct 16, 2019 at 11:24 PM Lucinda Smith <lucinda.m.smith@gmail.com> wrote:

Martha

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Lucinda Smith
Alta Way
Corte Madera