

**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 with 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

WHEREAS, on October 22, 2019, the Planning Commission recommended the following modifications to the proposed Zoning Ordinance related to Chapter 18.31:

1. Modification of the size regulations to be consistent with state legislation (850 square feet for an ADU with less than 2 bedrooms and 1,000 square feet for an ADU with 2 bedrooms);
2. Removal of the discretionary design review options related to height, size and non-clerestory windows; and
3. Addition of a development standard, to be developed by staff and added to Section 18.31.070, to limit site grading associated with an ADU.

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 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 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 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.

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: Metcalfe, Chase, Lee, Bandel

NOES:

ABSTAIN:

ABSENT: Bundy

RECUSED:



Chair



Adam Wolff, Planning Director