

Introduction of Ordinance No. 992 to Repeal & Replace Chapter 18.31 and Amend Chapters 18.04, 18.18 & 18.20 related to Accessory Dwelling Unit Regulations and Approve Resolution No. 51/2019 to Amend the Town of Corte Madera Master Fee Schedule

TOWN COUNCIL

DECEMBER 3, 2019

Background

- December 2016: Town Council adopted substantial amendments to the Town's ADU regulations.
- May 14, 2019: Planning Commission discussion of proposed ordinance amendments.
- August 13, 2019: Planning Commission discussion of proposed ordinance amendments.
- October 22, 2019: Planning Commission conducted a Public Hearing & adopted a Resolution recommending the Town Council repeal and replace Chapter 18.31 and adopt amendments to Chapters 18.04, 18.18, 18.20.
 - Planning Commission recommended modifications to the prior draft version of the ordinance:
 1. Modifications of size to be consistent with state law.
 2. Removal of discretionary design review options related to size, height and non-clerestory windows.
 3. Addition of a development standard to limit grading.

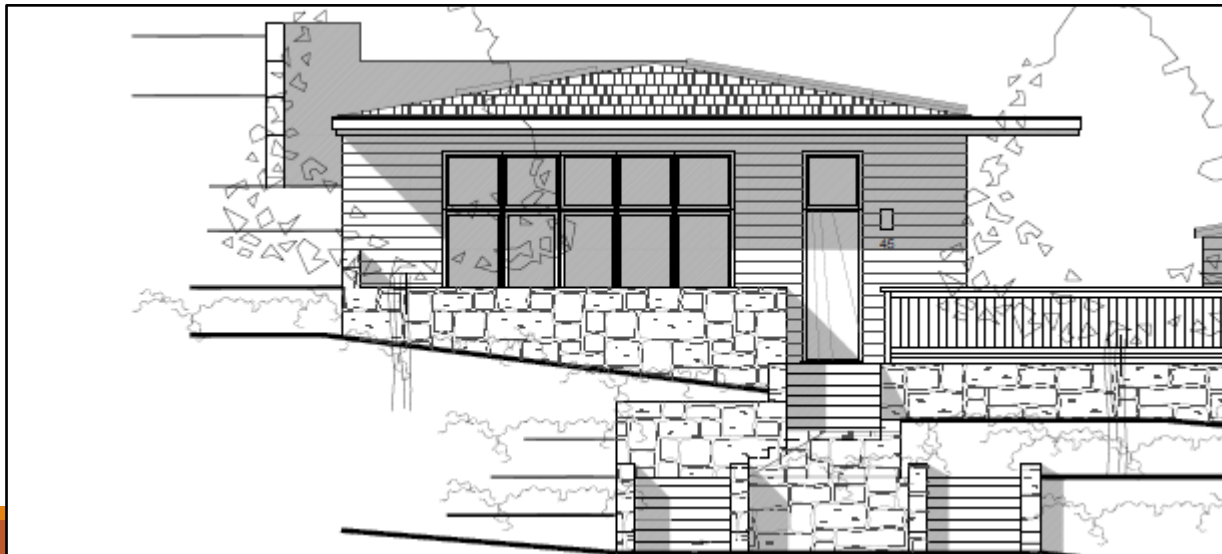
ADU's in Corte Madera since 2017

Address	ADU Size	Description	Status
112 Edison Avenue	848 square feet	Legalization of an existing interior ADU	Completed
21 Edison Avenue	1,120 square feet	New detached ADU above garage	Under construction
134 Redwood Avenue	867 square feet	Conversion of portions of existing detached structure	Under construction
600 Oakdale Avenue	510 square feet	Conversion of portions of existing detached garage	Completed
700 Oakdale Avenue	927 square feet	Conversion of portions of existing lower level	Completed
251 Summit Drive	517 square feet	Conversion of existing accessory structure	Completed
7 Lupine Drive	580 square feet	New detached ADU (within lower level of 2-level detached garage)	Completed
145 Grove Avenue	624 square foot ADU & 120 square foot deck	New detached ADU above garage	Under construction
127 Grove Avenue	948 square feet	Legalization of existing ADU in basement	Completed
410 Sausalito Street	575 square foot ADU with 82 square foot storage space & carport parking space	Conversion of existing detached garage	Under construction
477 Chapman Drive	491 square feet	Conversion of existing basement	Under construction
311 Summit Drive	500 square feet	Conversion of existing basement	Under construction
481 Montecito Drive	528 square feet	Conversion of storage area above existing garage	Under construction
479 Montecito Drive	725 square feet	New detached ADU (located above new garage)	Completed
159 Prince Royal Drive	1,195 square feet	New detached ADU	Under construction
20 Fairview Avenue	484 square feet	Conversion of existing studio above existing garage	Under construction
45 Buena Vista Avenue	1,186 square feet	New detached ADU	Permit pending (Bld. permit)
274 Sausalito Street	433 square feet	Conversion of existing garage/bedroom	Permit pending (Bld. permit)
267 Golden Hind Passage	820 square feet	New attached ADU over garage	Permit pending (Planning)
111 Edison Avenue	304 square feet	Conversion of existing studio above existing garage	Permit pending (Bld. permit)
219 Morningside Drive	1,004 square feet	Conversion of existing lower level	Permit pending (Planning)

410 Sausalito Street – 575 SF; 13'



600 Oakdale Avenue – 510 SF; 12'



45 Buena Vista Avenue – 1,186 SF; 15'6"

20 Fairview Avenue – 484 SF; 24'



479 Montecito Drive – 725 SF; 22'8"



267 Golden Hind Passage – 820 SF; 22'

2019 Adopted State Legislation

- Governor signed 18 bills to remove barriers & boost housing production.
- Six of the bills signed by the Governor eliminate barriers to production of ADUs:
 - Senate Bill 13 (Wieckowski)
 - Assembly Bill 68 (Ting)
 - Assembly Bill 587 (Friedman)
 - Assembly Bill 670 (Friedman)
 - Assembly Bill 671 (Friedman)
 - **Assembly Bill 881** (Bloom)

Changes to Comply with State Law

1. Accessory dwelling units within existing structures, attached ADUs & detached ADUs:
 - The change establishes 2 processes:
 - ADU Permit: Detached ADUs (greater than 800 SF) & attached ADUs.
 - Building Permit: Interior ADUs, JADUs & detached ADUs less than 800 SF.
2. Required parking:
 - Modifies required ADU parking from 1 parking space per bedroom to 1 parking space.
3. Architectural compatibility:
 - Removes the existing design standards that cannot be determined objectively and adds objective standards, i.e. height, size, lighting, windows, landscaping & parking.
4. Deed Restriction:
 - Removes the owner occupancy requirement for ADUs and allows for both the ADU and primary residence to be rented.
 - Owner occupancy requirement required for JADU.

Changes to Comply with State Law

5. Size:
 - Minimum 850 SF for one bedroom ADU.
 - Minimum 1,000 SF for two-bedroom ADU.
6. Allowance for an 800 SF ADU:
 - Allows for an 800 SF detached or attached ADU, regardless of limitations on lot coverage or FAR, that is 16' in height with 4 foot side & rear setback.
7. Replacement Parking:
 - Eliminates the requirement that off-street parking spaces be replaced when a garage, carport, or covered parking is converted to an ADU or demolished to construct an ADU.
8. Allows for ADU(s) on parcels with a multi-family building.
9. Allowance for an ADU & JADU:
 - Allows for either an ADU or a JADU within an existing or proposed single family residence & a detached ADU (may be combined with a JADU).

Changes to Clarify Existing Regulations

1. Definitions:
 - Adds several new definitions, i.e. ADU – attached, ADU- detached, ADU- interior, efficiency kitchen, efficiency unit, existing structure, kitchen, living area, local agency, neighborhood, non-conforming zoning condition, proposed dwelling, public transit & tandem.
2. Defines existing structure in Christmas Tree Hill Overlay District:
 - Requires an addition or a new detached structure be in existence for 5 years before the addition or structure may be considered an existing structure and converted to an ADU.
3. Review of the record:
 - Modifies review process to create more functional process.
 - Administrative review will be done by the Town Manager, or his/her designee, and the decision of the Town Manager, or his/her designee will be final.
 - Establishes a fee of \$300
4. Compliance with prior approvals:
 - Requires an ADU to be consistent with land use entitlements previously granted, unless the requirements are amended.

Policy Amendment: Height

- Current allowable height of an ADU is the height allowed in the underlying zoning district.
- Ordinance includes the following changes:
 - Reduces the building height for attached and detached ADUs to 16 feet.
 - Reduces the building height for attached and detached ADUs to 25 feet if the ADU is located above an existing or proposed garage.

Policy Amendment: Location of Parking Spaces (ADU)

○ Ordinance allows for the required ADU parking space to be located in the following locations:

1. Front setback between the driveway & closest side property; and
2. On an existing driveway or proposed driveway expansion, even if located within a front setback.



Amendments to Chapters 18.04, 18.18 & 18.20

- Chapter 18.04 (Definitions):
 - Revises the definitions of “accessory dwelling unit” and “junior accessory dwelling unit” to reference the applicable government code section.
- Chapter 18.18 (Special Purpose Overlay District):
 - Amendments to Section 18.18.405(K) & Section 18.18.410 of the Christmas Tree Hill Overlay District.
 - Revises “additional dwelling units” to accessory dwelling units.”
 - Clarifies that interior ADUs and JADUs are not included in calculating the maximum number of ADUs allowed per capacity district.
- Chapter 18.20 (Off-street Parking & Loading):
 - Removes the ADU parking standards from Chapter 18.20 and references Chapter 18.31.

Recommendation

1. Introduce Ordinance No. 992 to repeal & replace Chapter 18.31 and amend Chapters 18.04 (Definitions), 18.18 (Special Purpose Overlay Districts), and 18.20 (Off-street Parking & Loading) related to Accessory Dwelling Units; and
2. Adopt Resolution No. 51/2019 to amend the Town of Corte Madera fee schedule by adding a fee for the administrative review process proposed in Chapter 18.31.