

**CORTE MADERA PLANNING COMMISSION
RESOLUTION NO. 20-003**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CORTE
MADERA RECOMMENDING ADOPTION OF AMENDMENTS TO CHAPTER 18.18
(SPECIAL PURPOSE OVERLAY DISTRICTS) 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 ADUs in single family and multi-family residential zones and that ordinances may designate areas within the jurisdiction of the local agency where ADUs are not permitted based on the adequacy of water and sewer services and the impact of ADUs 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 Planning Commission discussed proposed amendments to Chapter 18.31 (Accessory Dwelling Units) on May 14, 2019, August 13, 2019 and October 22, 2019; 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 4-0, with one Commissioner absent, that the Town Council adopt amendments to the Town of Corte Madera Zoning Ordinance; and

WHEREAS, on December 3, 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 and introduced Ordinance No. 992 to repeal and replace Chapter 18.31 (Accessory Dwelling Units) and amend Chapters 18.04 (Definitions), 18.18 (Special Purpose Overlay District), and 18.20 (Off-street Parking and Loading) related to Accessory Dwelling Unit regulations; and

WHEREAS, on January 21, 2020, the Town Council of the Town of Corte Madera adopted Ordinance No. 992 to repeal and replace Chapter 18.31 (Accessory Dwelling Units) and amend Chapters 18.04 (Definitions), 18.18 (Special Purpose Overlay District), and 18.20 (Off-street Parking and Loading) related to Accessory Dwelling Unit regulations; and

WHEREAS, the Town's ADU ordinance adopted in 2016 exempted ADUs located within an existing structure and JADUs from the capacity limits established in the Christmas Tree Hill Overlay district; and

WHEREAS, since 2016, public safety concerns about fire risk and evacuation challenges within portions of Christmas Tree Hill have intensified because of the recent increase in wildfires in northern California, which have resulted in significant loss of life and property; and

WHEREAS, the Marin County Civil Grand Jury Report on Wildfire Preparedness dated April 18, 2019 notes that areas in the Wildland Urban Interface (WUI) – which includes the portion of Christmas Tree Hill that are subject to ADU capacity limitations – are at greater risk of wildfires due to the surrounding vegetation and proximity to wildlands. The grand jury report notes that houses built on hills are frequently connected to safety only by narrow, winding roads that lack shoulders and have a steep drop on one side. The report further notes that the topography and overgrown vegetation in these areas make Marin County vulnerable to catastrophic evacuation failures; and

WHEREAS, to protect public safety in light of the heightened fire risks and evacuation hazards in Christmas Tree Hill, on January 21, 2020, the Town Council directed staff to bring back to the Town Council for consideration further amendments to Chapters 18.18 and 18.31 to make ADUs and JADUs within existing structures subject to the existing ADU capacity limitations in the Christmas Tree Hill Overlay district; and

WHEREAS, Town staff recommends additional non-substantive clean-up changes and clarifications to Chapter 18.31, none of which change the intent of the ordinance adopted by the Town Council on January 21, 2020; and

WHEREAS, on January 31, 2020, 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 February 1, 2020, 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 February 11, 2020, 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 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 ADU-related Zoning Ordinance amendments, including but not limited to Ordinance No. 992 and the proposed amendments to Ordinance No. 992.

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

The ordinance amendments are not subject to the California Environmental Quality Act (CEQA). The ordinance 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 Town Council of the Town of Corte Madera hereby finds that the proposed Zoning Ordinance amendments to Chapters 18.18 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 while balancing the implementation of the General Plan as a whole. The Zoning Ordinance amendments balance the promotion of housing in Corte Madera with the General Plan policies and implementation programs established to protect the Town from risks associated with fire hazards.

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.

Implementation Program PSH – 1.1.c: Firefighting Access. Continue to require access for emergency vehicles and firefighting equipment on all new and redevelopment projects. The Town shall also identify the feasibility of constructing additional emergency access improvements, such as additional vehicle pullouts at key hillside locations, limiting or restricting on-street parking at key hillside locations, and potential for construction of new or improved emergency access routes.

Implementation Program PSH – 1.2.a: Vegetation Management. Continue to aggressively enforce vegetation management as required by the Fire Code.

Implementation Program PSH – 1.3.d: Wildland Urban Interface Ordinance. Continue to implement the Wildland Urban Interface Ordinance.

Policy PSH – 2.1. Establish and maintain an effective emergency response program that anticipates the potential for disasters.

Implementation Program PSH – 2.1.b: Community Based Disaster Plan. Continue to involve community-based disaster response planning that involves local businesses and neighborhoods.

Implementation Program PSH – 2.1.c: Emergency Response Plan. Regularly update and publicize the Town’s Emergency Response Plan to include evacuation routes, emergency connectors, and emergency shelters in conformance with state guidelines through the Library, Town website, local radio and other community outreach sources.

Implementation Program PSH 2.1.d: Emergency Drills. Hold regular emergency preparedness drills, and include the services of the Community Emergency Response Training, Marin OES and related emergency services agencies and groups.

Implementation Program PSH – 2.1.e: Natural Hazards Awareness. Promote awareness and caution among residents regarding possible natural hazards, including landslides, earthquakes, flooding, and fire hazards through a publicized disaster plan.

Implementation Program PSH – 3.1.a: Ingress and Egress Routes. Work with the Christmas Tree Hilldweller’s Association and similar groups to identify emergency ingress and egress routes, including opportunities for construction of periodic vehicle pullouts.

Implementation Program PSH – 3.2.a: Emergency Vehicle Access. Increase accessibility to emergency vehicles in hillside areas and improve evacuation routes through construction of vehicle pullouts and through exploration of road widening or construction in selected wildland fire hazard areas.

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 provided that Sections 18.31.080(9)(a) and 18.31.080(9)(b) of the draft ordinance be revised to include an option for discretionary design review to allow for non-clerestory windows.

* * * * *

PASSED AND ADOPTED by the Corte Madera Planning Commission on February 11, 2020, by the following vote:

AYES: Metcalfe, Bundy, Chase, Bandel

NOES: Lee

ABSTAIN:

ABSENT:

RECUSED:

 2/14/20
Chair

 2.12.20

Adam Wolff, Planning Director

