



AGENDA

CORTE MADERA TOWN COUNCIL
AND THE BOARD OF SANITARY DISTRICT NO. 2, A SUBSIDIARY
DISTRICT TO THE TOWN OF CORTE MADERA
TOWN HALL COUNCIL CHAMBERS
300 TAMALPAIS DRIVE
TUESDAY, NOVEMBER 15, 2016
6:45 P.M.

6:45pm - CLOSED SESSION

I. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: Gravel overflow parking lot on Redwood Highway (north of Nordstrom at The Village at Corte Madera) APN 024

1. 7:30pm: OPEN SESSION

- I. CALL TO ORDER, ROLL CALL AND SALUTE TO THE FLAG
- II. REPORT OUT OF CLOSED SESSION

2. OPEN TIME FOR PUBLIC DISCUSSION

Please confine your comments during this portion of the agenda to matters not already on this agenda. Speakers will be limited to three (3) minutes unless otherwise specified by the Mayor or the Presiding Officer.

The public will be given an opportunity to speak on each agenda item at the time it is called. The Council may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Council, no further comment from the public will be permitted unless authorized by the Mayor or the council and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Council or as otherwise limited by order of the Mayor or Council.

3. PRESENTATION: None

4. TOWN MANAGER AND COUNCIL REPORTS

- Town Manager Report
- Council Reports

5. CONSENT CALENDAR

The purpose of the Consent Calendar is to group items together which are routine or have been discussed previously and do not require further discussion. They will be approved by a single motion. Any member of the Town Council, Town Staff, or the Public may request removal of an item for discussion. Rescheduling of the item(s) will be at the discretion of the Mayor and Town Council.

5.I. Waive Further Reading And Authorize Introduction And/Or Adoption Of Ordinances And Resolutions By Title Only

This item contains standard language authorizing Town Council to introduce and/or adopt Resolutions and Ordinances by Title only and waive further reading.

5.II. Adopt Resolution 44/2016 To Set Aside And Rescind The Approvals For Design Review Permit 15-019 - An Approximate 465 Sq. Ft. Addition To The Existing Residence At 359 Chapman Drive
(Report from Randy Riddle, Town Attorney)

Documents:

[5.II RESCIND APPROVAL FOR DESIGN REVIEW PERMIT 359 CHAMPMAN.PDF](#)

5.III. Grant Approval To Vice Mayor Furst To Work With Caltrans And Community Members On Bicycle Pedestrian Improvements On Tamalpais Drive Overcrossing
(Report from Todd Cusimano, Town Manager)

Documents:

[5.III APPROVAL FOR DIANE FURST TO WORK WITH CALTRANS.PDF](#)

5.IV. Adopt Resolution 45/2016 Approving "Parcel Map – Casa Buena Townhomes For Condominium Purposes" 1421 And 1425 Casa Buena Drive)
(Report from David Bracken, Director of Public Works/Town Engineer/Assistant Town Manager)

Documents:

[5.IV PARCEL MAP 1421 AND 1425 CASA BUENA DRIVE.PDF](#)

5.V. Approve Investment Transactions For The Month Of July 2016
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

Documents:

[5.V INVESTMENT TRANSACTIONS REPORT FOR JULY 2016.PDF](#)

5.VI. Approve Warrants And Payroll For The Period 10/27/16 Through 11/09/16:
Warrant Check Numbers 214862 through 214977, Payroll Check Numbers 5345 through 5353, Payroll Direct Deposit Numbers 30781 through 30861, Payroll Wire Transfer Numbers 2082 through 2085, and Wire Transfer of 12/01/16.

(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

Documents:

[5.VI PAYROLL AND DEMANDS 10.27.16 TO 11.09.16.PDF](#)

6. PUBLIC HEARINGS

6.I. Public Hearing, Second Reading And Possible Action To Adopt Ordinance No. 959 Adopting The 2016 California Building Standards Code And Setting A Public Hearing For Adoption Of The Ordinance
(Report from Brian Fenty, Building Official)

Documents:

[6.I PUBLIC HEARING AND ADOPTION OF ORDINANCE 959.PDF](#)

6.II. Public Hearing, Second Reading And Possible Action To Adopt Ordinance No. 960 Adopting With Amendments The 2016 California Fire Code And Setting A Public Hearing For Adoption Of The Ordinance
(Report from Scott Shurtz, Interim Fire Chief)

Documents:

[6.II PUBLIC HEARING AND ADOPTION OF ORDINANCE 960.PDF](#)

- 6.III. Public Hearing To Consider Introduction Of Zoning Ordinance Amendments To Chapters 18.31, 18.04, 18.08, And 18.20 Related To Accessory Dwelling Units (Previously Called "Second Units") To Incorporate Provisions Of New State Law And Make Updates Consistent With Current Town Policies; And Making Determination That The Proposed Ordinance Amendments Are Within The Scope Of The Program EIR For The 2009 General Plan And That No Further Environmental Review Is Required Pursuant To California Environmental Quality Act (CEQA) Guidelines Sections 15168 And 15162.
(Report from Doug Bush, Assistant Planner)

Documents:

[6.III INTRODUCTION OF ORDINANCE 961.PDF](#)

- 6.IV. Consideration And Possible Introduction Of Zoning Ordinance Amendments Amending Section 18.31 By Adding Section 18.31.100 Related To Junior Accessory Dwelling Units Consistent With Recently Adopted State Law (AB 2406), Amending Section 18.04 And 18.08 And Making Findings That The Proposed Ordinance Amendments Are Within The Scope Of The Program EIR For The 2009 General Plan, Certified By The Town Council On April 21, 2009, And That No Further Environmental Review Is Required Pursuant To California Environmental Quality Act (CEQA) Guidelines Sections 15168 And 15162.
(Report from Doug Bush, Assistant Planner)

Documents:

[6.IV INTRODUCTION OF ORDINANCE 962.PDF](#)

7. BUSINESS ITEMS

- 7.I. Consideration And Possible Action To Approve Cancellation Of December 20, 2016 And January 3, 2017 Town Council Meetings
(Report from Todd Cusimano, Town Manager)

Documents:

[7.I CANCELLATION OF DEC 20 AND JAN 3 MEETINGS.PDF](#)

- 7.II. Review Of Draft December 6, 2016 Town Council Agenda

Documents:

[7.II 12.06.16 DRAFT AGENDA.PDF](#)

- 7.III. Approval Of Minutes Of November 1, 2016 Town Council Meeting

Documents:

[7.III 110116 DRAFT CORTE MADERA COUNCIL MINUTES.PDF](#)

8. ADJOURNMENT

TOWN COUNCIL STAFF REPORTS ARE USUALLY AVAILABLE BY 5:00 P.M., FRIDAY PRIOR TO THE COUNCIL MEETING, AND MAY BE OBTAINED AT THE CORTE MADERA TOWN HALL, OR BY CALLING 927-5050. AGENDA ITEMS ARE AVAILABLE FOR REVIEW AT CORTE MADERA LIBRARY, FIRE STATION 13 (5600 PARADISE DRIVE) AND THE TOWN HALL. IF YOU CHALLENGE THE ACTION OF THE TOWN COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE TOWN CLERK, AT OR PRIOR TO THE PUBLIC HEARING.

Any member of the public may request placement of an item on the agenda by submitting a request to the Town Clerk. The public is encouraged to contact the Town Manager at 415-927-5050 for assistance on any item between Council meetings.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5086. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting please notify the Town Clerk at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the town does not receive timely notification of your reasonable request, the town may not be able to make the necessary arrangements by the time of the meeting.

To sign up to receive automatic notifications regarding meetings and agendas, please visit the Town's website at <http://www.townofcortemadera.org> and click on "Notify Me" to register, or email the Town Clerk at: rvaughn@tcmmail.org.

This material has been reviewed
by the Town Manager



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: NOVEMBER 8, 2016
MEETING DATE: NOVEMBER 15, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS
FROM: RANDY RIDDLE, TOWN ATTORNEY
SUBJECT: ADOPT RESOLUTION 44/2016 TO SET ASIDE AND RESCIND THE APPROVALS FOR DESIGN REVIEW PERMIT 15-019 - AN APPROXIMATE 465 SQ.FT. ADDITION TO THE EXISTING RESIDENCE AT 359 CHAPMAN DRIVE

PURPOSE:

To consider adopting Resolution 44/2016 to set aside and rescind the approvals for Design Review Permit 15-019 that approved an approximate 465 sq.ft. addition to the existing residence at 359 Chapman Drive (Resolution 14-2016, May 3, 2016).

STAFF RECOMMENDATION:

Staff recommends that the Town Council, after review of all information, approve a Resolution to set aside and rescind the prior approvals granted for Design Review Permit 15-019.

TOWN MANAGER'S RECOMMENDATION:

Town Manager supports staff recommendations.

BACKGROUND:

On May 3, 2016, Council held a public hearing on the appeal of Planning Commission Resolution 16-009 approving, with modifications, Design Review Permit 15-019 for an approximate 465 sq.ft. addition to an existing residence located at 359 Chapman Drive. After review of all information including written materials, photographs, and public

comment, the Council approved Resolution 14-2016 denying the appeal and affirming the Planning Commission's approval of Resolution 16-009. A copy of the Resolution is attached as Attachment 1.

FISCAL IMPACT:

The approval of this Resolution will not have an impact on the Town's General Fund.

ENVIRONMENTAL ASSESSMENT

Action on the proposed resolution does not constitute a "project" as defined by section 15378 of the CEQA Guidelines because voiding land use approvals is not an action which has a potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment.

DISCUSSION

On August 5, 2016, Jennifer Larson, a neighbor and opponent of the project, filed a lawsuit against the property owner, Michael Chammout, and the Town of Corte Madera challenging the approval of the project (Writ of Mandate, Marin County Superior Court Case No. CIV 1602760). In response to the lawsuit, Michael Chammout requested that the Town withdraw his application and approvals for the expansion of his residence. Rescission of the approval of Design Review Permit 15-019 settles the lawsuit as to any claims against the Town of Corte Madera.

OPTIONS

1. Approve the attached Resolution rescinding the project approvals at 359 Chapman Drive (Attachment 2).
2. Approve the attached Resolution with revisions.

ATTACHMENT

1. Resolution 14-2016 affirming Planning Commission's Resolution 16-009 (May 3, 2016).
2. Proposed Resolution 44/2016 to set aside and rescind approvals of Design Review Permit 15-019 (November 15, 2016)

ATTACHMENT 1

Resolution 14-2016 approving Design Review Permit 15-019
(May 3, 2016)

RESOLUTION NO. 14/2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA AFFIRMING THE PLANNING COMMISSION'S MODIFICATION THE PLANNING DIRECTOR'S APPROVAL OF DESIGN REVIEW PERMIT NO. 15-019, THEREBY ALLOWING THE CONSTRUCTION OF A 465 SQ. FT. ADDITION, LESS THE AREA REMOVED WITH THE MODIFICATION OF THE LOCATION OF THE WESTERN WALL AND THE REDUCTION IN ROOF HEIGHT OF THE ADDITION, TO THE EXISTING SINGLE FAMILY RESIDENCE AT 359 CHAPMAN DRIVE,

WHEREAS, on July 9, 2015, an application for Design Review was filed for a 465 sq. ft. addition to a single family residence; and

WHEREAS, on July 29, 2015, the Planning Department determined the application to be complete after review of submitted information and recommended that the project qualified for categorical exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, on February 5, 2016, Staff approved Design Review Application No. 15-019 – for a 465 square foot single story addition and remodel of the existing house at 359 Chapman Drive. The addition met the height, setback, lot coverage, and floor area ratio regulations for the R-1 Medium Density Residential Zoning District. Staff analyzed the concerns and objections from the neighbor at 355 Willow Avenue, added conditions of approval to minimize the project impacts and made all of the required findings for Design Review Approval; and

WHEREAS, on February 12, 2016 the adjacent property owner to the north (355 Willow Avenue–Jennifer Larson) filed an application appealing the Town's approval of Design Review Application No. 15-019; and

WHEREAS, on February 25, 2016 A public notice of the Appeal Application No. PL-16-11-AP was posted and sent to all property owners within 300 feet of 359 Chapman Drive; and

WHEREAS, on March 8, 2016 The Planning Commission held a public hearing regarding Appeal Application No. PL-16-11-AP and approved Resolution 16-009 which approved design review permit No. 15-019 with modifications, allowing an approximately 465 sq. ft. addition to the existing residence at 359 Chapman Drive. The modifications approved by the Commission included reducing the roof height of the addition, reducing the size of the addition, installing landscape screening and at the applicant's discretion modifying the windows on the north elevation of the addition; and

WHEREAS, on March 18, 2016 the adjacent property owner to the north (355 Willow Avenue–Jennifer Larson) filed an application appealing the Planning Commission's Approval of Resolution 16-009 based on the following:

1. That the proposed addition eliminates the appellants short and long ranges views and would drastically, negatively and forever, alter the relationship of her house and her property to its natural surroundings; and
2. The application and hearing process was unfair and the Planning Commission proceedings were a breach of protocol and her due process rights; and

3. Community members support her view that the Town's process and approval are unreasonable and unfair; and

WHEREAS, on April 22, 2016 a public notice of the Appeal Application No. PL-16-23-APTC was posted and sent to all property owners within 300 feet of 359 Chapman Drive; and

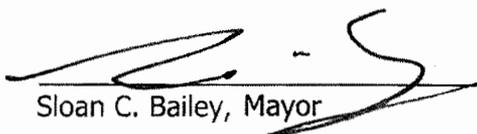
WHEREAS, the approval of this resolution is exempt from the California Environmental Quality Act under CEQA guidelines section 15301 class (e)(2) – existing facilities.

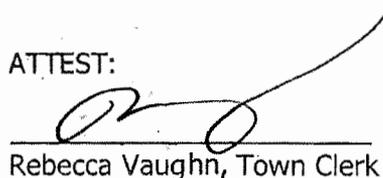
NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby affirm the Planning Commission's approval of Resolution 16-009 which modified design review permit No. 15-019, allowing an approximately 465 sq. ft. addition to the existing residence at 359 Chapman Drive with the following modifications as required by the Planning Commission:

1. The maximum height of the roof of the addition shall not exceed 12 feet 6 inches.
2. The west wall of the addition shall not extend more than 16 feet 2 inches from the existing west wall of bedroom #1 (1 foot less than proposed in the plans).
3. Screen plantings shall be installed by the property owner of 359 Chapman Drive along the northern property line to shield the bulk of the new northern wall of the addition.
4. These plantings shall be maintained by the property owner of 359 Chapman Drive to not exceed the height of the eave of the addition at any time.
5. At the applicant's discretion, the proposed windows on the northern wall of the addition can be removed or moved horizontally. They cannot be enlarged or moved vertically.

I hereby certify that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 3rd day of May, 2016 by the following vote, to wit:

AYES:	Councilmembers:	Condon, Furst, Lappert
NOES:	Councilmembers:	Andrews, Bailey
ABSENT:	Councilmembers:	None


Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

ATTACHMENT 2

Proposed Resolution to set aside and rescind approvals of Design Review Permit 15-019 (November 15, 2016)

RESOLUTION NO. 44/2016

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE
MADERA TO SET ASIDE AND RESCIND THE APPROVALS FOR DESIGN
REVIEW PERMIT 15-019, AN APPROXIMATE 465 SQ.FT. EXPANSION TO
AN EXISTING RESIDENCE AT 359 CHAPMAN DRIVE**

WHEREAS, on May 3, 2016 the Town Council approved Resolution 14-2016 affirming the Planning Commission's adoption of Resolution 16-009, thereby approving, with modifications, Design Review Permit 15-019, for the approximate 465 sq.ft. expansion of the existing residence located at 359 Chapman Drive in the Town of Corte Madera; and

WHEREAS, on August 5, 2016, a lawsuit was filed against the property owner and the Town of Corte Madera by resident Jennifer Larson challenging the project approvals; and

WHEREAS, Michael Chammout, the property owner at 359 Chapman Drive requested that the Town withdraw his application and approval of Design Review Permit 15-019; and

WHEREAS, the Town reached a settlement with Jennifer Larson in exchange for rescinding the project approvals for Design Review Permit 15-019; and

WHEREAS, the actions approved by this Resolution are not subject to the California Environmental Quality Act (CEQA) as the activity is not a project as defined in Guidelines Section 15378, and has no potential for resulting in physical change to the environment directly or indirectly.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Corte Madera that:

The approval of Design Review Permit 15-019 as set forth in Resolution 14-2016 are hereby set aside and rescinded and, have no further force and effect.

I hereby certify that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 15th day of November, 2016 by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:

ABSENT: Councilmembers:

Sloan Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: November 8, 2016
Meeting Date: November 15, 2016

TO: MAYOR AND TOWN COUNCIL
FROM: TODD CUSIMANO, TOWN MANAGER 
SUBJECT: APPROVAL OF THE TOWN COUNCIL FOR VICE MAYOR FURST
TO WORK WITH COMMUNITY MEMBERS ON BICYCLE AND
PEDESTRIAN IMPROVEMENTS ON THE TAMALPAIS DRIVE
OVERCROSSING

* * * * *

RECOMMENDATION

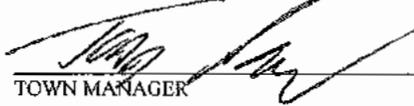
That the Town Council authorize Vice Mayor Furst to work with staff, Caltrans and community members on bicycle and pedestrian improvements on the Tamalpais Drive overcrossing.

BACKGROUND

At the November 1, 2016 Town Council meeting, Vice Mayor Furst discussed her attendance with staff at a recent meeting with local residents who have requested overcrossing improvements on Tamalpais Drive. Caltrans currently has funding reserved for bicycle and pedestrian improvements on Tamalpais Drive and this is an opportunity for the Town to work with Caltrans to design the improvements that would best benefit the Town.

Vice Mayor Furst is the Town of Corte Madera's Representative to the Transportation Authority of Marin (TAM) and is perfectly positioned to be the Town representative to work with staff, Caltrans and the community on this project. Staff recommends the Town Council formally discuss the matter and consider appointing a Town Representative.

THIS MATERIAL HAS BEEN REVIEWED BY:


TOWN MANAGER

**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: November 9, 2016
MEETING DATE: November 15, 2016

TO: TOWN MANAGER, MAYOR AND MEMBERS OF THE TOWN COUNCIL
FROM: DAVID BRACKEN, DIRECTOR OF PUBLIC WORKS/TOWN ENGINEER/ASST. TOWN MANAGER *DB*
SUBJECT: RESOLUTION APPROVING "PARCEL MAP – CASA BUENA TOWNHOMES FOR CONDOMINIUM PURPOSES" (1421 AND 1425 Casa Buena Drive)

PURPOSE:

Recordation of a Parcel Map requires approval by the governing board of the local agency

OPTIONS:

The Council may:

1. Approve the attached resolution
2. Approve an amended version of the attached resolution
3. Request additional information and continue the item to a future date

STAFF'S RECOMMENDATION:

Approve the attached resolution

TOWN MANAGER'S RECOMMENDATION:

Support staff's recommendation.

GOVERNING POLICIES:

Approval of a Parcel Map is subject to the requirements of the California Subdivision Map

Act and Title 17, *SUBDIVISIONS*, of the Corte Madera Municipal Code

ENVIRONMENTAL IMPACT:

The Town Council adopted a Mitigated Negative Declaration for this project.

FISCAL IMPACT:

There is no significant fiscal impact associated with this approval process.

BACKGROUND:

On January 20, 2015 the Corte Madera Town Council adopted Resolution No. 02/2015 approving a Mitigated Negative Declaration, a Use Permit, Design Review, and Vesting Tentative Map to allow the construction of 16 townhouse condominium units at 1421-1425 Casa Buena Drive (see attached Resolution No. 02/2015).

Pursuant that approval and to the requirements set forth in the California Subdivision Map Act and Title 17, *SUBDIVISIONS* of the Corte Madera Municipal Code, the applicant has submitted a Parcel Map, titled CASA BUENA TOWNHOMES FOR CONDOMINIUM PURPOSES, prepared by Carlson, Barbee & Gibson and dated November, 2016, to the Town for approval.

Staff has reviewed the Parcel Map and finds that it is in conformance with the approved Vesting Tentative Map, the California Subdivision Map Act, and the Town's Municipal Code.

The owner's statement on the map indicates that they are irrevocably offering for public use all public utility easements (PUE). These offers on a Parcel or Final Map are typically rejected and if need be are accepted at a later date under separate instrument if needed by the Town or the utility companies. In this case it is highly unlikely that the Town would ever want the PUE, since it only encompasses the common driveways within the parcel. Therefore staff is recommending that the offer be rejected. Government code allows the Town to accept the "irrevocable" offer at a later date if need be.

ATTACHMENTS:

1. Draft Resolution No. 45/2016
2. Parcel Map – Casa Buena Townhomes (Note: the Condominium Plan, consisting of 55 sheets showing the layout and dimensions of the condominiums, is available for review in the Town Engineer's office)
3. Resolution No. 02/2015
4. Staff Report from Diane Henderson, Contract Planner, dated January 16, 2015

Cc: N. Jay Ryder, President, Ryder Homes of California, INC

ATTACHMENT 1

DRAFT RESOLUTION NO. 45/2016

(DRAFT) RESOLUTION NO. 45/2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA APPROVING THE PARCEL MAP TITLED “PARCEL MAP, CASA BUENA TOWNHOMES FOR CONDOMINIUM PURPOSES”, PREPARED BY CARLSON, BARBEE & GIBSON, DATED NOVEMBER, 2016

WHEREAS, In 2013 Campus Properties, LLC submitted an application for Use Permit, Design Review approval and Vesting Tentative Map approval for a 16 unit townhouse condominium development on a 1.23 acre site at 1421-1425 Casa Buena Drive; and

WHEREAS, on January 20, 2015, the Corte Madera Town Council adopted Resolution No.02/2015, which conditionally approved said Use Permit, Design Review, and Vesting Tentative Map; and

WHEREAS, Ryder Homes of California, INC. has submitted the Parcel Map titled “Parcel Map, Casa Buena Townhomes for Condominium Purposes”, prepared by Carlson, Barbee & Gibson, Inc., dated November, 2016; and

WHEREAS, the Town Engineer has determined that the parcel map is in substantial compliance with the approved Vesting Tentative Map, the California Subdivision Map Act, and Town ordinances, that the parcel map is technically correct, and that the applicable conditions cited in Resolution No. 02/2015 have been met.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby approve the Parcel Map titled “Parcel Map, Casa Buena Townhomes for Condominium Purposes” prepared by Carlson, Barbee & Gibson, dated November, 2016.

I, the undersigned, hereby certify that the foregoing is a full, true and complete copy of a resolution passed and adopted by the Town Council of the Town of Corte Madera a regular meeting thereof held on the 15th day of November, 2016, by the following vote:

Ayes, Councilmembers:

Noes, Councilmembers:

Abstain, Councilmembers:

Absent, Councilmembers:

Sloan Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

ATTACHMENT 2

Parcel Map, Casa Buena Townhomes for Condominium Purposes
(Note: the Condominium Plan, consisting of 55 sheets showing the layout and dimensions of the condominiums, is available for review in the Town Engineer's office)

OWNER'S STATEMENT

THE UNDERSIGNED ARE THE ONLY PERSONS HAVING ANY RECORD TITLE INTEREST ON THE LAND SUBDIVIDED AND SHOWN ON THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP, AND ARE ALL WHO ARE NECESSARY TO PASS CLEAR TITLE TO THE LAND SUBDIVIDED AND SHOWN HEREON.

WE ALSO HEREBY IRREVOCABLY OFFER FOR DEDICATION TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC UTILITY FACILITIES INCLUDING POLES, WIRES, CONDUITS, GAS, WATER, HEAT MAINS AND ALL PUBLIC UTILITIES AND ALL APPURTENANCES TO THE ABOVE, UNDER, UPON, OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "PUE" (PUBLIC UTILITY EASEMENT).

AREAS DESIGNATED "PUE" ARE TO BE KEPT CLEAR OF BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT UTILITY COMPANY STRUCTURES, LAWFUL FENCES, AND LAWFUL ROOF OVERHANGS. AREAS DESIGNATED "PUE" MAY BE PAVED, PLANTED, OR IMPROVED BY THE CONSTRUCTION OF PRIVATE ROADS, SIDEWALKS, PATIO SLABS, OR FENCES. SUCH AREAS SHALL BE KEPT CLEAR OF BUILDINGS OF ANY KIND EXCEPTING THOSE BUILDINGS SUBSEQUENTLY DESIGNATED UPON A RECORDED CONDOMINIUM PLAN.

ENCLAVE: CORTÉ MADERA LLC

BY: RYDER HOMES OF CALIFORNIA, INC.
ITS MANAGER

NAME: _____ DATE: _____
HJAY RYDER
PRESIDENT

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____) SS
COUNTY OF _____)

ON _____ BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACIT(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF RYDER HOMES OF CALIFORNIA IN JANUARY 2016. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED VESTING TENTATIVE MAP, IF ANY; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 31, 2016; AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



DATE: _____

MARK H. WEBBER, P.L.S.
L.S. NO. 7960
EXPIRES: MARCH 31, 2016

**PARCEL MAP
ENCLAVE TOWNHOMES**

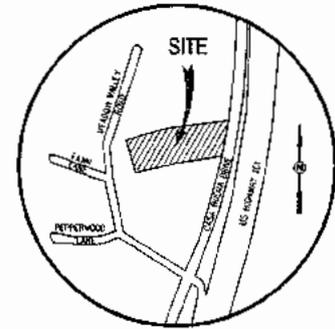
FOR CONDOMINIUM PURPOSES
CONSISTING OF 4 SHEETS
BEING THE PARCEL AS SHOWN ON THAT CERTAIN
"RECORD OF SURVEY" MAP, FILED FEBRUARY 7, 2005
IN BOOK 2005 AT PAGE 34, MARIN COUNTY RECORDS
CORTÉ MADERA, MARIN COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON, CALIFORNIA

NOVEMBER 2016



VICINITY MAP
NOT TO SCALE

TOWN CLERK'S STATEMENT

THE TOWN COUNCIL OF THE TOWN OF CORTÉ MADERA, STATE OF CALIFORNIA, AT A REGULAR MEETING HELD ON THE _____ DAY OF _____, 2016, EXAMINED THE PARCEL MAP "CASA BUENA TOWNHOMES" AND THE TOWN COUNCIL BY RESOLUTION NO. _____ DULY PASSED AT THE MEETING AFORESAID, APPROVED THIS MAP, AND _____ ALL OFFERS OF DEDICATION.

SIGNED THIS _____ DAY OF _____, 2016.

TOWN CLERK
TOWN OF CORTÉ MADERA
COUNTY OF MARIN
STATE OF CALIFORNIA

TOWN ENGINEER'S STATEMENT

I, THE UNDERSIGNED, TOWN ENGINEER OF THE TOWN OF CORTÉ MADERA, STATE OF CALIFORNIA, HEREBY STATE THAT I HAVE EXAMINED THIS PARCEL MAP, THAT THE LAND DIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE VESTING TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL PROVISIONS OF CHAPTER 2 OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE VESTING TENTATIVE MAP HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 2016.

DAVID BRACKEN, TOWN ENGINEER
TOWN OF CORTÉ MADERA
COUNTY OF MARIN
STATE OF CALIFORNIA

SOILS/GEOTECHNICAL REPORT NOTE

A SOILS REPORT ON WAS PREPARED BY EARTH MECHANICS CONSULTING ENGINEERS, DATED JUNE 29, 2006, PROJECT NO. 00.2561, SIGNED BY H. ALLEN GREEN, REGISTERED GEOTECHNICAL ENGINEER NO. 2147 AND HAS BEEN FILED AT THE OFFICE OF THE TOWN ENGINEER.

**CLERK OF THE BOARD OF SUPERVISORS
STATEMENT**

I, THE UNDERSIGNED, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN, STATE OF CALIFORNIA, DO HEREBY STATE THAT A GOOD AND SUFFICIENT BOND APPROVED BY AND IN THE AMOUNT FIXED BY SAID BOARD OF SUPERVISORS HAS BEEN FILED WITH SAID BOARD AND THAT SAID BOND, BY ITS TERMS IS MADE TO INURE TO THE BENEFIT OF SAID COUNTY OF MARIN AND IS CONDITIONED FOR THE PAYMENT OF ALL TAXES, WHICH MAY BE AT THE TIME OF RECORDING OF THIS MAP A LIEN AGAINST THE TRACT OR SUBDIVISION OF LAND SHOWN HEREON OR ANY PART THEREOF, BUT NOT YET PAYABLE.

SIGNED THIS _____ DAY OF _____, 2016.

SIGNED: _____
CLERK OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF MARIN, STATE OF CALIFORNIA

COUNTY TAX COLLECTOR'S STATEMENT

I, THE UNDERSIGNED, ON BEHALF OF THE TAX COLLECTOR OF THE COUNTY OF MARIN AND THE CITIES THEREIN, STATE OF CALIFORNIA, HEREBY STATE THAT THERE ARE NO LIENS FOR UNPAID TAXES, COUNTY OR CITY, OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS NOT YET PAYABLE AGAINST THE SUBDIVISION OF LAND SHOWN HEREON OR ANY PART THEREOF.

SIGNED THIS _____ DAY OF _____, 2016.

TAX COLLECTOR
COUNTY OF MARIN AND CITIES THEREIN
STATE OF CALIFORNIA

BY: _____
DEPUTY

COUNTY RECORDER'S STATEMENT

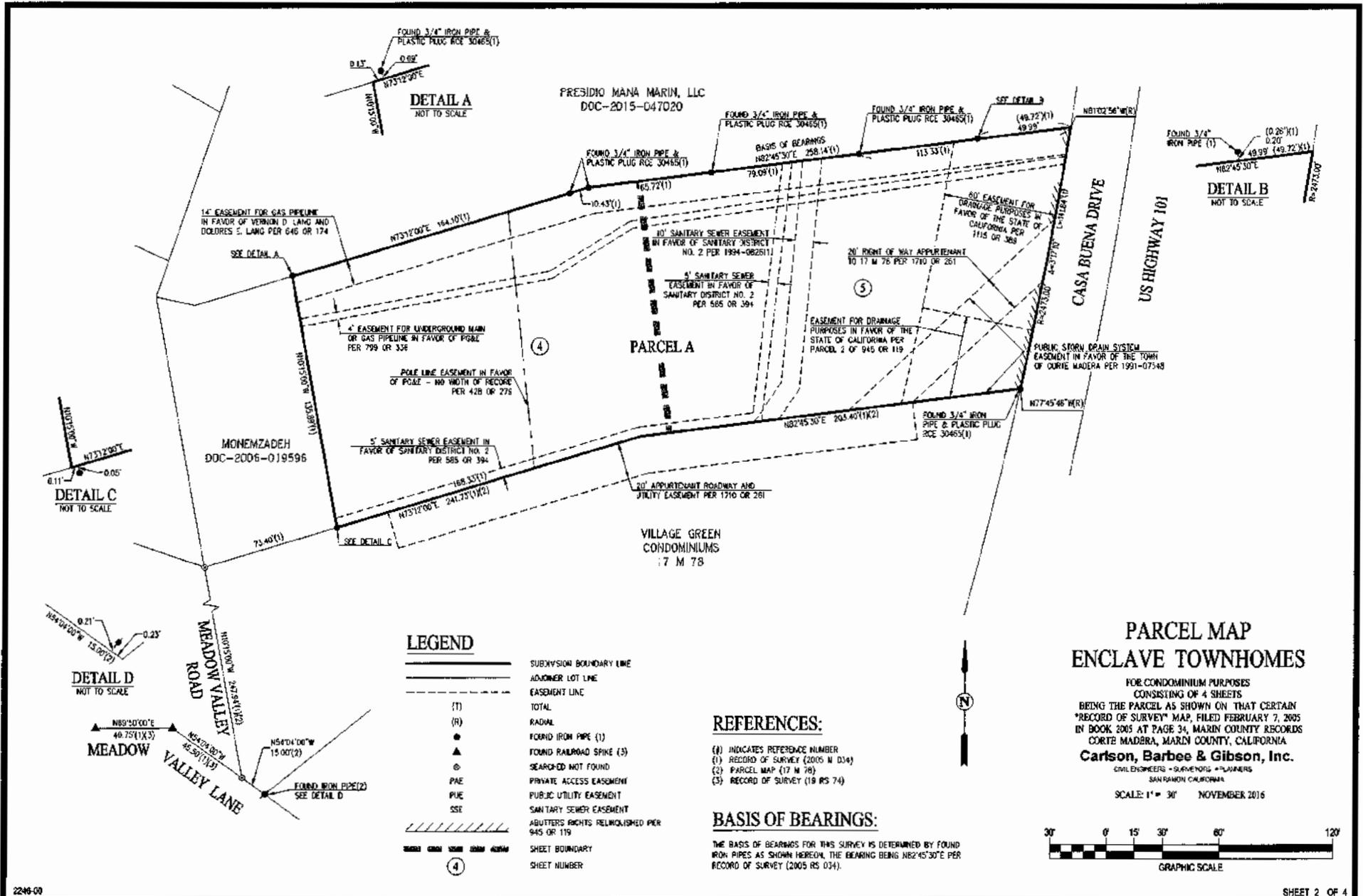
FILED THIS _____ DAY OF _____, 2016 AT _____, IN THE

IN BOOK 2016 OF MAPS, AT PAGE _____, AT THE REQUEST OF THE COUNTY OF MARIN

SERIAL NO. _____ FEE: _____

RICHARD N. BENSON,
COUNTY RECORDER
MARIN COUNTY RECORDER,
STATE OF CALIFORNIA

BY: _____
DEPUTY



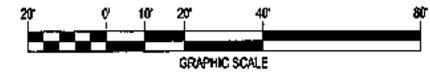
PARCEL MAP ENCLAVE TOWNHOMES

FOR CONDOMINIUM PURPOSES
CONSISTING OF 4 SHEETS
BEING THE PARCEL AS SHOWN ON THAT CERTAIN
"RECORD OF SURVEY" MAP, FILED FEBRUARY 7, 2005
IN BOOK 2005 AT PAGE 34, MARIN COUNTY RECORDS
CORTE MADERA, MARIN COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 20' NOVEMBER 2016



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND IRON PIPES AS SHOWN HEREON, THE BEARING BEING N02°45'30"E PER RECORD OF SURVEY (2005 RS 034).

LEGEND

- SUBDIVISION BOUNDARY LINE
- ADJACENT LOT LINE
- EASEMENT LINE
- (T) TOTAL
- (R) RADIAL
- FOUND IRON PIPE (1)
- ▲ FOUND RAILROAD SPIKE (3)
- ⊙ SEARCHED NOT FOUND
- PAE PRIVATE ACCESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- ////// ABUTTERS RIGHTS RELINQUISHED PER 945 OR 119

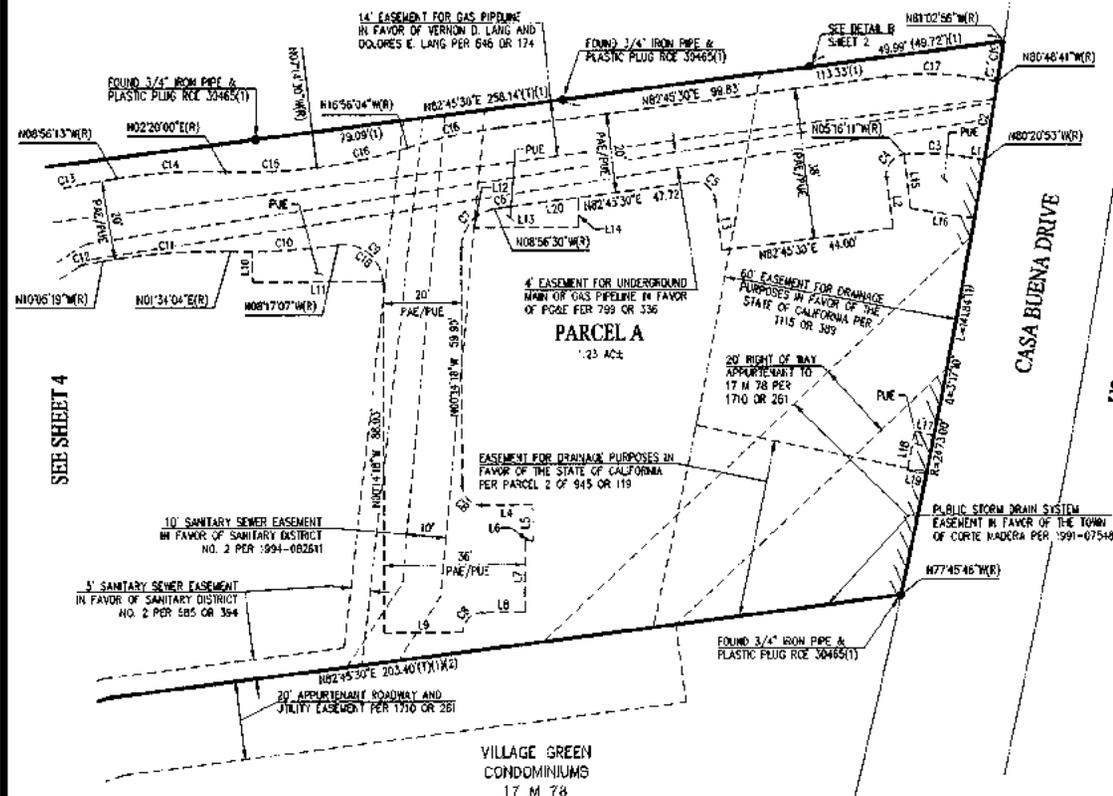
REFERENCES:

- (#) INDICATES REFERENCE NUMBER
- (1) RECORD OF SURVEY (2005 M 034)
- (2) PARCEL MAP (17 M 78)
- (3) RECORD OF SURVEY (19 RS 74)

NO	BEARING	LENGTH
L1	N80°34'47"W	5.15'
L2	N07°14'30"W	12.97'
L3	N07°14'30"W	13.00'
L4	N69°45'42"E	13.00'
L5	N00°14'18"W	9.00'
L6	N69°45'42"E	2.00'
L7	N00°14'18"W	18.00'
L8	N69°45'42"E	11.00'
L9	N69°45'42"E	20.00'
L10	N00°14'03"W	2.88'
L11	N69°45'57"E	44.70'
L12	N00°14'03"W	2.40'
L13	N69°45'57"E	16.47'
L14	N00°14'03"W	6.17'
L15	N69°30'53"W	13.56'
L16	N80°34'47"W	16.54'
L17	N78°35'53"W	5.00'
L18	N11°24'07"E	10.00'
L19	N78°35'53"W	5.00'
L20	N82°45'30"E	18.06'

NO	RADIUS	DELTA	LENGTH
C1	2473.00'	014°15'	10.25'
C2	2473.00'	92°48'	20.00'
C3	60.00'	144°24'	15.38'
C4	5.00'	91°58'20"	8.03'
C5	5.00'	90°03'00"	7.85'
C6	120.00'	142°00'	3.56'
C7	10.00'	91°17'48"	14.19'
C8	5.00'	90°03'00"	7.85'
C9	10.00'	98°02'43"	17.11'
C10	160.00'	95°11'11"	27.51'
C11	160.00'	11°39'23"	32.55'
C12	340.00'	142°56'	10.18'
C13	360.00'	104°21'6"	67.26'
C14	140.00'	117°6'13"	27.54'
C15	140.00'	9°34'30"	23.40'
C16	140.00'	94°13'4"	23.68'
C17	80.00'	16°39'43"	23.26'
C18	10.00'	94°40'23"	16.52'

PRESIDIO MANA MARIN, LLC
DOC-2015-04702D



ATTACHMENT 3

Resolution No. 02/2015

RESOLUTION NO. 02/2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING USE PERMIT NO. 14-008; DESIGN REVIEW NO. 13-035; AND VESTING TENTATIVE MAP NO. 13-001 TO ALLOW THE CONSTRUCTION OF 16 TOWNHOUSE CONDOMINIUM UNITS AT 1421-1425 CASA BUENA

WHEREAS, Campus Properties, LLC made application for Use Permit, Design Review and Vesting Tentative Map for a 16 unit townhouse condominium development on a 1.23 acre site at 1421-1425 Casa Buena Drive; and

WHEREAS, the proposed project qualifies for an incentive or concession related to building design pursuant to California Government Code section 65915(d)(1)(2)(A), and the applicant has requested an exception to the existing 30 foot height limitation established in the R-2 Low Density Multiple Dwelling District regulations to allow a maximum height of 35' 7"; and

WHEREAS, the project applicant has requested a reduction in a development standard pursuant to California Government Code section 65915(e)(1) to allow a 25 foot rear yard setback where 35 feet is required; and

WHEREAS, the Town contracted with Kimley-Horn and Associates, Inc. to conduct environmental review of the proposed project; and

WHEREAS, on November 17, 2014 after review of the proposed project and completion of an Initial Study/Environmental Checklist, Kimley-Horn and Associates, Inc. determined that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent and therefore the project qualifies for a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, on November 18, 2014 the Notice of Completion and Draft Initial Study/Environmental Checklist for the Casa Buena Townhomes was filed with the State Clearinghouse and given the number SCH # 2014112040, beginning a 30-day public review period; and

WHEREAS, ON November 18, 2014 the Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration for the Casa Buena Townhomes was filed with the Marin County Clerk; and

WHEREAS, on November 19, 2014 the Notice of Availability of the Draft Initial Study/Environmental Checklist and Notice of Public Hearing for the Casa Buena Townhomes were mailed to residents within 300 feet of the subject property;

WHEREAS, on December 18, 2014, the Corte Madera Planning Commission held a public hearing on the item, heard testimony from the applicant and interested parties, and at the close of the public hearing voted unanimously to adopt Resolution No. 14-027, **recommending to the Town Council of the Town of Corte Madera that it approve** a Mitigated Negative Declaration and Use Permit No. 14-008, Design Review No. 13-035 and Vesting Tentative Map No. 13-001, thereby allowing construction of 16 townhouse condominium units at 1421-1425 Casa Buena Drive, including a concession to allow a maximum building height of 35' 7" and a reduction in the development standards to allow a 25 foot rear yard setback, based upon the findings listed below in accordance with Sections 18.26.050, 18.08.030, 18.30.070 and

17.20.100 of the Corte Madera Municipal Code, and subject to the conditions listed herein.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby approve a Mitigated Negative Declaration and Use Permit No. 14-008, Design Review No. 13-035 and Vesting Tentative Map No. 13-001, thereby allowing construction of 16 townhouse condominium units at 1421-1425 Casa Buena Drive, including a concession to allow a maximum building height of 35' 7" and a reduction in the development standards to allow a 25 foot rear yard setback, based upon the findings listed below in accordance with Sections 18.26.050, 18.08.030, 18.30.070 and 17.20.100 of the Corte Madera Municipal Code, and subject to the conditions listed herein:

MITIGATED NEGATIVE DECLARATION FINDINGS

In order to grant a Mitigated Negative Declaration, the Town Council makes the following findings:

1. The Mitigated Negative Declaration adequately assesses the environmental impacts of the proposed project. Acceptable mitigation measures have been identified, and have been incorporated into the proposed project and shall be required as conditions of approval to reduce the level of all potentially significant impacts to the level of insignificance.
2. Pursuant to §21081.6 of the Public Resources Code, a Mitigating Monitoring and Reporting Program has been prepared and incorporated into the conditions of approval for this project.
3. Approval of this Mitigated Negative Declaration reflects the independent judgment of the approval authority of the Town of Corte Madera.
4. Pursuant to §21081.6(a)(2) of the Public Resources Code, the Corte Madera Planning Department, located at 300 Tamalpais Drive, Corte Madera, CA, is the custodian and location of the documents and other materials that constitute the record of proceedings upon which the Town Council's decision memorialized in this Resolution is based.

USE PERMIT FINDINGS

In order to grant a Use Permit for Multiple House in the R-2 zoning district, the Planning Commission must make the following findings required by Sections 18.26.050 and 18.08.030 of the Corte Madera Municipal Code and based on California State law.

- 1. The proposed location of the conditional use is in accord with the objectives of this title and the purpose of the district in which the site is located.**

The proposed development of the site is consistent with the parameters of the R-2 Low Density Multiple Dwelling District. The R-2 district allows multi-family rental dwellings as a permitted use, but requires a conditional use permit for condominiums. The proposed development is located immediately to the north of another multi-family condominium development, the Village Green, and immediately to the south of the Cortebella Apartments, a multi-family rental apartment complex and therefore would complement the existing development pattern in the area. Both adjacent properties are also located in the R-2 district.

- 2. The proposed location of the conditional use and the proposed conditions under which the use would be operated or maintained will not be detrimental**

to the public health, safety or welfare.

The site plan and units have been designed to provide attractive living spaces indoors and outdoors, and will not be detrimental to public health or safety. The unusually large setback at the Casa Buena frontage will help to preserve the openness as viewed from US 101 or Casa Buena Drive. Granting the use permit will allow development that is consistent with the objectives of the General Plan and Zoning Ordinance, including the Housing Element's designation of this site as one of six sites of over 1 acre that were designated as High Potential Sites likely to develop during the Housing Element planning period. With the mitigations identified in the Mitigated Negative Declaration and the Conditions of Approval, the project would not be detrimental to the public health, safety or welfare.

3. The proposed conditional use will comply with the general plan and with each of the applicable provisions of this title.

The project site is an infill project site identified in the Town of Corte Madera 2011 Housing Element as Housing Opportunity Site #9 with no significant constraints to development and a realistic development capacity of at least 14 units. The proposed 16 unit project is consistent with the Housing Element policies intended to facilitate housing development and meet RHNA requirements at locations identified in the sites inventory analysis. The proposed residential units, whether developed as a multiple houses or multiple dwellings, further the General Plan goal of developing additional housing in Corte Madera where feasible and where such development fits within the character and context of existing neighborhoods. Furthermore, the proposed project would include three units of affordable housing which would help meet Housing Element policies related to the provision of a variety of housing types and affordability.

The proposed conditional use complies with the allowable density permitted in the R-2 zoning and the Town's affordable housing ordinance. Other than the concession and reduction of development standards allowed pursuant to the State density bonus provisions, the conditional use complies with the development standards for development in the R-2 zoning district.

The proposal conforms with General Plan objectives to ensure that the present, unique character of the Town's different neighborhoods is protected and enhanced by proposing a new Multiple House development that is appropriate for this infill site. The project is also consistent with General Plan **Goal LU-3:**

"Infill development that achieves a more livable, sustainable community."

The subject property is an underdeveloped infill site and a legal building site for multiple dwelling residential development consistent with the development standards of the Zoning Ordinance. Infill development is the most efficient and sustainable means of providing needed housing units within Corte Madera and Marin County as a whole.

The proposed development conforms to the following General Plan Land Use policies:

Policy 2.3.b: Maintain low-density character of residential development in Corte Madera.

Policy 2.3.i: Require development materials and techniques that will result in durable, high-quality structures and landscaping.

Policy 2.6.c: Preserve views of ridges, wooded areas, wetlands, and open water in accord with guidelines to be prepared that balance view preservation against development opportunities.

Policy 5.1.f: Continue to levy traffic mitigation fees on new development to ensure that

developers pay for the new transportation projects and services required to serve each new development, including its share of cumulative development impacts on arterials and collectors within the Town.

Policy 6.3.b: Require development to preserve the natural qualities of sloping terrain rather than shaping a site for the purpose of facilitating development or increasing development intensity.

The proposal also conforms with the following policies of the Housing Element:

Housing Policy H-2.7.

Implementation Program H-2.7.d Actions for 1421 Casa Buena Drive

Facilitate development of this 1.29-acre property, which is designated Medium Density Residential in the General Plan and has corresponding R-2 residential zoning with an allowable density of up to 11 units per acre. There are no significant constraints on the property.

Specific Findings for Multiple House:

1. The application conforms with the general plan.

See discussion under Finding 3, above, which said Finding is incorporated here. The subject property is shown in the Housing Element for the Town of Corte Madera adopted April 5, 2011 as housing opportunity site #9 with a realistic development capacity of at least 14 units.

2. The property conforms to all requirements of this title, unless a variance has been granted as provided in Chapter 18.28, Variances, or variances of the site development standards have been authorized pursuant to Chapter 18.18, Special Purpose Overlay Districts.

See discussion under Finding 1, above, which said Finding is incorporated here. With the Government Code Sections 65915 – 65918 Density Bonus Law incentives and concessions and waivers or reductions in development standards, increase in the height limit, and reduction of the setback standard, the property conforms with all requirements of Title 18 of the Town of Corte Madera Municipal Code.

3. The property meets all the requirements of Chapter 15.01 of this code (the Uniform Building Code) as they apply to new construction for Group "R" occupancy, except for such requirements that the planning commission finds unnecessary to fulfill the chapter's objective of ensuring that multiple-family dwellings have been constructed in a manner suitable for individually owned units.

The property meets all the requirements of the California Building Code (CBC) 2013, the successor code to the Uniform Building Code now in use in California as they apply to new construction for Group "R" occupancy. The application is for new construction and is not a conversion of multiple-family dwellings to individually owned units.

4. Each dwelling unit has space and connections for the installation and operation of laundry equipment for the private use of the occupants of that unit.

Each dwelling unit will have connections for a washer and dryer for the private use of the occupant of that unit.

5. **At least one hundred cubic feet for each unit and an additional fifty cubic feet for each bedroom of enclosed, weatherproof storage space, either inside or outside the unit, in addition to that required by the Federal Housing Administration's minimum property standards for similar units, is provided for each dwelling unit.**

Each unit has been provided with designated areas of at least one hundred cubic feet plus fifty cubic feet for each bedroom of enclosed, weatherproof storage space, either inside the unit in addition to that required by the Federal Housing Administration's minimum property standards for similar units.

6. **If the permit is for new construction, each dwelling unit has separate utility meters with individual shutoff valves for all utilities.**

All units will be provided with separate utility meters with individual shutoff valves for all utilities.

DESIGN REVIEW FINDINGS

In order to grant Design Review approval, the Planning Commission must make the following findings required by Section 18.30.070 of the Corte Madera Municipal Code and based on California State law.

1. **The project conforms to the General Plan, any applicable Specific Plan, and all provisions of the Zoning Ordinance.**

Please see discussion under Use Permit Findings 1 and 3, above, which findings are incorporated here. The project location is not within an established Specific Plan area.

2. **The project will not unnecessarily remove trees and natural vegetation, will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural beauty of the Town.**

Based on the Tree Protection Plan submitted with the project application, the project site has 40 trees on site, 26 of which are proposed to be removed during construction. Of the 26 trees that are proposed to be removed, 15 trees are considered protected trees based on their trunk size (fifty inches or greater or multi-stemmed trees having an aggregate circumference of one hundred twenty inches, measured four and one-half feet above the ground). One tree, a blue gum eucalyptus tree, is not a protected tree (despite its circumference) because it is not considered a desirable species pursuant to Corte Madera Municipal Code, section 15.50.020(27). The proposed preliminary landscape plan shows that approximately 80-84 trees would be planted as part of the project. The replacement ratio of the trees is approximately 3.2:1.

The project consists of a minimal amount of grading (approximately 2,200 cubic yards of cut and 1,150 cubic yards of fill). The project will involve the off-haul of approximately 1,050 cubic yards of soil, resulting from site preparation and excavation. The proposed grading is not excessive as the cuts and excavations will not leave a scarred hillside, and this is a site with slightly to gentle sloping terrain. Also, the landscape plan shows a central social zone with a preserved oak, a generous landscaped setback from Casa Buena Drive, back gardens with preserved oaks and other species and landscaped side yards all of which include additional

trees, shrubs, lawns and groundcover plantings. As noted in the conditions of approval, the project applicant will be required to consult with a licensed arborist to assess the feasibility of preserving as many healthy, existing trees as possible, in particular trees numbered 10, 11, 21, 22, 23, 30, and 31 on the "Tree Protection Plan," TM-5, received December 15, 2014, and review such findings with the Planning Department for comment and review.

- 3. The project will not significantly and adversely affect the views, sunlight, or privacy of nearby residences, provides adequate buffering between residential and nonresidential uses, and otherwise is in the best interests of the public health, safety and general welfare.**

The project site is located on developed property west of Casa Buena Drive. The project intensifies the development on the site and will change the views presently visible from the adjacent Village Green complex to the south in that the proposed project would partially intrude into views of the wooded hillside to the west as seen by the neighbors in the parking lot and entrance areas of this multi-family development. View blockage would be primarily of the developed foreground portions of the view, leaving views of the more scenic ridge and hillside tree canopies intact. View blockage would not substantially affect public viewpoints on Casa Buena Drive, because such views toward the scenic hillside and ridgeline are already screened and filtered by existing vegetation in the vicinity of the site.

The existing single-family two-story house located at 75 Meadow Valley Road, immediately adjacent to the western (rear) property line of the project site is situated within its required 25 foot rear yard setback, approximately 14 feet from the rear property line. Two derelict single-family residences are located on the project site, 20 feet and 24 feet from the west property line. The view from the home at 75 Meadow Valley Road looking east will be of the rear elevation of 4 new townhomes, 25 feet away from the common property line, each of which has been reduced in height to 2-stories, when viewed from the west property line. This is a change to the present view of two existing derelict single-family structures. However, while the new townhome structure is similar in proximity, the architecture and design of the proposed townhomes on this elevation is more attractive than the present structures. Additionally, the existing trees and other plantings that currently provide a visual buffer between the two properties will remain.

There will be no material change to the amount of sunlight received by the single-family residence to the rear of the subdivision or the adjacent neighbors at the Village Green complex.

- 4. The structure, site plan and landscaping are in scale and harmonious with existing and future development adjacent to the site and in the vicinity and with the landforms and vegetation in the vicinity of the site.**

The new residences have been designed to provide homes with comfortable, family-style living. Access will be provided by a private interior street off Casa Buena Drive. Each residence will have a two-car garage off a driveway except for the 4 units in Building A which each have one car garage. The landscape proposal features a central social zone, a generous setback from Casa Buena, back yards along the west property line all featuring trees, plants, and shrubs that will thrive well in areas of similar climatic conditions and will provide aesthetically pleasing entries to the subdivision and new residences.

The new homes are setback at least 73 feet from Casa Buena Drive, at least 10 feet from the south property line, 25 feet from the west property line and between 14 and 30 feet from the north property line. With the Government Code s. 65915 (b)(1)(B) and s. 65915 (e) (1) Density Bonus concession or incentive, and waiver or reduction in development standard for a reduced

rear yard setback, all setbacks meet or exceed the required setbacks.

The proposed project is located immediately to the south of the Corte Bella Apartments, a four-building two-story multi-family rental apartment complex. This complex is proposed to be demolished and replaced with two and three story condominium buildings approximately 30 feet in height. The proposed project is also located immediately to the north of the Village Green multifamily condominium apartment complex, which consists of several two-story buildings. The proposed project would be compatible and harmonious with these adjacent existing and future multi-family uses and while the proposed buildings would be taller from finished grade than the surrounding existing uses, the project sits at a low point in Meadow Valley and therefore surrounding development, particularly to the north, east and west, generally would not perceive the full proposed height of the structures.

5. Development materials and techniques will result in durable high-quality structures.

The new construction will be in conformance with the current building codes including the new, more energy efficient California Green Building Code standards.

6. The structures, site plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors, and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists and vehicles.

The project would provide a slightly realigned access to the property with curb, gutter and sidewalk where no such improvements currently exist. The new access would improve sight distance along Casa Buena Drive.

The buildings are logically arranged in rows of 4 units off a main drive.

The siting of the buildings, on-site parking and circulation, and landscaping would create an internal sense of order to the site providing a desirable environment for occupants, visitors, and the general community, and provide safe and convenient access to the property for pedestrians, cyclists and vehicles.

7. To the maximum extent feasible, the project includes the maintenance, rehabilitation, and improvement of existing sites, structures, and landscaping, and will correct any violations of the Zoning Ordinance, Building Code, or other municipal violations that exist on the site.

All new construction will be inspected and conform to the latest building codes. Staff is not aware of any municipal violations existing on the site.

8. The design and location of signs are consistent with the character and scale of the buildings to which they are attached or which are located on the same site, the signs are visually harmonious with surrounding development and there are no illegal signs on the site.

There are no signs associated with this project.

VESTING TENTATIVE MAP FINDINGS

In order to approve the Vesting Tentative Map, the Planning Commission must make the following findings required by Section 17.20.100 of the Corte Madera Municipal Code and based on California State law.

1. The project conforms to the Subdivision Map Act.

The record demonstrates that the Vesting Tentative Map application has been processed in compliance with the procedural requirements of the Subdivision Map Act including but not limited to Section 66452. Further as required by Section 66473.5, the Vesting Tentative Map is compatible with the objectives, policies, general land uses, and Programs in the Town of Corte Madera General Plan as evidenced by the General Plan consistency findings discussed herein.

2. The project conforms to Title 17, the Subdivision Ordinance, of the Town of Corte Madera Municipal code.

The Town Engineer has reviewed the Vesting Tentative Map plans and documents and determined that the application complies with the engineering standards in Chapter 17.12 of the Subdivision Ordinance. The record demonstrates that the Vesting Tentative Map application has been processed with the standards in Chapter 17.20 of the Subdivision Ordinance.

3. The project conforms to Title 18, the Zoning Ordinance, of the Town of Corte Madera Municipal Code.

Please see discussion under Use Permit Finding 1, above.

4. The project conforms to the Town of Corte Madera General Plan and any applicable Specific Plan or Precise Plan.

Please see discussion under Use Permit Finding 3, above. The project location is not within an established Specific Plan or Precise Plan area.

DENSITY BONUS FINDINGS

No substantial evidence was submitted which shows that the proposed concession for a maximum of approximately 5.5 additional feet of height is unnecessary to provide for affordable housing costs or would have a specific adverse impact upon public health or safety or the physical environment or on any real property listed in the California Register of Historical Resources. As discussed in the staff report and at the public hearings on this matter, the additional height is acceptable at this location due to the fact that blockage of views from adjacent properties have been minimized or are inexistent, units have been designed with hip roofs in the middle to minimize the impression of height, and the site plan, including the existing sloping terrain and the large setback from Casa Buena Drive, will help provide a perception of lower height from off-site.

Moreover, due to the unique characteristics of the project site, permitting the tops of the project's buildings to, in some instances, exceed the otherwise applicable 30 feet height limitation does not do violence to the design standards or use permit criteria applicable to this project. For example, topographically, the project site is located in a depressed, bowl-like area and, thus, allowing the height limitation of 30 feet to be exceeded by no more than 5.5 feet will not significantly affect the views of existing residents nor cause the project's buildings to appear out of scale or dis-harmonious with neighboring structures. Because the applicant is providing affordable housing units on site, under Cal. Gov't Code sections 65915-65918, the Town is compelled to grant at least one concession to the applicant, and here, the applicant has requested that the height limitation be modified to allow the project's structures' height to exceed the 30 feet limitation by no more than 5.5 feet. Pursuant to said State laws, and based on the evidence in the record, the Town Council has no option but to grant this requested concession.

No substantial evidence was submitted which shows that the proposed reduction of the rear yard setback standard from 35 feet to 25 feet is not necessary for the feasible development of the proposed project at the densities to which the applicant is entitled with the concessions permitted. Additionally, no evidence has been submitted which shows the proposed reduction of the rear yard setback would have specific adverse impact upon health, safety, or the physical environment. As discussed in the staff report, the project is setback more than 70 feet from Casa Buena Drive, in part due to existing easements on the property, condensing the area of the site available for development.

CONDITIONS OF APPROVAL

1. The proposed project shall be constructed substantially in accordance with the CASA BUENA TOWNHOMES project plans prepared by William Hezmaihaich Architects, Inc. stamped "Official Exhibit" and RECEIVED stamped on December 15, 2014, except as amended by the conditions listed below:
2. No changes shall be made to the approved site plan or elevations without written approval from the Corte Madera Planning Department. The Planning Director may refer changes to the Planning Commission.
 - a. The construction of the project and the exterior colors utilized in painting and finishing all exterior surfaces shall match the elevations, renderings, palette of colors and sample board submitted to and approved by the Town Council at the Council's meeting of January 20, 2015, which said materials are on file with the Town's Planning Director; provided, however, the white colors shown in the elevations which surrounded the doors on the first floor and were applied to the stairway landings on the first floor of the project buildings shall be replaced with some other color, subject to the approval of the Planning Director. Furthermore, the two buildings designated in the project plans as "Building B" shall be predominantly painted in the green palette of colors submitted to and approved by the Town Council and the other two buildings shall be predominantly painted in the brown palette of approved colors.
3. All design and construction shall comply with the 2010 California Building Standards Codes including the California Green Building Code.
4. The applicant and subject property owner shall permit the Planning Department or its representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the construction being performed under the authority of this approval is in accordance with the terms and conditions described herein.
5. Upon issuance of a Building Permit, the property line and setback location(s) at areas of construction must be identified on site by a licensed land surveyor or registered civil engineer. The licensed land surveyor or registered civil engineer shall submit a written confirmation to the Building Department that the staking of the property lines has been properly completed.
6. Prior to a final Building Department inspection of this project, the applicants shall contact the Planning Department to schedule an inspection of the finished project to ensure compliance with all of the required conditions of approval.
7. All mitigation measures in the Mitigation Monitoring and Reporting Program approved as part of the Mitigated Negative Declaration shall be conditions of project approval.

LANDSCAPE PLANS

8. All landscaped areas shall be installed prior to Certificate of Occupancy in compliance with Preliminary Landscape Plan prepared by Ripley Design Landscape Architecture of the approved Design Review Plans. If all the required landscaping is not completed prior to the Certificate of Occupancy, the applicant shall post a cash deposit or letter of credit for 125 percent of the total cost of the landscaping, based on a written estimate of such cost. All landscaping shall be completed within six months of the Certificate of Occupancy.
9. Prior to and during construction, as necessary, the project applicant shall consult with a licensed arborist acceptable to the Planning Department and to assess the feasibility of preserving as many healthy, existing trees as possible, in particular trees numbered 10, 11, 21, 22, 23, 30, and 31 on the "Tree Protection Plan," TM-5, received December 15, 2014, and review such findings with the Planning Department for comment and review. Any changes to the "Tree Protection Plan," resulting from this review shall be documented in a revised "Tree Protection Plan" and may be approved by the Planning Director without the need for Design Review.
10. All landscaping areas required by this approval shall be permanently maintained, including automatic watering, weeding, pruning, pest control, replacement of plant materials as needed, and any other operations needed to ensure proper maintenance. Failure to meet these requirements shall be cause for the issuance of a citation and order for compliance as specified in Section 18.24.110 of the Corte Madera Municipal Code.

PUBLIC WORKS/ENGINEERING DEPARTMENT

Grading and Drainage

11. In accordance with section 15.20.030 of the Municipal Code, the applicant may be required to obtain a **Grading and Drainage Permit** from the Public Works Department prior to issuance of a Building Permit. The application for this permit shall include, but not be limited to, a site grading plan/drainage plan showing topographic information prepared by a licensed civil engineer or landscape architect. If a geotechnical report is required, the project geotechnical/soil's engineer shall review and approve the grading/drainage plan for conformance to the report prepared for the project.
12. Grading within this area may be subject to the requirements of Section 15.20.220 "Supervised Grading" of the Municipal Code. A determination will be made by the Public Works Department at the time of the Grading and Drainage Permit.
13. No earthwork shall take place during the rainy season between October 15th and April 15th without special written authorization from the Director of Public Works. Unless specifically exempted, earthwork operations will require an **Erosion and Sediment Control Permit** from the Public Works Department per Municipal Code Section 15.20.285. The permit will require the installation and maintenance of appropriate erosion and sedimentation control measures for the proposed work. The applicant will be required to obtain the permit prior to the issuance of Building Permit.
14. Per Municipal Code Section 15.20.285, the applicant may be required to post a security (cash deposit) to guarantee the timely installation of erosion control measures whenever the contractor fails to perform the required erosion control work or to perform it in a timely manner. Applicability of the security, which is based on the square footage of

- earthwork, will be determined at the time of Erosion and Sediment Control Permit.
15. Prior to issuance of a Building Permit, the Public Works/Engineering Department will make a determination as to whether the proposed improvements will interfere with the free flow of any watercourse affected by the project. The construction of any improvement within a watercourse will require a **Watercourse Alteration/Relocation Permit** from the Public Works Department per Municipal Code Section 9.32.060.
 16. Where possible, drainage facilities shall be installed to collect roof drainage and surface water runoff from driveways, walkways, and other paved surfaces. Drainage shall be conveyed and disposed in a manner that avoids concentrated flows and minimizes impacts to adjoining properties. Drainage collection systems shall be designed to Town standards and the flow shall be conveyed to a publicly maintained storm drain system, natural drainageway, or approved on-site dispersal structure. Runoff shall not be diverted from one drainage area to another. The subsurface drainage system (foundation, retaining wall, etc...) shall remain separate from the surface drainage system.
 17. A hydrology study shall be submitted to the Public Works Department for review and approval prior to obtaining a Building Permit.
 18. Prior to issuance of a building permit, the applicant shall submit a storm drain plan and profile and drainage calculations that are in compliance with all Town standards.
 19. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger common plan of development, must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit) from the California State Water Resources Control Board. This permit will require the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for the project.
 20. Prior to issuance of a building permit, a construction management plan shall be submitted by the applicant for approval. The plan shall show in detail how the work will progress in order to mitigate access impacts. This shall include, but not be limited to, a detailed schedule of the work, the designation of stockpile areas for grading and construction materials, the size and type of trucks and equipment to be used for the work, and an indication of how construction deliveries and workers will park and access the site.
 21. Prior to issuance of a building permit the applicant shall provide a copy of the Notice of Intent to obtain coverage under and to comply with the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Construction Permit (General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities).

Sanitary Sewer

22. Prior to issuance of a building permit, the applicant shall submit a sanitary sewer drawing showing a plan and profile of the existing and proposed sewer mains and laterals. All work shall comply with Sanitary District No. 2 Standard Specifications and Drawings, latest edition, and any other special requirements, including additional sewer main replacement. It should be noted that Sanitary District No. 2 Standards for sewer easements require the easement be at least 15 feet wide and dedicated to the District on a form as approved by the Town Attorney.

23. Prior to building permit approval all sewer connection charges and fees will be paid to the District. These charges and fees are based on the number of units approved for the project. A fee schedule can be obtained from the Public Works office.
24. Provide design calculations based on project build out for the existing sanitary sewer system. Show any pipe sizing changes and structure modifications required to accommodate the calculated increase in effluent flow.
25. Provide capacity calculations on Paradise Drive Sanitary Sewer Pump Station. Show any modifications to the sewer pumps and /or changes to the structure required to accommodate the calculated increase in effluent.
26. The applicant will be required to obtain a **Sanitary Sewer Permit** to be issued by Sanitary District No. 2 for all work associated with the sanitary sewer mains or laterals serving this property, including the installation of a backflow preventer device. An application for this permit shall be made to the District prior to beginning any work on the sanitary sewer system.

Work in Public Right-of-Way

27. The private use of public property, public easements, or right-of-ways, and/or the construction of private improvements thereon, may be subject to review by the Town Council, and a **License Agreement to Permit Encroachment on Town Property** will be required to be executed by the applicant and recorded with the County.
28. The applicant will be required to obtain an **Encroachment Permit** from the Public Works Department for all activities within, or use of, the public right-of-way (curbs, sidewalks, etc...) per Municipal Code Section 12.04.040. Work in the public right-of-way shall be in conformance with the Marin County Uniform Construction Standards and Specifications. The permit shall be obtained prior to any work being performed within the Town right-of-way.
29. Per Municipal Code Section 12.04.040, an **Encroachment Permit** from the Public Works Department will be required for any activities within, or use of, the public right-of-way such as placement of debris boxes, staging of equipment in the street, traffic control activities, or street closures, subject to the review and approval of the Public Works Department.
30. Per Town Resolution No. 3314, a project over \$10,000.00 is subject to the **Street Impact Fee** equal to 1% of the project valuation. Applicability of this fee will be determined at the time of Building Permit.
31. At the time of Building Permit, the Public Works/Engineering Department will inspect encroachments, vegetation, sidewalks, and drainage at the property for compliance with the Town Municipal Code. The applicant shall bring the property into compliance with the Municipal Code in accordance with Town standards and to the satisfaction of the Public Works Director/Town Engineer prior to final acceptance of the project.
32. Please note that additional roadway improvements may be required on Casa Buena Drive pending final review by the Public Works Department. Without limiting the generality of the foregoing, sidewalks, curb, gutter, and street pavement shall be constructed and/or replaced along the entire property where it fronts Casa Buena Drive.

The applicant shall repair damaged sidewalk, curb and gutter, relocate existing driveways, and construct and dedicate to the Town the improvements within the Town's right-of-way, including concrete curb, gutter, sidewalk, paving, drainage system, street lights, and street trees, all to the satisfaction of the Town Engineer. Existing street structural section shall be removed and replaced along the frontage of the property to the centerline of the street if the existing structural section is cracked or damaged in any way, or if the street structural section is determined by the Town Engineer to be inadequate for the intended traffic. Sidewalks shall be ADA compliant. All improvements shall be designed and constructed to the satisfaction of the Town Engineer.

- 32A. After completing the right of way improvements described in Condition #32, applicant shall stripe Casa Buena Drive from the point where the southern boundary of the project intersects the Casa Buena Drive right of way to the point where the northern boundary of the luxury car dealership intersects the Casa Buena Drive right of way. The nature, color and locations of said striping shall be subject to the approval of the Town Engineer.
- 32B. All interior streets shall be paved and improved after utilities are installed in accordance with Town of Corte Madera's Standard Drawings and Design Guidelines.
- 32C. Applicant shall install two stop signs: one shall be located at the project's driveway exit and the other shall be located at the Village Green's driveway exit to require vehicles to stop prior to entering Casa Buena Drive.
- 33. The applicant may be required to prepare and submit a **Construction Management Plan** to the Public Works/Engineering Department prior to the issuance of the Building Permit. The Plan shall provide a general overview of the construction process as it affects the public right-of-way and surrounding neighbors. At a minimum, the plan should outline the schedule of construction, the locations for staging of equipment and materials, and the truck routes that will be used for deliveries.
- 34. Prior to the issuance of the Building Permit, the applicant may be required to provide a **Construction Parking Plan** to Public Works. The Plan shall propose a system to minimize the effect of construction worker parking in the neighborhood, include an estimate of the number of workers and vehicles that will be present on the site during various phases of construction, and indicate where sufficient off-street parking will be provided.

Traffic

- 35. A site-specific traffic analysis is required for this project. The analysis will need to identify project peak hour traffic demands and impacts on the roadway system. The traffic analysis shall be prepared by a registered traffic engineer or civil engineer with experience in this type of work. The traffic engineer shall also address the proximity of the two existing driveways and the proposed project driveway entering Casa Buena Drive.
- 36. Prior to issuance of any permit, the applicant shall submit any applicable pedestrian or traffic detour plans, to the satisfaction of the Town Engineer, for any lane or sidewalk closures. The detour plan shall comply with the State of California Manual of Traffic Controls for Construction and Maintenance Work Zones, and with standard construction practices.
- 36A. By no later than May 1, 2015, the applicant shall apply to the Planning Department for a

variance to locate a surface parking space within the front setback in accordance with the plan titled "Casa Buena Drive Improvements" dated January 19, 2015, and submitted to the Town Council and discussed at the Council's January 20, 2015 public hearing. If such variance is approved, such parking space shall be incorporated into the approvals for the project and shall be required to be constructed as approved.

- 36B. The applicant shall include in the CC&Rs (defined below) for the project a provision that requires each resident in the subdivision to maintain his/her garage in a manner which permits the parking of the number of cars for which the garage was designed. In addition, said CC&Rs shall provide that each, from 7:00 p.m. until 7:00 a.m. of the following day, each resident in the subdivision must park his/her vehicles inside the garage built for his/her residential unit and as to those units for which there are assigned uncovered parking spaces, each day, from 7:00 p.m. until 7:00 a.m. of the following day the residents of those units must park their vehicles in those assigned parking spaces.

Tentative Map, Easements and Dedications

37. The tentative map shall comply with the requirements under Chapter 17.20 of the Corte Madera Municipal Code.
38. The applicant shall satisfy the applicable requirements for any dedications of property or provisions of easements for street, storm drain, sanitary sewer, drainage, or access purposes as defined and approved by the Town or other agencies.
39. The preparation, approval, and recording of a Final Map will be required for this project.
- 39A. (1) Homeowner's Association: The applicant shall establish a Homeowners' Association (hereinafter referred to as the "HOA") and prepare and record conditions, covenants and restrictions ("CC&Rs") governing the maintenance, management and governance of the project. Except as set forth below, the CC&Rs shall include, but not be limited to, HOA responsibility for : a) the maintenance of all private and unaccepted public easements, streets and trails; b) maintenance of all common area parcels; c) maintenance of all landscape easement areas; d) maintenance of all other parcels of common ownership as described on the Tentative Map; and e) enforcement of any improvement, development and design guidelines and criteria. The HOA shall be responsible for all inspection and maintenance of common and easement area private improvements such as: storm drain systems, storm water management plan facilities, all landscaping and irrigation systems as shown on the landscaping plan required in condition #8, retaining walls, access roads, sidewalks, parks, sewer, signs, lighting, and private utilities. Said CC&Rs shall include minimum acceptable maintenance standards for all common facilities and improvements. The HOA shall also be responsible for inspection, maintenance, and reporting plan for the storm water management plans required by the State Water Resources Control Board Order No. 2009-0003-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Storm Water Discharges Associated with Construction and Land Disturbance Activities and subsequent amendments, and the State Water Resources Control Board Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004 Waste Discharge Requirements

(WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) and also the associated BASMAA Post-Construction Manual- Design Guidance for Storm Water Treatment and Control for Projects in Marin, Sonoma, Napa, and Solano Counties. Final configuration of the easements, wording of the implementing CC&R's and "owner's statements" on the final map are subject to the approval of the Town Attorney, Planning Director and Town Engineer.

(2) Project CC&Rs shall be submitted for Town review and shall be subject to approval of the Town Attorney, Planning Director, and Town Engineer, with the final map and improvement plans. The CC&Rs shall contain clauses requiring Town approval of subsequent changes to those provisions of the CC&R's which are required hereunder once initially approved by the Town and giving the Town the right, but not the duty, to enforce the CC&Rs. Town approval of the CC&Rs is a condition precedent to the Town's approval of the final map.

Permits from Other Agencies

40. The applicant shall be responsible for determining if permits will be required from the Bay Conservation and Development Commission, Army Corps of Engineers, California Department of Fish and Game, or any other regulatory agency having jurisdiction over the project. If any of these permits are required, they must be obtained by the applicant before a Building Permit will be issued.
41. The applicant shall enter into a pipeline extension agreement for the installation of necessary facilities with Marin Municipal Water District, as outlined in their letter to the Town of Corte Madera dated December 2, 2014. The applicant must meet all requirements of the District, as detailed in that letter.

Construction Operations

42. Prior to the issuance of Building Permit, a video or photographic inspection of the existing conditions of the roadways and other public improvements adjoining the project may be required of the applicant. The inspection results shall be submitted to the Public Works Department.
43. Any damage to the street caused by heavy equipment or as a result of project construction activities shall be repaired, at the applicant's expense, prior to issuance of the Certificate of Occupancy. All hazardous damage shall be repaired immediately. Any heavy equipment brought to the construction site shall be transported by truck.
44. Prior to the issuance of a Building Permit, it may be required that a cash deposit up to a maximum amount of \$10,000 be posted for bonding purposes to ensure repair of any damage to roadways, landscaping, and other public improvements in the Town right-of-way caused by the applicant's construction-related activities. The amount of the cash deposit shall be determined at the time of the Building Permit. Said cash deposit shall not

be released until the project, including all landscaping, is completed and all required repairs have been made.

45. Per Municipal Code Section 9.33.100, the applicant shall employ best management practices (BMPs) as appropriate from the California Stormwater Best Management Practice Handbook for Construction Activity, latest edition, or from the Erosion and Sedimentation Control Field Manual published by the California Regional Water Quality Control Board, to control and prevent the discharge of sediment, debris and other construction related wastes to the storm drainage system or waterways, including, but not limited to, general construction, concrete and mortar application, heavy equipment operation, road work and paving, and earth-moving activities.

FIRE DEPARTMENT

46. Approved Fire Department access shall be provided:
 - 20' wide all-weather surface roadway providing access to structures
 - Fire apparatus turnaround near the west end of the roadway
 - If a gate is to be installed, fire department access required
47. Approved fire service water supply shall be provided:
 - A fire hydrant at an approved location near the west end of the roadway.
48. This project is within the Town of Corte Madera's Wildland Urban Interface (WUI) Fire Area, and is required to comply with specific regulations regarding:
 - Exterior building materials
 - Vegetation / Landscaping (Vegetation Management Plan)
49. Automatic natural gas shut-off devices required.
50. The interior of the buildings shall be provided with an automatic sprinkler system. The design and calculations for the systems shall be approved by the Fire Department prior to final close-in of framing.
51. The roofs shall be constructed to be fire retardant (Class A) or non-combustible and all chimneys shall have spark arresters.
52. Prior to the issuance of a Certificate of Occupancy, Fire Department-approved address identification shall be installed.
53. Smoke alarms and carbon monoxide alarms shall be installed in the structure, as required by the California Building Code/California Residential Building Code.
- 53A. The curbs adjacent to any and all firelanes (so shown on the project plans referenced in Condition #1) shall be painted red and no-parking signs shall be installed adjacent to said firelanes. The curbs that must be so painted and the design, numbers, colors, size, wording and height of the no-parking signs shall be subject to the approval of the Fire Department.

EXTERIOR LIGHTING

54. Prior to final building inspection, all exterior lighting shall be shielded and/or directed so that it does not glare off-site.

CONDITIONS DURING CONSTRUCTION

55. Hours of construction shall be limited to 7:30 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturday, provided that if any reasonable and credible work-related complaints are received by the Town about construction on a weekend, no further work shall be conducted on a Saturday; and provided further, if any reasonable and credible work-related complaints are received by the Town about construction during any weekday, the Planning Director is vested with the authority to impose reasonable conditions to address the issues that gave rise to the complaint. Whether or not a complaint about construction is reasonable and credible shall be left to the sole and sound judgment of the Planning Director. In order to mitigate the adverse impacts the applicant's construction activities have on neighboring property owners and renters, the Planning Director shall be vested with the authority to impose reasonable conditions on the applicant's hours of construction and/or the applicant's construction activities. No workers shall be on the site except during these hours. Without limiting the generality of the foregoing, no preparatory work or staging shall be allowed to occur on the site or on adjacent properties except during the hours specified above. No work shall be performed on a legal holiday.
56. Prior to construction, a portable toilet facility shall be installed on site and remain on site for the duration of the project.
57. All equipment shall be equipped with mufflers.
58. Prior to final building inspection, all debris shall be removed from the site.

DESIGN REVIEW EXPIRATION

59. The Design Review approval shall lapse and become null and void one year following the date on which the approval becomes effective unless, prior to the expiration of one year, a building permit is issued and remains active per Building Code requirements on the site which was the subject of the application, a Certificate of Occupancy is issued for the site or structure which was the subject of the application. Design Review approval may be renewed as prescribed in Section 18.30.090 of the Town Zoning Ordinance.

STOP WORK ORDER - RED TAG ORDINANCE

60. Per Section 15.70.010 of the Municipal Code, whenever any construction or other work that is subject to any provision of the Code has been, or is being, done in any manner that is contrary to any of the provisions of the Code, any ordinance of the Town, or any condition of a permit, approval, or other entitlement granted by the Town, the Town Manager or his/her designee may order that all construction or work on the property be stopped immediately by notice in writing mailed to any person engaged in doing or causing such

work to be done and the owner of the property, and by posting on the property where the violation has occurred, or is presently occurring, a notice to stop such construction or work. Such person shall forthwith stop such work until authorized by the Town to proceed.

INDEMNIFICATION AGREEMENT

61. The applicant shall:

- A. Defend, indemnify, and hold harmless the Town of Corte Madera and its agents, officers, attorneys, or employees from any claim, action or proceeding (collectively referred to as "proceeding") brought against the Town or its agents, officers, attorneys, or employees to attack, set aside, void, or annul an approval of Use Permit No. 14-008, Design Review No. 13-035, or Tentative Map No. 13-001, which proceeding is brought within the applicable statute of limitations. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and the cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the Town, and/or the parties initiating or bringing such proceeding.
- B. Defend, indemnify, and hold harmless the Town, its agents, officers, attorneys, or employees for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending any document, if made necessary by said proceeding and if applicant desires to pursue securing such approvals, after initiation of such proceeding, which are conditioned on approval of such documents.
- C. In the event that a proceeding is brought, the Town shall promptly notify the applicant of the existence of the proceeding and the Town will cooperate fully in the defense of such proceeding. In the event that the applicant is required to defend the Town in connection with any said proceeding, the Town shall retain the right to (1) approve the counsel to defend the Town, (2) approve all significant decisions concerning the matter in which the defense is conducted, and (3) approve any and all settlements, which approval shall not be unreasonably withheld. The Town shall also have the right not to participate in said defense, except that the Town agrees to cooperate with the applicant in the defense of said proceeding. If the Town chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the Town in such matters, the fees and expenses of the counsel selected by the Town shall be paid by the Town. Notwithstanding the immediately preceding sentence, if the Town attorney's office participates in the defense, all Town attorney fees and costs shall be paid by the applicant.

APPEAL PERIOD

62. No building permit shall be issued until the expiration of the appeal period. The appeal period extends ten calendar days from the date of decision by the Planning Commission. Unless a shorter statute of limitations period applies, the time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

SCHOOL IMPACT MITIGATION FEES

- 63. The applicant is responsible for payment of School district mitigation fees by the Larkspur-Corte Madera School District for this project. These fees to be paid prior to the applicant receiving a building permit for this project.

TRAFFIC MITIGATION FEES

- 65. Prior to the issuance of a Certificate of Occupancy, the applicant shall pay Traffic Mitigation Fees based pursuant to the Corte Madera Municipal Code Chapter 3.32 and Town Council Resolution No. 2207.

PARKLAND DEDICATION FEE

- 66. Prior to the Final Parcel Map recordation, payment of the Parkland Dedication Fees shall be paid in compliance with Chapter 17.30 of the Corte Madera Municipal Code.

CONDITIONS ADDED BY THE PLANNING COMMISSION

- 67. Prior to close-in inspection, the applicant shall provide the Town with a surveyor's certificate verifying the maximum height of each of the buildings in accordance with the approvals herein.
- 68. Prior to issuance of any occupancy permit, the applicant shall construct required sidewalk Improvements along the Casa Buena Drive frontage of the property, to the satisfaction of the Town Engineer.
- 69. Prior to issuance of a building permit, the applicant shall submit a final landscape plan for review and approval by Planning Staff.
- 70. Plans submitted for building permit shall include a plan demonstrating bicycle parking in addition to that provided within the units, to be reviewed and approved by Planning Staff.

FEE ADMONITION

The Conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. The applicant is hereby further notified that the 90-day approval period in which the applicant may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of the Town of Corte Madera on 20th day of January, 2015, by the following vote, to wit:

AYES: Condon, Lappert, Furst

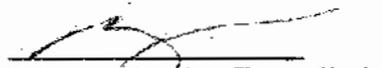
NOES: Bailey

ABSTAIN: Ravasio

ABSENT:


Carla Condon, Mayor

ATTEST:


Rebecca Vaughn, Town Clerk

ATTACHMENT 4

Staff Report from Diane Henderson, Contract Planner, dated January 16, 2015



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

CORTE MADERA TOWN COUNCIL
STAFF REPORT

ITEM NO.: 5A

REPORT DATE: JANUARY 16, 2015
MEETING DATE: JANUARY 20, 2015

TO: TOWN MANAGER, MAYOR AND TOWN COUNCIL

FROM: DIANE HENDERSON, CONTRACT PLANNER

REVIEWED BY: ADAM WOLFF, DIRECTOR OF PLANNING AND BUILDING

SUBJECT: USE PERMIT 14-008; DESIGN REVIEW 13-035; TENTATIVE MAP 13-001; AND ENVIRONMENTAL REVIEW - To allow construction of 16 condominium units on a 1.23 acre parcel in the R-2 zoning district.

SUMMARY: The approximately 1.23 acre project site is located at 1421 and 1425 Casa Buena Drive, just west of Highway 101 and north of the intersection of Casa Buena Drive and Meadow Valley Road (Assessor's Parcel Number 033-011-02). The project proposes the development of 16 attached townhomes to replace one existing single-family home built in the 1950's, and a second unoccupied home that is in disrepair, and miscellaneous out buildings on the property. The one occupied single-family home was rented with a short-term lease with the understanding that the property would be proposed for development.

The townhomes would consist of four different designs and will vary between two- and three-story units, with units having either 3 or 4 bedroom floor plans. The townhomes would be in four buildings, arranged in 4 rows of 4 homes each accessed off a single driveway from Casa Buena Drive. The proposed project includes a request for consideration of design review, use permit for "Multiple House" and a vesting tentative map for a subdivision of the proposed lot as part of a condominium subdivision map. Pursuant to the California Environmental Quality Act (CEQA), an Initial Study was conducted and a Draft Mitigated Negative Declaration has been prepared.

CEQA

STATUS:

As discussed in detail below, a Draft Mitigated Negative Declaration has been prepared based on an Initial Study conducted in accordance with the California Environmental Quality Act.

BACKGROUND:

The subject property is 53,690 sq. ft. (1.23 acres) in size and is within the R-2 (Low Density Multiple Dwelling District). Parcels of this size and zoning designation, and occupied by a conditional use, are governed by the following residential development standards:

<u>CONDITION</u>	<u>ORDINANCE REQUIREMENT</u>	<u>APPLICANT'S PROPOSAL</u>
Minimum Lot Size	4,000 sq. ft. min.	53,690 sq.ft. parcel (1.23 acres)
Front Setback	20' minimum	73 feet
Rear Setback	35' minimum	25 feet
Left Side Setback	10' minimum	10 feet
Right Side Setback	10' minimum	14 feet
Lot Coverage	35% maximum	30%
Structure Height	30' maximum	35 feet 7 inches
On-Site Parking	2 spaces/unit; 1 may be uncovered	2 spaces/unit; 28 covered; 4 uncovered; 2 guest spaces; 1 handicapped

In 2013 the project proponent, Campus Properties, LLC submitted an application to the Town to remove the two existing residences and construct 16 new townhouse units. The Town retained the environmental consulting firm of Kimley Horn to prepare an Initial Study to determine the potential impacts of the proposed project. Diane Henderson, a contract planner, was retained to assist the Town in the processing of the project.

As discussed in the environmental discussion below, the Initial Study found that while the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project applicant, and therefore a Draft Mitigated Negative Declaration has been prepared.

The Initial Study/Environmental Checklist and Draft Mitigated Negative Declaration were circulated for 30 days for public review. A notice was posted in the Marin Independent Journal and mailed to property owners within 300+ feet of the subject property, notifying them of the availability of the Initial Study and Draft Negative Declaration as well as the date and time of the Planning Commission and Town Council hearings on the project.

The applicant has prepared responses to the required Use Permit, Design Review and Tentative Map Findings under Sections 18.26.050, 18.08.030, 18.30.070 and 17.20.100 of the Corte Madera Municipal Code.

Planning Commission Public Hearing

On December 18, 2014, the Corte Madera Planning Commission voted 4-0 (Chase, Metcalfe, McCadden and Pagnillo) to **approve** a resolution recommending that the Town Council adopt the Mitigated Negative Declaration and conditionally approve the Use Permit, Design Review and Vesting Tentative Map for Casa Buena Townhomes (Attachment 1).

As discussed in detail in the attached minutes of the meeting (Attachment 5), several members of the public spoke at the Planning Commission meeting. Concerns raised by the public were primarily focused on traffic; safety of pedestrians walking along Casa Buena Drive, where there are no sidewalks; the height of the proposed buildings; the density of the project; and concern that there would not be enough on-site parking for the project. At the close of the public comment, Commissioners discussed the project and expressed overall support for the architecture and site design, but concern with pedestrian safety on Casa Buena Drive, and a desire to accommodate bicycle parking within the project. Additionally, the Commission felt strongly that although the project meets the Code requirement for parking, there would likely be a shortage of on-site parking and that the applicant should seek to incorporate additional parking where feasible.

At the conclusion of the hearing, the Commission voted unanimously to recommend that the Town Council approve the project, subject to the draft conditions of approval prepared by staff and with the following four conditions added by the Planning Commission:

67. Prior to close-in inspection, the applicant shall provide the Town with a surveyors certificate verifying the maximum height of each of the buildings in accordance with the approvals herein.

68. Prior to issuance of any occupancy permit, the applicant shall construct required sidewalk improvements along the Casa Buena Drive frontage of the property, to the satisfaction of the Town Engineer.

69. Prior to issuance of a building permit, the applicant shall submit a final landscape plan for review and approval by Planning Staff.

70. Plans submitted for building permit shall include a plan demonstrating bicycle parking in addition to that provided within the units, to be reviewed and approved by Planning Staff.

ANALYSIS: Use Permit

Corte Madera Municipal Code (CMMC) Section 18.04.520 defines Multiple House as "a building designed for a multiple dwelling, for use as condominium units, planned development units, stock cooperatives, or a community apartment project, as those terms are defined in the California Civil Code" (CMMC Section 18.04.520). Section

18.08.030 of CMMC requires a conditional use permit for a subdivision map to construct a multiple house. The proposed project includes a vesting tentative map to create condominium units, and therefore a conditional use permit is required for the project.

The purpose of a use permit is to ensure that a particular use will be consistent with the objectives of the General Plan and Zoning Ordinance, including the purpose of the district in which the use is located and will not be detrimental to the public health or safety. Further, according to CMMC section 18.08.030, condominiums and other forms of ownership of homes are unique and require different amenities and standards than apartment houses to protect the community and the purchasers.

The proposed development of the site is consistent with the parameters of the R-2 Low Density Multiple Dwelling District and the Medium Density land use designation of the General Plan. The proposed development will complement surrounding development, particularly the adjacent properties to the north and south, which are also developed with multiple dwellings, the Cortebella Apartments and the Village Green Condominiums, respectively.

The site plan and units have been designed to provide attractive living spaces indoors and outdoors, and will not be detrimental to public health or safety. The unusually large setback at the Casa Buena frontage will help to preserve the openness as viewed from US 101 or Casa Buena Drive. Granting the use permit will allow development that is consistent with the objectives of the General Plan and Zoning Ordinance, including the Housing Element's designation of this site as one of six sites of over 1 acre that were designated as High Potential Sites likely to develop during the 2007-2014 Housing Element planning period. The 2015-2023 Draft Housing Element includes this site as on the three sites likely to be developed during the planning period and therefore is counted toward RHNA requirements.

Design Review

The project consists of 16 townhomes in four buildings, arranged in 4 rows of 4 homes each. The townhomes would consist of four different designs and will vary between two- and three-story units, with units having either 3 or 4 bedroom floor plans. The proposed architecture would be craftsman style with a variety of pop outs and step backs including hipped roofs, porches and decks. The applicant has submitted two colors and materials sample boards; the materials are essentially the same but one is in green tones and the other is in brown tones. It is desired to have two of the buildings in the brown toned materials and the other two in the green toned materials. The buildings would be finished with vertical board and batten siding accented with shingle siding and decorative stone and a variegated tile roof. Trim, railing and trellis details complement the architecture.

The project would provide 28 covered and 4 uncovered parking spaces. In addition there would be two guest parking spaces plus one handicapped parking space for a total of 35 parking spaces. A total of 34 parking spaces are required pursuant to the Town of Corte Madera Zoning Ordinance. As previously discussed, at the Planning Commission hearing a significant concern was voiced by several neighbors and a majority of the

Commissioners that even though the project meets the Code requirements for parking, it may not have enough on-site parking. Section 18.20.030 of the Corte Madera Municipal Code allows the Council to require more parking spaces than otherwise required if a finding can be made that they are needed to "provide adequate off-street parking for a specific use." At the Planning Commission hearing, the applicant noted that the rear building would have aprons or driveways leading to their garages which could provide additional parking for those units and that they have tried to find additional opportunities to provide parking on-site, but were limited in what they could do. Nonetheless, the applicant has continued to explore potential options for additional parking and will be prepared to discuss with the Council if requested.

Each unit would have two parking spaces in its own garage with the exception of Building A. Building A units would have one covered space and one reserved uncovered space. Each unit in Building C would have two additional driveway spaces. Trash containers would be stored in the individual garages.

Buildings would be setback a minimum of 73 feet from Casa Buena Drive to minimize visual and noise impacts. The entire perimeter would be landscaped with a combination of existing mature trees and new fast growing species to protect privacy.

The homes to the rear of the property (Building C) would have private back gardens with direct access from the primary living area. These gardens would be located within a 25-foot setback from the property line. Buildings A, B-1 and B-2 would have a combination of private decks and common open space in the social zones. A primary social zone and gathering space would be located at the center of the site and a secondary one with tot lot is proposed at the front of the site, adjacent to the Casa Buena frontage.

The project includes a landscape plan with an extensive palette of plant materials including trees, shrubs and ground cover appropriate for planting in Corte Madera. Mature trees in good condition would be retained and made a feature of the project where feasible.

Based on the Tree Protection Plan submitted with the project application, the project site has 40 trees on site. Of the 40 trees onsite, 26 trees are proposed to be removed during construction. This includes trees adjacent to Casa Buena Drive, which will be removed to provide open parking spaces.

Of the 26 trees that are proposed to be removed, 15 trees are considered protected trees based on their trunk size (fifty inches or greater or multi-stemmed trees having an aggregate circumference of one hundred twenty inches, measured four and one-half feet above the ground). One tree, a blue gum eucalyptus tree, is not a protected tree (despite its circumference) because it is not considered a desirable species pursuant to Corte Madera Municipal Code, section 15.50.020(27). The proposed preliminary landscape plan shows that approximately 80-84 trees would be planted as part of the proposed project. The replacement ratio of the trees is approximately 3.2:1.

In addition to the replacement trees, the project includes other ornamental shrubs and ground cover for aesthetic enhancement and to screen views from offsite, as well as to

prevent soil erosion and minimize impervious surface area.

Because of the grade separation between project site and US 101, the views to the proposed project site from US Highway 101 are limited. The highway is at a higher elevation than the site and there is existing vegetation that screens the line of sight between the highway and Casa Buena Drive, thus blocking any direct views to the site from US Highway 101. The proposed buildings would be visible from the highway, but the view of the buildings would be similar to the existing residential structures on either side of the property, and as such, would not substantially modify the existing viewshed.

Tentative Map/Density Bonus

The property is designated in the Town of Corte Madera General Plan with a Medium Density Residential land use designation which supports a density of 6 – 11 dwelling units per acre. The Town's zoning designation for the site is R-2 with an allowable density of up to 10.9 units per acre. The project applicant is requesting a vesting tentative map to develop 16 attached townhome condominium units. The methodology for how the 16 units is reached is described below. The Town of Corte Madera 2011 Housing Element and the current Draft 2015-2023 Housing Element identifies the property as Site #9, one of six sites of over 1 acre that were designated as High Potential Sites likely to develop during the Housing Element planning period.

The General Plan land use designation for the site would allow up to 11 units per acre on this approximately 1.23-acre parcel. In the R-2 Zoning District, the currently required minimum lot area is 4,000 square feet.

The proposed driveway alignment runs parallel to the north property line. Building A would be setback approximately 73 feet from Casa Buena Drive. Building C would be set back by approximately 25 feet from the rear property line and the setbacks along the sides of the buildings range from a minimum of 10 feet along the southerly property line to approximately 14 feet along the northerly property line.

Access to the project site would be via a new driveway from Casa Buena Drive at the north edge of the property. The driveway would be improved to a width of 20 feet. The driveway would lead to smaller drive aisles from which residents would access individual parking garages for the units. A fire truck hammerhead turnaround would be provided in the northwest corner of the site. An existing five foot wide County of Marin Sanitation District easement that traverses the site would be abandoned.

To determine the maximum number of units permitted on the site, the following calculations were used:

The project has a gross lot area (total area of the project site including any right of-way easements) of 1.23 acres or 53,690 square feet. The Town Municipal Code (section 18.04.530) defines the net lot area as the lot area minus any right of way easements. As shown on the Site Plan, the net area of land for the proposed project is 1.18 acres or 51,253 square feet when the Village Green access easement (2,437 square feet) is subtracted out of the lot area.

Section 18.08.120(a)(1) of the Town Municipal Code states that, "Each site shall have an area of not less than four thousand square feet for each dwelling unit located on the site." Therefore, based on the requirements of the Town's Municipal Code the number of lots allowed by the zoning ordinance would be:

$$53,690 \text{ square feet} - 2,437 \text{ square feet} = 51,253 \text{ square feet.}$$

Further, applying the lot size limitations results in the following:

$$51,253 \text{ square feet} \div 4,000 \text{ square feet} = 12 \text{ with a remainder of } 3,253 \text{ square feet.}$$

Section 18.08.120(a)(1) of the Town Municipal Code states that for any remainder area of greater than 3,600 square feet, one additional dwelling unit may be located on the site. In this case, the remainder is less than 3,600 square feet so the allowable number of units per the General Plan and Zoning Ordinance is 12.

Section 18.24.120(b) of the Town Municipal Code requires development projects with 10 or more dwelling units to provide affordable housing. The requirements are as follows:

Of the 12 dwelling units, 5% shall be sold at prices affordable to Very Low Income Households, 10% for Low Income Households and 10% for Moderate Income Households. The Municipal Code states that a fractional number shall be rounded down if less than 0.5 and rounded up if 0.5 or greater.

$$12 \times 5\% = .60, \text{ which equals one Very Low Income unit.}$$

$$12 \times 10\% = 1.2, \text{ which equals one Low Income unit.}$$

$$12 \times 10\% = 1.2, \text{ which equals one Moderate Income unit.}$$

After applying the Town's affordable housing requirements (above), three (3) of the units would be income restricted resulting in 25% of the total units being restricted as affordable housing.

Because the project includes income restricted units, the project is also eligible to apply for a density bonus based on the Town of Corte Madera Municipal Code and the State Density Bonus requirements provided in California Government Code Section 65915(b)(1)(B)). This section of the Code requires a project to have a minimum of 5% of the total units reserved for very low income households. The project designates 1 unit or 8.3% of the total number units for Very Low Income. This is derived as follows:

$$1 \div 12 = 8.3\% \text{ of units are Very Low Income}$$

Pursuant to California Government Code section 65915(f)(2), for housing developments that have 8% of the total units reserved for very low income residents, the project applicant is entitled to a 27.5% State Density Bonus.

12 units \times 0.275 = 3.3 units which equal 4 additional units because fractional units are rounded up under the State Density Bonus calculations. Therefore 12 units + 4 bonus

units = 16 units. Based on the calculation steps outlined above, and as supported by the Town's Municipal Code as well as application of the State Density Bonus requirements, the applicant is requesting approval for development of 16 townhome units on the 1.23-acre site.

As three of the 12 units are designated as income restricted units, more than 20% of the total units would be income restricted, and as such, the project qualifies for one incentive or concession related to building design pursuant to California Government Code section 65915(d)(1)(2)(A). One incentive or concession is being requested by the project applicant at this time. The requested incentive/concession is as follows:

The project applicant is requesting an exception to the existing 30-foot height limitation established in the R-2 Low Density Multiple Dwelling District regulations (section 18.08.120 (g) of the Town Municipal Code).

The maximum heights of the proposed buildings are as follows:

Building A:	33' 7"
Building B-1:	35' 7"
Building B-2:	35' 7"
Building C:	34' 8"

The maximum building height would be up to 35' 7" where 30 feet would otherwise be allowed. The height limit concession is requested to allow for pitched roofs. The applicant has submitted an explanation of why the height exception is necessary. Although a flat roof design could eliminate the need for the additional height, Staff believes that would be an inferior design solution and would not recommend it. The units have been designed with hip roofs in the middle to minimize the impression of height. The pitched roofs are consistent with the building architecture and provide an attractive design statement. The site plan, including the large setback from Casa Buena Drive, will help provide a perception of lower height from off-site.

Neither Staff nor the Planning Commission had a problem with the proposed height, given the particular location of the proposed project at a lower elevation relative to much of the surrounding property and the architectural techniques to minimize its impact. However, questions were raised at the Planning Commission hearing regarding the discretion involved in granting the requested concession. If the Council is inclined to not grant the concession, it would be the Town's burden to determine how to create sufficient evidence in the record to show that the increased height is not necessary to offset the costs of providing affordable housing, pursuant to California Government Code section 65915(d)(1)(2)(A). As previously indicated, both Staff and the Planning Commission support the additional height at this location, and there is limited case law to indicate whether a denial of concession would be justified.

Additionally, the project applicant is requesting a reduction in a development standard pursuant to California Government Code section 65915(e)(1). The applicant is requesting a reduction in the 35-foot rear-yard setback as required in section 18.08.120(e) of the Town Code to allow a 25 foot setback. The applicant has submitted an explanation of why the reduced setback is necessary. The setback concession is

requested to keep the rear-yard setback at 25 feet, which is the standard required for development in the R-2 zoning district where a conditional use permit (CUP) is not required. In other words, if this was a rental project of the exact same design, the units would be subject to a 25 foot rear yard setback, not a 35 foot rear yard setback. The property immediately west of this site, which fronts on Meadow Valley Road, is also zoned R-2, and developed with a residence that is located approximately 14 feet from the rear property line (the common property line with the subject site). This property was granted a variance in 2004 to allow the construction of an addition that reduced the rear yard setback from approximately 18 feet to 13 feet. Even with a reduced setback to 25 feet, structures on the two properties would enjoy an approximate 39 foot separation between buildings and several existing trees and other plantings that currently provide a buffer between the two properties would remain. Additionally, given the project is set back more than 70 feet from the front property line, which substantially improves the project's appearance from Casa Buena Drive and Hwy. 101, a 35-foot rear-yard setback would condense the area of development to a relatively small area of the site and likely make the functionality of the proposed site plan more challenging.

Environmental Review

The proposed project is subject to environmental review pursuant to the State of California Environmental Quality Act (CEQA). An independent environmental consultant, Kimley Horn was retained to prepare an Initial Study to analyze the potential impacts of the proposed project. The consultant concluded that the project would not have a significant impact on the environment because all environmental factors could be adequately addressed through existing and imposed regulatory controls or mitigations measures. As required by CEQA, seventeen potential impact categories were analyzed by the consultant in the Initial Study. The standard categories for review are listed below:

Aesthetics	Agricultural and Forestry Resources
Air Quality	Biological Resources
Cultural Resources	Geology and Soils
Greenhouse Gas Emissions	Hazards and Hazardous Materials
Hydrology and Water Quality	Land Use and Planning
Mineral Resources	Noise
Population and Housing	Public Services
Recreation	Transportation/Traffic
Utilities and Service Systems	

The Initial Study identified a number of potentially significant environmental categories to be evaluated. The categories of potential impact include: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, Transportation/Traffic and Utilities and Service Systems. The consultant concluded that these categories could be mitigated to a less-than-significant level, therefore, a Draft Mitigated Negative Declaration has been prepared.

The Notice for the Initial Study/Negative Declaration document was posted and

circulated for a 30-day public review on November 18, 2014. There have not been any responses to the document.

In accordance with CEQA, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared and is part of the Mitigated Negative Declaration document. Further, all mitigation measures have been made a condition of project approval. Implementation of the MMRP would mitigate, to a less-than-significant level, any potential impacts resulting from this project.

**RECOMMENDED
TOWN COUNCIL**

ACTION: Consistent with the Planning Commission's unanimous recommendation, the Town Council should hold a public hearing, take public testimony and adopt the attached resolution, making the findings to adopt the Mitigated Negative Declaration and approve with conditions the Use Permit, Design Review and Vesting Tentative Map for the 16-unit Casa Buena Townhomes.

- Attachments:
1. Draft Corte Madera Council Resolution 15-
 2. Corte Madera Planning Commission Resolution 14-027
 3. Draft Initial Study (see: <http://townofcortemadera.org/DocumentCenter/View/889>), Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan (attached)
 4. Applicant's Justifications and Responses to Findings
 5. Project Plans (also available on the Town's website: <http://www.townofcortemadera.org/529/1421-1425-Casa-Buena-Drive>)
 6. Excerpt from Minutes of the Corte Madera Planning Commission Meeting, December 18, 2014
 7. Correspondence Received

THIS MATERIAL HAS BEEN REVIEWED BY
THE TOWN MANAGER



TOWN OF CORTE MADERA
SANITARY DISTRICT NO. 2 OF MARIN COUNTY,
A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA
INVESTMENT TRANSACTIONS
FOR THE MONTH OF JULY, 2016

Type of Investment Instrument	Institution	Beginning Date of Investment	Date of Maturity	Total Number of Days	Call Provisions	Total Number of Days This Month	Amount of Investment	Market Value For Securities With A Maturity Over 12 Months	Interest Rate	Interest Accrued This Month	Interest Due
Certificate of Deposit (CD)	GE Capital Bank, Draper, Utah (Semi)	02/28/14	02/28/17	1,096	None	31	247,000	247,812.63	1.05%	220.41	1,105.35
Certificate of Deposit (CD)	Goldman Sachs, New York, NY (Semi)	03/05/14	03/06/17	1,096	None	31	247,000	247,622.44	1.00%	209.87	1,010.83
Certificate of Deposit (CD)	United Banker's Bank Bloomington, Minn (Monthly)	08/29/14	11/29/17	1,185	None	31	245,000	246,264.20	1.15%	239.32	262.37
Certificate of Deposit (CD)	Wells Fargo, Sioux Falls, SD (Monthly)	06/17/16	06/17/19	1,095	None	31	250,000	250,647.50	1.35%	286.75	416.25

TOWN OF CORTE MADERA
 SANITARY DISTRICT NO. 2 OF MARIN COUNTY,
 A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA
 INVESTMENT TRANSACTIONS
 FOR THE MONTH OF JULY, 2016

Type of Investment Instrument	Institution	Beginning Date of Investment	Date of Maturity	Total Number of Days	Call Provisions	Total Number of Days This Month	Amount of Investment	Market Value For Securities With A Maturity Over 12 Months	Interest Rate	Interest Accrued This Month	Interest Due
Local Agency Inv Fund	St Treasurers Off	Jul, 16 LAIF Trans	N/A	N/A	N/A	N/A	N/A	N/A	0.588	0.00	0.00
Local Agency Inv Fund	St Treasurers Off	Aug, 16 LAIF Trans	N/A	N/A	N/A	N/A	N/A	N/A	0.000	0.00	0.00
Local Agency Inv Fund	St Treasurers Off	Jul-Sep, LAIF Adjust	N/A	N/A	N/A	N/A	N/A	N/A	0.000	0.00	0.00
Local Agency Inv Fund	St Treasurers Off	06/27/16	07/07/16	10	N/A	6	14,980,000.00	N/A	0.588	1,447.98	1,447.98
Local Agency Inv Fund	St Treasurers Off	07/07/16	07/08/16	1	N/A	1	13,550,000.00	N/A	0.588	218.29	218.29
Local Agency Inv Fund	St Treasurers Off	07/08/16	07/15/16	7	N/A	7	13,360,000.00	N/A	0.588	1,506.61	1,506.61
Local Agency Inv Fund	St Treasurers Off	07/15/16	07/20/16	5	N/A	5	13,270,000.00	N/A	0.588	1,068.90	1,068.90
Local Agency Inv Fund	St Treasurers Off	07/20/16	07/22/16	2	N/A	2	13,030,000.00	N/A	0.588	419.82	419.82
Local Agency Inv Fund	St Treasurers Off	07/22/16	07/28/16	6	N/A	6	12,900,000.00	N/A	0.588	1,246.92	1,246.92
Local Agency Inv Fund	St Treasurers Off	07/28/16	08/02/16	5	N/A	4	12,240,000.00	N/A	0.588	788.76	788.76
TOTALS							13,229,000.00	992,346.77		7,653.63	9,492.08

Total interest earned for the month of July was \$7,653.63.
 Total cash in investment on July 1, 2016 was \$15,969,000.00.
 Total cash in investment on July 31, 2016 was \$13,229,000.00.
 Effective yield for the month July, 2016 was 0.626%.

LAIF	12,240,000.00
CDs	992,346.77
Market Variance	<u>(3,346.77)</u>
	13,229,000.00

Submitted herewith is the monthly report of investment transactions pertaining to the Town of Corte Madera and Sanitary District No. 2 of Marin County, a Subsidiary District to the Town of Corte Madera, in accordance with Government Code Section 53600 et.seq. and Section 53646. The subject investment transactions are in accordance with the Annual Statement of Investment Policy dated January 1, 2016.

Pursuant to State Law, the following statement is required: Sufficient funds will be available to meet expenditure requirements for the next six (6) months.

George T. Warman, Jr.
 Director of Administrative Services
 November 3, 2016

Investment Transactions
July, 2016

Calculation of Effective Yield

Amount Invested Times	Number of Days	Equals Denominator and Times	Interest Rate	Equals Numerator
247,000	31	7,657,000	1.050	8,039,850
247,000	31	7,657,000	1.000	7,657,000
245,000	31	7,595,000	1.150	8,734,250
250,000	31	7,750,000	1.350	10,462,500
14,980,000	6	89,880,000	0.588	52,849,440
13,550,000	1	13,550,000	0.588	7,967,400
13,360,000	7	93,520,000	0.588	54,989,760
13,270,000	5	66,350,000	0.588	39,013,800
13,030,000	2	26,060,000	0.588	15,323,280
12,900,000	6	77,400,000	0.588	45,511,200
12,240,000	4	48,960,000	0.588	28,788,480
		-----		-----
		446,379,000		279,336,960
		-----		-----
		279,336,960		

446,379,000 = effective yield of 0.626%

George T. Warman, Jr.

George T. Warman, Jr.
Director of Administrative Services
November 3, 2016

PAGE 4 OF 6

	Cash	Investments	Fund Total
101 GENERAL FUND	223,322.94	5,307,026.91 CR	5,083,703.97 CR →
102 GENERAL FUND NON-OPERATIONS FD	0.00	0.00	0.00 →
104 CAPITAL EQUIP. REPLACE FUND	0.00	4,735,879.64	4,735,879.64 →
105 TRAFFIC SAFETY FUND	0.00	0.00	0.00 →
106 PARK MADERA CENTER FUND	0.00	2,382,260.41 CR	2,382,260.41 CR →
108 GAS TAX 2103 FUND	0.00	108,231.93	108,231.93
109 GAS TAX 2105 FUND	0.00	0.00	0.00
110 GAS TAX 2106 FUND	0.00	0.00	0.00
111 GAS TAX 2107 FUND	0.00	7,299.67 CR	7,299.67 CR
112 GAS TAX 2107.5 FUND	0.00	0.00	0.00
114 TAM SALES TAX OVERRIDE FUND	0.00	45,681.73	45,681.73 →
115 STATE DISABILITY ACCESS FEE FUND	0.00	1,206.10	1,206.10 →
116 BEAUTIFICATION FUND	0.00	236.83 CR	236.83 CR →
120 CORTE MADERA SALES TAX OVERRIDE	0.00	4,426,228.39	4,426,228.39 →
124 AFFORDABLE HOUSING FUND	0.00	165,390.78	165,390.78 →
140 STORM DRAINAGE SPECIAL TAX FUND	0.00	1,494,504.77	1,494,504.77 →
159 SHORELINE PARKING DEBT SERVICE	0.00	166,300.38	166,300.38 →
165 SHORELINE PARKING MAINT. DIST.	0.00	29,478.62	29,478.62 →
170 CAPITAL IMPROVEMENT FUND	0.00	42,701.75 CR	42,701.75 CR →
176 WESTSIDE PARK-IN-LIEU FUND	0.00	0.00	0.00 →
178 TRAFFIC IMPROVEMENT FUND	0.00	49,524.39 CR	49,524.39 CR →
179 VILLAGE TRAFFIC IMPROVEMENT FUND	0.00	133,000.00	133,000.00 →
180 2016 IRC 125 FLEX BENEFIT FUND	0.00	49,796.84	49,796.84 →
187 DEVELOPERS DEPOSIT AGENCY FUND	0.00	286,217.86	286,217.86 →
188 AB 1600 DEVELOPMENT FEES FUND	0.00	638,180.04	638,180.04 →
201 SEWER GENERAL OPERATING FUND	0.00	7,033,984.18	7,033,984.18
255 SAUSALITO ST SEWER ASSESS DIST	0.00	0.00	0.00
257 OLD LANDING ROAD DEBT SERVICE	0.00	76,723.04	76,723.04
260 SEWER CAPITAL MAINTENANCE FUND	0.00	48,294.53	48,294.53
270 SEWER CONNECTION FEE PROJ FUND	0.00	0.00	0.00
301 RECREATION CENTER FUND	0.00	33,105.27	33,105.27
302 PARKS & REC REVENUE TRUST FUND	0.00	11,500.00	11,500.00
303 PARKS & REC FACILITY TRUST FUND	0.00	935,711.89	935,711.89
304 MARIN PARKS MEASURE "A" FUND	0.00	141,357.33	141,357.33
401 RECREATION OUTDOOR FACILITY FUND	0.00	70,374.09	70,374.09
501 NEIL CUMMINS GYM FUND	0.00	26,089.75 CR	26,089.75 CR
601 AFTERSCHOOL PROGRAMS FUND	0.00	23,027.16 CR	23,027.16 CR
701 SUMMER CAMPS & PLAYGROUND FUND	0.00	9,378.92 CR	9,378.92 CR
810 WORKERS' COMP SELF-INSURE FUND	0.00	139,232.55	139,232.55
820 GEN & AUTO LIAB SELF-INSURE FD	0.00	314,745.51	314,745.51
830 PROP & VEH DAMG SELF-INSURE FD	0.00	8,579.68 CR	8,579.68 CR
Grand Total:	223,322.94	13,229,000.00	13,452,322.94

4,029,162.84
 223,322.94

 4,252,485.78

7,159,001.75

1,133,552.75 →

11/03/16

Interest Distribution
 Month of July, 2016
 Posted to Financial Records in August, 2016

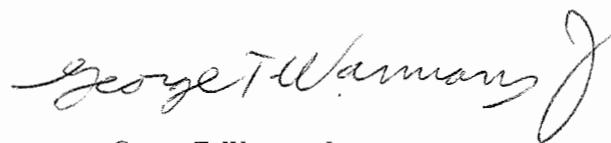
Fund	De-Pooled Interest Earnings	Opening Cash Balances Less De-Pooled 08/01/2016	Percentage of Total Pooled Cash	Pooled Interest Earnings	Total Interest Earnings
#101-General & All Others Not Detailed	N/A	4,252,485.78	31.62	2,420.08	2,420.08
#108-Gas Tax	N/A	100,932.26	0.75	57.41	57.41
#140 Storm Drainage Tax	N/A	1,494,504.77	11.11	850.32	850.32
#201-Sewer	N/A	7,159,001.75	53.20	4,071.71	4,071.71
#810-Workers' Comp Self-Insure	N/A	130,652.87	0.98	75.01	75.01
#820-Gen & Auto Liab Self-Insure	N/A	314,745.51	2.34	179.10	179.10
	0.00	13,452,322.94	100.00	7,653.63	7,653.63



George T. Warman, Jr.
 Director of Administrative Services
 November 3, 2016

CASH BALANCES AS OF JULY 31, 2016
(NOT FUND BALANCES ON AN ACCRUAL BASIS)

Fund Number	Fund Title	Cash In Investment	Booked Cash In Commerical Account	Total Booked Cash
#101	General	4,029,162.84	223,322.94	4,252,485.78
#108	Gas Tax	100,932.26	0.00	100,932.26
#140	Storm Drainage Tax	1,494,504.77	0.00	1,494,504.77
#201	Sewer	7,159,001.75	0.00	7,159,001.75
#810	Workers' Comp Self-Insure	130,652.87	0.00	130,652.87
#820	Gen & Auto Liab Self-Insure	314,745.51	0.00	314,745.51
TOTALS		13,229,000.00	223,322.94	13,452,322.94



George T. Warman, Jr.
Director of Administrative Services
November 3, 2016

TOWN OF CORTE MADERA
RATIFICATION AND APPROVAL OF
PAYROLL AND DEMANDS (ACCOUNTS PAYABLE)
PERIOD 10/27/16 – 11/09/16

Submitted herewith are the Payroll and Demands (Accounts Payable) paid during the period of 10/27/16 through and including 11/09/16 in accordance with Corte Madera Municipal Code Section 2.12.145 and Chapter 2.28(Statutory provisions contained in Government Code Sections 37202 through 37209 and Sections 40802 through 40805 and Section 40805.5).

Payroll (10/24/16-11/06/16)			
Payroll Check Numbers	5345 – 5353	\$	26,497.87
Payroll Direct Deposit Numbers	30781 – 30861		179,027.24
Payroll Wire Transfer Numbers	2082 – 2085		<u>107,194.23</u>
<u>Total Payroll</u>		\$	312,719.34
Warrant Check Numbers	214862 – 214977	\$	369,784.75
Wire- Central Marin Police Monthly Payment (12/01/16)			258,000.00
Wire- CalPERS Fire Classic Annual Unfunded Liability Payment (00/00/00)			0.00
Wire- CalPERS Misc. Classic Annual Unfunded Liability Payment (00/00/00)			0.00
Wire- CalPERS Misc. PEPR Annual Unfunded Liability Payment (00/00/00)			0.00
Wire- MERA Annual Bond Payment (00/00/00)			0.00
Wire- Park Madera Semi-Annual Debt (00/00/00)			<u>0.00</u>
<u>Total Demands (Accounts Payable)</u>		\$	627,784.75
TOTAL PAYROLL AND DEMANDS		\$	940,504.09



 Todd Cusimano
 Town Manager

11/9/16

 Date



 George T. Warman, Jr.
 Director of Administrative Services/
 Town Treasurer

11/09/16

 Date

APPROVED AT MEETING OF 11/15/16

- _____
 SLOAN C. BAILEY, MAYOR
- _____
 DIANE FURST, VICE MAYOR
- _____
 JAMES ANDREWS, COUNCIL MEMEBER
- _____
 CARLA CONDON, COUNCIL MEMBER
- _____
 MICHAEL LAPPERT, COUNCIL MEMBER

*Checks listed do not correspond to a month or an accounting period because of overlap between months and accounting periods. Questions concerning the check register should be directed to George Warman at 927-5055. In his absence, ask for Jonna Intoschi or Lina Azevedo.
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Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214862	11/2/2016	am035c AMY SKEWES-COX, AICP	160/5		MCDS INITIAL STUDY MCDS INITIAL STUDY	4,030.88 Total : 4,030.88
214863	11/2/2016	al049c ALHAMBRA & SIERRA SPINGS, 28776025	5139045 102616		WATER WATER	112.03 Total : 112.03
214864	11/2/2016	al048c ALHAMBRA AND SIERRA SPRINGS, 2875t	5135078 102616		WATER WATER	93.89 Total : 93.89
214865	11/2/2016	al056c ALL SEASON SOCCER	100716		CMFC MISA LAREDO KITS CMFC MISA LAREDO KITS	6,756.90 Total : 6,756.90
214866	11/2/2016	st024c ALPHAGRAPHICS MARIN	56044		BUSINESS CARDS - BRACKEN/BOY BUSINESS CARDS - BRACKEN/BOY BUSINESS CARDS - BRACKEN/BOY BUSINESS CARDS - BRACKEN/BOY	117.91 117.91 117.92 Total : 353.74
214867	11/2/2016	am035c AMY SKEWES-COX, AICP	143/30 143/31		CORTE MADERA INN REIR NO. 2 CORTE MADERA INN REIR NO. 2 CORTE MADERA INN REIR NO. 2 CORTE MADERA INN REIR NO. 2	15,419.98 5,019.06 Total : 20,439.04
214868	11/2/2016	at110c AT & T MOBILITY-287016673845	287245897656X101716		UTILITIES - TELEPHONE UTILITIES - TELEPHONE	39.16 Total : 39.16
214869	11/2/2016	at114c AT & T MOBILITY-876700579	876700579X10232016		UTILITIES - TELEPHONE UTILITIES - TELEPHONE UTILITIES - TELEPHONE	54.06 53.00

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214869	11/2/2016	at114c AT & T MOBILITY-876700579	(Continued)		UTILITIES - TELEPHONE UTILITIES - TELEPHONE UTILITIES - TELEPHONE	53.00 53.00 53.00
					Total :	266.06
214870	11/2/2016	at079c AT&T - 119112770-7	09/16/16-10/15/16		PROGRAMMING SERVICES PROGRAMMING SERVICES	104.00 104.00
					Total :	104.00
214871	11/2/2016	at050c ATHENS ADMINISTRATORS, WORKERS' (11/01/2016STMT			W.C. CLAIM PAYMENT EXPENSE W.C. CLAIM PAYMENT EXPENSE	2,359.72 2,359.72
					Total :	2,359.72
214872	11/2/2016	bl031c BLUE PRINT MART, LLC	7011		FEMA 2016 FEMA 2016	273.13 273.13
					Total :	273.13
214873	11/2/2016	bo105c BOUND TREE MEDICAL, LLC	82303680		MEDICAL SUPPLIES MEDICAL SUPPLIES	640.01 640.01
					Total :	640.01
214874	11/2/2016	br150c BRANDON TIRE SUPPLY, INC.	1003880		DISPOSAL LT TRUCK/SUV TIRES DISPOSAL LT TRUCK/SUV TIRES	28.00 28.00
					Total :	28.00
214875	11/2/2016	ce075c CENTRAL MARIN SANITATION AGEN.	17-8032		PERSONNEL SERVICE PROVIDED : PERSONNEL SERVICE PROVIDED :	1,388.16 1,388.16
					Total :	1,388.16
214876	11/2/2016	ch250c CHEVRON & TEXACO BUSINESS CARD	10/22/2016STMT		FUEL & GREASES FUEL - GASOLINE FUEL - GASOLINE FUEL - GASOLINE FUEL - GASOLINE FUEL - GASOLINE	302.42 813.92 1,076.53 654.10 919.10

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214876	11/2/2016	ch250c CHEVRON & TEXACO BUSINESS CARD	(Continued)		FUEL - GASOLINE FUEL - DIESEL FUEL - DIESEL FUEL - DIESEL OFFICE SUPPLIES FUEL- GASOLINE FUEL - GASOLINE	663.07 244.96 90.92 443.37 55.16 98.85 208.71 Total : 5,571.11
214877	11/2/2016	co008c COASTLAND CIVIL ENG., INC.	40142 40248 40249	1876	SAFE PATHWAYS - TAMALPAIS DR- SAFE PATHWAYS - TAMALPAIS DR- 2015/2016 PAVEMENT REHABILITAT 2015/2016 PAVEMENT REHABILITAT 15'-16' PAVEMENT REHABL INSP. 15'-16' PAVEMENT REHABL INSP.	6,326.69 3,471.29 20,058.00 Total : 29,855.98
214878	11/2/2016	co121c COMCAST- 028617, 0208847, 5594, 0010	10/19/16-11/18/16 11/1/16-11/30/16		REC. CTR. "DSL" LINE REC. CTR. "DSL" LINE CABLE TV CABLE TV	141.20 136.80 Total : 278.00
214879	11/2/2016	co755c CORTE MADERA CHAMBER OF COMM.,	SEPTEMBER 2016		CONTRIBUTION & SUBSIDIES CONTRIBUTION & SUBSIDIES ADMIN FINANCE COST RECOVERY	18,574.09 172.00 -172.00 Total : 18,574.09
214880	11/2/2016	ma120c COUNTY OF MARIN	SEPTEMBER 2016		MARIN TOURISM IMPROVE DISTRIK MARIN TOURISM IMPROVE DISTRIK ADMIN FINANCE DEPT. COST RECOVERY	18,574.09 172.00 -172.00 Total : 18,574.09

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214881	11/2/2016	cu117c CUSIMANO, TODD	R-29116		OFFICE SUPPLIES	
			R-39402		OFFICE SUPPLIES	6.47
					MEETING	
					MEETING	101.55
					Total :	108.02
214882	11/2/2016	da025c D & K AUTO SERVICES	52261		2002 FORD - EXPEDITION - REC DE	
			52361		2002 FORD - EXPEDITION - REC DE	297.71
					1997 FORD- F-800 - SERVICE ON S	
					1997 FORD- F-800 - SERVICE ON S	515.14
					Total :	812.85
214883	11/2/2016	pc101c DANG, MICHAEL	STATEMENT		DATA PROCESSING SUPPLIES	
					DATA PROCESSING SUPPLIES	230.98
					DATA PROCESSING SUPPLIES	723.24
					DATA PROCESSING EQUIPMENT	199.99
					TOWN WIDE SYSTEM MAINTENAN	7,590.00
					SEWER	-920.00
					FIRE	-632.50
					RECREATION	-460.00
					BUILDING	-172.50
					SEWER	920.00
					FIRE	632.50
					RECREATION	460.00
					BUILDING	172.50
					Total :	8,744.21
214884	11/2/2016	su103c DANIEL MUTISO MUIHYA	1542		JANITORIAL SVCS.	
					JANITORIAL SVCS.	2,200.00
					Total :	2,200.00
214885	11/2/2016	da118c DAVID TATTERSALL & CO.	1509033b		APPRAISAL CONSULTING - GRAVE	
					APPRAISAL CONSULTING - GRAVE	1,935.00
					Total :	1,935.00
214886	11/2/2016	de105c DE FRANCIS, TONI	10/31/2016STMT		MINUTES CLERK	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214886	11/2/2016	de105c DE FRANCIS, TONI	(Continued)		MINUTES CLERK	120.00
					Total :	120.00
214887	11/2/2016	ev109c EVERBANK COMMERCIAL FINANCE	4024973		PHOTO COPY EQUIPMENT MAINT. PHOTO COPY EQUIPMENT MAINT.	799.23 799.23
					Total :	799.23
214888	11/2/2016	fa110c FASTENAL	CASAR20290		AAA PROCELL ALK BTRY AAA PROCELL ALK BTRY	42.75 42.75
					Total :	42.75
214889	11/2/2016	fi045c FISHMAN SUPPLY CO. (FIRE-7762)	1053908		JANITORIAL SUPPLIES JANITORIAL SUPPLIES JANITORIAL SUPPLIES JANITORIAL SUPPLIES JANITORIAL SUPPLIES	329.24 164.62 86.31 43.15
			1053908.1		Total :	623.32
214890	11/2/2016	fi046c FISHMAN SUPPLY CO. (REC-7856)	1055236		JANITORIAL SUPPLIES JANITORIAL SUPPLIES	424.44 424.44
					Total :	424.44
214891	11/2/2016	fo185c FORSTER & KROEGER LANDSCAPE, MA 5517			SEPTEMBER 2016 - FLOOD CONTR SEPTEMBER 2016 - FLOOD CONTR SEPTEMBER 2016 - PARKS 490 HO SEPTEMBER 2016 - SEWER/SANIT/ SEPTEMBER 2016 - STREETS 500 I	12,910.50 13,965.00 9,120.00 14,250.00
					Total :	50,245.50
214892	11/2/2016	gh102c GHD INC.	72228		VILLAGE AT CORTE MADERA 2016 VILLAGE AT CORTE MADERA 2016	6,268.05 6,268.05
					Total :	6,268.05
214893	11/2/2016	go300c GOODMAN BUILDING SUPPLY	10/25/2016STMT		MISC. PROF. SPECIALIZED SERVIC	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214893	11/2/2016	go300c GOODMAN BUILDING SUPPLY	(Continued)		MISC. PROF. SPECIALIZED SERVIC	56.87
					Total :	56.87
214894	11/2/2016	gr027c GREEN VALLEY TRACTOR, INC.	01-1662		LP - RIGHT ROVVER SUPPORT & LI	158.34
					LP - RIGHT ROVVER SUPPORT & LI	158.34
					Total :	158.34
214895	11/2/2016	he125c HEPPNER RISK MGMT., DARRELL	OCTOBER 2016		RISK MGMT - HEPPNER	
					RISK MGMT - HEPPNER	1,454.00
					RISK MGMT - HEPPNER	1,453.00
					RISK MGMT - HEPPNER	323.00
					Total :	3,230.00
214896	11/2/2016	he105c HERC RENTALS INC.	28936693-001		PUMP TRASH/RUBBER DISCHARGI	305.20
			28950087-001		11 GALLONS OF LIQUID PROPANE	47.84
					11 GALLONS OF LIQUID PROPANE	47.84
					Total :	353.04
214897	11/2/2016	in114c INVOICE PROCESSING DEPT.	1691634930045		BIRDGE TOLL FOR PUBLIC WORKE	7.50
					BIRDGE TOLL FOR PUBLIC WORKE	7.50
					Total :	7.50
214898	11/2/2016	jo124c JOHNSON, ROBERT B.	6635		RADAL SPEED SING BATTERY CHA	150.00
					RADAL SPEED SING BATTERY CHA	150.00
					Total :	150.00
214899	11/2/2016	kb100c KBA DOCUSYS	INV480989		MAGENTA & BLACK TONER - UPST,	12.95
					MAGENTA & BLACK TONER - UPST,	12.95
					Total :	12.95
214900	11/2/2016	ko200c KOCH, JANICE	10/31/2016STMT		EDUCATION & TRAINING	685.00
					EDUCATION & TRAINING	685.00
					FIREFIGHTER/PARAMEDIC RECRU	974.41
					Total :	1,659.41

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214901	11/2/2016	ma600c MARIN COUNTY SHERIFF'S OFFICE	10024		DISPATCH SVCS. DISPATCH SVCS. DISPATCH SVCS. DISPATCH SVCS. DISPATCH SVCS. DISPATCH SVCS.	357.75 1,431.00 357.75 7,880.50 7,880.50
Total :						17,907.50
214902	11/2/2016	ma820c MARIN HOUSING/BMR	10/24/2016STMT		REIMBURSEMENT OF LEGAL FEES REIMBURSEMENT OF LEGAL FEES	494.00 494.00
Total :						494.00
214903	11/2/2016	ne040c NELSON PERSONNEL SERVICES	6143996		PART TIME HELP - LISA HARPER PART TIME HELP - LISA HARPER PART TIME HELP - ACA LISA HARPI	663.30 1.50
Total :						664.80
214904	11/2/2016	nu040c NUTE ENGINEERING	16554	1873	PARADISE WEST SEWER IMPROVI CONSTRUCTION MANAGEMENT SE	10,656.75 10,656.75
Total :						10,656.75
214905	11/2/2016	of026c OFFICE DEPOT - TOWN HALL	873365444001		OFFICE SUPPLIES OFFICE SUPPLIES	6.53 6.53
Total :						6.53
214906	11/2/2016	pa175c PACIFIC GAS & ELECTRIC	STATEMENT		ELECTRICITY BILL UTILITIES-ELECTRICITY UTILITIES-ELECTRICITY UTILITIES-ELECTRICITY UTILITIES-ELECTRICITY UTILITIES-ELECTRICITY UTILITIES-ELECTRICITY UTILITIES-ELECTRICITY UTILITIES-ELECTRICITY UTILITIES-ELECTRICITY UTILITIES-ELECTRICITY	735.60 699.83 346.84 1,990.34 219.77 418.93 725.59 2,517.74 3,899.67 873.34

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214906	11/2/2016	pa175c PACIFIC GAS & ELECTRIC	(Continued)		NATURAL GAS	26.47
					NATURAL GAS	94.47
					NATURAL GAS	55.69
					NATURAL GAS	109.40
					NATURAL GAS	26.13
					NATURAL GAS	115.17
					MARIN CLEAN ENERGY	451.71
					MARIN CLEAN ENERGY	472.45
					MARIN CLEAN ENERGY	211.34
					MARIN CLEAN ENERGY	1,172.31
					MARIN CLEAN ENERGY	97.94
					MARIN CLEAN ENERGY	222.38
					MARIN CLEAN ENERGY	321.67
					MARIN CLEAN ENERGY	2,097.45
					MARIN CLEAN ENERGY	2,167.25
					MARIN CLEAN ENERGY	734.60
					Total :	20,804.08
214907	11/2/2016	pa031c PARISI TRANSPORTATION	16323		PCAAPPLICATION	
					PCAAPPLICATION	2,101.25
					Total :	2,101.25
214908	11/2/2016	pr111c PROTECTION ONE ALARM MON., INC	112539653		UTILITIES - WIRE SYSTEMS	
					UTILITIES - WIRE SYSTEMS	41.81
					Total :	41.81
214909	11/2/2016	pu108c PURE POTENTIAL SOCCER	2016-1031		CONTRACTOR INSTRUCTOR	
					CONTRACTOR INSTRUCTOR	5,400.00
					Total :	5,400.00
214910	11/2/2016	ri042c RICOH USA, INC., (FIRE)	97707652		CANNON LEASE	
					CANNON LEASE	322.89
					Total :	322.89
214911	11/2/2016	ro450c ROY'S SEWER SERVICE, INC.	195107		BAJOA & CHANNEL DRIVE - CLEAR	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214911	11/2/2016	ro450c ROYS SEWER SERVICE, INC.	(Continued)			
			195111		BAJOA & CHANNEL DRIVE - CLEAR MADERA BLVD & MONONA CLAREE MADERA BLVD & MONONA CLAREE	600.00 600.00
					Total :	1,200.00
214912	11/2/2016	sh100c SHAMROCK MATERIALS, INC. 11735	925438		BLACK MEXICAN PEBBLE BLACK MEXICAN PEBBLE	108.16
			925536		DISCOUNT TAKEN FIBERMESH FIBERMESH DISCOUNT TAKEN	-1.98 51.78 -0.95
					Total :	157.01
214913	11/2/2016	st132c STAPLES BUSINESS ADVANTAGE	8041464729		OFFICE SUPPLIES OFFICE SUPPLIES	139.71
					Total :	139.71
214914	11/2/2016	st036c STERLING, DAYNE	R-34138		REIMBURSEMENT FOR ART SHOW REIMBURSEMENT FOR ART SHOW	178.91
					Total :	178.91
214915	11/2/2016	ta025c T & B SPORTS, INC.	258328-00		JERSEYS-CORTE MADERA YOUTH JERSEYS-CORTE MADERA YOUTH	6,754.62
					Total :	6,754.62
214916	11/2/2016	th038c THE IMAGE FLOW, INC.	10/31/2016STMT		DEPOSIT FOR MCCMC DINNER DEPOSIT FOR MCCMC DINNER	2,900.00
					Total :	2,900.00
214917	11/2/2016	ti124c TIFCO INDUSTRIES	71193152		LED STROBE LIGHT/SCRUBBLADE LED STROBE LIGHT/SCRUBBLADE	326.50
			71196649		CS INDUSTRIAL CHEMICAL CS INDUSTRIAL CHEMICAL	324.59
			71196819		LED STROBE LIGHT LED STROBE LIGHT	124.43

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214917	11/2/2016	ti124c	ti124c TIFCO INDUSTRIES	(Continued)		Total : 775.52
214918	11/2/2016	va055c	VAN RENSELAAR, ERIK	R-35279	DURACELL AAA DURACELL AAA	79.81 Total : 79.81
214919	11/2/2016	jo135c	VICTOR M. ROJAS, DBA JON'S BUILDING	OCTOBER - TH OCTOBER ENG	JAINTORIAL SERVICE JAINTORIAL SERVICE JANITORIAL SERVICE JANITORIAL SERVICE	1,600.00 750.00 Total : 2,350.00
214920	11/2/2016	wa135c	WALTER & PISTOL, LAW OFFICE OF	10/25/2016STMT	BUILDING CODE BUILDING CODE	6,267.63 Total : 6,267.63
214921	11/2/2016	wa295c	WATER COMPONENTS	30425404 30425407	WATERPLUG/MASTERSEAL590 WATERPLUG/MASTERSEAL590 BAG EMPTY POLY W/TIE BAG EMPTY POLY W/TIE	327.15 480.70 Total : 807.85
214922	11/2/2016	sm105c	WORLD TREE SERVICE, INC.	6011 6259 6260	REMOVAL OF DADLY INFECTED FIF REMOVAL OF DADLY INFECTED FIF REMOVAL OF TWO MONTEREY PIN REMOVAL OF TWO MONTEREY PIN REMOVAL OF DYING ATLAS CEDAF REMOVAL OF DYING ATLAS CEDAF	1,315.48 1,825.00 1,995.00 Total : 5,135.48
214923	11/2/2016	ze025c	ZEE MEDICAL SERVICE	723701933	ALEVE TABLETS/CHERY COUGH D ALEVE TABLETS/CHERY COUGH D	96.93 Total : 96.93
62 Vouchers for bank code : bom						Bank total : 272,932.55
62 Vouchers in this report						Total vouchers : 272,932.55

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214924	11/8/2016	no035c NORTH BAY OFFICE FURNITURE	PROPOSAL #33329		OFFICE FURNITURE FOR TOWN H/ OFFICE FURNITURE FOR TOWN H/	11,438.46 Total : 11,438.46
214925	11/9/2016	aa101c A & S LANDSCAPE MATERIALS, INC	10/31/2016STMT		PALMEXICAN BOULDERS PALMEXICAN BOULDERS TURF BLEND	529.70 215.77 Total : 745.47
214926	11/9/2016	aa100c AAND P MOVING, INC.	4046852		MONTHLY RECORD STORAGE FEE MONTHLY RECORD STORAGE FEE	35.00 Total : 35.00
214927	11/9/2016	ai560c AIRGAS	9940467831		CHEMICALS, GASES CHEMICALS, GASES	237.38 Total : 237.38
214928	11/9/2016	am114c AMERICAN MESSAGING	W4-101516		RADIO MAINTENANCE RADIO MAINTENANCE	134.82 Total : 134.82
214929	11/9/2016	at111c AT & T MOBILITY - 436050713282	09/25/16-10/24/16		UTILITIES-TELEPHONE UTILITIES-TELEPHONE	341.89 Total : 341.89
214930	11/9/2016	ba037c BALL, ADDISON O.Z.	R-34145		SOCCER TRAINING ASSISTANT SOCCER TRAINING ASSISTANT	1,380.00 Total : 1,380.00
214931	11/9/2016	ba545c BAY ALARM COMPANY-243028	13440994		MONITORING FEE FIRE DETECTION MONITORING FEE FIRE DETECTION	340.00 Total : 340.00
214932	11/9/2016	be053c BERTRAND, FOX, ELLIOT, OSMAN &	10/26/2016STMT		CORTE MADERA/LARKSPUR FIRE CORTE MADERA/LARKSPUR FIRE	736.58

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214932	11/9/2016	be053c	be053c BERTRAND, FOX, ELLIOT, OSMAN 8 (Continued)			Total : 736.58
214933	11/9/2016	bo105c	BOUND TREE MEDICAL, LLC	82308262	MEDICAL SUPPLIES	418.54
				82316816	MEDICAL SUPPLIES	185.70
					MEDICAL SUPPLIES	604.24
					MEDICAL SUPPLIES	
214934	11/9/2016	bu050c	BUCK'S SAW SERVICE	103166	EQUIPMENT, MACHINERY REPLAC	44.41
					EQUIPMENT, MACHINERY REPLAC	44.41
						Total : 44.41
214935	11/9/2016	cl030c	CLIFFORD, KATHLEEN	R-34140	SOCCER TRAINING ASSISTANT	810.00
					SOCCER TRAINING ASSISTANT	810.00
						Total : 810.00
214936	11/9/2016	co111c	COMET BUILDING MAINTENANCE	122932	PRESSURE WAS THE CHILDREN'S	910.00
					PRESSURE WAS THE CHILDREN'S	910.00
						Total : 910.00
214937	11/9/2016	co017c	COMMUNITY MEDIA CENTER OF	CM3-16	CABLECASTING MEETINGS	1,190.63
					CABLECASTING MEETINGS	1,190.62
					CABLECASTING MEETINGS	2,381.25
						Total : 2,381.25
214938	11/9/2016	da025c	D & K AUTO SERVICES	52422	MOTOR VEHICLE SERVICE 2015 FC	303.51
					MOTOR VEHICLE SERVICE 2015 FC	303.51
						Total : 303.51
214939	11/9/2016	da120c	DAVID KEANE	11/01/2016STMT	GENERAL ENG.	2,550.00
					GENERAL ENG.	725.00
					GENERAL SANITARY	5,700.00
					PLAN CHECK	325.00
					SANITARY PLAN CHECK	9,300.00
						Total : 9,300.00
214940	11/9/2016	dc115c	DC ELECTRIC GROUP, INC.	26850	J2536-TOWN PARK-TENNIS COUR1	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214940	11/9/2016	dc115c DC ELECTRIC GROUP, INC.	(Continued)		J2536-TOWN PARK-TENNIS COURT	535.26
					Total :	535.26
214941	11/9/2016	de230c DEPT. OF JUSTICE ACCT. OFFICE	199016		FINGERPRINTS	
					FINGERPRINTS	81.00
					FINGERPRINTS	32.00
					Total :	113.00
214942	11/9/2016	fe075c FEDERAL EXPRESS CORPORATION	5-600-24044		OFFICE SUPPLIES	
					OFFICE SUPPLIES	31.59
					Total :	31.59
214943	11/9/2016	fi046c FISHMAN SUPPLY CO. (REC-7856)	1055236.1		JANITORIAL SUPPLIES	
					JANITORIAL SUPPLIES	30.77
					Total :	30.77
214944	11/9/2016	ge120c GEORGE HILLS COMPANY, INC.	INV1011206		MONTHLY LIAB. CLAIMS ADMIN. FE	
					MONTHLY LIAB. CLAIMS ADMIN. FE	714.00
					Total :	714.00
214945	11/9/2016	gl102c GLOBALSTAR USA	1000000007761700		UTILITIES-TELEPHONE	
					UTILITIES-TELEPHONE	50.37
					Total :	50.37
214946	11/9/2016	go057c GOODYEAR TIRE & RUBBER CO.	43817229		LT225/75R 16 TIRES	
					LT225/75R 16 TIRES	210.08
					Total :	210.08
214947	11/9/2016	ho195c HOME DEPOT CREDIT SERVICES, DEPT 5020757			OFFICE SUPPLIES	
					OFFICE SUPPLIES	114.65
					Total :	114.65
214948	11/9/2016	ir020c IRON MOUNTAIN	NCS8765		RECORD STORAGE	
					RECORD STORAGE	167.21
					Total :	167.21

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214949	11/9/2016	ja025c JACKSON'S HARDWARE, INC.	10/31/2016STMT		MISC. SUPPLIES MISC. SUPPLIES SAFETY & PROTECTIVE ITEMS WET WELL CLEANING	15.17 185.71 316.75
					Total :	517.63
214950	11/9/2016	jo124c JOHNSON, ROBERT B.	6623		PIXLEY TRACTOR PARKING PIXLEY TRACTOR PARKING	350.00
					Total :	350.00
214951	11/9/2016	kn025c KNAUER, PATRICK	R-34143		SOCCER TRAINING ASSISTANT SOCCER TRAINING ASSISTANT	720.00
					Total :	720.00
214952	11/9/2016	kn030c KNB FIRE	566		GURNEY GURNEY	1,953.00
					Total :	1,953.00
214953	11/9/2016	la037c LANDEROS, MARIO	R-34146		REIMBURSEMENT FOR MATERSIAL REIMBURSEMENT FOR MATERSIAL	1,637.00
					Total :	1,637.00
214954	11/9/2016	lo038c LONG, NICOLE	R-34144		SOCCER TRAINING ASSISTANT SOCCER TRAINING ASSISTANT	990.00
					Total :	990.00
214955	11/9/2016	ma150c MARIN CO. REGISTRAR OF VOTERS	11/07/2016STMT		OFFICE SUPPLIES OFFICE SUPPLIES	27.31
					Total :	27.31
214956	11/9/2016	ma600c MARIN COUNTY SHERIFF'S OFFICE	10110		DISPATCH SVCS. DISPATCH SVCS.	4,809.00
					Total :	4,809.00
214957	11/9/2016	ma208c MARIN INDEPENDENT JOURNAL	10/31/2016STMT		ADVERTISING ADVERTISING ADVERTISING	296.40 1,080.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214957	11/9/2016	ma208c MARIN INDEPENDENT JOURNAL	(Continued)		ADVERTISING	262.40
					Total :	1,638.80
214958	11/9/2016	me068c METROPOLITAN PLANNING GROUP	2742		TAMAL VISTA EAST CORRIDOR STU TAMAL VISTA EAST CORRIDOR STU	1,080.00 1,080.00
					Total :	1,080.00
214959	11/9/2016	na065c NACKLEY, BONNIE	11/07/16STMT		CONTACT INSTRUCTOR CONTACT INSTRUCTOR	325.90 325.90
					Total :	325.90
214960	11/9/2016	pa026c PANG, MEAGHAN	R-35162		MILEAGE REIMBURSEMENT MILEAGE REIMBURSEMENT	88.80 88.80
					Total :	88.80
214961	11/9/2016	pe123c PERMANENTE MEDICAL GROUP INC .	11/01/16STMT		2016-TRAINING 2016-TRAINING	30,268.16 30,268.16
					Total :	30,268.16
214962	11/9/2016	pe140c PEROZZI, CARLO	6700		OCTOBER MAINTENANCE OCTOBER MAINTENANCE OCTOBER MAINTENANCE	400.00 200.00 200.00
					Total :	600.00
214963	11/9/2016	re045c REEVES, ISABEL	R-34141		SOCCER TRAINING ASSISTANT SOCCER TRAINING ASSISTANT	570.00 570.00
					Total :	570.00
214964	11/9/2016	re046c REPORTING SYSTEMS, INC.	2016_4039		PROGRAMMING SERVICES PROGRAMMING SERVICES	4,008.00 4,008.00
					Total :	4,008.00
214965	11/9/2016	re024c RESOLVE INSURANCE SYSTEMS	OCTOBER 2016		COL AGENCY AMBULANCE BILLING COL AGENCY AMBULANCE BILLING	126.83 126.83
					Total :	126.83

Voucher List
TOWN OF CORTE MADERA

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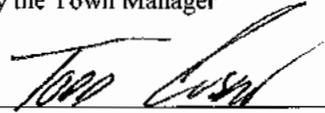
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214966	11/9/2016	ro151c ROSTAD, KIKI K.	10/31/16STMT		CONTRACT INSTRUCTOR CONTRACT INSTRUCTOR	595.00 595.00
					Total :	595.00
214967	11/9/2016	ro450c ROY'S SEWER SERVICE, INC.	195181		3 HARBOR DRIVE - VACTOR CLEAN	600.00
			195223		3 HARBOR DRIVE - VACTOR CLEAN	600.00
			195225		MEADOWSWEET-CLEARED CLOGG MEADOWSWEET-CLEARED CLOGG	600.00
					LAGOON DRAINS 1 & 2 MAINT. HYI	7,200.00
					LAGOON DRAINS 1 & 2 MAINT. HYI	7,200.00
					Total :	8,400.00
214968	11/9/2016	sc043c SCHORNSTEIN, BRITTANY BROOKE	R-34139		SOCCER TRAINING ASSISTANT SOCCER TRAINING ASSISTANT	1,852.50 1,852.50
					Total :	1,852.50
214969	11/9/2016	sc060c SCOTT'S CONCRETE	11/08/16STMT		DAMAGE DEPOSIT REFUND DAMAGE DEPOSIT REFUND	1,000.00 1,000.00
					Total :	1,000.00
214970	11/9/2016	sh100c SHAMROCK MATERIALS, INC. 11735	926146		PAMMI COBBLE/SF COBBLESTONE PAMMI COBBLE/SF COBBLESTONE	574.04 574.04
					DISCOUNT TAKEN	-10.51
					Total :	563.53
214971	11/9/2016	si195c SIMPSON, HARRY	002047		CONTRACT INSTRUCTOR CONTRACT INSTRUCTOR	500.00 500.00
					Total :	500.00
214972	11/9/2016	so070c SONGSAK, MAHAVUTHIVANIJ	11/08/16STMT		DAMAGE DEPOSIT REFUND DAMAGE DEPOSIT REFUND	900.00 900.00
					Total :	900.00
214973	11/9/2016	so063c SONIC.NET, INC.	9071008		TOWN 'DSL' LINE TOWN 'DSL' LINE	500.95 500.95
					Total :	500.95

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TOWN OF CORTE MADERA

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
214974	11/9/2016	st132c STAPLES BUSINESS ADVANTAGE	8041559380		OFFICE SUPPLIES OFFICE SUPPLIES	38.51	
					Total :	38.51	
214975	11/9/2016	ta180c TAMALPAIS PAINT & COLOR-TOWN	353671		RECREATION SUPPLIES RECREATION SUPPLIES DISCOUNT TAKEN	358.78 -3.59	
					Total :	355.19	
214976	11/9/2016	ve117c VERIZON WIRELESS	9774196512		UTILITES- TELEPHONE UTILITES- TELEPHONE UTILITIES-TELEPHONE	63.07 63.08	
					Total :	126.15	
214977	11/9/2016	vi126c VIA HEART PROJECT	1420		VIA ANNUAL MAINTEANNCNCE SERVC VIA ANNUAL MAINTEANNCNCE SERVC	600.00	
					Total :	600.00	
54 Vouchers for bank code : bom						Bank total :	96,852.20
54 Vouchers in this report						Total vouchers :	96,852.20

This material has been reviewed
by the Town Manager



CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: November 4, 2016
Meeting Date: November 15, 2016

TO: TOWN MANAGER, MAYOR AND TOWN COUNCIL

FROM BRIAN FENTY, BUILDING OFFICIAL

SUBJECT: PUBLIC HEARING FOR ORDINANCE NO. 959 ADOPTING THE FOLLOWING CONSTRUCTION CODES: PARTS 2, 2.5, 3, 4, 5, 6, 8, 10, 11, AND 12 OF THE CALIFORNIA BUILDING STANDARDS CODE, KNOWN AS TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, INCORPORATING THE 2016 CALIFORNIA BUILDING CODE, THE 2016 CALIFORNIA RESIDENTIAL CODE, THE 2016 CALIFORNIA ELECTRICAL CODE, THE 2016 CALIFORNIA MECHANICAL CODE, THE 2016 CALIFORNIA PLUMBING CODE, THE 2016 CALIFORNIA ENERGY CODE, THE 2016 CALIFORNIA HISTORICAL BUILDING CODE, THE 2016 CALIFORNIA EXISTING BUILDING CODE, THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA REFERENCED STANDARDS CODE, ADOPTING BY REFERENCE THE 2006 INTERNATIONAL CODE COUNCIL ELECTRICAL CODE ADMINISTRATIVE PROVISIONS, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL

RECOMMENDATIONS:

Staff recommends that the Town Council: 1) Conduct a public hearing for the proposed Ordinance No. 959 adopting the following construction codes: Parts 2, 2.5, 3, 4, 5, 6, 8, 10, 11, and 12 of the California Building Standards Code, known as Title 24 of the California Code of Regulations, incorporating the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Electrical Code, the 2016 California Mechanical Code, the 2016 California Plumbing Code, the 2016 California Energy Code, the 2016 California Historical Building Code, the 2016 California Existing Building Code, the 2016 California Green Building Standards Code, the 2016 California Referenced Standards Code, and the 2006 International Code Council Electrical Code Administrative Provisions; and 2) adopt the proposed ordinance.

OPTIONS:

The Town Council may choose to reject the proposed ordinance entirely, re-introduce the proposed ordinance with changes, direct staff to make revisions and place the revised ordinance on the next council meeting agenda for re-introduction, or direct staff to provide more information and schedule the proposed ordinance for adoption at the next council meeting.

TOWN MANAGER'S RECOMMENDATION:

Approval of staff recommendation

FISCAL IMPACTS:

Fiscal impacts are expected to be minimal given that State model construction codes undergo a deliberative, consensus-based industry evaluation process that allows for gradual implementation of new regulatory methods based on innovations in technology, safety systems, and construction methods. A minimal increase is expected to the construction costs for commercial tenant improvements due to certain new provisions contained in the California Green Building Standards Code regarding electric vehicle charging stations.

GENERAL PLAN:

Adoption of the subject construction codes supports the policy directives outlined in several sections and policies of the General Plan including sections 3.7 (Energy), 8.7 and 8.8 (Geological Hazards and Seismic Safety) and Policies CD-1.3, RCS-2.1, 2.3 and 2.6 (Building and Design Energy Conservation).

ENVIRONMENTAL IMPACT:

The adoption of this ordinance is exempt from CEQA pursuant to Title 14, Chapter 3 California Code of Regulations, Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment.

BACKGROUND:

At its November 1, 2016 meeting, the Town Council introduced Ordinance No. 959 and set a public hearing date for the November 15, 2016 Town Council meeting. Once the public hearing takes place, the ordinance will then be recommended for adoption by the council. If approved, the ordinance would take effect on January 1, 2017.

The remainder of this staff report is a duplicate of the staff report provided for the introduction of Ordinance No. 950, heard by the Town Council on November 1, 2016:

Pursuant to provisions of the Health and Safety Code and the administrative mandate of the California Building Standards Commission, California cities and counties are required to enforce minimum construction standards contained in the State Housing Law and in the California Building Standards Code. The most recent updates to the California Building Standards Code become effective on January 1, 2017 and are identified in the "subject" area of this staff report and in the following paragraph.

As noted above, application and enforcement of the updated codes is mandated by California law regardless of ordinance adoption by a local agency. However, adopting the ordinance endorses this mandate and allows for local amendments to the codes.

Town staff is recommending adoption of the 2016 California Building Code, 2016 California Residential Code, 2016 California Electrical Code, 2016 California Mechanical Code, 2016 California Plumbing Code, 2016 California Energy Code, 2016 California Historic Building Code, 2016 California Existing Building Code, 2016 California Green Building Standards Code, and the 2016 California Referenced Standards Code (Parts 2, 2.5, 3, 4, 5, 6, 8, 10, 11, and 12 of the 2016 California Building Standards Code) without amendments to any of the technical provisions contained within the codes. However, staff is recommending amendment to certain administrative provisions as discussed below.

Included with our adoption recommendation and new to Corte Madera for this code cycle are the 2016 California Historic Building Code and the 2016 California Reference Standards Code.

The intent of the Historic Building Code is to facilitate the preservation and continuing use of qualified historical buildings or properties while providing reasonable safety for the building occupants and access for persons with disabilities. For the purpose of this code a qualified historical building or structure is any structure or collection of structures, and their associated sites deemed of importance to the history, architecture or culture of an area by an appropriate local or state government jurisdiction.

The Reference Standards Code is intended to supplement various sections of the other model codes and includes standards for the fabrication and construction of building elements such as; materials and construction methods for exterior wildfire exposure, stages and platforms, and, releasing systems for security bars in dwelling units.

Staff is also recommending adoption of the 2006 International Code Council Electrical Code Administrative Provisions as a supplement to the 2016 California Electrical Code because the 2016 California Electrical Code does not contain administrative regulatory provisions that are consistent and compatible with the other California codes.

There has been some discussion by staff as to which level of the Green Building Code we should recommend for adoption. The Green Building Code contains mandatory measures for construction, as well as voluntary measures at Tier 1 and Tier 2 performance levels. The mandatory measures are compulsory with the adoption of the California Standards Building

Code. We are in the process of evaluating whether to adopt Tier 1 performance levels and have been in discussions with other Marin County municipalities about the possibility of creating consistent green building code standards throughout the County. At this time, however, we are recommending to adopt the Green Building Code mandatory measures only. We plan on returning to Council for future discussion and direction.

Administrative provisions have been amended in all of the codes that are proposed for adoption in order to allow for proper administration of future appeal or abatement actions. Under the amended provisions of the proposed adoption ordinance, appeals of the building department's determinations under the California Building Standards Code would be administered by the Town Council, and abatement of dangerous and substandard building conditions would be administered pursuant to the nuisance regulations contained in the Corte Madera Municipal Code.

With the adoption of the 2016 California Building Standards Codes it was necessary to renumber some of our existing Municipal Code sections. The primary reason for the renumbering was to rearrange the municipal code sections to be more consistent with the state building code format and the inclusion of the Historic Code and Reference Standards. The table in Attachment 1 provides a comparison of the old municipal code sections and the proposed code section numbering for the specific building standard code modules adopted.

Permit fees, plan review fees and other administrative fees that are imposed by this ordinance shall continue to be set by fee schedules adopted by resolution by the Town Council. At this time, staff is not proposing any changes to the fee schedules that are currently in place.

ATTACHMENTS:

- 1: Municipal Code Comparison
- 2: Proposed Ordinance No. 959

ATTACHMENT 1:

Municipal Code Comparison

2016 California Building Standards Code Adoption Comparison of Municipal Code Numbering Changes

Proposed Ordinance	Old		New	
	2013 Muni Code Section	Code Item	2016 Muni Code Section	Code Item
1	15.01	Building	15.01	Building
unchanged	15.02	Fire	15.02	Fire
2	15.03	Electrical	15.03	Residential
unchanged	15.04	WUI	15.04	WUI
3	15.05	Mechanical	15.05	Electrical
4	15.06	Residential	15.06	Mechanical
5	15.07	Plumbing	15.07	Plumbing
6	15.08	Green Bldg	15.08	Energy
7	15.09	Energy	15.09	Historic Bldg's
8	15.11	Exist Bldg's	15.11	Exist Bldg's
9	15.13	Elect Admin	15.13	Green Bldg
10	15.15	Severability	15.15	Ref. Stds.
11	none		15.17	Elect Admin
12	none		15.19	Severability

ATTACHMENT 2:

Proposed Ordinance No. 959

ORDINANCE NO. 959

AN ORDINANCE OF THE TOWN OF CORTE MADERA, REPEALING AND RE-ENACTING CHAPTERS 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, AND 15.15, AND ADDING CHAPTERS 15.17, AND 15.19 TO TITLE 15; ADOPTING BY REFERENCE PARTS 2, 2.5, 3, 4, 5, 6, 8, 10, 11, AND 12 OF THE CALIFORNIA BUILDING STANDARDS CODE, KNOWN AS TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, INCORPORATING: THE 2016 CALIFORNIA BUILDING CODE; THE 2016 CALIFORNIA RESIDENTIAL CODE; THE 2016 CALIFORNIA ELECTRICAL CODE; THE 2016 CALIFORNIA MECHANICAL CODE; THE 2016 CALIFORNIA PLUMBING CODE; THE 2016 CALIFORNIA ENERGY CODE; THE 2016 CALIFORNIA HISTORIC BUILDING CODE; THE 2016 CALIFORNIA EXISTING BUILDING CODE; AND THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA REFERENCED STANDARDS CODE, ADOPTING BY REFERENCE THE INTERNATIONAL CODE COUNCIL ELECTRICAL CODE ADMINISTRATIVE PROVISIONS, 2006 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

The Town Council of the Town of Corte Madera does ordain as follows:

Section 1. Chapter 15.01 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.01

BUILDING CODE

Sections:

<u>15.01.010</u>	<u>Adoption by Reference.</u>
<u>15.01.020</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.3</u>
<u>15.01.030</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.4</u>
<u>15.01.040</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.5</u>
<u>15.01.050</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.6</u>
<u>15.01.060</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.7</u>
<u>15.01.070</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.8</u>
<u>15.01.080</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.9</u>
<u>15.01.081</u>	<u>Amendment - Chapter 1, Division I, Section 1.9.1.5</u>
<u>15.01.082</u>	<u>Deletion – Chapter 1, Division II, Section 104.10.1</u>
<u>15.01.090</u>	<u>Amendment – Chapter 1, Division II, Section 109.3</u>
<u>15.01.100</u>	<u>Amendment – Chapter 1, Division II, Section 113.1</u>
<u>15.01.110</u>	<u>Amendment – Chapter 1, Division II, Section 113.2</u>
<u>15.01.120</u>	<u>Amendment – Chapter 1, Division II, Section 113.3</u>

<u>15.01.125</u>	<u>Amendment – Chapter 1, Division II, Section 116.2</u>
<u>15.01.130</u>	<u>Amendment – Chapter 1, Division II, Section 116.3</u>
<u>15.01.140</u>	<u>Amendment – Chapter 1, Division II, Section 116.6</u>
<u>15.01.150</u>	<u>Addition – Chapter 1, Division II, Section 116.7</u>
<u>15.01.160</u>	<u>Violation – Penalty</u>
<u>15.01.170</u>	<u>No Mandatory Duty</u>

15.01.010 - Adoption by reference.

The 2016 California Building Code, known as Part 2, Title 24 of the California Code of Regulations, excluding all but the following appendices: Appendices F, H, and I, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following subsections of this section and the following sections of this chapter:

A. Building Code Chapter 1, Division I shall apply to State-regulated buildings, structures and applications set forth by Section 1.1.3.2 of Chapter 1, Division I.

B. Building Code Chapter 1, Division II shall apply to State-regulated buildings, structures and applications in accordance with the Matrix Adoption Table in Chapter 1 of the California Building Code (except as may be modified by subsection C.)

C. Notwithstanding the exception stated by Section 101.2, Building Code Chapter 1, Division II shall apply to all Nonstate-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures. Where there is a conflict or inconsistency between the provisions of Division I and Division II, the provisions of Division II shall apply.

D. Any of the following sections in this chapter which modify, amend, or replace any of the provisions of Chapter 1, Division I or Chapter 1, Division II shall be applicable to all State-regulated and Nonstate-regulated buildings and structures, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.

15.01.020 - Addition – Chapter 1, Division I, Section 1.8.9.3

Section 1.8.9.3, Conditions, is added as follows:

1.8.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of Chapter 15.01 of the Corte Madera Municipal Code. A vacant structure that is not secured against entry is deemed unsafe.

15.01.030 - Addition – Chapter 1, Division I, Section 1.8.9.4

Section 1.8.9.4, Record, is added as follows:

1.8.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.01.040 - Addition – Chapter 1, Division I, Section 1.8.9.5

Section 1.8.9.5, Notice and Order, is added as follows:

1.8.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.01.050 - Addition – Chapter 1, Division I, Section 1.8.9.6

Section 1.8.9.6, Method of Service, is added as follows:

1.8.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.01.060 - Addition – Chapter 1, Division I, Section 1.8.9.7

Section 1.8.9.7, Restoration, is added as follows:

1.8.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.01.070 - Addition – Chapter 1, Division I, Section 1.8.9.8

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.01 of the Corte Madera Municipal Code.

15.01.080 - Addition – Chapter 1, Division I, Section 1.8.9.9

Section 1.8.9.9, Staying of Order, is added as follows:

1.8.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 1.8.9.6.

15.01.081- Amendment- Chapter 1, Division I, Section 1.9.1.5

The following is added at the end of Section 1.9.1.5:

The Town may retain the services of a Certified Access Specialist (CASp) to consult with the Town in reviewing, analyzing, evaluating, and providing the Town recommendations on the request being made by the applicant. The services provided to the Town shall be at the sole expense of the applicant and shall be fully reimbursed to the Town through a cost recovery agreement or by applying the building department fee schedule adopted by the Town Council.

15.01.082 – Deletion – Chapter 1, Division II, Section 104.10.1

Section 104.10.1, Flood Hazard Areas, is deleted in its entirety.

15.01.090 - Amendment – Chapter 1, Division II, Section 109.3

Section 109.3, Building Permit Valuations, is amended to read as follows:

109.3 Building Permit Valuations. The applicant for a permit shall provide an estimated valuation of proposed work at time of application. Permit valuation shall include total value of work, including materials and labor, for all elements of regulated construction.

15.01.100 - Amendment – Chapter 1, Division II, Section 113.1

Section 113.1, General, is deleted and replaced to read as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.

15.01.110 - Amendment – Chapter 1, Division II, Section 113.2

Section 113.2, Limitations on Authority, is deleted and replaced to read as follows:

113.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the Town of Corte Madera.

15.01.120 - Amendment – Chapter 1, Division II, Section 113.3

Section 113.3, Qualifications, is deleted and replaced to read as follows:

113.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.01 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

15.01.125 - Amendment – Chapter 1, Division II, Section 116.2

Section 116.2, Record, is deleted and replaced to read as follows:

116.2 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.01.130 - Amendment – Chapter 1, Division II, Section 116.3

Section 116.3, Notice, is deleted and replaced to read as follows:

116.3 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.01.140 - Amendment – Chapter 1, Division II, Section 116.5

Section 116.5, Restoration, is deleted and replaced to read as follows:

116.5 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.01.145 - Addition – Chapter 1, Division II, Section 116.6

Section 116.6, Nuisance Proceedings, is added as follows:

116.6 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of

Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.01 of the Corte Madera Municipal Code.

15.01.150 - Addition – Chapter 1, Division II, Section 116.7

Section 116.7, Staying of Order, is added as follows:

116.7 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 116.3.

15.01.160 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.01.170 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 2. Chapter 15.03 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.03

RESIDENTIAL CODE

Sections:

<u>15.03.010</u>	<u>Adoption by Reference.</u>
<u>15.03.020</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.3</u>
<u>15.03.030</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.4</u>
<u>15.03.040</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.5</u>
<u>15.03.050</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.6</u>
<u>15.03.060</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.7</u>
<u>15.03.070</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.8</u>
<u>15.03.080</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.9</u>
<u>15.03.090</u>	<u>Deletion – Chapter 1, Division II, Section R104.10.1</u>

<u>15.03.100</u>	<u>Deletion – Chapter 1, Division II, Section R105.3.1.1</u>
<u>15.03.110</u>	<u>Amendment – Chapter 1, Division II, Section R108.3</u>
<u>15.03.120</u>	<u>Deletion – Chapter 1, Division II, Section R109.1.3</u>
<u>15.03.130</u>	<u>Amendment – Chapter 1, Division II, Section R112.1</u>
<u>15.03.140</u>	<u>Amendment – Chapter 1, Division II, Section R112.2</u>
<u>15.03.150</u>	<u>Deletion – Chapter 1, Division II, Section R112.2.1</u>
<u>15.03.160</u>	<u>Deletion – Chapter 1, Division II, Section R112.2.2</u>
<u>15.03.170</u>	<u>Amendment – Chapter 1, Division II, Section R112.3</u>
<u>15.03.180</u>	<u>Addition – Chapter 1, Division II, Section R115</u>
<u>15.03.190</u>	<u>Addition – Chapter 1, Division II, Section R115.1</u>
<u>15.03.200</u>	<u>Addition – Chapter 1, Division II, Section R115.2</u>
<u>15.03.210</u>	<u>Addition – Chapter 1, Division II, Section R115.3</u>
<u>15.03.215</u>	<u>Addition – Chapter 1, Division II, Section R115.4</u>
<u>15.03.218</u>	<u>Addition – Chapter 1, Division II, Section R115.5</u>
<u>15.03.220</u>	<u>Addition – Chapter 1, Division II, Section R115.6</u>
<u>15.03.230</u>	<u>Addition – Chapter 1, Division II, Section R115.7</u>
<u>15.03.240</u>	<u>Violation – Penalty</u>
<u>15.03.250</u>	<u>No Mandatory Duty</u>

15.03.010 - Adoption by reference.

The 2016 California Residential Code, known as Part 2.5, Title 24 of the California Code of Regulations, excluding all but the following Appendix Chapters: Appendix Chapter V – Swimming Pool Safety, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following subsections of this section and the following sections of this chapter:

A. Residential Code Chapter 1, Division I shall apply to State-regulated buildings, structures and applications set forth by Section 1.1.3 of Chapter 1, Division I (except as may be modified by subsection C.)

B. Residential Code Chapter 1, Division II shall apply to State-regulated buildings, structures and applications in accordance with the Matrix Adoption Table in Chapter 1 of the California Residential Code (except as may be modified by subsection C.)

C. Residential Code Chapter 1, Division II shall not apply to Nonstate-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures. (See Section 15.01.010(C) for reference to application of Building Code Chapter 1, Division II to Nonstate-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.) Where there is a conflict or inconsistency between the provisions of Division I and Division II, the provisions of Division II shall apply.

D. Any of the following sections in this chapter which modify, amend, or replace any of the provisions of Chapter 1, Division I or II shall be applicable to all State-regulated and non-state-regulated buildings and structures, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.

15.03.020 - Addition – Chapter 1, Division I, Section 1.8.9.3

Section 1.8.9.3, Conditions, is added as follows:

1.8.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.

15.03.030 - Addition – Chapter 1, Division I, Section 1.8.9.4

Section 1.8.9.4, Record, is added as follows:

1.8.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.03.040 - Addition – Chapter 1, Division I, Section 1.8.9.5

Section 1.8.9.5, Notice and Order, is added as follows:

1.8.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.03.050 - Addition – Chapter 1, Division I, Section 1.8.9.6

Section 1.8.9.6, Method of Service, is added as follows:

1.8.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.03.060 - Addition – Chapter 1, Division I, Section 1.8.9.7

Section 1.8.9.7, Restoration, is added as follows:

1.8.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or

additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.03.070 - Addition – Chapter 1, Division I, Section 1.8.9.8

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.06 of the Corte Madera Municipal Code.

15.03.080 - Addition – Chapter 1, Division I, Section 1.8.9.9

Section 1.8.9.9, Staying of Order, is added as follows:

1.8.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 1.8.9.6.

15.03.90 - Deletion – Chapter 1, Division II, Section R104.10.1

Section R104.10.1, Areas Prone to Flooding, is deleted in its entirety.

15.03.100 - Deletion – Chapter 1, Division II, Section 105.3.1.1.

Section R105.3.1.1, Determination of Substantially Improved or Substantially Damaged Existing Buildings in Flood Hazard Areas, is deleted in its entirety.

15.03.110 - Amendment – Chapter 1, Division II, Section R108.3

Section R108.3, Building Permit Valuations, is deleted and replaced to read as follows:

R108.3 Building Permit Valuations. The applicant for a permit shall provide an estimated valuation of proposed work at time of application. Permit valuation shall include total value of work, including materials and labor, for all elements of regulated construction.

15.03.120 - Deletion – Chapter 1, Division II, Section R109.1.3

Section R109.1.3, Flood Plan Inspections, is deleted in its entirety.

15.03.130 - Amendment – Chapter 1, Division II, Section R112.1

Section R112.1, General, is deleted and replaced to read as follows:

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.

15.03.140 - Amendment – Chapter 1, Division II, Section R112.2

Section R112.2, Limitations on Authority, is deleted and replaced to read as follows:

112.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the Town of Corte Madera.

15.03.170 - Amendment – Chapter 1, Division II, Section R112.3

Section R112.3, Qualifications, is deleted and replaced to read as follows:

R112.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.01 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

15.03.180 - Addition – Chapter 1, Division II, Section R115

Section R115, Unsafe Structures and Equipment, is added with subsections as shown.

15.03.190 - Addition – Chapter 1, Division II, Section R115.1

Section R115.1, Conditions, is added as follows:

R115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.

15.03.200 - Addition – Chapter 1, Division II, Section R115.2

Section R115.2, Record, is added as follows:

R115.2 Record. The building official may cause a report to be filed on an unsafe

condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.03.210 - Addition – Chapter 1, Division II, Section R115.3

Section R115.3, Notice, is added as follows:

R115.3 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.03.215 - Addition – Chapter 1, Division II, Section R115.4

Section R115.4, Method of Service, is added as follows:

R115.4 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.03.218 - Addition – Chapter 1, Division II, Section R115.5

Section R115.5, Restoration, is added as follows:

R115.5 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.03.220 - Addition – Chapter 1, Division II, Section R115.6

Section R115.6, Nuisance Proceedings, is added as follows:

R115.6 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.03 of the Corte Madera Municipal Code.

15.03.230 - Addition – Chapter 1, Division II, Section R115.7

Section R115.7, Staying of Order, is added as follows:

R115.7 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section R115.4.

15.03.240 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.03.250 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 3. Chapter 15.05 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.05

ELECTRICAL CODE

Sections:

<u>15.05.010</u>	<u>Adoption by Reference.</u>
<u>15.05.020</u>	<u>Addition – Section 89.108.9.3</u>
<u>15.05.030</u>	<u>Addition – Section 89.108.9.4</u>
<u>15.05.040</u>	<u>Addition – Section 89.108.9.5</u>
<u>15.05.050</u>	<u>Addition – Section 89.108.9.6</u>
<u>15.05.060</u>	<u>Addition – Section 89.108.9.7</u>
<u>15.05.070</u>	<u>Addition – Section 89.108.9.8</u>
<u>15.05.080</u>	<u>Addition – Section 89.108.9.9</u>
<u>15.05.090</u>	<u>Violation – Penalty</u>
<u>15.05.100</u>	<u>No Mandatory Duty</u>

15.05.010 - Adoption by reference.

The 2016 California Electrical Code, known as Part 3, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this Chapter except as

modified by the following sections of this Chapter.

15.05.020 - Addition – Section 89.108.9.3

Section 89.108.9.3, Conditions, is added as follows:

89.108.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.

15.05.030 - Addition – Section 89.108.9.4

Section 89.108.9.4, Record, is added as follows:

89.108.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.05.040 - Addition – Section 89.108.9.5

Section 89.108.9.5, Notice and Order, is added as follows:

89.108.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.05.050 - Addition – Section 89.108.9.6

Section 89.108.9.6, Method of Service, is added as follows:

89.108.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.05.060 - Addition – Section 89.108.9.7

Section 89.108.9.7, Restoration, is added as follows:

89.108.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.05.070 - Addition – Section 89.108.9.8

Section 89.108.9.8, Nuisance Proceedings, is added as follows:

89.108.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.05 of the Corte Madera Municipal Code.

15.05.080 - Addition – Section 89.108.9.9

Section 89.108.9.9, Staying of Order, is added as follows:

89.108.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 89.108.9.6.

15.05.090 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.05.100 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 4.

Chapter 15.06 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.06

MECHANICAL CODE

Sections:

<u>15.06.010</u>	<u>Adoption by Reference.</u>
<u>15.06.020</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.3</u>
<u>15.06.030</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.4</u>
<u>15.06.040</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.5</u>
<u>15.06.050</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.6</u>
<u>15.06.060</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.7</u>
<u>15.06.070</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.8</u>
<u>15.06.080</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.9</u>
<u>15.06.090</u>	<u>Addition – Chapter 1, Division II, Section 107.2</u>
<u>15.06.100</u>	<u>Addition – Chapter 1, Division II, Section 107.3</u>
<u>15.06.110</u>	<u>Addition – Chapter 1, Division II, Section 107.4</u>
<u>15.06.120</u>	<u>Addition – Chapter 1, Division II, Section 107.5</u>
<u>15.06.130</u>	<u>Addition – Chapter 1, Division II, Section 107.6</u>
<u>15.06.140</u>	<u>Addition – Chapter 1, Division II, Section 107.7</u>
<u>15.06.150</u>	<u>Amendment – Chapter 1, Division II, Section 108.1</u>
<u>15.06.160</u>	<u>Amendment – Chapter 1, Division II, Section 108.2</u>
<u>15.06.170</u>	<u>Addition – Chapter 1, Division II, Section 108.3</u>
<u>15.06.180</u>	<u>Amendment – Chapter 1, Division II, Section 114.1</u>
<u>15.06.190</u>	<u>Deletion – Chapter 1, Division II, Section 114.2</u>
<u>15.06.200</u>	<u>Deletion – Chapter 1, Division II, Section 114.3</u>
<u>15.06.210</u>	<u>Deletion – Chapter 1, Division II, Table 114-1</u>
<u>15.06.220</u>	<u>Violation – Penalty</u>
<u>15.06.230</u>	<u>No Mandatory Duty</u>

15.06.010 - Adoption by reference.

The 2016 California Mechanical Code, known as Part 4, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following subsections of this section and the following sections of this chapter:

A. Mechanical Code Chapter 1, Division I shall apply to State-regulated buildings, structures and applications set forth by Section 1.1.3.2 of Chapter 1, Division I.

B. Mechanical Code Chapter 1, Division II shall apply to State-regulated buildings, structures and applications in accordance with the Matrix Adoption Table in Chapter 1 of the California Mechanical Code (except as may be modified by subsection C.)

C. Chapter 1, Division II shall apply to all Nonstate-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures. Where there is a conflict or inconsistency between the provisions of Division I and Division II, the provisions of Division II shall apply.

D. Any of the following sections in this chapter which modify, amend, or replace any

of the provisions of Chapter 1, Division I or Chapter 1, Division II shall be applicable to all State-regulated and Nonstate-regulated buildings and structures, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.

15.06.020 - Addition – Chapter 1, Division I, Section 1.8.9.3

Section 1.8.9.3, Conditions, is added as follows:

1.8.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.

15.06.030 - Addition – Chapter 1, Division I, Section 1.8.9.4

Section 1.8.9.4, Record, is added as follows:

1.8.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.06.040 - Addition – Chapter 1, Division I, Section 1.8.9.5

Section 1.8.9.5, Notice and Order, is added as follows:

1.8.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.06.050 - Addition – Chapter 1, Division I, Section 1.8.9.6

Section 1.8.9.6, Method of Service, is added as follows:

1.8.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.06.060 - Addition – Chapter 1, Division I, Section 1.8.9.7

Section 1.8.9.7, Restoration, is added as follows:

1.8.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.06.070 - Addition – Chapter 1, Division I, Section 1.8.9.8

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.06 of the Corte Madera Municipal Code.

15.06.080 - Addition – Chapter 1, Division I, Section 1.8.9.9

Section 1.8.9.9, Staying of Order, is added as follows:

1.8.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 1.8.9.6.

15.06.090 - Addition – Chapter 1, Division II, Section 106.7

Section 106.7, Record, is added as follows:

106.7 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.06.100 - Addition – Chapter 1, Division II, Section 106.8

Section 106.8, Notice and Order, is added as follows:

106.8 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.06.110 - Addition – Chapter 1, Division II, Section 106.9

Section 106.9, Method of Service, is added as follows:

106.9 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.06.120 - Addition – Chapter 1, Division II, Section 106.10

Section 106.10, Restoration, is added as follows:

106.10 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.06.130 - Addition – Chapter 1, Division II, Section 106.11

Section 106.11, Nuisance Proceedings, is added as follows:

106.11 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.06 of the Corte Madera Municipal Code.

15.06.140 - Addition – Chapter 1, Division II, Section 106.12

Section 106.12, Staying of Order, is added as follows:

106.12 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 106.9.

15.06.150 - Amendment – Chapter 1, Division II, Section 107.1

Section 107.1, General, is deleted and replaced to read as follows:

107.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.

15.06.160 - Amendment – Chapter 1, Division II, Section 107.2

Section 107.2, Limitations on Authority, is amended to read as follows:

107.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the Town of Corte Madera.

15.06.170 - Addition – Chapter 1, Division II, Section 107.3

Section 107.3, Appeals, is added as follows:

107.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.06 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

15.06.190 - Amendment – Chapter 1, Division II, Section 104.5

Section 104.5, General, is deleted and replaced to read as follows:

104.5 General. Permit, plan review, and administrative fees shall be assessed in accordance with the fee schedule adopted by the Town of Corte Madera.

15.06.200 - Deletion – Chapter 1, Division II, Section 104.3.2

Section 104.3.2, Plan Review Fees, is deleted in its entirety.

15.06.210 - Deletion – Chapter 1, Division II, Table 104.5

Table 104.5, Mechanical Permit Fees, is deleted in its entirety.

15.06.220 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.06.230 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person

acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 5. Chapter 15.07 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.07

PLUMBING CODE

Sections:

<u>15.07.010</u>	<u>Adoption by Reference.</u>
<u>15.07.020</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.3</u>
<u>15.07.030</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.4</u>
<u>15.07.040</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.5</u>
<u>15.07.050</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.6</u>
<u>15.07.060</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.7</u>
<u>15.07.070</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.8</u>
<u>15.07.080</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.9</u>
<u>15.07.090</u>	<u>Addition – Chapter 1, Division II, Section 102.2.5.1</u>
<u>15.07.100</u>	<u>Addition – Chapter 1, Division II, Section 102.2.5.2</u>
<u>15.07.110</u>	<u>Addition – Chapter 1, Division II, Section 102.2.5.3</u>
<u>15.07.120</u>	<u>Addition – Chapter 1, Division II, Section 102.2.5.4</u>
<u>15.07.130</u>	<u>Addition – Chapter 1, Division II, Section 102.2.5.5</u>
<u>15.07.140</u>	<u>Addition – Chapter 1, Division II, Section 102.2.5.6</u>
<u>15.07.150</u>	<u>Addition – Chapter 1, Division II, Section 102.4</u>
<u>15.07.160</u>	<u>Addition – Chapter 1, Division II, Section 102.4.1</u>
<u>15.07.170</u>	<u>Addition – Chapter 1, Division II, Section 102.4.2</u>
<u>15.07.180</u>	<u>Addition – Chapter 1, Division II, Section 102.4.3</u>
<u>15.07.190</u>	<u>Amendment – Chapter 1, Division II, Section 103.4.1</u>
<u>15.07.200</u>	<u>Deletion – Chapter 1, Division II, Section 103.4.2</u>
<u>15.07.210</u>	<u>Deletion – Chapter 1, Division II, Table 1-1</u>
<u>15.07.220</u>	<u>Violation – Penalty</u>
<u>15.07.230</u>	<u>No Mandatory Duty</u>

15.07.010 - Adoption by reference.

The 2016 California Plumbing Code, known as Part 5, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following subsections of this section and the following sections of this chapter:

A. Plumbing Code Chapter 1, Division I shall apply to State-regulated buildings, structures and applications set forth by Section 1.1.3.2 of Chapter 1, Division I.

B. Plumbing Code Chapter 1, Division II shall apply to State-regulated buildings, structures and applications in accordance with the Matrix Adoption Table in Chapter 1 of the California Plumbing Code (except as may be modified by subsection C.)

C. Chapter 1, Division II shall apply to all non-State-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures. Where there is a conflict or inconsistency between the provisions of Division I and Division II, the provisions of Division II shall apply.

D. Any of the following sections in this chapter which modify, amend, or replace any of the provisions of Chapter 1, Division I or Chapter 1, Division II shall be applicable to all State-regulated and non-State-regulated buildings and structures, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.

15.07.020 - Addition – Chapter 1, Division I, Section 1.8.9.3

Section 1.8.9.3, Conditions, is added as follows:

1.8.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.

15.07.030 - Addition – Chapter 1, Division I, Section 1.8.9.4

Section 1.8.9.4, Record, is added as follows:

1.8.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.07.040 - Addition – Chapter 1, Division I, Section 1.8.9.5

Section 1.8.9.5, Notice and Order, is added as follows:

1.8.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.07.050 - Addition – Chapter 1, Division I, Section 1.8.9.6

Section 1.8.9.6, Method of Service, is added as follows:

1.8.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.07.060 - Addition – Chapter 1, Division I, Section 1.8.9.7

Section 1.8.9.7, Restoration, is added as follows:

1.8.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.07.070 - Addition – Chapter 1, Division I, Section 1.8.9.8

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.07 of the Corte Madera Municipal Code.

15.07.080 - Addition – Chapter 1, Division I, Section 1.8.9.9

Section 1.8.9.9, Staying of Order, is added as follows:

1.8.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 1.8.9.6.

15.07.090 - Addition – Chapter 1, Division II, Section 106.7

Section 106.7, Record, is added as follows:

106.7 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.07.100 - Addition – Chapter 1, Division II, Section 106.8

Section 106.8, Notice and Order, is added as follows:

106.8 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.07.110 - Addition – Chapter 1, Division II, Section 106.9

Section 106.9, Method of Service, is added as follows:

106.9 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.07.120 - Addition – Chapter 1, Division II, Section 106.10

Section 106.10, Restoration, is added as follows:

106.10 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.07.130 - Addition – Chapter 1, Division II, Section 106.11

Section 106.11, Nuisance Proceedings, is added as follows:

106.11 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.07 of the Corte Madera Municipal Code.

15.07.140 - Addition – Chapter 1, Division II, Section 102.2.5.6

Section 102.2.5.6, Staying of Order, is added as follows:

102.2.5.6 Staying of Order. Except as otherwise provided by this paragraph, if the owner

fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 102.2.5.3.

15.07.150 - Amendment – Chapter 1, Division II, Section 107.1

Section 107.1, Board of Appeals, is deleted and replaced to read as follows:

107.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.

15.07.160 - Addition – Chapter 1, Division II, Section 107.2

Section 107.2, Definitions, is added as follows:

107.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the Town of Corte Madera.

15.07.170 - Addition – Chapter 1, Division II, Section 107.3

Section 107.3, Appeals, is added as follows:

107.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.07 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

15.07.190 - Amendment – Chapter 1, Division II, Section 104.5

Section 104.5, Fees, is deleted and replaced to read as follows:

104.5 Fees. Permit, plan review, and administrative fees shall be assessed in accordance with the fee schedule adopted by the Town of Corte Madera.

15.07.200 - Deletion – Chapter 1, Division II, Section 104.3.2

Section 104.3.2, Plan Review Fees, is deleted in its entirety.

15.07.210 - Deletion – Chapter 1, Division II, Table 104.5

Table 104.5, Plumbing Permit Fees, is deleted in its entirety.

15.07.220 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.07.230 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 6. Chapter 15.08 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.08

ENERGY CODE

Sections:

<u>15.08.010</u>	<u>Adoption by Reference</u>
<u>15.08.020</u>	<u>Violation – Penalty</u>
<u>15.08.030</u>	<u>No Mandatory Duty</u>

15.08.010 - Adoption by reference.

The 2016 California Energy Code, known as Part 6, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this chapter.

15.08.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.08.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 7. Chapter 15.09 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.09

HISTORIC BUILDING CODE

Sections:

<u>15.09.010</u>	<u>Adoption by Reference</u>
<u>15.09.020</u>	<u>Violation – Penalty</u>
<u>15.09.030</u>	<u>No Mandatory Duty</u>

15.09.010 - Adoption by reference.

The 2016 California Historic Building Code, known as Part 8, Title 24 of the California Code of Regulations, including appendix A, is hereby adopted by reference as though fully set forth in this chapter.

15.09.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.09.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 8. Chapter 15.11 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.11

EXISTING BUILDING CODE

Sections:

<u>15.11.010</u>	<u>Adoption by Reference</u>
<u>15.11.020</u>	<u>Violation – Penalty</u>
<u>15.11.030</u>	<u>No Mandatory Duty</u>

15.11.010 - Adoption by reference.

The 2016 California Existing Building Code, known as Part 10, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter.

15.11.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.11.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 9.

Chapter 15.13 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.13

GREEN BUILDING CODE

Sections:

<u>15.13.010</u>	<u>Adoption by Reference</u>
<u>15.13.020</u>	<u>Violation – Penalty</u>
<u>15.13.030</u>	<u>No Mandatory Duty</u>

15.13.010 - Adoption by reference.

The 2016 California Green Building Standards Code, known as Part 11, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter.

15.13.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.13.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this section.

Section 10. Chapter 15.15 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.15

REFERENCED STANDARDS CODE

Sections:

<u>15.15.010</u>	<u>Adoption by Reference</u>
<u>15.15.020</u>	<u>Violation – Penalty</u>
<u>15.15.030</u>	<u>No Mandatory Duty</u>

15.15.010 - Adoption by reference.

The 2016 California Referenced Standards Code, known as Part 12, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this chapter.

15.15.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.15.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 11. Chapter 15.17 of the Corte Madera Municipal Code is hereby added to Title 15 to read as follows:

Chapter 15.17

ELECTRICAL CODE ADMINISTRATIVE PROVISIONS

Sections:

<u>15.17.010</u>	<u>Adoption by Reference.</u>
<u>15.17.020</u>	<u>Amendment – Section 102.6</u>
<u>15.17.030</u>	<u>Deletion – Section 201.3</u>

<u>15.17.040</u>	<u>Deletion – Section 301</u>
<u>15.17.050</u>	<u>Deletion – Section 303</u>
<u>15.17.060</u>	<u>Amendment – Section 404.2</u>
<u>15.17.070</u>	<u>Amendment – Section 901.5</u>
<u>15.17.080</u>	<u>Addition – Section 901.7</u>
<u>15.17.090</u>	<u>Addition – Section 901.8</u>
<u>15.17.100</u>	<u>Addition – Section 901.9</u>
<u>15.17.110</u>	<u>Amendment – Section 1101.1</u>
<u>15.17.120</u>	<u>Amendment – Section 1101.2</u>
<u>15.17.130</u>	<u>Addition – Section 1101.3</u>
<u>15.17.140</u>	<u>Deletion – Section 1102</u>
<u>15.17.150</u>	<u>Deletion – Section 1103</u>
<u>15.17.160</u>	<u>Deletion – Chapter 12</u>
<u>15.17.170</u>	<u>Deletion – Chapter 13</u>
<u>15.17.180</u>	<u>Violation – Penalty</u>
<u>15.17.190</u>	<u>No Mandatory Duty</u>

15.17.010 - Adoption by reference.

The 2006 International Code Council Electrical Code Administrative Provisions is hereby adopted by reference as though fully set forth in this chapter except as modified by the following sections of this chapter.

15.17.020 - Amendment – Section 102.6

Section 102.6, Referenced Codes and Standards, is deleted and replaced to read as follows:

102.6 Referenced codes and standards. Where differences occur between provisions of the California Electrical Code and referenced codes or standards, the provisions of the California Electrical Code shall apply. Where enforcement of a code provision would conflict with the conditions of the listing of approved equipment or appliances, the conditions of the listing and manufacturer's instructions shall apply.

15.17.030 - Deletion – Section 201.3

Section 201.3, Terms Defined in Other Codes, is deleted in its entirety.

15.17.040 - Deletion – Section 301

Section 301, Department of Electrical Inspection, is deleted in its entirety.

15.17.050 - Deletion – Section 303

Section 303, Certificate of Occupancy, is deleted in its entirety.

15.17.060 - Amendment – Section 404.2

Section 404.2, Schedule of Permit Fees, is deleted and replaced to read as follows:

404.2 Fees. Permit, plan review, and administrative fees shall be assessed in accordance with the fee schedule adopted by the Town of Corte Madera.

15.17.070 - Amendment – Section 901.5

Section 901.5, Notice, is deleted and replaced to read as follows:

901.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.17.080 - Addition – Chapter 1, Section 901.7

Section 901.7, Restoration, is added as follows:

901.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.17.090 - Addition – Section 901.8

Section 901.8, Nuisance Proceedings, is added as follows:

901.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.17 of the Corte Madera Municipal Code.

15.17.100 - Addition – Section 901.9

Section 901.9, Staying of Order, is added as follows:

901.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 901.6.

15.17.110 - Amendment – Section 1101.1

Section 1101.1, General, is deleted and replaced to read as follows:

1101.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.

15.17.120 - Amendment – Section 1101.2

Section 1101.2, Limitations on Authority, is deleted and replaced to read as follows:

1101.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the Town of Corte Madera.

15.17.130 - Addition – Section 1101.3

Section 1101.3, Appeals, is added as follows:

1101.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapters 15.05 and 15.17 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

15.17.140 - Deletion – Section 1102

Section 1102, Membership, is deleted in its entirety.

15.17.150 - Deletion – Section 1103

Section 1103, Procedures, is deleted in its entirety.

15.17.160 - Deletion – Chapter 12

Chapter 12, Electrical Provisions, is deleted in its entirety.

15.17.170 - Deletion – Chapter 13

Chapter 13, Referenced Standards, is deleted in its entirety.

15.17.180 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.17.190 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this section.

Section 12. Chapter 15.19 of the Corte Madera Municipal Code is hereby added to Title 15 to read as follows:

Chapter 15.19

SEVERABILITY

Sections:

15.19.010 Severability

15.19.010 - Severability.

If any section, subsection, phrase or clause of Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15, and 15.17 is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15, and 15.17.

The Town Council declares that it would have passed the ordinance codified in Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15, and 15.17 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.

Section 13. The Town Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Title 14, Chapter 3 California Code of Regulations, Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The ordinance adopts standard codes in effect pursuant to state law and sets requirements for compliance. The adoption of this ordinance does not entitle new development or any changes to the physical environment.

Section 14. This ordinance shall become effective 30 days after the date of adoption or on January 1, 2017, whichever is later.

Section 15. 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 1st day of November, 2016; and adopted on the 15th day of November, 2016, by the following vote:

AYES: Councilmembers:

FINAL ADOPTION ORDINANCE for
2016 California Building Standards Code
Version 1 - 10/10/2016

NOES: Councilmembers:

ABSENT: Councilmembers:

Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

This material has been reviewed
by the Town Manager



CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date November 4, 2016
Meeting Date: November 15, 2016

TO: TOWN MANAGER, MAYOR AND TOWN COUNCIL
FROM: SCOTT SHURTZ, INTERIM DIRECTOR OF EMERGENCY SERVICES
SUBJECT: PUBLIC HEARING FOR ORDINANCE NO. 960 ADOPTING BY
 REFERENCE THE 2016 CALIFORNIA FIRE CODE WITH AMENDMENTS
 AND ADOPTION OF ORDINANCE NO. 960

* * * * *

RECOMMENDATION:

Staff recommends that the Town Council: 1) conduct a public hearing for the proposed Ordinance No. 960 adopting the 2016 California Fire Code prescribing regulations governing conditions hazardous to life and property from fire or explosion, providing for the issuance of permits for hazardous uses or operations, and establishing a bureau of fire prevention and providing officers therefore and defining their powers and duties, and repealing Ordinance 936; and 2) adopt the proposed ordinance.

OPTIONS:

The Town Council may choose to reject the proposed ordinance entirely, re-introduce the proposed ordinance with changes, direct staff to make revisions and place the revised ordinance on the next council meeting agenda for re-introduction, or direct staff to provide more information and schedule the proposed ordinance for adoption at the next council meeting.

TOWN MANAGER'S RECOMMENDATION:

Support staff's recommendation.

FISCAL IMPACTS:

Minimal fiscal impact from collection of permit fees.

GENERAL PLAN:

This supports the Town's administrative policy, as outlined in Goal PSH -2 of the Town's General Plan: "Achieve high level of public safety for all Town residents and businesses."

ENVIRONMENTAL IMPACT:

Categorically exempt.

BACKGROUND:

At its November 1, 2016 meeting, the Town Council introduced Ordinance No. 960 and set a public hearing date for the November 15, 2016 Town Council meeting. Once the public hearing takes place, the ordinance will then be recommended for adoption by the council. If approved, the ordinance would take effect on January 1, 2017.

The remainder of this staff report is a duplicate of the staff report provided for the introduction of Ordinance No. 960, heard by the Town Council on November 1, 2016:

International Fire Codes are published on a periodic basis (last cycle in 2012). The California Building Standards Commission then reviews the model code and determines changes to be made for the California Fire Code. Once the California Fire Code is published, local jurisdictions have 180 days to amend and adopt the codes for their own jurisdiction; otherwise the California Code becomes the default code for the jurisdiction. The 2016 California Fire Code was "published" on July 1, 2016. The 180 day amending/adopting period ends on December 31, 2016. The previous ordinance (#936) adopted in 2013 amended and adopted the 2013 "California Fire Code".

During the summer of 2016, the Fire Prevention Officers Section of the Marin Fire Chiefs Association formed a committee for the purpose of cooperatively drafting and reviewing the proposed amendments to make the same or similar amendments to each of their adoptive local ordinances.

Most of the language in the proposed ordinance comes directly from the previously adopted ordinances and/or the Marin Fire Prevention Officer meetings.

There are no philosophical changes in the proposed ordinance over the last Ordinance 936 adopted by the Town Council in 2013.

Changes to the model, state, and local fire codes are promulgated by numerous factors. Authorities having jurisdiction, professional organizations, and committees at international, national, regional, state and local levels review proposed changes based on research and technology, documented failures and/or tragedies, changing conditions and the like. These proposed changes then go through an extensive technical and public review process before they are approved and promulgated.

Changes to the Fire Code for Corte Madera are based on findings of fact regarding local topographic, geologic, and climatic factors, as required by state regulation.

The provisions contained in the fire code can be of substantial positive impact to the community. For example, requirements for the installation of fire sprinklers have been part of Corte Madera's Fire Code for longer than almost anywhere in California and the nation. This requirement has reduced fire losses and has made the Town of Corte Madera safer. The adoption of the proposed ordinance will continue to improve the health and safety of the citizens of Corte Madera and improve their quality of life.

ATTACHMENTS:

- #1: Proposed Ordinance No. 960

ATTACHMENT 1

Proposed Ordinance No. 960

ORDINANCE NO. 960

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA REPEALING AND RE-ENACTING CHAPTER 15.02, ADOPTING THE 2016 CALIFORNIA FIRE CODE AND APPENDIX A OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE WITH AMENDMENTS SUPPORTED BY LOCAL FINDINGS, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND DEFINING THE POWERS AND DUTIES OF THE CORTE MADERA FIRE DEPARTMENT AND OFFICERS.

The Town Council of the Town of Corte Madera does ordain as follows:

SECTION 1. Chapter No. 15.02 of the Town of Corte Madera Municipal Code is repealed and replaced in its entirety to read as follows:

**CHAPTER 15.02
FIRE CODE**

Sections:

- 15.02.010 ADOPTION OF CALIFORNIA FIRE CODE**
- 15.02.020 ESTABLISHMENT AND DUTIES OF THE CORTE MADERA FIRE DEPARTMENT**
- 15.02.030 DEFINITIONS**
- 15.02.040 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II, AND CLASS III LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED**
- 15.02.050 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN ABOVEGROUND TANKS IS PROHIBITED**
- 15.02.060 ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED**
- 15.02.070 ESTABLISHMENT OF GEOGRAPHIC LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED**
- 15.02.080 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED**

- 15.02.090 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED**
- 15.02.100 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED**
- 15.02.110 AMENDMENTS MADE TO THE 2016 CALIFORNIA FIRE CODE, 2015 INTERNATIONAL FIRE CODE AND 2015 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE**
- 15.02.120 FINDINGS**
- 15.02.130 APPEALS**
- 15.02.140 PENALTIES**
- 15.02.150 FORMER ORDINANCES**
- 15.02.160 NO MANDATORY DUTY**
- 15.02.010 ADOPTION OF 2016 CALIFORNIA FIRE CODE AND APPENDIX A OF THE 2015 INTERNATIONAL WILDLAND URBAN INTERFACE CODE**

There is hereby adopted by the Town Council of the Town of Corte Madera, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the following:

1. The 2016 California Fire Code, which consists of certain portions of the 2015 edition of the International Fire Code as amended by the California Building Standards Commission, including the following appendices only:
 - a. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS, the whole thereof, save and except such portions as are hereafter deleted, modified or amended by section 11 of this Ordinance.
 - b. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
 - c. Appendix F HAZARD RANKING,
 - d. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS
 - e. Appendix N TEMPORARY HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT USES.

2. Appendix A of the 2015 edition of the International Wildland-Urban Interface Code save and except such portions as are hereinafter deleted, modified or amended by Section 15.02.110 of this Ordinance.

Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the Fire Marshal of the Corte Madera Fire Department and the same are hereby adopted and incorporated fully as if set out at length herein, and from the date on which this Ordinance shall take effect, and the provisions thereof shall be controlling within the limits of the Town of Corte Madera.

15.02.020 ESTABLISHMENT AND DUTIES OF THE CORTE MADERA FIRE DEPARTMENT

The 2016 California Fire Code, which consists of certain portions of the 2015 edition of the International Fire Code as amended by the California Building Standards Commission, and Appendix A of the 2015 edition of the International Wildland-Urban Interface Code as adopted and amended herein, shall be enforced by the Fire Department of the Town of Corte Madera and shall be operated under the supervision of the Fire Code Official.

15.02.030 DEFINITIONS

Wherever they appear in the California and International Fire Codes, unless otherwise provided, the following words shall have the meanings ascribed to them in this section:

- (a) Whenever the words "Fire Code" are used they shall mean those Codes and Standards adopted in Section 1 of this Ordinance.
- (b) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the Town of Corte Madera.
- (c) Wherever the term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the Town of Corte Madera.
- (d) Wherever the words "Fire Code Official" are used in the Fire Code, they shall be held to mean the Director of Emergency Services or Fire Marshal of the Town of Corte Madera.

15.02.040 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED

The geographic limits referred to in Section 5704.2.9.6.1 of the International Fire Code in which storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited are amended as follows: In all areas of the Town of Corte Madera. (Exception –

Approved protected aboveground tanks are permitted in approved locations, in accordance with standards developed by the Fire Code Official).

15.02.050 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN ABOVEGROUND TANKS IS PROHIBITED

The geographic limits referred to in Section 5706.2.4.4 of the International Fire Code in which storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited are amended as follows: In all areas of the Town of Corte Madera. (Exception – Approved protected aboveground tanks are permitted in approved locations, in accordance with standards developed by the Fire Code Official).

15.02.060 ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED

The geographic limits, referred to in Section 5806.2 of the International Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as follows: In all areas of the Town of Corte Madera. (Exception – Approved protected aboveground tanks are permitted in approved locations, in accordance with standards developed by the Fire Code Official).

15.02.070 ESTABLISHMENTS OF GEOGRAPHIC LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED

The geographic limits referred to in Section 6104.2 of the International Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the Town of Corte Madera. (Exception – portable LPG tanks, containing five gallons or less storage capacity, are acceptable for approved use.)

15.02.080 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED

The storage of explosives and blasting agents is prohibited in all areas within the boundaries of the Town of Corte Madera.

15.02.090 ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED

The storage of compressed natural gas is prohibited in all residential areas and all heavily populated or congested commercial areas as established by the Town of Corte Madera.

15.02.100 ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED

The geographic limits, in which the storage of hazardous materials is prohibited or limited, are hereby established as follows: In all residential areas and in heavily populated or congested commercial areas, as established by Town of Corte Madera.

15.02.110 AMENDMENTS MADE TO THE 2016 CALIFORNIA FIRE CODE, 2015 INTERNATIONAL FIRE CODE AND 2015 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

The 2016 California Fire Code is amended and changed in the following respects:

Section 102.5 of Chapter 1 is hereby amended to read as follows:

102.5 Application of residential code. Where structures are designed and constructed in accordance with the *International Residential Code*, the provisions of this code shall apply as follows:

1. Construction and designed provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Provisions of this code pertaining to the interior of the structure when specifically required by this code including, but not limited to, Section 605.11 and 903.2 shall apply. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall also apply.

Section 102.7.3 is hereby added to Chapter 1 and shall read as follows:

Section 102.7.3 **Nationally Recognized Listed Products.** Any installation of products and equipment due to permits required by this Code shall be Labeled and Listed, as defined in Section 202.

Section 104.1.1 is hereby added to Chapter 1 and shall read as follows:

Section 104.1.1 **Supplemental Rules, Regulations and Standards or Policies.** The Fire Code Official is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations and to develop Fire Protection Standards or Policies to carry out the application and intent of this code.

Section 104.12 is hereby added to Chapter 1 and shall read as follows:

Section 104.12. Damages and Expense Recovery. The expense of securing any emergency that is within the responsibility for enforcement of the Fire Official as given in Section 104 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Official for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

Section 104.13 is hereby added to Chapter 1 and shall read as follows:

Section 104.13. Fire Prevention Resource Sharing. Other enforcement agencies shall have authority to render necessary assistance in plan review, inspection, code interpretation, enforcement and other fire prevention services when requested to do so.

Section 105.6.49 of Chapter 1 is hereby amended by adding the following additional operational permits:

- 4. Aircraft Refueling Vehicles.** An operational permit is required to operate aircraft refueling vehicles. See Chapter 20.
- 5. Fire Protection Plan.** An operational permit is required to implement a fire protection plan.
- 6. Radioactive material.** An operational permit is required to store or handle at any installation more than 1 micro curie (37,000 Becquerel) of radioactive material not contained in a sealed source or more that 1 millicurie (37,000,000 Becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which specific license from the Nuclear Regulatory Commission is required.

Section 105.7.19 is hereby added to Chapter 1 and shall read as follows:

Section 105.7.19 Vegetation Management Plan. A construction permit is required to implement a vegetation management plan.

Section 109.4.2. is hereby added to Chapter 1 and shall read as follows:

109.4.2 – Corrective Actions –

- A. The owners of real property within the Town shall be responsible for the maintenance of such property in conformance with the vegetation management standards of the Town of Corte Madera. Failure of the property owner to maintain such property in

compliance with these vegetation management standards shall constitute a public nuisance and be subject to the nuisance abatement procedures established by Chapter 9.04 of the Town Municipal Code.

B. Nothing in this section shall prevent the Town from taking such other action or commencing such other proceedings than the nuisance abatement proceedings in Chapter 9.04. The procedures provided by Chapter 9.04 are an alternative to any other procedure adopted by the Town Council for the abatement of public nuisances, or which may be authorized by federal or state law or any provision of the Municipal Code, and not intended to be an exclusive remedy for any violation of this Chapter.

C. Nothing contained in this section shall be construed as requiring the Town to enforce the vegetation management standards of the Town of Corte Madera against any and all properties that may be in violation of those standards. The manner and method by which this section is enforced rests entirely at the Town's prosecutorial discretion. Nothing in this section shall be construed as imposing a duty on the Town, or on Town officers, agents or employees.

Section 202 [C] of Chapter 2 is hereby amended by adding the definition of 'Coverings' as follows:

Coverings shall mean materials including, but not limited to gypsum board, paneling, floor boards, lathe and plaster, wood paneling, brick and mortar, or other materials attached to rough framing of the building elements. 'Coverings' do not include carpet, linoleum, tile, wall paper, or other decorative finishes.

Section 202-[F] of Chapter 2 is hereby amended by adding the definition of 'Fire Road' as follows:

Fire Road. See section 502.1.

Section 202-[J] of Chapter 2 is hereby amended by adding the definition of 'Junior Second Unit' as follows:

Junior Accessory Dwelling Unit: A type of accessory dwelling unit that is accessory to and included within a legal primary dwelling on the same site. A junior accessory dwelling unit provides independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, and cooking. Cooking and food preparation facilities shall be limited to an efficiency kitchen as provided for in the local zoning ordinance. Sanitation facilities may be independently provided for the junior accessory dwelling unit or may be shared with occupants of the primary dwelling provided interior access is available; see Town of Corte Madera zoning ordinances.

Section 202-[M] of Chapter 2 is hereby amended by removing and replacing the definition of 'Membrane Structure' to shall read as follows:

Membrane Structure. An air-inflated, air-supported, cable or frame-covered structure as defined by the *California Building Code* and not otherwise defined as a tent or umbrella structure. See Chapter 31 of the *California Building Code*.

Section 202 [S] of Chapter 2 is hereby amended by adding the definition of 'second unit', 'spark arrestor' and 'substantial remodel' as follows:

Second Unit shall mean an attached or detached additional dwelling unit which provides complete independent living facilities, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation and is located on the same lot as the primary unit.

Spark Arrestor shall mean a chimney device constructed in a skillful-like manner. The net free area of a spark arrestor shall not be less than four times the net free area of the outlet of the chimney. The spark arrestor screen shall have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge stainless steel. Opening shall not permit the passage of spheres having a diameter larger than 1/2 inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.

Substantial Remodel shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor area of the structure within any 24 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

Section 202 [T] of Chapter 2 is hereby amended by adding and/or amending the definition of 'Temporary' and 'Tent':

Temporary shall mean any use for a period of less than 90 days, where not otherwise referenced.

Tent shall mean a structure, enclosure, umbrella structure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

Section 202 [U] of Chapter 2 is hereby amended by adding the definition of 'Umbrella Structure'

Umbrella Structure A structure, enclosure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by a central pole. (See “Membrane Structure” and “Tent”)

Section 302.1 is amended by adding the definition of ‘Public Storage Facility’ as follows:

Public Storage Facility shall mean any business that sells, leases or rents space to the public that is enclosed, whether it is a building, storage container or similar configuration.

Section 320 is hereby added to Chapter 3 and shall read as follows:

Section 320 Public Storage Facilities

Section 320.1 General. Public Storage Facilities shall comply with the provisions of this section.

Section 320.2 Location on Property and Fire Resistance of Exterior. All public storage facilities shall meet the minimum requirements for setback from property lines or fire resistive construction as set forth in Table 602 of the Building Code for Group S, Division 1 occupancies.

Section 320.3 Fire Apparatus Access. All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.

Section 320.4 Storage of Flammable and Combustible Liquids and Hazardous Materials. The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate same in a manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

Exception: Only those quantities of flammable and combustible liquids necessary for maintenance of the facility may be stored by the facility management per Chapter 57 of this code.

Section 401.1.1 is hereby added to Chapter 4 and shall read as follows:

Section 401.1.1 Hazardous Occupancies. In occupancies of a hazardous nature, where access for fire apparatus is unduly difficult, or where special life and fire safety hazards exist as determined by standards of the Corte Madera Fire Department, that facility or business management shall be required to develop and implement an Emergency Response Plan, provide for an on-site Emergency Response Team, Emergency Liaison Officer, staff training and fire drills in accordance with Sections 405 and 406 and standards developed by the Corte Madera Fire Department.

Section 401.3.2.1 is hereby added to Chapter 4 and shall read as follows:

Section 401.3.2.1 **Unwarranted Alarm Notification.** Notification of emergency responders based on an unwarranted alarm may be punishable by a fine in accordance with the adopted fee schedule. In addition, the responsible party may be liable for the operational and administrative costs, incurred from the emergency response or mitigation procedures resulting from an unwarranted alarm notification.

Section 402.1 of Chapter 4 is hereby amended by adding the definition of 'Pre-plans' and 'Unwarranted Alarm' as follows:

Pre-Plans shall mean detailed plans of target hazard buildings. These pre-plans include information on the building's location, occupancy, hazards, fire department connections and hydrants, building layout, and other pertinent data that would assist the fire department in case of an emergency.

Unwarranted Alarm shall mean the giving, signaling or transmission of an alarm notification to a public fire station or emergency communication center when such alarm is the result of a defective condition of an alarm system, system servicing testing, construction activities, ordinary household activities, false alarm or other cause when no such danger exists.

Section 403.1.1 is hereby added to Chapter 4 and shall read as follows:

Section 403.1.1 **Pre-Plans:** When required by the fire code official, pre-plans shall be developed for target hazard buildings according to the written standards developed by the authority having jurisdiction.

Section 403.10.1.4 is hereby added to Chapter 4 and shall read as follows:

Emergency Preparedness for Hotels, Lodging and Congregate Houses. Hotels, lodging and congregate houses shall provide guests with immediate access to a telephone to report emergencies. The exit diagram shall indicate the location of the nearest telephone and instructions to dial 911.

Section 501.5 of Chapter 5 is hereby amended by adding a sentence to read as follows:

Failure to comply with this section upon written or verbal notice from the Fire Code Official shall result in a Fire Department order to cease operations and desist further operations until such time as adequate access and/or water for fire protection is provided.

Section 502.1 of Chapter 5 is hereby amended by adding a definition of 'Fire Road' as follows:

Fire Road shall mean those improved or unimproved roads, public or private, that provide access for firefighting equipment and personnel to undeveloped areas.

Section 503.1.4 of Chapter 5 is hereby amended by adding a paragraph thereto to read as follows:

Section 503.1.4 **Fire Roads.** Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the jurisdiction so as to gain access to improved, unimproved, and undeveloped areas of the jurisdiction, in a manner approved by the Fire Code Official. Any vehicle or other obstructions may be towed away at the owner's expense.

Section 503.1.5 of Chapter 5 is amended by adding a sentence thereto as follows:

Section 503.1.5 **Truck Company Access.** For buildings 3 or more stories or greater than 30 feet (10670mm) in height, approved access roads for ladder truck operations shall be provided within the necessary operational distances as specified by the Fire Code Official.

Section 503.2.6.1. is hereby added to Chapter 5 and shall read as follows:

Section 503.2.6.1 **Load Testing.** Bridges, piers and wharfs used for fire apparatus access shall be load tested to the original designed capacity when required by the Fire Code Official.

Section 503.4 of Chapter 5 is amended by adding a sentence thereto to read as follows:

Any vehicle or other obstruction may be towed away at the owner's expense.

Section 503.4.2 is hereby added to read as follows:

503.4.2 **Prohibition on Vehicular Parking on Private Access ways.** If, in the judgment of the Fire Code Official or its designee, it is necessary to prohibit vehicular parking along private access ways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the Fire Code Official or its designee may issue an Order to the owner, lessee or other person in charge of the premises to paint the curbs red or install signs or other appropriate notices to the effect that parking is prohibited by Order of the Fire Department. It shall thereafter be unlawful for such owner, lessee or other person in charge of the premises to fail to install, maintain in good condition, the form of notice so prescribed. When such areas are marked or signed as provided herein, no person shall park a vehicle adjacent to any such curb or in the private access way contrary to such markings or signs. Any vehicle so parked in the private access way may be towed away at the expense of the owner of the vehicle.

Section 503.6.1 is hereby added to Chapter 5 and shall read as follows:

503.6.1 Width. All gates shall open fully to provide an unobstructed passage width of not less than 16 feet or a minimum of two feet wider than the approved net clear opening of the required all weather roadway or driveway and a minimum net vertical clearance of 13 feet 6 inches.

Section 503.6.2 is hereby added to Chapter 5 and shall read as follows:

Section 503.6.2 Electronic Gates. All electronic operated gates shall have installed an approved key switch override system mounted on a stanchion or wall as approved by the Fire Code Official in accordance with Standards adopted by the Fire Code Official. All electronic or motorized gates shall incorporate in their design the means for fast, effective manual operation of the gates in the event of power or mechanical failure (i.e., easily removable hinge pins for separating power linkage from gates; undercut, weakened or frangible members requiring 40 pounds or less pressure against the gates to cause their failure and the gates to open. All electrical wiring and components of motorized gates shall be UL listed and installed in accordance with the National Electric Code.

Section 506.1 of Chapter 5 is hereby amended to read as follows:

Section 506.1 Key Entry Systems. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes or in commercial structures that have an automatic fire sprinkler or fire alarm system installed, the Fire Code Official is authorized to require a key entry system to be installed in an approved location. The key entry system shall be of an approved type listed in accordance with UL1037, and if it is a box shall contain keys necessary to gain access as required by the Fire Code Official.

Section 507.5.1 is hereby amended to read as follows and to delete the Exception stated within that section:

Section 507.5.1 Where Required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 350 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Code Official.

Section 507.5.1.2 is hereby added to Chapter 5 and shall read as follows:

Section 507.5.1.2 Hydrant for Sprinkler Systems. Buildings equipped with a sprinkler system installed in accordance with Section 903 shall have a fire hydrant within 100 feet (30 m) of the fire department connections.

Exception: the distance shall be permitted to exceed 100 feet (30 m) where approved by the Fire Code Official.

Section 507.5.7 is hereby added to Chapter 5 and shall read as follows:

Section 507.5.7 Fire Hydrant Upgrades. When additions or modifications to structures are made, the nearest fire hydrant (if a new one is not required) located by the Fire Code Official or their designee, shall be upgraded to the minimum standard of one 4 1/2" outlet and one 2 1/2" outlet for single family dwellings and the minimum standard of one 4 1/2" outlet and two 2 1/2" outlets for commercial structures.

Exception: If the cost of upgrading the fire hydrant exceeds 2% of the cost of the project based on the building permit valuation.

Section 605.11 is hereby added and/or amended to Chapter 6 and shall read as follows:

605.11 Solar Photovoltaic Power Systems. Solar photovoltaic power systems shall be installed in accordance with 605.11.1 through 605.11.5, the California Building Code or California Residential Code (whichever may be applicable), and California Electrical Code.

605.11.3 Required conduit. All wiring that may contain electrical potential when the alternate service disconnect has been activated, (such as the wiring between the solar arrays and the DC electrical disconnect on a photovoltaic system) shall be completely contained in metal conduit on all buildings.

605.11.4 Disconnect. The electrical service disconnect for the alternative power supply shall be located within eight feet from the P. G. & E. electrical service disconnect on the same or an adjacent exterior wall. The disconnect shall be accessible to emergency personnel from the exterior without the use of ladders or other special equipment.

Exception: Micro-inverter or similar technology for solar equipment that de-energizes the system at the roof panels upon loss of A/C reference leaving no energized electrical potential inside the structure when the main breaker is tripped.

605.11.5 Warning Sign. The following wording shall be placed on a permanent sign attached at the main electrical disconnect from P.G. & E. The sign shall be red background with white letters or a white background with red letters. Minimum size 2-1/2" X 6" with a minimum 22pt. font. Minimum size example below.

WARNING:

This building supplied with a PHOTOVOLTAIC power source. The disconnect is: (*Describe location - on the right, below etc. of this main disconnect. Both must be used.*)

Section 706 of Chapter 7 is hereby added to read as follows:

706 – Roofing Materials.

706.1 All roofing materials shall be in accordance with section 705

706.2 New Roofs. All newly installed roofs and additions to existing roofs are to be of non-combustible or minimum “Class A” listed construction.

706.3 Existing Roofs. When alterations or repairs to existing roofs exceed 50% of the total roof area in any twenty-four (24) month period, the entire roof shall be replaced with non-combustible or minimum “Class A” listed construction.

Section 901.7 of Chapter 9 is hereby amended by adding the following sentence:

This section shall also apply to residential fire sprinkler systems.

Section 903.2 Of Chapter 9 is hereby amended to read as follows:

Section 903.2 Where Required. All Occupancies and Facilities, including manufactured homes, mobile homes, and multifamily manufactured homes with 2 or more dwelling units in accordance with Title 25 of the California Code of Regulations. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

Exceptions:

a. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.

b. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height, and located within an Agricultural zoned district as defined in Title 18 (Zoning) of the Corte Madera Municipal Code.

2. In newly created second units.

Exception: Junior Accessory Dwelling Unit

3. In all buildings which have more than fifty per cent (50%) floor area added or any "substantial remodel" as defined in this code, within any 24-month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.

4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which have more than ten per cent (10%) floor area added within any 24-month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.

5. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.

Section 903.3 of Chapter 9 is hereby amended by adding the following thereto:

The requirements for fire sprinklers in this code section are not meant to disallow the provisions for area increase, height increase, or Fire-Resistive substitution if otherwise allowed by sections 504 and 506 of the Building Code. All automatic fire sprinkler systems shall be installed in accordance with the written standards of the Fire Code Official and the following:

a. In all residential buildings required to be sprinkled any attached garages shall also be sprinkled, and except for single family dwellings, in all residential occupancies the attics shall be sprinkled.

b. In all existing buildings, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building in accordance with standards developed by the Fire Code Official.

- c. All single family dwellings in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R.
- d. All public storage facilities shall have installed an approved automatic fire sprinkler system. An approved wire mesh or other approved physical barrier shall be installed 18 inches below the sprinkler head deflector to prevent storage from being placed to within 18 inches from the bottom of the deflector measured at a horizontal plane.

Section 904.12 is amended to read as follows:

Section 904.12 Commercial cooking systems. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type I Hood, in accordance with the California Mechanical Code, NFPA 96, and an automatic fire extinguishing system that is listed and labeled for its intended use as follows:

1. Wet chemical extinguishing system, complying with UL 300.
2. Carbon dioxide extinguishing system.
3. Automatic fire sprinkler systems.

All existing dry chemical and wet chemical extinguishing systems shall comply with UL 300.

Exception: Public school kitchens, without deep-fat fryers, shall be upgraded to a UL 300 compliant system during state-funded modernization projects that are under the jurisdiction of the Division of the State Architect.

All systems shall be installed in accordance with the California Mechanical Code, NFPA 96, appropriate adopted standards, their listing and the manufacturers' installation instructions.

Exception: Factory-built commercial cooking recirculating systems that are tested, listed, labeled and installed in accordance with UL 710B and the California Mechanical Code and NFPA 96.

Section 906.11 is hereby added to Chapter 9 and shall read as follows:

Section 906.11 Fire Extinguisher Documentation. The owner and/or operator of every Group R Division 1 and R Division 2 occupancies shall annually provide the Fire Code Official written documentation that fire extinguishers are installed and have been serviced as required by Title 19 of the California Code of Regulations when such extinguishers are installed in residential units in lieu of common areas.

Section 907.2.11 of Chapter 9 is hereby amended by changing the first sentence of the exception to read as follows:

EXCEPTION: For group R occupancies other than single family dwellings.

Section 907.8.5.1 of Chapter 9 is hereby amended by adding Section 907.8.5.1 to read as follows:

Section 907.8.5.1 Smoke Alarm Documentation. The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually provide the Fire Code Official with written documentation that the smoke alarms installed pursuant to the most recently enacted version of the California Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately.

Section 916 of Chapter 9 is added to read as follows:

916 GAS SHUT-OFF DEVICES

916.1 General.

916.1.1 Definition. For the purposes of this section certain terms shall be defined as follows:

"Downstream of gas utility meter" refers to all customer-owned gas piping, or in liquid petroleum gas installations said term shall refer to the gas piping on the structure side of the gas regulator.

"Excess flow gas shut-off device" means those valves or devices that are not actuated by motion but are activated by significant gas leaks or over-pressure surges, which can occur when pipes rupture inside the structure. The design of the device provides a proven method to automatically provide for expedient and safe gas shut-off in an emergency. The design of the device shall provide a capability for ease of consumer or owner resetting in a safe manner.

"Seismic gas shut-off device" means a system consisting of a seismic sensing device and actuating device designed to actuate automatically a companion gas shut off means installed in a gas piping system in order to shut off the gas downstream of the location of the gas shut-off device in the event of a severe seismic disturbance. The system may consist of separable components or may incorporate all functions in a single body.

"Upstream of gas utility meter" refers to all gas piping installed by the utility up to and including the meter and the utility's bypass tee at the connection to the customer-owned piping.

"Gas shut-off device" as used in this section, refers to either a seismic gas shut-off device or excess flow gas shut-off device.

"Substantial Remodel" shall mean the renovation of any structure that, combined with any additions to the structure, affects a floor area that exceeds fifty percent of the existing floor area of the structure. When any structural changes are made in the building, such as

walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

916.2 General.

916.2.1 Devices: When Required.

Approved gas shut-off devices shall be installed:

1. In every newly constructed building and facility.
2. In newly created second units.
3. In all buildings that have more than fifty percent (50%) floor area added or any "substantial remodel," as defined in this ordinance, within any twenty-four (24) month period.
4. In all buildings, except R-3 occupancies, in excess of 3,000 sq. ft., that have more than ten percent (10%) floor area added within any twenty-four (24) month period.
5. Whenever any new gas piping is installed.

Exceptions:

- A. Gas shut-off devices installed on a building prior to the effective date of this ordinance are exempt from the requirements of this section, provided they remain installed on the building or structure and are maintained for the life of the building or structure.
- B. Gas shut-off devices installed on a gas distribution system owned or operated by a public utility shall not be subject to the requirements of this chapter (Health & Safety Code Section 19201(b)).

916.2.1 Devices: Location Required.

1. Seismic gas shut-off devices shall be installed downstream of the gas utility meter on each fuel gas line where the gas line serves a building; and/or
2. Excess flow gas shut-off devices shall be installed downstream of the gas utility meter on each fuel gas line where the gas line serves a building and at each gas appliance within a building.

916.3 General Requirements.

Gas shut-off devices installed either in compliance with this ordinance or voluntarily, with a permit issued on or after the effective date of this ordinance, shall comply with all of the following requirements:

1. Be installed in accordance with the manufacturer's instructions
2. In the case of seismic gas shut-off devices (motion sensitive) only, such devices must be mounted rigidly to the exterior of the building or structure containing the fuel gas piping. This requirement need not apply if the device (motion sensitive) has been tested and listed for an alternate method of installation
3. Seismic gas shut-off devices shall be certified by the State Architect and be listed by an approved listing and testing agency such as IAS, IAPMO, UL, or the Office of the State Architect
4. Have a thirty (30) year warranty that warrants that the valve or device is free from defects and will continue to properly operate for thirty (30) years from the date of installation
5. Where gas shut-off devices are installed voluntarily, or as required by this section, they shall be maintained for the life of the building or structure or be replaced with a valve or device complying with the requirements of this section.

916.4 List of Approved Valves and Devices.

The Town's Fire Department shall maintain a list of all gas shut-off devices that meet or exceed the requirements of devices certified by the Office of the State Architect for installation in the State of California and that comply with the standards and criteria set forth in Health and Safety Code Section 19180 et seq., including quality and design regulation for earthquake actuated automatic gas shut-off systems (See 24 Cal. Code Regs. Ch. 12-16-1).

Section 1103.1 is hereby amended to read as follows:

Section 1103.1 **Required Construction.** Existing buildings shall comply with not less than the minimum provisions specified in Table 1103.1 and as further enumerated in Sections 1103.2, 1103.6, 1103.7, 1103.8 through 1103.8.5.3, 1103.9, and 1103.10.

The provisions of this chapter shall not be constructed to allow the elimination of fire protection systems or a reduction in the level of fire safety provided in buildings constructed in accordance with previously adopted codes.

Exceptions:

1. Where a change in fire-resistance rating has been approved in accordance with Section 803.6 of the *California Existing Building Code*.
2. Group U occupancies.

Sections 1103.2 Item #1 is deleted.

Sections 1103.3 through 1103.5.4 are deleted.

Sections 1104 and 1105 are deleted.

Section 3101.1 is hereby amended to read as follows:

Section 3101.1 Scope. Tents, umbrella structures, temporary stage canopies and membrane structures shall comply with this chapter. The provisions of Section 3103 are applicable only to temporary tents, umbrella structures, and membrane structures. The provisions of Section 3104 are applicable to temporary and permanent tents, umbrella structures, and membrane structures. Other temporary structures shall comply with the most recently enacted version of the California Building Code.

These building standards govern the use of tents, umbrella structures, awnings or other fabric enclosures, including membrane (air-supported and air-inflated) structures and places of assemblage, in or under which 10 or more persons may gather for any lawful purpose.

Exceptions:

1. Tents, umbrella structures, awnings or other fabric enclosures used to cover or enclose private swimming pools and similar facilities on the premises of private one- and two-family dwellings.
2. Tents used to conduct committal services on the grounds of a cemetery.
3. Tents, umbrella structures, awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.
4. Tensioned membrane roof materials supported by ridged frames or installed on a mast and cable system provided such structures conform to the requirements of one of the types of construction as described in these regulations.
5. Fabric structures which are part of mobile homes, recreational vehicles, or commercial coaches governed by the provisions of Division 13, Part 2, Health and Safety Code (Department of Housing and Community Development).

Section 4906.2 item 2 of Chapter 49 is amended to read as follows:

2. Land designated as a Wildland-Urban Interface Area by the local enforcing agency to be at a significant risk from wildfires and lands designated as Very-High Fire Hazard Severity Zones by cities and other local agencies.

Section 4907.1 of Chapter 49 is amended to read as follows:

Section 4907.1 **General.** Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code Section 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14 Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Wildland-Urban Interface Area as designated by the local enforcing agency to be at a significant risk from wildfires and Very-High Fire Hazard Severity Zones of a local responsibility area (LRA) shall maintain defensible space as outlined in Government Code 51175-51189, and any local ordinance or standard published by the Fire Code Official.

Section 4907.2 is hereby added to Chapter 49 and shall read as follows:

Section 4907.2 **Fire Hazard Reduction.** Any person who owns, leases, controls or maintains any building or structure, and/or lands within specific Wildland Urban Interface areas of the jurisdiction, shall comply with the following: Cut and remove all pyrophytic combustible vegetation within 30 feet of structures, up to 150 feet when topographic or combustible vegetative types necessitate removal as determined by the Fire Code Official. Remove piles of accumulated dead vegetation on the property. Cut and remove tree limbs that overhang wood decks and roofs. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe. Clean any leaves and needles from roof and gutters. Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height. (Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2015 International Wildland-Urban Interface Code, as amended by the Town of Corte Madera.

EXCEPTION 1: When approved by the Fire Code Official, single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

EXCEPTION 2: When approved by the Fire Code Official, grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize soil, and prevent erosion.

Section 5601.1.3 is amended to read as follows:

Section 5601.1.3 **Fireworks**

Exception: 1, 2, and 4 are hereby deleted.

California Fire Code, Appendix B Table B105.1(1) is amended to read as follows:

**TABLE B105.1(1)
REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3
AND R-4 BUILDINGS AND TOWNHOUSES**

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
0-3,600	No automatic sprinkler system	1,500	2
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at The required fire-flow rate
0-3,600	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	1,500	2
3,601 and greater	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	½ value in Table B105.1(2) ^a	Duration in Table B105.1(2) at The required fire-flow rate

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

California Fire Code, Appendix B Table B105.2 is amended to read as follows:

**TABLE B105.2
REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND
TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND
TOWNHOUSES**

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

Section A104.7.2 of Appendix A of the International Wildland-Urban Interface Code is amended to read as follows:

Section A104.7.2 **Permits.** The Fire Code Official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the Fire Code Official.

Section A104.11 is hereby added to Appendix A of the International Wildland-Urban Interface Code and shall read as follows:

Section A104.11 – **Tracer Bullets, Tracer Charges, Rockets and Model Aircraft.** Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across hazardous fire areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause a fire shall not be fired or projected into or across hazardous fire areas.

~~Section A104.12 is hereby added to Appendix A of the International Wildland Urban Interface Code and shall read as follows:~~

~~Section A104.12 **Explosives and Blasting.** Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within hazardous fire areas except by permit from the Fire Code Official.~~

Section A104.12 is hereby added to Appendix A of the International Wildland-Urban Interface Code and shall read as follows:

Section 104.12 **APAIRIES.** Lighted or smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit from the Fire Code Official.

The following table provides code sections that have been modified pursuant to this Ordinance, due to local climatic, geological and topographical reasons.

CA Fire Code Section Number Local followed by corresponding climatic, geological and topographical condition findings as set forth above:

202(s)	1e, 2a, 2b, 2d, 2e, 2f
302.1	2b, 2d, 2e, 2g
320.1	2b, 2d, 2e, 2g
320.2	2b, 2d, 2e, 2g
320.3	2b, 2d, 2e, 2g
320.4	2b, 2d, 2e, 2g
901.7	1a, 1b, 1e, 2a, 2b, 2d, 2e, 2g
903.2	1a, 1b, 1e, 2a, 2b, 2d, 2e, 2g

903.3 1a, 1b, 1e, 2a, 2b, 2d, 2e, 2g
907.2.11 1a, 1b, 1e, 2a, 2b, 2d, 2e, 2g

15.02.120 FINDINGS

To the extent that any of the provisions of this Ordinance constitute changes or modifications in the requirements contained in Health and Safety Code Section 17922, the Corte Madera Town Council does hereby find that such changes and modifications are reasonably necessary because of local conditions prevailing within the Town of Corte Madera. A description of said local conditions is hereinafter set forth.

CLIMATIC. The weather patterns within the Town of Corte Madera are considered to be moderately affected by the Pacific Ocean and the San Francisco Bay, which extends the year-round growing season of vegetation. The normal year's rainfall is approximately 28 inches, while the summer condition, with its prevalent Pacific high cell, creates the morning and late afternoon fog normally associated with the San Francisco Bay.

While normal temperatures usually do not exceed 75-80 degrees during the summer months, little or no rain falls during the period between April and November. This combination often creates hazardous fuel conditions in the town. Drying winds in the summer and fall months reduce fuel moisture and relative humidity to the minimum levels, thereby creating ideal fire weather conditions. The normal afternoon winds that precede the fog can move a fire quickly in the hillside and open space areas of the town.

Because of climatic conditions, the County of Marin has experienced water rationing in recent years, including a mandatory 35 percent reduction in 1989. Water shortages can be expected in future years due to limited storage capacities in Marin, increased domestic consumption and weather patterns that reduce the already minimal annual rainfall. While sound management of the water resources is possible, actual demands on an already stressed water supply can most assuredly be predicted.

GEOLOGIC. The Town of Corte Madera is geologically mixed with three classifications of rock: igneous, metamorphic and sedimentary. The outstanding material is volcanic in origin with ridges of serpentine reaching in excess of 700 feet in elevation.

Much of the town is characterized by precipitous hilly areas where escape opportunities from residential structures are limited to one side of the home only. The steepness and uneven nature of the land often hinders, and sometimes prevents, the erecting of rescue ladders at the side of a home on a hillside parcel.

Seismic activity within the town occurs yearly with little or no damage, although a real potential does exist with the town situated between two active faults: the San Andreas and Hayward faults.

Landslides have also been experienced in the town in recent years. While stabilization of hillsides can sometimes be achieved, heavy rainfalls have caused failures. These slides can close roadways, making accessibility to many locations in the town impossible until properly cleared.

TOPOGRAPHIC. The town is accessible from the outside by one primary thoroughfare on the east side and three on the west side. Speed limits of 25 miles per hour, by virtue of the narrow and twisting configuration of the roads, do not allow quick responses to emergencies. The Highway 101 corridor goes directly through the town and an overpass that may or may not withstand an earthquake presents another problem.

Vehicular access within the town is affected by steep, hilly terrain and many secondary ridgelines. Many streets are narrow and winding, restricting the speed at which fire apparatus may safely respond and also increasing the time lapse between fire detection and apparatus arrival, during which time a family will face the fire or other emergency on their own. The town has many dead-end streets, and on Christmas Tree Hill, there is one main access route in or out of the area. Dead-end streets can restrict the ease of relocating fire and rescue equipment from one location to another, even though actual separating distance between two areas may be minimal. In addition to restricting access routes for fire apparatus, the dead-end streets also limit egress opportunities for residents.

Many of the commercial buildings in Corte Madera were largely built long before present code requirements existed. Consequently, many of these structures do not meet even minimal standards for fire protection and life safety. Wood frame construction of older buildings, especially those in mountainous areas, creates an adverse exposure problem, not only in being easily ignited by an adjacent structure fire, but also in contributing to the extension of fire to other buildings through radiation, actual physical heat conduction and flying embers. Fire history in the town has shown flying embers will start secondary fires after blowing in the air.

Throughout the town, there are areas in which there are no water mains constructed at all. Meadow Valley has no water main supply, other than domestic, and there is minimal water supply along Casa Buena Drive, fronting the auto dealerships and the other major commercial establishments.

The buildings on Christmas Tree Hill, many of which were constructed 50 or more years ago, are serviced by minimal water main sizes. The lack of adequate water supply in this area, along with winding streets, creates a unique fire problem. The generalized water shortage in Marin County results in occasional inadequate water volume and pressure for firefighting purposes in certain areas of the town.

15.02.130 APPEALS

Whenever the Fire Code Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Code Official to the Town Council in writing, within 30 days from the date of the decision appealed. The Town Council shall render decisions and findings in writing to the Fire Code Official, with a duplicate copy to the appellant.

15.02.140 PENALTIES

(a) Any person who violates any of the provisions of the California Fire Code, as adopted and amended herein, or any other section, subsection, or provision of this chapter, or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Fire Code Official, or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$1,000.00 or by imprisonment for not more than 180 days or by both such fine and imprisonment. The prosecuting authority may, however, in its discretion charge or reduce any violation to an infraction punishable as stated by Government Code Section 36900(c). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

15.02.150 FORMER ORDINANCES

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the Code hereby adopted are hereby repealed.

15.02.160 VALIDITY

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT The Town Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Title 14, Chapter 3 California Code of Regulations, Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The ordinance adopts standard codes in effect pursuant to state law and sets requirements for compliance. The adoption of this ordinance does not entitle new development or any changes to

the physical environment.

SECTION 3. 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 this ordinance.

The Town Council of the Town of Corte Madera 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 4. 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.

SECTION 5. Effective Date. This ordinance shall become effective 30 days after the date of adoption or on January 1, 2017, whichever is later.

This ordinance was introduced on the 1st day of November, 2016; and adopted on the 15th day of November, 2016, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

This material has been reviewed
by the Town Manager



CORTE MADERA TOWN COUNCIL

STAFF REPORT

REPORT DATE: NOVEMBER 9, 2016

MEETING DATE: NOVEMBER 15, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS

FROM: DOUG BUSH, ASSISTANT PLANNER

REVIEWED BY: ADAM WOLFF, DIRECTOR OF PLANNING AND BUILDING

SUBJECT: PUBLIC HEARING TO CONSIDER INTRODUCTION OF ZONING ORDINANCE AMENDMENTS TO CHAPTERS 18.31, 18.04, 18.08, and 18.20 RELATED TO ACCESSORY DWELLING UNITS (PREVIOUSLY CALLED "SECOND UNITS") TO INCORPORATE PROVISIONS OF NEW STATE LAW AND MAKE UPDATES CONSISTENT WITH CURRENT TOWN POLICIES; AND MAKING DETERMINATION THAT THE PROPOSED ORDINANCE AMENDMENTS ARE WITHIN THE SCOPE OF THE PROGRAM EIR FOR THE 2009 GENERAL PLAN AND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTIONS 15168 AND 15162.

APPLICANT: TOWN OF CORTE MADERA PLANNING DEPARTMENT

PURPOSE

The Town Council of the Town of Corte Madera is conducting a public hearing as required by the Corte Madera Municipal Code (CMMC) and California Government Code to receive public comments, and evaluate an application regarding Zoning Ordinance amendments of 18.04 (Definitions), 18.08 (R Residential Districts), 18.20 (Off-Street Parking and Loading) and 18.31 (Second Units).

STAFF RECOMMENDATION

Staff recommends that the Town Council, after review of all information, presentations, and public comment, and after obtaining responses to any questions, introduce Ordinance No. 961, amending Corte Madera Municipal Code Title 18, Chapter 18.04 (Definitions), 18.08 (R Residential Districts), 18.20 (Off-Street Parking and Loading) and 18.31 (Second Units).

These amendments further the implementation of the Corte Madera 2015-2023 Housing Element while maintaining compliance with recent state legislation regarding accessory dwelling units.

TOWN MANAGER’S RECOMMENDATION:

Town Manager supports staff recommendations.

CEQA STATUS

The Planning Department has determined that the proposed amendments are within the scope of the Program EIR for the 2009 General Plan and recommends that no further environmental review is required for adoption of the zoning ordinance amendments pursuant to the CEQA Guidelines sections 15168 and 15162. Policies related to the continued implementation and facilitation of accessory dwelling units were included in the 2009 General Plan, and 2011 and 2015 Housing Elements and requisite environmental review was conducted in the adoption of those plans.

FISCAL IMPACT:

The adoption of the proposed Zoning Ordinance amendments will not have an impact on the Town’s General Fund.

BACKGROUND

Prior to 2003, second unit applications were subject to a conditional use process in the Town of Corte Madera. In 2003, amendments to the California Government Code made it a requirement that local governments with second-unit ordinances consider second unit applications ministerially. In 2003, the Corte Madera Town Council adopted amendments to the second unit ordinance to comply with state law, establishing a ministerial application process for second units and allowing them as a permitted use in all residential zones.

On September 27, 2016, the State amended the current law regarding accessory dwelling units (“ADU”). The purpose of the proposed amendments to the existing zoning ordinances is to maintain compliance with State law and also revisit other aspects of the ordinance. Senate Bill (SB) 1069 and Assembly Bill (AB) 2299, modify California Government Code Section 65852.2 (and other related code sections), resulting in changes to the State’s regulations on ADU. Changes to the California Government Code require that the Town update Corte Madera Municipal Code (CMMC) Chapter 18.31 for ADU prior to January 1, 2017 or alternatively, State law will apply where the Town code is inconsistent with the new law.

In addition to the amendments required under the new State law for ADU, Ordinance amendments have also been proposed by Staff to further the goals and policies of the 2015-2023 Housing Element and to update the existing ordinance to better align with provisions of new State law and other sections of the Town's municipal code. These are generally described under "Other Changes" on page 5.

Accessory dwelling units, previously referred to as "second units" in state and local language, are also commonly known as granny units, in-law suites, or carriage houses. Such units are defined generally as independent, self-contained dwelling units which may be attached or detached from a primary unit and may be constructed in all residential zones, subject to applicable state and local regulation. ADU are strongly encouraged and facilitated by the state and explicitly supported by the Town through various policies.

The Town's General Plan, Zoning Ordinance, and Housing Element encourage a mix of housing types, densities, affordability levels and designs including the development of Accessory Dwelling Units (ADU). Specific policies and implementation programs of the 2015-2023 Housing Element include,

- 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-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...
- Policy H-2.15 Second dwelling units. Encourage well designed, legal second units in all residential neighbors.
- Implementation Program H-2.15.a Second Unit Ordinance. Continue to implement the second unit ordinance.

Changes to the State law include the following:

- "Second Units" are now referred to only as "Accessory Dwelling Units."
- Local agencies are now prohibited from imposing parking standards on units that are:
 - Located within one-half mile of public transit (Attachment 2);
 - Located within an architecturally and historically significant district;
 - Part of an existing primary residence (no expansion of exterior walls);
 - Where parking permits are required but are not offered to the ADU occupant; and
 - Within one block of a car sharing vehicle.
- Accessory dwelling units of any kind are not required to provide fire sprinklers if they are not required for the primary residence.

- Reduced utilities fees and requirements
 - Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
 - No requirement to install new or separate utility connections in the ADUs.

- To review the existing state law related to ADU, as amended, see Attachment 3.

Some of the most substantive changes to the State’s Code have implications for building, fire and utilities that are not necessarily reflected in the proposed zoning amendments, but will be addressed by the applicable Town Departments as appropriate. Some of these changes are summarized below:

1. ADU shall not be required to provide fire sprinklers if they are not required for the primary residence.
2. ADU shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
3. For ADU created within an existing structure, a local agency shall not require the applicant to install a new or separate utility connection directly between the ADU and the utility or impose a related connection fee or capacity charge.
4. For ADU created through the addition of new floor area, a local agency may require a new or separate utility connection directly between the ADU and the utility.

The Planning Commission met on October 13, 2016 and October 25, 2016 to discuss changes to State law and potential policy updates to respond to these changes. The first meeting, held as a public hearing, provided an opportunity for a dialogue between Staff, Planning Commission and members of the general public. A number of questions were raised by commissioners and members of the public, relating to the State’s amended code sections. Staff returned on October 25, 2016 with clarification and a proposed zoning ordinance amendment in response to earlier feedback.

The Commission approved Resolution 16-030 (Attachment 4) by a vote of 4-0, recommending that the Town Council adopt proposed zoning ordinance amendments to Title 18, CMMC.

DISCUSSION AND ANALYSIS

The proposed ordinance amends four chapters of Title 18. The most substantive amendments occur in Chapter 18.31, while amendments to Chapter 18.04, 18.08 and 18.20 are necessary only to ensure consistency throughout the code.

Some amendments to 18.31 are required pursuant to recently adopted State law, such as the incorporation of new parking standards, while others, such as the addition of landscaping criteria to existing regulations, are not necessarily prescribed. Staff has highlighted proposed changes below.

REQUIRED CHANGES

Parking

- 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.

- Parking is not required for an accessory dwelling unit in any of the following instances:
 - The accessory dwelling unit is located within one-half mile of public transit. (See Attachment 2)
 - The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - When there is a car share vehicle located within one block of the accessory dwelling unit.

Rental and Sale

- The accessory dwelling unit is not intended for sale separate from the primary residence and may be rented

Chapter 18.20 Parking

- Now updated to maintain consistency with updates to 18.31

Chapter 18.04 Definitions

- Definitions updated to reflect changes to Chapter 18.31

Chapter 18.08 R Residential Districts

- “Second Unit” changed to “Accessory Dwelling Unit” in Permitted and Conditional Use Table.

OTHER CHANGES

Permitted Zones

- Added R-3 to permitted zones

Regulations

- 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.

Size of Unit

- Maximum changed from 750 to 1200 square feet¹
- Minimum changed from 350 to 220 square feet

Elevation

- Language updated to reflect existing base floodplain numbers to ensure compliance with existing Town policies regarding new construction in the floodplain

Rental

- The unit may not be rented for less than 30 days

Appeals

- Now an “administrative review” process that maintains ministerial review while providing option for review of the Planning Director’s decision.

NEW STAFF RECOMMENDED CHANGES

The Planning Commission approved Resolution 16-030 recommending that the Town Council adopt amendments to the zoning ordinance Title 18 CMMC, Chapter 18.04, 18.20 and 18.31. Following the planning commission’s decision, staff recognized that Chapter 18.08 (R Residential Districts) requires modification to ensure consistency throughout the code. Where Section 18.08.020 (11) currently refers to “second units,” that language has been changed to read “accessory dwelling unit.” This change is reflected in Section 6 of Ordinance No. 961 (Attachment 1).

CONCLUSION

The 2015-2023 Corte Madera Housing Element directs the Town to “assist in developing housing opportunities for all types and sizes of households and for all economic segments of the community” (Goal H-1). The Housing Element seeks to achieve this, in part, by encouraging “well-designed, legal second units in all residential neighborhoods” (Policy H-2.15). The State of California also explicitly encourages the expansion of housing opportunity and availability through the development of accessory dwellings. Most recently, this has been expressed through the passage of AB 2299 and SB 1069 which amend state government code relating to accessory dwelling units.

The proposed Zoning Ordinance amendments are proposed in response to the Council’s request to review the Town’s second unit ordinance and continue implementation of the Housing Element. Staff believes that the proposed ordinance amendments appropriately respond to the direction of the Housing Element while maintaining compliance with State Law. On October 25, 2016, the Planning Commission

¹ It is uncertain at this time whether State law allows a local agency to establish a maximum unit size less than the state’s established maximum of 1,200 square feet

unanimously approved Resolution 16-030 (Attachment 4), recommending that the Town Council introduce the draft zoning ordinance amendments. Staff recommends that the Town Council follow this recommendation and introduce the attached draft ordinance as proposed.

OPTIONS

The Council has the following options:

1. Introduce the attached draft ordinance (Staff Recommendation)
2. Introduce the draft ordinance with specific modifications
3. Remand the matter back to the Planning Commission for further discussion
4. Direct staff to evaluate particular issues and postpone action to a date certain

ATTACHMENTS:

1. Ordinance No. 961
2. Map of Parcels Within ½ Mile of Transit
3. California Government Code 65852.2 ADU
4. Planning Commission Resolution 16-030

Attachment 1
Ordinance No. 961

ORDINANCE NO. 961

**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: (1) CHAPTER 18.31 – SECOND UNITS (2) 18.04 –
DEFINITIONS (3) 18.20 – OFF-STREET PARKING AND LOADING (4) 18.108 R
RESIDENTIAL DISTRICTS**

WHEREAS, homeowners who create accessory dwelling units benefit from added income, and an increased sense of security; and

WHEREAS, allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock; and

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 offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character; 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 multifamily residential zones and that ordinance 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, 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, in 2016, the Legislature passed new laws including AB 2299 and SB 1069 intended to increase the number of accessory dwelling units by simplifying the approval process and reducing costs associated with their creation, creates new standards and regulations modifying the Town's ability to regulate Accessory Dwelling Units; and

WHEREAS, the Town adopted the Christmas Tree 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 additional dwelling units; and

WHEREAS, in acknowledgement of these unique conditions, CMMC Section 18.18.400 limits the number of additional dwelling units within Christmas Tree Hill to avoid jeopardizing the health and safety of persons residing in the area related to traffic flow, fire hazards and emergency evacuation, and infrastructure capacity; and

WHEREAS, the proposed Zoning Code amendments comply with the legislative amendments made in 2016, to State Law Section 65852.2 which establishes 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; and

WHEREAS, the amendments are within the scope of the Program EIR for the 2009 General Plan and no further environmental review is required for adoption of the zoning ordinance amendments pursuant to the California Environmental Quality Act (CEQA) Guidelines sections 15168 and 15162.; 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, on October 13, 2016, the Planning Commission held a public hearing, received the staff report and a reviewed a presentation from the Planning Department, and received comments from the public and interested parties and continued the matter for further consideration to October 25, 2016; and

WHEREAS, on October 14, 2016, 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 25, 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. 16-30, the Planning Commission did consider and recommend, by a vote of 4-0 (with one absent) that the Town Council adopt amendments to the Town of Corte Madera Zoning Ordinance; and

WHEREAS, November 2, 2016, 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 Planning and Building Weekly Newsletter newflash items, was posted at the Town's fire stations, Town Hall, library and post office, and was posted to the Town's website; and

WHEREAS, November 4, 2016, notice of the Town Council public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090, and

WHEREAS, on November 15, 2016, 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 same 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 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 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 Zoning Ordinance Amendments are not subject to CEQA. The amendments are within the scope of the Program EIR for the 2009 General Plan and the Planning Department recommends that no further environmental review is required for adoption of the zoning ordinance amendments pursuant to the California Environmental Quality Act (CEQA) Guidelines sections 15168 and 15162.

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, 18.08, 18.20 and 18.31, are in the best interest of the

Town because they further established goals, policies and implementation programs of the General Plan to promote housing opportunities, maintain a diverse range of housing options, providing infill housing that is potentially affordable, encouraging 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” 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.

18.04.210 - Dwelling unit.

"Dwelling unit" means a building or portion of a building containing one or more rooms,

a separate ~~bathroom, and a kitchen,~~ access to a bathroom, and designed for occupancy by one family for living and/or sleeping purposes, including nonpaying guests and servants employed on the premises.

18.04.215 - Dwelling unit, additional.
 "Additional dwelling unit" means a detached building, accessory structure or a portion of the primary dwelling unit which has sleeping, ~~and cooking and sanitation~~ facilities separate from the primary dwelling unit and access to sanitation facilities. May also be referred to as "second unit," "mother-in-law" or "granny" unit.

Section 6. Amendment To The Corte Madera Municipal Code. Subsection 18.08.020 is amended, as shown in strike-out (deleted) and underline (added) text, as follows:

18.08.020 - Permitted and conditional uses in residential districts.

Permitted Uses	Multiple Dwelling R-3 and R-2	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
(11) One second unit accessory dwelling unit <u>accessory dwelling unit</u> which conforms with the size and standards of Chapter 18.31 of this title	X	X	X	X	X

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
<u>Accessory Dwelling Unit</u> Second unit	<ul style="list-style-type: none"> - <u>One parking space shall be required for each bedroom of the proposed accessory dwelling unit in addition to those required for the primary unit.</u> - <u>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.</u> - <u>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.</u> - <u>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.</u> - <u>Onsite parking is not required for an accessory dwelling unit in any of the following instances:</u> <ul style="list-style-type: none"> (1) <u>The accessory dwelling unit is located within one-half mile of public</u>

	<p><u>transit.</u></p> <p><u>(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.</u></p> <p><u>(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.</u></p> <p><u>(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.</u></p> <p><u>(5) When there is a car share vehicle located within one block of the accessory dwelling unit.</u></p> <p>The following additional parking must be provided for all second units: one parking space per bedroom</p>
	<p>On any site, parking spaces provided for a second unit may be uncovered. If a second unit requires two additional on-site parking spaces, they may be uncovered and in tandem with each other, provided that neither parking space intrudes into the public right-of-way. Parking for a second unit shall not be in tandem with parking for the primary unit on the site. If the slope of the site is ten percent or less within the front yard setback, one parking space for a second unit may be located within the front setback between an existing driveway and the closest side property line, if acceptable to the town engineer</p>

Section 8. Amendment To The Corte Madera Municipal Code. Subsection 18.31 Is Amended, As Shown In Strike-Out (Deleted) And Underline (Added) Text, As Follows:

Chapter 18.31 - ~~SECOND~~ACCESSORY DWELLING UNITS

Sections:

18.31.010 - Purpose.

The purpose of this chapter is to comply with amendments made in ~~2002~~2016, to California Government Code Section 65852.2 which provides for local jurisdictions to set standards for the development of ~~second~~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. 886 § 6 (part), 2004)

18.31.020 - ~~Second~~Accessory dwelling unit permit required.

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

(Ord. 886 § 6 (part), 2004)

18.31.030 - Definition.

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

(A) An efficiency unit: "Cooking, 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" are defined, as any combination of specified by the following: sink, ordinance. In all other than 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 appurtenant to a bathroom, food storage and preparation areas, refrigerator, stove, microwave oven, convection oven, cooking burners or similar appliances which may reasonably 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 for the preparation of food 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. 886 § 6 (part), 2004)

18.31.040 - Allowed use.

Second 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. 886 § 6 (part), 2004)

18.31.050 - Second Accessory dwelling unit regulations.

~~Second~~Accessory dwelling units shall be subject to the following regulations:

- (1) No more than one ~~second~~accessory dwelling unit may be constructed on any site. ~~A second~~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 ~~second~~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 ~~second~~accessory dwelling unit shall contain a separate entrance, kitchen and bathroom; both the existing dwelling and the ~~second~~accessory dwelling unit shall comply at a minimum with all requirements of the current housing code; and the ~~second~~accessory dwelling unit shall comply with the building code in effect at the time it was constructed.
- (5) Location of ~~Second Unit.~~Accessory dwelling unit. The ~~second~~accessory dwelling unit may be within, attached to, or detached from the primary dwelling unit. If detached, the ~~second~~accessory dwelling unit shall be separated from the primary dwelling and any accessory structure(s) a minimum of three feet.
- (6) Architectural Compatibility. The ~~second~~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 ~~second~~accessory dwelling unit shall match the color of the main building on the site.
 - (D) Materials. The materials of the ~~second~~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 ~~second~~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 ~~second~~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 ~~second~~accessory dwelling units as contained in Chapter 18.20, Off-Street Parking and Loading.

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

- The required parking spaces for the ~~second~~accessory dwelling unit may be uncovered. If a ~~second~~an accessory dwelling unit requires two additional on-site parking spaces, they may be uncovered and in tandem with each other; ~~provided, that neither parking space intrudes into the public right of way.~~ Parking for a second.

- 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 a ~~second~~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. ~~The zoning administrator may reduce the parking requirement for a second unit by one parking space if the subject property is located within one quarter mile of a transit route.~~

~~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.~~

~~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 ~~second~~accessory dwelling units.
- (9) Size of Unit. The floor area of ~~second~~accessory dwelling units shall not be smaller than ~~three~~two hundred ~~fifty~~and twenty gross square feet, nor larger than ~~seventy~~twelve hundred ~~fifty~~ gross square feet.
- (10) Elevation. If the elevation of the existing main house on the site is below the Town's base flood elevation 9.7 NAVD, then the floor level of the ~~second~~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 ~~second~~accessory dwelling units to assist in emergency response. (Ord. 886 § 6 (part), 2004)
- (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.

(Ord. No. 910, § 37, 4-21-2009)

18.31.060 - Christmas Tree Hill overlay district.

The total number of ~~second~~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.

(Ord. 886 § 6 (part), 2004)

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 ~~second~~accessory dwelling unit at all times. Proof of recordation shall be submitted to the planning division prior to issuance of a building permit. ~~A second~~An accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

(Ord. 886 § 6 (part), 2004)

18.31.080 - Procedures.

An application for ~~a second~~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. 886 § 6 (part), 2004)

18.31.090 - Appeals Administrative Review.

The decision of the planning director granting or denying a second an accessory dwelling unit permit may be appealed 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 and then to the town council in accordance with the procedures contained in Chapter 18.34, Appeals. Proceedings was made, whichever is applicable. Any Administrative Review proceedings before the planning commission and/or the town council shall not be deemed public hearings. In considering second unit permit appeals, the The planning commission and the town council shall apply the criteria contained in Section 18.31.050 of this chapter and shall apply these criteria 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. 886 § 6 (part), 2004)

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 15th day of November, 2016, and adopted on the XXth day of XXXX, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

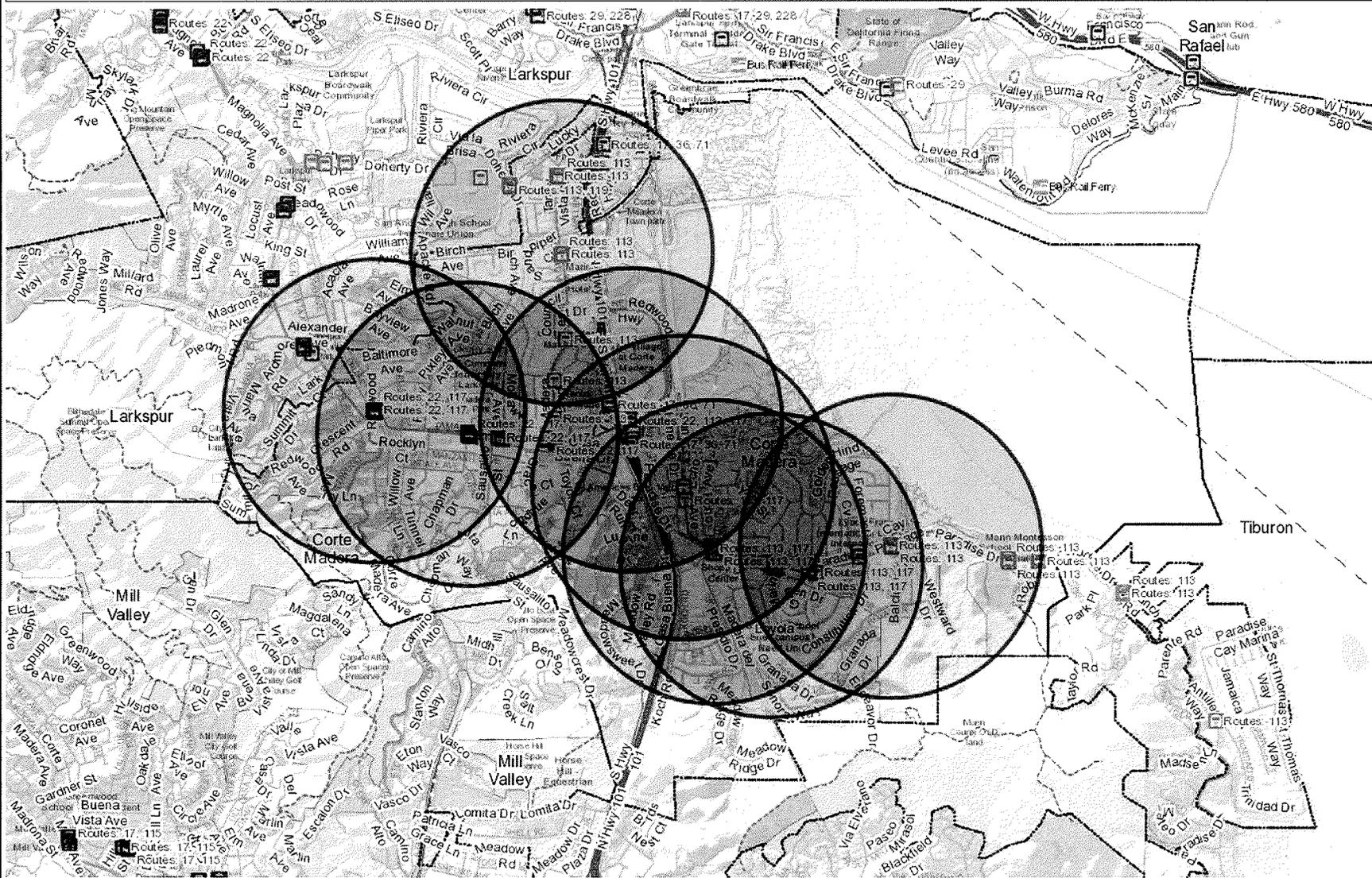
SLOAN C. BAILEY

ATTEST:

REBECCA VAUGHN
TOWN CLERK

Attachment 2
Public Transit Buffer Map

Circles Indicate Areas Within 1/2 Mile of Public Transit



- Legend**
- Transit Hub
 - Existing
 - Proposed
 - Golden Gate Ferry
 - Marin Transit Bus Stop
 - Marin Transit only
 - Marin Transit and Golden Gate
 - Golden Gate Bus Stop
 - City

1:20,000

3,333.3 0 1,666.67 3,333.3 Feet

NAD_1983_HARN_StatePlane_California_III_FIPS_0403_Feet
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes
Not all transit stops have a corresponding buffer in this rendering. This map is for general reference only.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Attachment 3

California Government Code Section 85852.2

Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) ~~Any~~ A local agency may, by ordinance, provide for the creation of ~~second-~~ accessory dwelling units in single-family and multifamily residential zones. The ordinance ~~may shall~~ do ~~any all~~ of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-~~ accessory dwelling units may be permitted. 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 ~~second-~~ accessory dwelling units on traffic ~~flow-~~ flow and public safety.

(B) (i) Impose standards on ~~second-~~ accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, *landscape*, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) *Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.*

(C) Provide that ~~second-~~ accessory dwelling units do not exceed the allowable density for the lot upon which the ~~second-~~ accessory dwelling unit is located, and that ~~second-~~ accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) *Require the accessory dwelling units to comply with all of the following:*

(i) *The unit is not intended for sale separate from the primary residence and may be rented.*

(ii) *The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.*

(iii) *The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.*

(iv) *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.*

(v) *The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.*

(vi) *No passageway shall be required in conjunction with the construction of an accessory dwelling unit.*

(vii) *No setback shall be required for an existing garage that is converted to a 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.*

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) 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 offstreet 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. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. ~~Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units.~~ *permits, within 120 days after receiving the application.* A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ~~second units.~~ *an accessory dwelling unit.*

~~(b) (4) (1) An~~ *(4) (1) An* ~~existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it~~ *or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units,*

~~unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following: that complies with this section.~~

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single family or multifamily use.~~

~~(C) The lot contains an existing single family dwelling.~~

~~(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

~~(I) Approval by the local health officer where a private sewage disposal system is being used, if required.~~

~~(2) (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.~~

~~(3) (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots- a proposed accessory dwelling unit on a lot zoned for residential use which contain that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant. owner-occupant or that the property be used for rentals of terms longer than 30 days.~~

~~(4) (7) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units- an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.~~

~~(5) (8) A second unit which conforms to the requirements of An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which that is consistent with the existing general~~

plan and zoning designations for the lot. The ~~second units~~ *accessory dwelling unit* shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(e) (b) No~~ *When a local agency shall adopt an ordinance which totally precludes second units within single family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single family and multifamily zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.*

~~(d) (c)~~ *A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second~~ *accessory dwelling* units. No minimum or maximum size for a ~~second~~ *an accessory dwelling* unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which ~~that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards. *Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.**

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards 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.

~~(e)~~ *Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to*

create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of ~~second~~ accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section ~~66000~~; 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second units~~; an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ~~ordinances~~ ordinance adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) “Living ~~area,~~” *area*” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) ~~“Second~~ “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. ~~A second~~ An accessory dwelling unit also includes the following:

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

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

(5) *“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.*

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second-~~ *accessory dwelling* units.

Attachment 4

Planning Commission Resolution 16-030

**CORTE MADERA PLANNING COMMISSION
RESOLUTION NO. 16-030**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CORTE
MADERA RECOMMENDING ADOPTION OF AMENDMENTS TO CHAPTER 18.31
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, 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 Town Council directed staff to proceed with the development of draft zoning ordinance amendments to facilitate the creation of junior accessory dwelling units for review and consideration by the Planning Commission; and

WHEREAS, in 2016, the Legislature passed new laws including AB 2299 and SB 1069 intended to increase the number of accessory dwelling units by simplifying the approval process and reducing costs associated with their creation, creates new standards and regulations modifying the Town's ability to regulate Accessory Dwelling Units; and

WHEREAS, in 2016 the Legislature passed a new law, AB 2406, intended to provide for the creation of junior accessory dwelling units and establishing standards for the creation of ordinances regulating such units; and

WHEREAS, the conversion of existing space within single-family homes will not impose any additional impacts on the community, as any impacts associated therewith were previously considered in conjunction with the approval of the residence itself; and

WHEREAS, the proposed Zoning Code amendments comply with the legislative amendments made in 2016, 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 affordable housing while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the project qualifies for statutory exemptions under Article 18, Guidelines Section 15061(b)(3), of the California Environmental Quality Act (CEQA) Guidelines; 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, on October 14, 2016, 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 13, 2016, the Planning Commission held a public hearing, received the staff report and a reviewed a presentation from the Planning Department, and received comments from the public and interested parties and continued the matter for further consideration to October 25, 2016; and

WHEREAS, on October 25, 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)

Based on the fact, analysis and findings contained in Planning Commission Resolution 16-030 the Zoning Ordinance amendment will not have a significant effect on the environment.

4. General Plan Consistency

The Planning Commission of the Town of Corte Madera does hereby find that the proposed Zoning Ordinance amendments to Chapter 18.04, 18.20 and 18.31 as shown in Exhibit A, is in the best interest of the Town because it furthers established goals, policies and implementation programs of the General Plan to promote housing opportunities, maintain a diverse range of housing options, providing infill housing that is potentially affordable, encouraging 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 providing for the creation of junior

accessory dwelling units while 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 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.b Junior Second Units. Review and adopt standards to allow the creation of junior second units. Standards to consider should include, but not be limited to, the following: conversion of existing bedroom required – no building expansion, maximum 500 square foot size, wet bar type kitchen only with limitations on size of sink, waste line and counter area, cooking facility limited by electrical service and prohibition of gas appliances, bathroom requirement, external access requirement, parking requirements, owner occupancy requirement. The Town will work with special districts to reduce or waive fees for junior second units.

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 3, attached in Exhibit A; as follows:

* * * * *

PASSED AND ADOPTED by the Corte Madera Planning Commission on October 25, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

Chair

Adam Wolff, Planning Director

EXHIBIT A

ZONING ORDINANCE AMENDMENT
CHAPTER 18.31 ACCESSORY DWELLING UNITS,
18.20 PARKING,
AND
18.04 DEFINITIONS
(See Attachments 3,7 and 8 respectively)

PROPOSED CHANGES TO
CORTE MADERA MUNICIPAL CODE (CMMC) SECTION 18.31

Chapter 18.31 - ~~SECOND UNIT~~ACCESSORY DWELLING UNITS

Sections:

18.31.010 - Purpose.

The purpose of this chapter is to comply with amendments made in ~~2002~~2016, to California Government Code Section 65852.2 which provides for local jurisdictions to set standards for the development of ~~second-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. 886 § 6 (part), 2004)

18.31.020 - ~~Second-unit~~Accessory dwelling unit permit required.

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

(Ord. 886 § 6 (part), 2004)

18.31.030 - Definition.

"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.

~~A second unit is a dwelling unit, attached or detached from the primary dwelling unit, and having sleeping, cooking and sanitation facilities separate from the primary unit. "Cooking facilities" are defined as any combination of the following: sink, other than that appurtenant to a bathroom, food storage and preparation areas, refrigerator, stove, microwave oven, convection oven, cooking burners or similar appliances which may reasonably be used for the preparation of food.~~

(Ord. 886 § 6 (part), 2004)

18.31.040 - Allowed use.

~~Second unit~~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. 886 § 6 (part), 2004)

18.31.050 - ~~Second unit~~Accessory dwelling unit regulations.

~~Second unit~~Accessory dwelling units shall be subject to the following regulations:

- (1) No more than one ~~second unit~~accessory dwelling unit may be constructed on any site. ~~An~~ second unitaccessory 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 ~~second unit~~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 ~~second unit~~accessory dwelling unit shall contain a separate entrance, kitchen and bathroom; both the existing dwelling and the ~~second unit~~accessory dwelling unit shall comply at a minimum with all requirements of the current housing code; and the ~~second unit~~accessory dwelling unit shall comply with the building code in effect at the time it was constructed.
- (5) Location of ~~Second Unit~~Accessory dwelling unit. The ~~second unit~~accessory dwelling unit may be within, attached to, or detached from the primary dwelling unit. If detached, the ~~second unit~~accessory dwelling unit shall be separated from the primary dwelling and any accessory structure(s) a minimum of three feet.

- (6) Architectural Compatibility. The ~~second unit~~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 ~~second unit~~accessory dwelling unit shall match the color of the main building on the site.
 - (D) Materials. The materials of the ~~second unit~~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 ~~second unit~~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 ~~second unit~~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, 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.
 - 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.
- ~~(7) Parking. Parking on the site shall conform to the requirements for second units as contained in Chapter 18.20, Off-Street Parking and Loading. One additional parking space shall be required for each bedroom of the proposed second unit. The required parking spaces for the second unit may be uncovered. If a second unit requires two additional on-site parking spaces, they may be uncovered and in tandem with each other, provided, that neither parking space intrudes into the public right-of-way. Parking for a second 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 a second 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. The zoning administrator may reduce the parking requirement for a second unit by one parking space if the subject property is located within one-quarter mile of a transit route.~~
- (8) Permanent Foundation. A permanent foundation shall be required for all ~~second unit~~accessory dwelling units.
- (9) Size of Unit. The floor area of ~~second unit~~accessory dwelling units shall not be smaller than ~~three hundred fiftytwo~~ two hundred and twenty gross square feet, nor larger than ~~seven hundred fiftytwo~~ twelve hundred gross square feet.
- (10) Elevation. If the elevation of the existing main house on the site is below elevation ~~9.7 NAVD,~~the Town's base flood elevation then the floor level of the ~~second unit~~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 ~~second unit~~accessory dwelling units to assist in emergency response. (Ord. 886 § 6 (part), 2004)
- (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.

(Ord. No. 910, § 37, 4-21-2009)

18.31.060 - Christmas Tree Hill overlay district.

The total number of ~~second unit~~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.

(Ord. 886 § 6 (part), 2004)

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 ~~second unit~~accessory dwelling unit at all times. Proof of recordation shall be submitted to the planning division

prior to issuance of a building permit. ~~An second unit~~accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

(Ord. 886 § 6 (part), 2004)

18.31.080 - Procedures.

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

(Ord. 886 § 6 (part), 2004)

18.31.090 - ~~Appeals~~Administrative Review.

The decision of the planning director granting or denying ~~an second unit~~accessory dwelling unit permit ~~is a ministerial decision as required by State law. Ministerial approvals are not subject to review at a public hearing. may be appealed to the planning commission and then to the town council in accordance with the procedures contained in Chapter 18.34, Appeals. Proceedings before the planning commission and the town council shall not be deemed public hearings. In considering second unit~~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 and 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 approval of an accessory dwelling unit. appeals, the planning commission and the town council shall apply the criteria contained in Section 18.31.050 of this chapter and shall apply those criteria in an objective and ministerial manner.

(Ord. 886 § 6 (part), 2004)

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.

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.

18.31.130 - Definition

“Junior accessory dwelling unit” means a housing unit that is no more than 500 square feet and no less than 150 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.

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.

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. Require owner-occupancy 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 and a minimum floor area of 220 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. The total number of junior accessory dwelling units in the Christmas Tree Hill overlay district shall not exceed the total number of additional units permitted by Sections 18.18.405(K) and 18.18.410 of this title.

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 public notice shall be given in the manner prescribed in Chapter 18.36, Administration, at least ten days prior to a decision.

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 approval of a junior accessory dwelling unit.

Chapter 18.20 - OFF-STREET PARKING AND LOADING

18.20.010 - Purposes.

Requirements and standards for off-street parking facilities and off-street loading facilities are established by this chapter to achieve the following purposes:

- (1) To alleviate or progressively prevent traffic congestion and shortage of curb spaces;
- (2) To ensure that off-street parking and loading facilities are provided incidental to new land uses and major alterations and enlargements of existing land uses in proportion to the need for such facilities created by the particular type of land use;
- (3) To ensure that off-street parking and loading areas are designed in a manner that will ensure maximum efficiency, protect the public safety, and where appropriate, insulate surrounding land uses from their impact.

(Ord. 785 § 3(b) (part), 1994)

18.20.020 - Basic requirements for off-street parking and loading.

The following requirements shall apply:

- (1) At the time of initial occupancy of a site or construction of a structure, off-street parking facilities and off-street loading facilities shall be provided in accord with this chapter, except as prescribed in overlay districts.
- (2) Except for residential property, no existing use of land or structures shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter; provided, that facilities being used for off-street parking and loading as of April 30, 1958, or as of the date of construction of the parking or loading facility, whichever is later, shall not be reduced in number to less than that required by this chapter.
- (3) The number of parking spaces or loading berths required for an enlargement of an existing use or structure, or for a change of use, shall be in addition to the number of spaces or berths existing before the enlargement or change of use unless the number of spaces on the site equals or exceeds the number required by this chapter for both the existing use and the change in use or enlargement. Requirements for additional parking shall be based on new additions to square footage only.
- (4) A parking lot may provide required parking for more than one use if the lot contains at least the sum of the required spaces for the individual uses. Where uses on the same site have different hours of operation, the same parking spaces may be considered to provide required parking for both uses.
- (5) This chapter's requirements for off-street loading facilities may be satisfied by a common truck loading facility; provided, that the total number of berths provided on the site shall not be less than the sum of the individual requirements, and; provided, that an executed copy of a contract between the parties agreeing to joint use of the common truck loading facility is filed with the planning director.
- (6) If, in calculating required parking spaces or loading berths, a fractional number is obtained, one parking space or loading berth shall be provided for a fraction of one-half or more, and no space or berth shall be required for a fraction of less than one-half.
- (7) Each off-street parking area having ten or more spaces shall have landscaped areas equivalent to at least ten percent of the area of the parking lot. Additional landscaping may also be required as is appropriate to the design and function of the parking area.

All landscaped areas shall be equipped with an automatic irrigation system. A landscape plan, showing the locations and varieties of plant materials and specifying provisions for maintenance, shall be submitted for design review approval as prescribed in Chapter 18.30, Design Review.

(Ord. 785 § 3(b) (part), 1994)

18.20.030 - Required number of parking spaces.

Subject to the provisions of Section 18.20.020, off-street parking spaces shall be provided at least in accord with the following schedule:

Use	Requirement
Single-family dwelling	Two spaces per dwelling unit containing less than 4,000 square feet of gross habitable area, one of which must be covered, and one additional covered space for dwelling units containing over 4,000 square feet of gross habitable area
Multiple dwelling	One and one-half spaces, one of which is located in a garage or carport, for each efficiency or one-bedroom unit
	Two spaces, one of which is located in a garage or carport for each two-bedroom unit
	One space per ten dwelling units, for the purpose of guest parking, for projects containing ten or more units - these spaces need not be located in a garage or carport
	Notwithstanding the above requirements, parking spaces for multiple dwellings in a non-residential district need not be located in a garage or carport, and at least 50 percent of the parking spaces shall be considered; within the meaning of Section 18.20.020(4), as having different hours of operation than non-residential uses
	Recreational vehicle storage as may be prescribed by the planning commission
<u>Junior Accessory Dwelling Unit</u>	<u>No additional parking required</u>
<u>Accessory Dwelling Unit Second unit</u>	<ul style="list-style-type: none"> - <u>One parking space shall be required for each bedroom of the proposed accessory dwelling unit in addition to those required for the primary unit.</u> - <u>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.</u> - <u>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</u>

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, 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.

- 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.

The following additional parking must be provided for all second units: one parking space per bedroom

On any site, parking spaces provided for a second unit may be uncovered. If a second unit requires two additional on-site parking spaces, they may be uncovered and in tandem with each other, provided that neither parking space intrudes into the public right-of-way. Parking for a second unit shall not be in tandem with parking for the primary unit on the site. If the slope of the site is ten percent or less within the front yard setback, one parking space for a second unit may be located within the front setback between an existing driveway and the closest side property line, if acceptable to the town engineer

CHANGES TO 18.04 - DEFINITIONS

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.

18.04.210 - Dwelling unit.

"Dwelling unit" means a building or portion of a building containing one or more rooms, a separate bathroom, ~~and a kitchen,~~ access to a bathroom, and designed for occupancy by one family for living and/or sleeping purposes, including nonpaying guests and servants employed on the premises.

18.04.215 - Dwelling unit, additional.

"Additional dwelling unit" means a detached building, accessory structure or a portion of the primary dwelling unit which has sleeping, ~~and cooking and sanitation~~ facilities separate from the primary dwelling unit and access to sanitation facilities. May also be referred to as "second unit," "mother-in-law" or "granny" unit.

18.04.392 – Junior Accessory Dwelling Unit.

"Junior accessory dwelling unit" means a housing unit that is no more than 500 square feet and no less than 220 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.

This material has been reviewed
by the Town Manager



CORTE MADERA TOWN COUNCIL

STAFF REPORT

REPORT DATE: NOVEMBER 9, 2016

MEETING DATE: NOVEMBER 15, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS

FROM: DOUG BUSH, ASSISTANT PLANNER

SUBJECT: CONSIDERATION AND POSSIBLE INTRODUCTION OF ZONING ORDINANCE AMENDMENTS AMENDING SECTION 18.31 BY ADDING SECTION 18.31.100 RELATED TO JUNIOR ACCESSORY DWELLING UNITS CONSISTENT WITH RECENTLY ADOPTED STATE LAW (AB 2406), AMENDING SECTION 18.04 AND 18.08 AND MAKING FINDINGS THAT THE PROPOSED ORDINANCE AMENDMENTS ARE WITHIN THE SCOPE OF THE PROGRAM EIR FOR THE 2009 GENERAL PLAN, CERTIFIED BY THE TOWN COUNCIL ON APRIL 21, 2009, AND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTIONS 15168 AND 15162.

APPLICANT: TOWN OF CORTE MADERA PLANNING DEPARTMENT

PURPOSE

The Town Council of the Town of Corte Madera is conducting a public hearing as required by the Corte Madera Municipal Code (CMMC) and California Government Code to receive public comments, and evaluate an application regarding Zoning Ordinance amendments of 18.04 (Definitions), 18.08 (R Residential Districts) and 18.31 (Second Units).

STAFF RECOMMENDATION

Staff recommends that the Town Council, after review of all information, presentations, and public comment, and after obtaining responses to any questions, adopt Ordinance 962 (Attachment 1), amending

Corte Madera Municipal Code Title 18, Chapter 18.04 (Definitions), Chapter 18.08 (R Residential Districts) and 18.31 (Second Units) to establish Junior Accessory Dwelling Units.

These amendments further the implementation of the Corte Madera 2015-2023 Housing Element while maintaining compliance with recent state legislation regarding junior accessory dwelling units.

TOWN MANAGER’S RECOMMENDATION:

Town Manager supports staff recommendations.

CEQA STATUS

The amendments are within the scope of the Program EIR for the 2009 General Plan and the Planning Department recommends that no further environmental review is required for adoption of the zoning ordinance amendments pursuant to the California Environmental Quality Act (CEQA) Guidelines sections 15168 and 15162.

FISCAL IMPACT

The adoption of the proposed Zoning Ordinance amendments will not have an impact on the Town’s General Fund.

BACKGROUND

The term “Junior Second Unit” or “Junior Accessory Dwelling Unit” (JADU) is generally used to identify a specific type of accessory dwelling unit (ADU) that results from the conversion of existing interior space. This is in contrast to a more typical type of ADU, created through the addition of new floor area and is either attached or detached to an existing structure. JADU are further differentiated from traditional ADU by less stringent planning and building requirements. As of the writing of this report, a majority of Marin municipalities including Belvedere, Novato, San Rafael, Tiburon, Fairfax have ordinances that recognize these types of units and provide certain relief from utilities or building fees, eased parking requirements or other mechanisms to facilitate their creation. The Larkspur City Council recently adopted an ordinance recognizing junior second units as well.

The Town’s General Plan, Zoning Ordinance, and Housing Element encourage a mix of housing types, densities, affordability levels and designs including the development of ADU and JADU. Specific policies and implementation programs of the 2015-2023 Housing Element relating to JADU include,

- Implementation Program H-2.15.b Junior Second Units. Review and adopt standards to allow the creation of junior second units. Standards to consider should include, but not be limited to, the following: conversion of existing bedroom required – no building expansion, maximum 500 square foot size, wet bar type kitchen only with limitations on size of sink, waste line and counter area, cooking facility limited by electrical service and prohibition of gas appliances, bathroom requirement, external access requirement, parking requirements, owner occupancy requirement. The Town will work with special districts to reduce or waive fees for junior second units.

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

Since the adoption of the Corte Madera Housing Element in 2015, the State adopted legislation regarding JADU. On September 27, 2016 Governor Brown signed AB 2406, establishing standards for JADU ordinances under California Government Code Section 65852.22 (Attachment 2). While the state law does not require jurisdictions to adopt ordinances allowing junior accessory dwelling units, if a jurisdiction does adopt a JADU ordinance, it must comply with Government Code Section 65852.22. The new state law includes, but is not limited to the following provisions:

- Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- Require owner-occupancy 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.
- Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:
 - A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
- Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.
- Require a permitted junior accessory dwelling to 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.
- Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include 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, or natural or propane gas.
 - A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- An ordinance shall not require additional parking as a condition to grant a permit.

Under state law, JADU and ADU are now differentiated in the following ways:

- JADU are limited to 500 square feet of floor area, where the maximum floor area of ADU may be 1,200 square feet
- JADU must incorporate an existing bedroom and must be within the existing footprint of a structure, whereas ADU may be attached or detached and does not need to utilize an existing bedroom
- JADU do not require fire separation between the JADU and primary dwelling
- JADU may only include an efficiency kitchen, whereas ADU have greater flexibility
- JADU may or may not have a shared bathroom, whereas ADU require an independent bathroom
- Parking may not be required for JADU, whereas ADU may be subject to parking standards (albeit in limited ways and in limited circumstances)

The Planning Commission met on October 13, 2016 and October 25, 2016 to discuss changes to State law and potential policy updates to respond to these changes. The Commission approved Resolution 16-030, recommending that the Town Council adopt proposed amendments to Chapter 18.31 CMMC, related to JADU.

DISCUSSION AND ANALYSIS

While the 2015-2023 Housing Element specifically calls for the adoption of a JADU Ordinance and serves as the impetus for the proposed additions to Chapter 18.31, it is the state code which establishes the way in which the town may do so. The state establishes that the Town may or may not adopt a JADU ordinance. If the Town decides to do so however, it must comply with the standards established in California Government Code Section 65852.22, as summarized above.

The proposed ordinance fulfills implementation program H-2.16b of the Housing Element and maintains conformance with the standards established by the passage of AB 2406 and codified in California Government Code Section 65852.22. Staff has included the following provisions in addition to the state requirements:

Parking

- *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.*
- *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.

Rentals

- *The Junior Accessory Dwelling Unit shall not be rented for less than thirty consecutive days.*

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.*

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.*

Christmas Tree Hill

At the October 25, 2016 Planning Commission hearing, a member of the public provided comments supporting unrestricted permission of JADUs on Christmas Tree Hill. Staff responded to this comment by inadvertently misstating that JADU were not subject to the dwelling unit capacity restriction of the Christmas Tree Hill Overlay District. In fact, the Planning Commission Resolution 16-030 approved on October 25, 2016 as well as proposed Ordinance 962 include limitations on the number of JADU which may be permitted on Christmas Tree Hill, consistent with existing restrictions related to ADUs in the Christmas Tree Hill Overlay District (CMMC 18.18.400).

Section 18.31.060 CMMC establishes limits on the number of ADU which can be created within the Christmas Tree Hill Overlay Zone- "the total number of accessory dwelling units in the Christmas Tree Hill overlay district shall not exceed the total number permitted by Section 18.18.405(k) and 18.18.410 of this title."

As stated in Section 18.18.405(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 on the Hill, acknowledging that, if overdeveloped, additional 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 exceeding ten percent of the total number of primary residential units existing in the area on the date this section becomes effective...”

Given that the Section 18.18.400 above applies to dwelling units and JADU are by definition, “dwelling units,” Staff believes it appropriate that restrictions on Christmas Tree Hill apply to JADU as they do to ADU. This is to confirm that the following language is included in the proposed ordinance amendment,

- *The total number of junior accessory dwelling units in the Christmas Tree Hill overlay district shall not exceed the total number of additional units permitted by Sections 18.18.405(K) and 18.18.410 of this title.*

ADDITIONAL STAFF RECOMMENDATIONS

Minimum Unit Size

Government Code 65852.22 defines JADU as a unit “that is no more than 500 square feet in size...” Nowhere in the Government Code does the law establish a minimum unit size, nor does it explicitly suggest that a Town may establish a minimum size for JADU. Resolution 16-030, passed by the planning commission on October 25, 2016 specifies a minimum unit size of 220 square feet. Upon further investigation, Staff believes a minimum unit size would be unnecessary and recommends that the Town establish only a maximum size of 500 square feet for JADU. Ordinance No. 962 reflects the omission of this minimum amount and establishes only a maximum size of 500 square feet. Furthermore, this would more closely adhere to the standards suggested in Housing Element implementation program H-2.16(b) which calls for only a maximum unit size of 500 square feet.

Owner Occupancy

Planning Commission Resolution 16-030 includes the following language regarding owner occupancy,

“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.”

Upon further review, staff notes that it may be inappropriate to deviate from the state’s language regarding owner occupancy. This section is therefore amended as follows to ensure consistency with state code,

“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.”

CONCLUSION

The 2015-2023 Corte Madera Housing Element directs the Town to “assist in developing housing opportunities for all types and sizes of households and for all economic segments of the community” (Goal H-1). The Housing Element seeks to achieve this, in part, by encouraging “well-designed, legal second units in all residential neighborhoods” (Policy H-2.15) and by “reviewing and adopting standards to allow the creation of junior second units” (Implementation Program H-2.15b). The State of California also explicitly encourages the expansion of housing opportunity and availability through the development of junior accessory dwelling units. Most recently, this has been expressed through the passage of AB 2406 which recognizes junior accessory dwelling units for the first time.

The proposed Zoning Ordinance amendments are proposed in response to the Council’s request to review the Town’s second unit ordinance and implement program H-2.15b of the Housing Element. Staff believes that the proposed ordinance amendments appropriately respond to the direction of the Housing Element while maintaining compliance with State Law. On October 25, 2016 the Planning Commission unanimously approved Resolution 16-030, recommending that the Town Council introduce the draft zoning ordinance amendments. Staff recommends that the Town Council follow this recommendation and introduce the attached draft ordinance as proposed.

OPTIONS

The Council has the following options:

1. Introduce the attached draft ordinance (Staff Recommendation)
2. Introduce the draft ordinance with specific modifications
3. Remand the matter back to the Planning Commission
4. Direct staff to evaluate particular issues and postpone action to a date certain

ATTACHMENTS:

1. Draft Ordinance No. 962
2. California Government Code 65852.22
3. Public Comment

Attachment 1
Ordinance No. 962

ORDINANCE NO. 962

**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: (1) CHAPTER 18.31 – SECOND UNITS (2) 18.04 –
DEFINITIONS (3) 18.08 - R RESIDENTIAL DISTRICTS TO ESTABLISH JUNIOR
ACCESSORY DWELLING UNITS**

WHEREAS, homeowners who create accessory dwelling units benefit from added income, and an increased sense of security; and

WHEREAS, allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock; and

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 offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character; 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 junior accessory dwelling units in single-family and multifamily residential zones and that ordinance shall designate areas within the jurisdiction of the local agency where junior 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, it is the intent of the Town Council to adopt a junior accessory dwelling unit ordinance which has the effect of providing for the creation of junior accessory dwelling units and that provisions in this ordinance relating to matters including unit size, utility provisions, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create junior accessory dwelling units in zones in which they are authorized by local ordinance; and

WHEREAS, the Town adopted the Christmas Tree 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 additional dwelling units; and

WHEREAS, in acknowledgement of these unique conditions, CMMC Section 18.18.400 limits the number of additional dwelling units within Christmas Tree Hill to avoid jeopardizing the health and safety of persons residing in the area related to traffic flow, fire hazards and emergency evacuation, and infrastructure capacity; and

WHEREAS, the proposed Zoning Code amendments comply with State Code Section 65852.22 which establishes standards for the creation of junior accessory dwelling unit ordinances; and

WHEREAS, the amendments are within the scope of the Program EIR for the 2009 General Plan and no further environmental review is required for adoption of the zoning ordinance amendments pursuant to the California Environmental Quality Act (CEQA) Guidelines sections 15168 and 15162; and

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

WHEREAS, on October 13, 2016, the Planning Commission held a public hearing, received the staff report and a reviewed a presentation from the Planning Department, and received comments from the public and interested parties and continued the matter for further consideration to October 25, 2016; and

WHEREAS, on October 14, 2016, 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 25, 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. 16-30, the Planning Commission did consider and recommend, by a vote of 4-0 (with one absent) that the Town Council adopt amendments to the Town of Corte Madera Zoning Ordinance; and

WHEREAS, on November 2, 2016, 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 Planning and Building Weekly Newsletter newflash items, was posted at the Town's fire

stations, Town Hall, library and post office, and was posted to the Town's website; and

WHEREAS, November 4, 2016, notice of the Town Council public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090, and

WHEREAS, on November 15, the Town Council of the Town of Corte Madera did conduct a public hearing on the item, and did consider all oral and written comments submitted to the Town regarding the same 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 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 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 Zoning Ordinance Amendments are not subject to CEQA. The amendments are within the scope of the Program EIR for the 2009 General Plan and the Planning Department recommends that no further environmental review is required for adoption of the zoning ordinance amendments pursuant to the California Environmental Quality Act (CEQA) Guidelines sections 15168 and 15162.

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, 18.08 and 18.31, are in the best interest of the Town because they further established goals, policies and implementation programs of the General Plan to promote housing opportunities, maintain a diverse range of housing options, providing infill housing that is potentially affordable, encouraging 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:

Implementation Program H-2.15.b Junior Second Units. Review and adopt standards to allow the creation of junior second units. Standards to consider should include, but not be limited to, the following: conversion of existing bedroom required – no building expansion, maximum 500 square foot size, wet-bar type kitchen only with limitations on size of sink, waste line and counter area, cooking facility limited by electrical service and prohibition of gas appliances, bathroom requirement, external access requirement, parking requirements, owner occupancy requirement.

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.

Section 5. Amendment To The Corte Madera Municipal Code. Subsection 18.04 is amended to add the following:

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 18.08.020 is amended, as shown in strike-out (deleted) and underline (added) text, as follows:

Permitted Uses	Multiple Dwelling R-3 and R-2	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
(11) One accessory dwelling unit or junior accessory dwelling unit which conforms with the size and standards of Chapter 18.31 of this title	X	X	X	X	X

Section 7. Amendment To The Corte Madera Municipal Code. Subsection 18.31 Is Amended, As Shown In Strike-Out (Deleted) And Underline (Added) Text, As Follows:

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.

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.

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.

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.

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.

G. 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.

H. The total number of junior accessory dwelling units in the Christmas Tree Hill overlay district shall not exceed the total number of additional units permitted by Sections 18.18.405(K) and 18.18.410 of this title.

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.

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.

Section 8. 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 9. Effective Date

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

Section 10. 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 15th day of November, 2016, and adopted on the XXth day of XXXX by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

SLOAN C. BAILEY

ATTEST:

REBECCA VAUGHN
TOWN CLERK

Attachment 2

California Government Code Section 85852.22

SECTION 1.

Section 65852.22 is added to the Government Code, immediately following Section 65852.2, to read:

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy 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.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to 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.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include 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.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

SEC. 2.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to allow local jurisdictions the ability to promulgate ordinances that create secure income for homeowners and secure housing for renters, at the earliest possible time, it is necessary for this act to take effect immediately.

Attachment 3
Public Comment Letter

From: [REDACTED]
Sent: Saturday, November 05, 2016 6:18 PM
To: Rebecca Vaughn
Cc: [REDACTED]
Subject: Comment on Junior Second Units

Dear Ms. Vaughn,

We are unable to make the Town meeting where there will be a discussion of second junior units since we will not be here.

We would like to ask that you forward our comments to the appropriate person.

We are in favor of Junior Units but opposed to these units being used as short-term rentals. That would make them useless as affordable housing and place a stress on the neighborhood.

Thank you for considering our opinion.

Holly and Keith Axtell
410 Manzanita Avenue

CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: November 3, 2016
Meeting Date: November 15, 2016

TO: MAYOR AND TOWN COUNCIL
FROM: TODD CUSIMANO, TOWN MANAGER 
SUBJECT: APPROVE CANCELLATION OF THE DECEMBER 20, 2016 AND
JANUARY 3, 2017 TOWN COUNCIL MEETINGS

RECOMMENDATION

That the Town Council approve cancellation of the December 20, 2016 and January 3, 2017 Town Council meetings.

BACKGROUND

Staff proposes that the Town Council review and consider whether or not to cancel both the December 20, 2016 and January 3, 2017 Town Council meetings. In past years, it has been the practice of the Town Council to cancel Town Council meetings when anticipated staff absences and/or holiday dates impacts the production or posting of the Council agenda.

There are currently no time-sensitive business items that require scheduling for either of these meetings. A survey of local municipalities determined that several agencies have either approved, or will be seeking approval for, similar cancellations during the holiday season. Should the Town Council approve the cancellation of both meetings, the next regularly scheduled meeting of the Town Council after December 6, 2016 would be held on Tuesday, January 20, 2017.

Councilmember committee appointments are typically made at the second December meeting. It is proposed that these appointments be continued to the January 20, 2017 Town Council meeting, and that any meetings held in the interim be attended by the current appointee.

Placing an item on the agenda: An item may be placed on the agenda by submitting a request to the Town Clerk or the Town Manager, or their designee, by Tuesday at 5p.m. 21 days prior to the Council meeting during which the item is sought to be considered. If such item requires staff investigation or if it will be considered at a future date in the normal course of business (e.g., planning and budget matters), it may be deferred to a later date with concurrence of the person submitting the item. Staff will accommodate submissions after the deadline whenever practical. (Town Council Rules and Procedures, Section 7.5)



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

www.townofcortemadera.org

DRAFT AGENDA
PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE

**CORTE MADERA TOWN COUNCIL
AND THE BOARD OF SANITARY DISTRICT NO. 2, A SUBSIDIARY
DISTRICT TO THE TOWN OF CORTE MADERA**

**TOWN HALL COUNCIL CHAMBERS
300 TAMALPAIS DRIVE**

DECEMBER 6, 2016

6:45 P.M.

6:45 PM CLOSED SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Gravel overflow parking lot on Redwood Highway (north of Nordstrom at The Village at Corte Madera) APN 024-032-19

Agency negotiator: David Bracken

Negotiating parties: Macerich (Giancarlo Filartiga and Cecily Barclay)

Under negotiation: Whether, and under what price and terms, the property could potentially be leased to the Village at Corte Madera

7:30 PM OPEN SESSION:

- 1. CALL TO ORDER, SALUTE TO THE FLAG, ROLL CALL**
- 2. OPEN TIME FOR PUBLIC DISCUSSION**

Please confine your comments during this portion of the agenda to matters not already on this agenda. Speakers will be limited to three (3) minutes unless otherwise specified by the Mayor or the Presiding Officer.

The public will be given an opportunity to speak on each agenda item at the time it is called. The Council may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Council, no further comment from the public will be permitted unless authorized by the Mayor or the council and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Council or as otherwise limited by order of the Mayor or Council.

- 3. PRESENTATIONS:**
 - I. Certificates of Appreciation for Local Youth Sports League Volunteers
 - II. Golden Gate Bridge District
- 4. COUNCIL AND TOWN MANAGER REPORTS**
 - Town Manager Report
 - Council Reports
- 5. CONSENT CALENDAR**

The purpose of the Consent Calendar is to group items together which are routine or have been discussed previously and do not require further discussion. They will be approved by a single motion. Any member of the Town Council, Town Staff, or the Public may request removal of an item for discussion. Rescheduling of the item(s) will be at the discretion of the Mayor and Town Council

- 6.I Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.
(Standard procedural action – no backup information provided)
- 6.II Consideration and Possible Action to Adopt Resolution No. xx/2016 Approving the Corte Madera Chamber of Commerce 2017 Budget and Accept the Financial Statements for the Years Ending December 31, 2015 and 2014
Report from Todd Cusimano, Town Manager
- 6.III Approve Avon Walk for Breast Cancer Facility Use Request
(Mario Fiorentini, Director of Recreation and Leisure Services)
- 6.IV Approve Extension of Display of Centennial Banners through June 10, 2017
(Report from Adam Wolff, Director of Planning and Building)
- 6.V Receive and File Investment Transactions Monthly Report
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 6.VI Approve Warrants and Payroll for the Period / /16 through / /16:
Warrant Check Numbers through , Payroll Check Numbers through
, Payroll Direct Deposit Numbers through , Payroll Wire Transfer
Numbers through , and Wire Transfer of / / .
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

6. **PUBLIC HEARINGS: None**

7. **BUSINESS ITEMS:**

7.I *SANITARY DISTRICT ITEMS:*

- 7.I.i Consideration and Possible Action to Approve a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2016-2017 Budget for Trinidad II Pump Station Rehabilitation
(Report from Nisha Patel, Senior Civil Engineer)
- 7.I.ii Consideration and Possible Action to Approve a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2016-2017 CMSA performed pump station improvements and critical spare equipment
(Report from Nisha Patel, Senior Civil Engineer)
- 7.I.iii Consideration and Possible Action to Approve a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2016-2017 Budget for Flow Meter and Isolation Valve Replacement
(Report from Nisha Patel, Senior Civil Engineer)

7.II *TOWN ITEMS:*

- 7.II.i Adopt Resolution xx/2016 Authorizing the Filing of an Application for Priority Conservation Area (PCA) Funding Assigned the Paradise Drive Multi-use Pathway Gap

Closure Project (Project No. 15-025) to MTC, Committing Any Necessary Matching Funds Required, and Stating Assurance to Complete the Project
(Report from Nisha Patel, Senior Civil Engineer)

- 7.II.ii Continuation of Discussion Regarding Encroachments on Railroad Right of Way Between Willow Avenue and Montecito Avenue
(Report from David Bracken)
- 7.II.iii Approval of Plans and Specifications and Authorization to Bid Tamalpais Drive Complete Streets Project
(Report from Nisha Patel, Senior Civil Engineer)
- 7.II.iv Consideration and Possible Action to Adopt Resolution xx/2016 Establishing a No Parking Zone Along the Tamalpais Drive
(Report from Nisha Patel, Senior Civil Engineer)
- 7.II.v Second Reading and Possible Action to Adopt Ordinance No. 961, Zoning Ordinance Amendments to Chapters 18.31, 18.04, 18.08, and 18.20 Related to Accessory Dwelling Units (Previously Called "Second Units") to Incorporate Provisions of New State Law and Make Updates Consistent With Current Town Policies; and Making Determination that the Proposed Ordinance Amendments are Within the Scope of the Program EIR for the 2009 General Plan and that No Further Environmental Review is Required Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15168 and 15162.
(Report from Adam Wolff, Director of Planning and Building)
- 7.II.vi Second Reading and Possible Action to Adopt Ordinance No. 962, Zoning Ordinance Amendments Amending Section 18.31 by Adding Section 18.31.100 Related to Junior Accessory Dwelling Units Consistent With Recently Adopted State Law (AB 2406), Amending Section 18.04 and 18.08 and Making Findings that the Proposed Ordinance Amendments are Within the Scope of the Program EIR for the 2009 General Plan, Certified by the Town Council on April 21, 2009, and that No Further Environmental Review is Required Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15168 and 15162.
(Report from Adam Wolff, Director of Planning and Building)
- 7.II.vii Review of Draft January 20 Town Council Agenda
- 7.II.viii Approval of Minutes of November 15 Town Council meeting

8. REORGANIZATION OF THE TOWN COUNCIL:

Election of Mayor
Election of Vice Mayor

9. ADJOURNMENT

TOWN COUNCIL STAFF REPORTS ARE USUALLY AVAILABLE BY 5:00 P.M., FRIDAY PRIOR TO THE COUNCIL MEETING, AND MAY BE OBTAINED AT THE CORTE MADERA TOWN HALL, OR BY CALLING 927-5050. AGENDA ITEMS ARE AVAILABLE FOR REVIEW AT CORTE MADERA LIBRARY, FIRE STATION 13 (5600 PARADISE DRIVE) AND THE TOWN HALL. IF YOU CHALLENGE THE ACTION OF THE TOWN COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE TOWN CLERK, AT OR PRIOR TO THE PUBLIC HEARING.

Any member of the public may request placement of an item on the agenda by submitting a request to the Town Clerk. The public is encouraged to contact the Town Manager at 415-927-5050 for assistance on any item between Council meetings.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5086. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting please notify the Town Clerk at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the town does not receive timely notification of your reasonable request, the town may not be able to make the necessary arrangements by the time of the meeting.

DRAFT

1 DRAFT MINUTES OF NOVEMBER 1, 2016

2
3 REGULAR MEETING
4 OF THE
5 CORTE MADERA TOWN COUNCIL
6 AND THE BOARD OF SANITARY DISTRICT NO. 2,
7 A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA
8
9

10 Mayor Bailey called the Regular Meeting to order at Town Hall Council Chambers, 300
11 Tamalpais Drive, Corte Madera, CA on November 1, 2016 at 6:30 p.m.
12

13 **1. ROLL CALL**

14
15 Councilmembers Present: Mayor Bailey, Vice Mayor Furst and Councilmembers Andrews,
16 Condon and Lappert
17

18 Staff Present: Town Manager Todd Cusimano
19 Town Attorney Randy Riddle
20 Interim Police Chief Michael Norton
21 Interim Director of Emergency Services Scott Shurtz
22 Director of Parks and Leisure Services Mario Fiorentini
23 Senior Planner Phil Boyle
24 Building Official Brian Fenty
25 Public Works Maintenance and Operations Superintendent
26 Michael Palmer
27 Town Clerk/Assistant to the Town Manager Rebecca Vaughn
28

29 **6:32 PM CLOSED SESSION:**

30
31 **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

32 Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (One
33 case)
34

35 **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

36 Pursuant to Government Code Section 54957
37 Title: Town Manager; Goal Setting Discussion
38

39 **7:36 PM OPEN SESSION:**

40
41 **SALUTE TO THE FLAG:** Mayor Bailey led in the Pledge of Allegiance.
42

43 **1. REPORT OUT OF CLOSED SESSION**

44
45 Mayor Bailey announced that the Town Council unanimously approved potential litigation
46 and asked if the Town Attorney could explain further.

1
2 Town Attorney Riddle reported that by unanimous vote the Town Council authorized the
3 possible initiation of litigation, the details of which would be available when and if such
4 litigation is filed in court.

5
6 **2. OPEN TIME FOR PUBLIC DISCUSSION**

7
8 ROY WOLFORD, Sea Wolf Passage, thanked the Council for responding to his emails and
9 also the Centennial Committee and Town Council for having terrific fireworks for the 4th of
10 July. He cited concerns of flooding and ponding in the Mariner Cove area and presented a
11 series of photographs showing examples during the month of October. He asked that
12 gutter improvements be done to address the matter.

13
14 In response to a question of Mayor Bailey, Mr. Wolford clarified that ponding in some of
15 the photos was due to irrigation problems from adjacent neighbors.

16
17 GEORGE TOPOR spoke about the cost of public safety, stating the Town paid a settlement
18 amount of \$125,000 as a result of an accident in which the Town was found liable. He cited
19 potential liability risk and safety hazards along Paradise Drive from sewer work underway
20 which may not be completed until February and asked that the Council complete the work.

21
22 **3. PRESENTATIONS - None**

23
24 **4. COUNCIL AND TOWN MANAGER REPORTS**

25
26 - Town Manager Report

27
28 Mr. Cusimano gave the following report:

- 29
30
- 31 • He recognized Nisha Patel for providing him and the Council with an overview of
32 the Central Marin Regional Pathways Gap Closure Project. He explained that the
33 Town submitted a grant application this year for a \$2.6 million grant but were
34 notified they did not receive award of the grant. Later in the year they will
35 resubmit in the hopes they are awarded monies.
 - 36 • The Parks and Recreation Department held an Open House which was a huge
37 success, with over 1,000 people in attendance from Saturday through Monday.

38 - Council Reports

39
40 Councilmember Lappert had no report.

41
42 Vice Mayor Furst gave the following report:
43

- 1 • She attended a meeting of the Bay Wave Sea Level Rise Vulnerabilities Assessment
2 Committee. A draft form of the assessment has been prepared and the document
3 will be released once finalized.
- 4 • She and Senior Civil Engineer Nisha Patel and Town Manager Todd Cusimano met
5 with local residents who have requested overcrossing improvements on Tamalpais
6 Drive. The Marin representative on Caltrans Bicycle and Pedestrian Advisory
7 Committee has learned Caltrans has money earmarked for bike/pedestrian
8 improvements on Tamalpais Drive and this is an opportunity for the Town to work
9 with Caltrans and suggested it be agendized for a future Council meeting.
- 10 • She attended a recent TAM Board meeting where right-of-way sign-off for access to
11 the North/South Greenway was discussed by the Board. She discovered language in
12 4 separate parts of the resolution and accompanying documentation that would
13 have meant the TAM Board agreed that in the future SMART would like to extend
14 rail down to the Village in Corte Madera and, at that point, remove the pathway and
15 just have rail. She insisted on changing this language and the matter was shelved
16 until further negotiation could occur.

17
18 Councilmember Condon gave the following report:

- 19
20 • Today was the official launching of the new Twin Cities Village in the Council
21 Chambers, which is now part of a nationwide network with the goal of keeping
22 seniors in their homes and independent.
- 23 • She stated Nisha Patel shared an email from a colleague who saw a nice article about
24 Age-Friendly Corte Madera on the League of California Cities' website which cited its
25 success with partnering with the CMPA, with Parks and Recreation and various
26 groups.
- 27 • She attended a Centennial Committee meeting which is winding down the Town's
28 100th year anniversary events. On November 24th, a Turkey Trot will be held
29 starting at the parking lot between Café Verde and the Community Center at 8AM.
30 She encouraged participation by young and old. On December 3rd there will be snow
31 at Menke Park in Corte Madera, starting at 11AM.
- 32 • The Centennial Committee has requested banners to remain up until June 2017,
33 given its incorporation was in June 2016.

34
35 Councilmember Andrews had no report.

36
37 Mayor Bailey gave the following report:

- 38
39 • He reported that the Marin Clean Energy Board of Directors will meet this Friday.

40 41 5. CONSENT CALENDAR

- 42
43 5.I. Waive Further Reading and Authorize Introduction and/or Adoption of
44 Resolutions and Ordinances by Title Only.

1 (Standard procedural action – no backup information provided)

- 2
3 5.II Approve Warrants and Payroll for the Period 10/14/16 through 10/26/16:
4 Warrant Check Numbers 214756 through 214861, Payroll Check Numbers
5 5329 through 5344, Payroll Direct Deposit Numbers 30662 through 30780,
6 and Payroll Wire Transfer Numbers 2074 through 2081.
7 (Report from George T. Warman, Jr., Director of Administrative
8 Services/Town Treasurer)
9

10 MOTION: Moved by Condon, seconded by Andrews, and approved unanimously by the
11 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
12 None).
13

14 To approve the Town Consent Calendar Items 5.I and 5.II
15

16 **6. PUBLIC HEARINGS - None**
17

18 **7. BUSINESS ITEMS**
19

- 20 7.I Introduction of Ordinance No. 959 Repealing, Reenacting, and Adding
21 Various Chapters in Title 15 of the Municipal Code, Adopting the 2016
22 California Building Standards Code and Setting a Public Hearing for Adoption
23 of the Ordinance
24 (Report from Brian Fenty, Building Official)
25

- 26 7.II Introduction of Ordinance No. 960 Repealing and Reenacting Chapter 15.02
27 of the Municipal Code, Adopting the 2016 California Fire Code and Appendix
28 A of the International Wildland-Urban Interface Code with Local
29 Amendments and Setting a Public Hearing for Adoption of the Ordinance
30 (Report from Scott Shurtz, Interim Director of Emergency Services)
31

32 Building Official Brian Fenty stated both matters are to introduce ordinances pertaining to
33 the 2016 California Building Standards Codes and 2016 California Fire Code and Appendix
34 A of the International Wildland-Urban Interface Code and setting a public hearing date.
35

36 He stated the Building and Fire Codes are published every 3 years and in between this time,
37 standards are modified after a rigorous evaluation and consensus process.
38

39 This process includes input from concerned statewide organizations including the Office of
40 Emergency Services, State Seismic Safety Commission, California Building Officials
41 Organization, and the California State Fire Marshal's Office, Division of the State Architect
42 and the California Housing and Community Development Department.
43

1 Once published, the standards are adopted with amendments by the State. During this
2 process local agencies are allowed to amend the code and amendments can be
3 administrative in nature to provide tools necessary for code enforcement action.

4
5 Mayor Bailey asked and confirmed the proposed actions requested by staff for each item.
6 He then opened the public comment period, and there were no speakers.

7
8 MOTION: Moved by Lappert, seconded by Andrews, and approved unanimously by the
9 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
10 None).

11
12 To Introduce Ordinance No. 959 Repealing, Reenacting, and Adding Various
13 Chapters in Title 15 of the Municipal Code, Adopting the 2016 California
14 Building Standards Code and Setting a Public Hearing for Adoption of the
15 Ordinance

16
17 MOTION: Moved by Lappert, seconded by Andrews, and approved unanimously by the
18 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
19 None).

20
21 To Introduce Ordinance No. 960 Repealing and Reenacting Chapter 15.02 of
22 the Municipal Code, Adopting the 2016 California Fire Code and Appendix A
23 of the International Wildland-Urban Interface Code with Local Amendments
24 and Setting a Public Hearing for November 15, 2016 for Adoption of the
25 Ordinance

26
27 7.III Consideration and Possible Action to Approve a \$15,000 Reallocation of
28 Funds from the Pixley Lagoon Restoration Project to the Skate Park
29 Improvement Project and Provide Direction to Staff Regarding a Possible
30 Supplemental Appropriation for Skate Park Improvements
31 (Report from Mario Fiorentini, Director of Recreation and Leisure Services)
32

33 Town Manager Cusimano introduced the item, stating the action requested is for the Town
34 Council to approve a \$15,000 reallocation of funds for the Pixley Lagoon Restoration
35 Project to the Skate Park project and provide direction to staff regarding a possible
36 supplemental appropriation for Skate Park improvements.

37
38 Mr. Cusimano referred to the background discussion contained in the staff report and said
39 the project was reviewed during the 2-year CIP budget cycle. At the time, approximately
40 \$25,000 was budgeted to review skate park improvements. Staff knew additional monies
41 would be needed and this is the request tonight which will provide a total of \$40,000. Staff
42 has involved and vetted the safety improvements for the park with users and community
43 members and received a sole purchase bid of approximately \$110,000 leaving a \$70,000

1 gap.

2

3 Staff is requesting the reallocation of \$15,000, hold discussion and provide feedback to staff
4 about the additional \$70,000 appropriation. The funds used would be derived from the
5 Parks and Recreation fees account which is used for capital improvements and
6 maintenance for all facilities and structures, and this account currently has \$933,000 to be
7 used for the request.

8

9 Mr. Cusimano recognized Parks and Recreation Commissioners and public speakers in the
10 audience.

11

12 Director of Parks and Leisure Services Mario Fiorentini stated that prior to the CIP budget
13 going into effect, the Parks and Recreation Commission conducted due diligence in
14 prioritizing CIP projects and receiving feedback from the community about various
15 projects. At that time the Town was receiving funds from the County through Measure A
16 and the \$25,000 was originally earmarked as was the \$15,000 that went towards the Pixley
17 Lagoon Rehabilitation Project, which he stated would not be occurring at this time.

18

19 Mr. Fiorentini commented that the community outreach has been significant, with
20 Commissioners providing outreach to the community and many kids engaged and working
21 with ramp designers and products.

22

23 Further, the Town is lucky to have a skate park given it was an interesting project to kick
24 off in 2002. He explained that the ramps themselves are out of date as well as the design,
25 materials, as well as safety concerns over the past year, and users were excited about the
26 improvement process. The gap is something he did not take lightly and the community and
27 non-profit groups were surveyed as to fundraising possibilities. More feedback is expected
28 to be received once staff has an idea of potential phasing the project over the next year or
29 two and finalizing the design.

30

31 Councilmember Lappert said when first designed, the Skate Park the Town decided on a
32 particular age group of children between 9 and 12 and he asked and confirmed with Mr.
33 Fiorentini that this was the intention of the park, but they would like to see more
34 aggressive structures put in.

35

36 Councilmember Lappert stated it looks as though the park equipment has increased by
37 25%, and Mr. Fiorentini said the feedback received was interest with the half pipe which is
38 expensive. He clarified the ramp material is still made of steel but they are coated with a
39 thick grip material that allows users to adhere to. One concern was safety and heat
40 tolerance, and due to heat, this was most important in staff's dealings with the
41 manufacturer.

42

43 Vice Mayor Furst asked if the material wears down, could it be repainted or resurfaced.

1
2 Councilmember Andrews asked for the cost to resurface/repaint it, and Mr. Fiorentini said
3 one option is for the manufacturer to do it or they could sell the Town the epoxy mixture
4 and Public Works or a contractor could repaint it. He noted the estimated maintenance
5 would not need to be done for about 5-10 years, and would include the material is about
6 \$1500/year.

7
8 Mayor Bailey stated the matter was presented to the Parks and Recreation Commission and
9 he asked if they have a recommendation. Mr. Fiorentini said the Commission was
10 supported with the reallocation of funds for the project. The secondary further allocation
11 of funds has not been vetted by the Commission. Once they discovered the costs for the
12 remodel, they would want to return to the Commission with a final budget.

13
14 Mayor Bailey opened the public comment period.

15
16 Public Comments:

17
18 KIM BAEZ, Prince Royal Drive, voiced his support for the reallocation of funds. He thinks
19 \$110,000 is reasonable given the community's involvement with work, fundraising, and
20 remodeling through volunteer hours. He suggested looking at concrete or other materials
21 and thought with the same amount of money the Town could get more concrete and less
22 steel, and a higher quality skate park. He suggested more investigation into alternative
23 designs through a Parks and Recreation subcommittee.

24
25 FRED CASSISA, Grenada Drive, Chair of the Parks and Recreation Commission, echoed
26 comments, stating the Commission held a workshop on a Saturday with 20 people in
27 attendance. Even though the Commission has not provided a recommendation, the
28 Commission is in full support and urged the Town Council to approve the reallocation as
29 well as additional funds.

30
31 At the last meeting, the Commission held a discussion regarding the Town's youth, and
32 recognized little is done for freshman through high school students and this project would
33 serve this age group.

34
35 PETER CHASE, Montecito Drive, stated a family member is heavily involved in girls
36 skateboarding and the park is a big draw for kids. Bringing the park up to standards would
37 be great for the community and said he was surprised with the quality of kids involved. He
38 therefore encouraged approval of the reallocation and commented on the network of
39 designers and manufacturers.

40
41 Vice Mayor Furst said she was impressed with the turnout at the workshop, voiced her
42 support and agreed that this is an age range where kids get left out and encouraged Parks
43 and Recreation to consider various options and additional vendors.

1
2 Councilmember Condon voiced her support of the need for refurbishment of the Skate Park
3 and encouraged review of signage with posted rules in compliance with the improvement
4 project.

5
6 Councilmember Lappert commented that his 29 year old son initially participated before
7 the opening of the Skate Park, said he recognized comments by Mr. Baez and thinks people
8 would continue to assist in the project and asked that staff return with all cost and material
9 alternatives when staff returns with the budget request and project.

10
11 Mayor Bailey voiced support for reallocating the \$15,000, thinks the Council is
12 unanimously in favor of a greater investment and suggested directing staff to return the
13 matter to the Parks and Recreation Commission and ask that 1) they consider the
14 appropriate design and cost; 2) to consider a means of alternate funding; and 3) return
15 with a recommendation for the preferred project.

16
17 MOTION: Moved by Lappert, seconded by Furst, and approved unanimously by the
18 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
19 None).

20
21 To Approve a \$15,000 Reallocation of Funds from the Pixley Lagoon
22 Restoration Project to the Skate Park Improvement Project to return the
23 matter to the Parks and Recreation Commission and ask that 1) the
24 Commission consider the appropriate design and cost; 2) consider a means
25 of alternate funding; and 3) return to Town Council with a recommendation
26 for the preferred project

27
28 7.IV Review of Draft November 15, 2016 Town Council Agenda

29
30 Vice Mayor Furst requested the Town work with Caltrans and the Bicycle Pedestrian
31 representative on the Caltrans committee and local members of the community to get
32 Caltrans to consider great options that would best serve the town for improvements along
33 the Bike/Ped Overcrossing. She is the TAM representative and while she was not sure if
34 she needed additional authority, she asked that the item be agendized to receive Council
35 direction, as follows: Approval of the Town Council for Vice Mayor Furst\ to work with
36 community members on bicycle and pedestrian improvements on Tamalpais Drive
37 Overcrossing.

38
39 Mayor Bailey asked that the Planning Commission and Town Council consider parking
40 permits for residents in the neighborhood in the Tamal Vista Corridor to mitigate the effect
41 of potential parking problems. Vice Mayor Furst suggested the Town Manager work with
42 the Police Chief regarding parking permits.

43

1 Councilmember Andrews asked about the second unit matter and Mr. Cusimano clarified
2 this matter is scheduled for the November 15th Town Council meeting.
3

4 Councilmember Condon suggested agendizing the Centennial banners for a second year on
5 the Consent Calendar. She added that the Committee also felt that the size of the banners
6 were preferable to the ones the Oktoberfest used. She asked that this also be added to
7 change the size.
8

9 Mayor Bailey suggested acknowledging the youth sports programs throughout the Twin
10 Cities and asked that a certificate or proclamation be approved for those representatives
11 who run the programs such as Little League, CYO basketball and volleyball, Marin Waves,
12 etc. Town Clerk Vaughn stated she scheduled this item for December 6th at the beginning of
13 the meeting as a presentation for 8 different groups.
14

15 Mr. Cusimano noted the encroachment permit issue needs to be on the November 15th or
16 first December meeting and also the Tamalpais Drive improvements, which is set for the
17 first meeting in December.
18

19 Town Attorney Riddle stated another item needs to be agendized for November 15th, which
20 will be the Implementation of the Settlement Agreement, discussed earlier which will be an
21 open item to rescind a previous approval the Council made.
22

23 Councilmembers agreed that the encroachment permit issue should be scheduled in
24 December.
25

26 7.V Approval of Minutes of October 18, 2016 Town Council Meeting
27

28 MOTION: Moved by Lappert, seconded by Furst, and approved unanimously by the
29 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
30 None).
31

32 To Approve Minutes of October 18, 2016 Town Council Meeting, as
33 submitted
34

35 **8. ADJOURNMENT**
36

37 Councilmember Condon announced that the memorial service for Beth Benz will be on
38 November 2nd at 5PM at the Presbyterian Church on Magnolia Drive, followed by a
39 reception at the Community Center.
40

41 The meeting was adjourned at 8:40 p.m. to the next regular Town Council meeting on
42 November 15, 2016 at Town Hall Council Chambers.
43