



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

CORTE MADERA PLANNING COMMISSION STAFF REPORT

REPORT DATE: November 4, 2022
MEETING DATE: November 9, 2022

TO: Planning Commissioners

FROM: Martha Battaglia, Senior Planner
Adam Wolff, Town Manager

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SUBJECT: Discussion of Draft Zoning Ordinance Amendments to Allow Greater Housing Density and Larger Buildings on the Town's Housing Opportunity Sites Consistent with the Town's Draft Housing Element Update (6th Cycle: 2023-2031)



RECOMMENDED ACTION:

Provide staff with comments, suggested changes, or other recommendations related to the draft zoning ordinance amendments associated with the Housing Element Update (6th Cycle: 2023-2031). The draft zoning text amendments are included as Attachment 1.

BACKGROUND:

For the past year, the Town has been working on an update to its Housing Element consistent with the requirements under State law. The Housing Element is one of seven mandated elements of the General Plan and must be updated every eight years to address existing and projected housing needs for all economic segments of the Town. Unlike the other elements of the general plan, the Housing Element must be certified by the State. As part of the Housing Element Update, the Town will also need to amend the General Plan Land Use Element and the Zoning Ordinance. In order to comply with additional State legislation, the Town will also be updating the Safety Element.

Arguably the most significant component of the Housing Element is the Housing Sites Inventory, which requires the Town to identify specific locations for potential housing development or redevelopment (sometimes referred to as housing opportunity sites) and ensure that such sites are zoned at sufficient housing densities to meet the future need at all income levels as determined by the Regional Housing Needs Allocation, also known as the RHNA.

The final RHNA allocation for Corte Madera is shown in Table 1 below.

Table 1. Corte Madera 2023-2031 Final RHNA Allocation:

Income Level	Units
VERY LOW INCOME (<50% of Area Median Income)	213
LOW INCOME (50-80% of Area Median Income)	123
MODERATE INCOME (80-120% of Area Median Income)	108
ABOVE MODERATE INCOME (>120% of Area Median Income)	281
TOTAL ALLOCATION	725

Through consultation with the Corte Madera community at a series of public workshops, and through subsequent public meetings with the Town’s Planning Commission and Town Council, the Town developed a list of eleven (11) properties meant to help satisfy the RHNA. These 11 properties were identified as needing to be “re-zoned” to permit a higher number of housing units (and as a result larger buildings) than what is currently allowed pursuant to the Town’s existing zoning code. Additional new housing units that could help satisfy the Town’s RHNA, and which do not require “re-zoning” of property, could also include new single-family residences on vacant parcels, single-family homes on parcels proposed to be split using the provisions of Senate Bill 9, Accessory Dwelling Units (ADUs), and the 18 units at the Casa Buena (Project Homekey). The complete Site Inventory Table from the draft Housing Element is included as [Attachment 2](#). All together, the Town’s Site Inventory Table demonstrates that a total of 1,016 new housing units can be developed in Corte Madera between July 2022 and December 2031.

On July 8, 2022, staff released the Town’s draft Housing Element and update to its Safety Element for a 30-day public review in accordance with State law requirements. The release of the draft Housing Element was promoted on the Town’s social media accounts, through its website and via a direct mailer that was sent to all residences in Town. In addition, staff held multiple pop-up workshops during the 30-day public review period to promote the release of the draft Housing Element. The release of the draft Housing Element followed months of additional outreach events and public meetings, including a six-part workshop series held from October 2021 to March 2022.

At the close of the public comment period on August 8, 2022, staff received a total of 21 public comments from Corte Madera residents and businesses, Marin County and Bay Area community-based and advocacy organizations. Staff reviewed and discussed these public comments with the Town Council on August 16, 2022 and received authorization from the Town Council to submit the draft Housing Element to the California Department of Housing and Community Development (HCD) for its 90-day review. The draft submitted to HCD incorporates comments and suggestions received from the community during the public review period. Staff anticipates receiving comments from HCD on November 21, 2022. At that time, the Town will determine what additional revisions need to be made to the Housing Element to ensure consistency with State Housing Element law based on HCD’s review.

Since the release of the draft Housing Element in the summer, staff has decided to remove the property at 601 Tamalpais Drive from the Town’s site inventory list. This decision was based on further discussion with the property owner, who expressed interest in removing his property from the opportunity site list, given their interest in commercial uses for the site and the relatively low residential density proposed for the site; and due to public comments previously received by neighbors of the property, who expressed the desire for the site to be removed from the housing site inventory list. This change results in a decrease from 11 housing opportunity sites to 10, as shown in Figure 1 below and included in Attachment 3.

Figure 1. Corte Madera Opportunity Sites Map (Updated, Nov. 2022)



Opportunity Sites Map available on Housing Webpage: <https://www.cortemaderahousing.org>.

The draft zoning ordinance amendments that are the subject of this report would implement the rezoning of these 10 properties to allow for greater housing density and larger buildings consistent with the Town’s Draft Housing Element and its strategy to meet RHNA. The proposed zoning ordinance amendment creates a Housing Element Overlay District within Chapter 18.18 (Special Purpose Overlay District) of the Corte Madera Municipal Code. The regulations in the Housing Element Overlay District will apply to housing opportunity sites that are developed with residential uses, including a mixed-use development. The regulations in the overlay would not apply if a commercial-only project is proposed on one of the housing opportunity sites. The proposed Housing Element Overlay District is further discussed below.

DISCUSSION:

The Town needs to adopt the rezonings associated with the Housing Element Update by January 1, 2023 in order to avoid the “by right” consequence. Housing element law allows for a jurisdiction to rezone after the housing element due date through the inclusion of a program in the housing element that commits to rezone the housing sites within three years and 120 days from the housing element due date (i.e. rezonings must be completed by May 31, 2026). Rezonings completed after the due date of the housing element (i.e. after January 31, 2023), however, must allow multifamily development “by right” – meaning ministerial approval with no Town discretionary approvals (i.e. Design Review) – for projects where at least 20% of the units are affordable to lower income households. Town staff recommends rezoning the 10 sites identified in Figure 1 before January 31, 2023 so that the Town’s design review approval process can be utilized in evaluating proposed new multi-family housing development.¹

Zoning Overlays

The proposed zoning ordinance amendment creates a Housing Element Overlay District within Chapter 18.18 (Special Purpose Overlay District) that includes three sub-areas (HE-1, HE-2, and HE-3) as shown in Attachment 4. The different sub-areas are based on the allowable density as further described below.

- HE-1 (Sites 1, 2) – Allows a maximum of 25 dwelling units an acre. These sites are adjacent to, and mostly tucked into residential neighborhoods.
 - Site 1: 111 Lucky Drive
 - Site 2: 5651 Paradise Drive

- HE-2 (Sites 3, 4, 5, 6, 7, 8 & 9) – Allows a maximum of 35 dwelling units an acre. These sites are generally closer to the highway and located within areas that already have larger buildings of a more significant scale.
 - Site 3: 41 Tamal Vista Blvd.
 - Site 4: 400 & 500 Tamal Plaza
 - Site 5: 2 Fifer Ave., 10 Fifer Ave., 110 Nellen Ave. & 150 Nellen Ave.
 - Site 6: 5804 Paradise Drive
 - Site 7: 5750 Paradise Drive
 - Site 8: 100 Tamal Plaza
 - Site 9: 240 Tamal Vista Blvd.

- HE-3 (Site 10) – Allows a maximum of 40 dwelling units an acre. The Village (Macy’s site) is the only site with a density of 40 dwelling units an acre. There are many factors that lend itself to a higher density at this site, which includes its location away from existing residential areas, proximity to highways and transportation, and the support that such a development could provide the Village Retail Center.
 - Site 10: 1400 Redwood Highway (the Village)

¹ Even if the Town adopts ordinance amendments rezoning the 10 properties by January 31, 2023, the Town cannot use the design review approval process to reduce a housing development’s density or deny a housing development, except in very rare instances, pursuant to the Housing Accountability Act (Government Code Section 65589.5).

The overlay framework allows property owners to continue to use the existing “underlying” zoning districts for non-residential only projects.

Development Standards

The draft zoning ordinance amendment includes general development standards that will apply to all of the housing sites developed with a residential project. These general standards are included in Section 18.18.1115 of the draft ordinance, and include such things as parking standards, public frontage standards (i.e. minimum sidewalk widths and street tree requirements), lighting requirements, and landscaping requirements. The draft zoning ordinance amendment also includes incentives to promote affordable and senior housing projects, which includes additional density of 5 units an acre and reduced parking requirements for a senior housing project, the inclusion of development standards for a residential care facility, and potential fee reductions for projects that exceed the Town’s inclusionary requirement by a minimum of 10% (refer to Attachment 1, Sections 18.18.1112, 18.18.1113, and 18.18.1170).

In addition to establishing general requirements, the draft ordinance establishes site specific development standards for the three sub-areas (HE-1, HE-2, and HE-3). The development standards specific to the sub-areas include maximum building height, maximum density, and usable open space/recreational space requirements. In addition, setbacks are established for the ten housing sites. Refer to Attachment 1, Sections 18.18.1120, 18.18.1130 & 18.18.1140 for the development standards specific to the three sub-areas and the housing sites. The staff presentation will include graphics that show the recommended setbacks for each site.

As part of the zoning ordinance amendment, the existing density ranges of the housing opportunity sites will be increased as shown in Table 2 below. The recommended densities have been discussed at multiple Planning Commission and Town Council meetings. All of the proposed housing opportunity sites currently allow residential, most at a density of 15.1 units/acre and up to 20 units/acre for a senior project. The proposed density for the ten housing opportunity sites result in a total of 874 units.

It is important to note that the total units shown in the table below does not take into account State Density Bonus law, which allows for an increase to the base density for housing projects that provide affordable units. The additional density is a sliding scale, meaning that increased density is allowed for projects that provide higher percentages of affordable units (i.e. a project that provides 20% affordable units may receive a bonus of 35% and a project that provides 100% affordable units may receive a bonus of 80%). The Town’s Inclusionary Policies requires that a minimum of 20% of the units be set-aside as affordable units; therefore, it is very likely that some developers may take advantage of State Density Bonus Law to build additional units beyond what the base density allows.

The State Density Bonus Law also includes a larger package of incentives intended to help make the development of affordable and senior housing economically feasible. Other tools include reduced parking requirements, and incentives and concessions such as reduced setback and minimum square footage requirements.

Table 2. Rezoning Proposal

REZONING PROPOSAL					
SITE	ADDRESS	Lot Size (acres)	Existing Density (Units/Acre)	Proposed Density (Units/Acre)	Allowable Units per Site ^{1,2}
Site 1	111 Lucky Drive	1 ³	15.1	25	25
Site 2	5651 Paradise Drive	1.54	X ⁴	25	39
Site 3	41 Tamal Vista Blvd.	2.11	15.1	35	74
Site 4	400 & 500 Tamal Plaza	3	15.1	35	105
Site 5	2 Fifer Ave.; 10 Fifer Ave., 110-150 Nellen	3.44	15.1	35	120
Site 6	5804 Paradise Drive	1.16	15.1	35	41
Site 7	5750 Paradise Drive	1.76	15.1	35	62
Site 8	100 Tamal Plaza	1.50	15.1	35	53
Site 9	240 Tamal Vista Blvd.	1.57	15.1	35	55
Site 10	1400 Redwood Avenue	7.48	5.0 – 7.5	40	300
Total Units:					874

1: If a fractional unit of one half or more is obtained, the allowable units per site is rounded up to the next whole number

2: Density bonus may result in additional units if/when development occurs

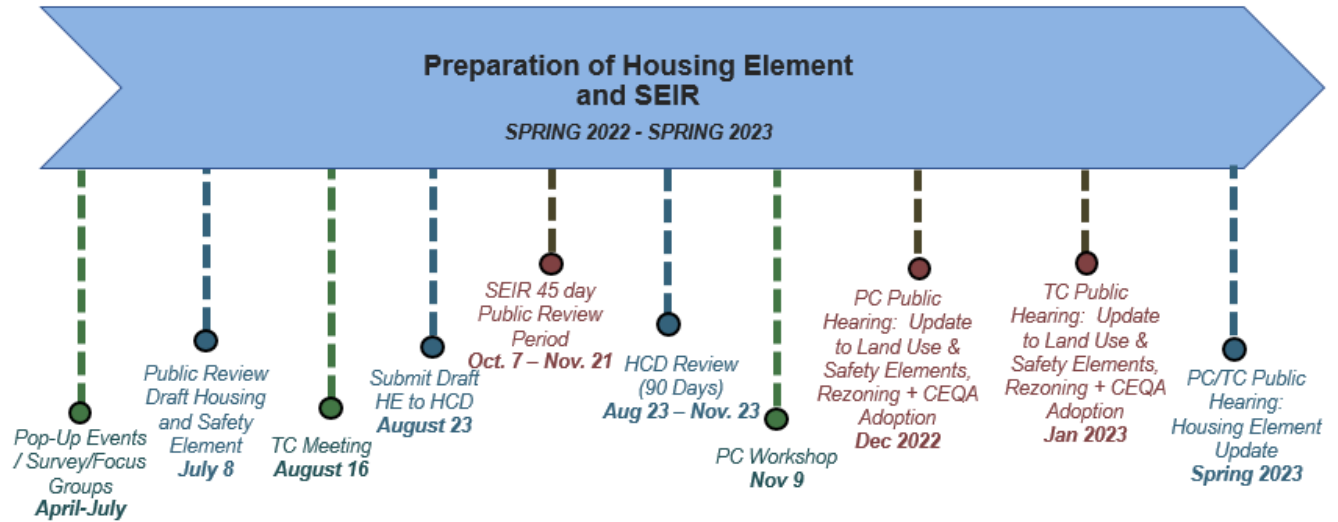
3. Lot size excludes the Black Kettle Lagoon

4. At densities determined by the Planning Commission

Next Steps

Staff is interested in receiving comments, suggested changes, or other recommendations from the Commission on the draft ordinance amendments. Staff will revise the ordinance amendments based on the feedback received, and return to the Planning Commission on December 13, 2022, where staff will seek the Planning Commission’s formal recommendation to the Town Council. As shown in Figure 2 below and included as Attachment 5, the Planning Commission will hold a public hearing in December to consider the Land Use and Safety Element updates, zoning ordinance amendment, and the Subsequent Environmental Impact Report (EIR) prepared for the project. The Planning Commission will make a recommendation to the Town Council on these aspects of the project. It is anticipated that the update to the Housing Element will be approved by the Town in the Spring of 2023. As previously discussed, it is a priority of the Town to adopt the rezoning associated with the Housing Element Update by January 31, 2023 in order to avoid the by-right consequence. Housing Element State law provides for a 120 grace period, therefore the Town has until May 31, 2023 to adopt the update to the Housing Element.

Figure 2. Housing Element Project Timeline



ENVIRONMENTAL IMPACT:

This is a discussion item and is not a project pursuant to CEQA.

ATTACHMENTS:

1. Draft Zoning Text Amendments
2. Sites Inventory Table from the Draft Housing Element
3. Updated Housing Sites Inventory Map
4. Housing Element Overlay Zones Map
5. Housing Element Project Timeline

Attachment 1
Draft Zoning Ordinance Amendments

PROPOSED ZONING TEXT AMENDMENT

**CREATING NEW OVERLAY DISTRICT WITHIN
CHAPTER 18.18 (SPECIAL PURPOSE OVERLAY
DISTRICTS)**

XI: HOUSING ELEMENT OVERLAY DISTRICT

Chapter 18.18 – SPECIAL PURPOSE OVERLAY DISTRICTS

XI. HOUSING ELEMENT OVERLAY DISTRICT

18.18.1100 – Purposes for all sites in the housing element overlay district.

- (1) To facilitate housing projects and create development standards for residential projects and mixed-use projects that include residential;
- (2) To provide appropriately located areas for residential uses to meet the demand for housing in close proximity to residential services and amenities, and employment opportunities;
- (3) To provide appropriately located areas for residential uses located along commercial corridors, near freeways, and in proximity to the best available public transit;
- (4) To improve the appearance, productivity, and quality of existing commercial properties;
- (5) To encourage projects that include units for seniors, including residential care facilities;
- (6) To ensure that the appearance of commercial and residential structures and uses complements existing development and is consistent with the visual character of the town;
- (7) To encourage the production of housing in close proximity to residential services and amenities thereby minimizing the need for vehicular trips;
- (8) To provide adequate pedestrian and bicycle infrastructure to encourage alternative modes of transportation;
- (9) To improve the visual appearance of development from the street by promoting the location of parking to sides and rear of lots; and
- (10) To provide predictable building sizes and forms irrespective of use.

18.18.1105 – Generally.

The regulations set forth in Sections 18.18.1100 through 18.18.1175 shall apply to a site developed with residential uses, including either a residential only project or a mixed-use project that includes residential uses. The regulations are not intended to apply to non-residential (commercial only projects). The development standards of the underlying zoning district shall apply to a commercial only project.

18.18.1110 - Permitted and conditional uses in Housing Element Overlay districts.

- (1) Residential uses shall be as prescribed in Chapter 18.08 (Residential Districts – R-2/R-3), except that, a for-sale residential unit is a permitted use.
- (2) Commercial uses shall be as prescribed in Chapter 18.13 (MX – Mixed-Use District), except that a residential care facility, as defined in Chapter 18.04, is a conditional use.

18.18.1112 – Development Standards for Residential Care Facilities.

- (1) A Residential Care Facility/Large, as defined in Chapter 18.04, shall be a conditional use at the sites located in the HE-1 and HE-2 sub-areas.
- (2) The development standards for a residential care facility located in the HE-1 subarea shall be as prescribed in Sections 18.18.1120, except that the density standard does not apply.
- (3) The development standards for a residential care facility located in the HE-2 subarea shall be as prescribed in Sections 18.18.1130, except that the density standard does not apply.
- (4) Required parking shall be 1 space per 3 employees on the largest shift, plus 1 space per 3 beds.

18.18.1113 – Special Standards for Senior Housing Projects.

- (1) An additional five dwelling units/acre beyond the allowable density stated in Sections 18.18.1120, 18.18.1130, and 18.18.1140 shall be permitted for a senior housing project, as defined in Chapter 18.04.
- (2) The vehicular parking standards prescribed in Section 18.18.1115(2) may be reduced up to 25%.
- (3) A minimum of 150 square feet per residential unit must be provided as usable open space/recreational space, subject to the following standards:
 - a. Open space/recreational areas may include but are not limited to courtyards, patios, balconies, barbecue areas, bocce courts, swimming pools, gym/fitness centers, community clubhouse, and rooftop lounge areas.
 - b. The usable open space may be common space accessible to more than one dwelling unit, or may be private space for the exclusive use of the residents of a development.
 - c. Common open space shall have a minimum area of 300 square feet, and shall have no dimension less than 15 feet.
 - d. Private usable open space located at ground level shall have a minimum area of 150 square feet, and shall have no dimension less than 10 feet.
 - e. Not more than one-half of the requirement may be satisfied by balconies or roof decks.
 - f. Open space/recreational areas may be located anywhere on the same development parcel, including the roof of any building on the site.

18.18.1115 – Development standards for residential projects and mixed-use projects that include residential uses.

- (1) The maximum density for each site shall be determined based on the “Net area of land” as defined in Chapter 18.04, except that portions of land below 6.2 NAVD shall not be excluded from the site area.
- (2) Vehicular parking.
 - a. Required parking shall be provided for each use as follows:

Use Type	Required Vehicular Parking	
Studio or 1 bedroom	1 min. per unit	
2 or more bedrooms	1.5 min. per unit	
Guest Parking	< 4 units	0 min.
	4-15 units	1 min. per 5 units
	16 or more units	1.5 min per 5 units
Commercial Uses	As required in Chapter 18.20.030	

- b. Notwithstanding the above requirements, the required parking for a residential care facility shall be as established in Section 18.18.1112.
- c. Parking space sizes. Full-size parking spaces shall be 9 feet in width and 19 feet in length. Compact parking spaces shall be 8.5 feet in width and 17 feet in length. No more than 30% of the total required parking spaces shall be compact spaces. The length of the parking space may be reduced by 2 feet if the vehicles parked in them will overhang landscaping.
- d. Parking lot layout shall be as prescribed in Figure 17 in Chapter 18.20.
- e. Shared parking. A parking plan for shared use of required parking spaces may be provided in accordance with the provisions of Section 18.20.020(4) and 18.20.030 (Required Number of Parking Spaces) related to multiple dwellings.
- f. Electric vehicle charging. Electric vehicle charging facilities shall be provided in compliance with Chapter 15.13.

(3) Vehicle Mile Reduction Strategies

a. Carshare Parking Spaces

- i. Carshare parking spaces shall be provided in the amounts specified in the table below:

Use Type (Residential)	Carshare Parking Spaces Required
0-49 units	None
50-100 units	1
101 or more units	2 + 1 per additional 200 units

- ii. The required carshare space(s) shall be made available, at no cost, to a carshare service for purposes of providing carshare services to its members.
- iii. Required carshare space(s) shall be designed in a manner that the space(s) are accessible to both residents and to non-resident subscribers from outside the building.
- iv. If no carshare service can make use of the dedicated carshare parking spaces, the spaces may be occupied by non-carshare vehicles; provided, however, that upon 90 days of advance written notice to the property owner from a carshare service, the property owner shall make the spaces available to the carshare for its use.

b. Vehicle Miles Traveled (VMT) Mitigation

- i. Residential projects shall submit a residential travel demand management plan (TDM), which shall include VMT reduction measure(s) consistent with CEQA required mitigation measures. The reduction measures shall be selected by the applicant and are subject to review and approval by the Planning & Building Director prior to the issuance of a building permit. Potential measures include the following:
 1. Unbundle parking costs (i.e. sell or lease parking separately from the housing unit).
 2. Provide car sharing, bike sharing, or scooter sharing programs.
 3. Subsidize transit passes for residents of affordable housing.
 4. Integrate affordable and below market rate housing.

(4) Bicycle Parking Requirements.

- a. Bicycle parking shall be provided in compliance with Section 18.20.040 (Required Number of Off-street Bicycle Parking Spaces), except that for residential uses, 1.0 spaces shall be provided per unit.
- b. The bicycle parking for residential uses shall be provided in a secure indoor parking facility for the exclusive use of the residential tenants.
- c. In a multi-story residential building, the indoor bicycle parking area may be divided into smaller spaces.
- d. Residential projects that include a bike share program may reduce the required number of bicycle parking for the residential uses by 50%.

(5) Public Frontage Standards

- a. Sidewalk widths shall be as follows:
 - i. Minimum sidewalk width of 10 feet with a tree grate embedded in the sidewalk;
or
 - ii. Minimum 8-foot clear sidewalk width with a separated 4-foot planting strip.

(6) Mechanical Equipment Screening.

- a. The following mechanical equipment is exempt from screening requirements:
 - i. Free-standing or roof mounted solar equipment; and
 - ii. Vents less than two feet in height.
- b. For new installation or relocation of existing mechanical equipment, the equipment shall be screened.
 - i. Roof mounted equipment. New buildings shall be designed to provide a parapet or other architectural element that is as tall as or taller than the highest point on any new mechanical equipment to be located on the roof of the building.
 - ii. Wall & ground mounted equipment.
 1. Equipment is not allowed between the front or side street facades and the street.

2. All screen devices shall be as high as the highest point of the equipment being screened.
3. Equipment and screening shall be in compliance with the setbacks of the site.
4. Screening shall be architecturally compatible and include matching paint, finish, and trim cap as the building.

(7) Lighting.

- a. All exterior lighting, including landscape lighting, must be dark sky compliant and/or have a BUG (Backlight, Uplight, Glare) rating of B5 or less, U0 or less and G5 or less.
- b. Exterior lighting shall have a color temperature of 3,500 Kelvin or lower (warm not cool).
- c. All parking lot lights shall be full cutoff luminaires, as certified by the manufacturer, with the light source directed downward and away from adjacent residences.
- d. Bollard lighting may be used to light walkways and other landscape features, but shall cast its light downward.
- e. Internally illuminated fascia, wall, roof, awnings or other building parts are prohibited.
- f. All nonessential exterior lighting associated with non-residential uses shall be turned off within ½ hour after the close of business or when the non-residential use is not in use.

(8) Landscaping.

- a. Landscaped areas
 - i. An off-street parking area with 10 or more parking spaces shall have landscaped areas equivalent to at least 10% of the area of the parking lot.
 - ii. One tree is required per every 10 parking spaces; beginning at 11 total spaces. The trees shall be evenly spaced throughout the parking lot to provide uniform shade. For portions of parking areas covered by photo-voltaic solar collectors that also function as shade structures, the minimum standard for trees does not apply.
 - iii. Where parking areas adjoin a public right-of-way, a minimum 5-foot wide landscaped planting strip shall be provided.
 - iv. All landscaped areas shall be bordered by a concrete curb that is at least 6 inches high and 6 inches wide.
 - v. Pedestrian paths shall be provided throughout the parking areas and related landscaped areas. Pedestrian paths shall connect the public sidewalks and parking areas to the building entrances in a safe manner.
 - vi. Parking lots shall be separated by at least 10 feet from buildings to provide room for a sidewalk, landscaping, and other planting between the building and the parking area. The required separation between parking lots and buildings may be eliminated to the rear of buildings in areas designed for unloading and loading of materials.
 - vii. Landscaping areas shall integrate stormwater management features per Marin County Stormwater Pollution Prevention Program (MCSTOPP). Curbs within the parking areas shall include breaks to provide drainage to retention and filtration areas.

viii. Where a property line of a site adjoins the Highway 101 right-of-way, a minimum of 10 feet adjoining the property line shall be landscaped with permanently maintained plant materials including screening elements not less than 10 feet in height at the time of planting.

b. Species selection shall comply with the following:

- i. Native and drought tolerant species are required to meet the minimum standards, in conformance with Marin Municipal Water District (MMWD) Water Conservation Ordinance 414.
- ii. Landscape selection shall include native and drought tolerant vegetation, applicable to Marin County, in compliance with Water Use Classification of Landscape Species (WUCOLS).
- iii. Landscaping shall comply with Central Marin Fire Standard No. 220 (Vegetation Management Plan).
- iv. Street trees shall be a minimum of 15-gallons, double staked, and planted between the curb and back of sidewalk or planted back of the curb within a minimum 4-foot planting strip.
- v. On-site trees shall be a minimum size of 15-gallons, and 30% shall be a minimum size of 24-inch box.
- vi. Tree height at installation shall be a minimum of 7 feet in vertical distance.
- vii. Minimum tree well size is 5 feet in any direction.
- viii. Shrubs shall be a minimum size of 1 gallon, and 30% shall be a minimum of 5 gallons.
- ix. Ground cover shall be used instead of grass/turf.

c. Existing vegetation

- i. On-site trees of any species, except those identified as undesirable species in Chapter 15.50 (Trees), having a caliper size of at least 50 inches circumference shall be incorporated into the landscaping to the extent practicable.
 - ii. The removal of an on-site tree of any species, except those identified as undesirable species in Chapter 15.50 (Trees), having a caliper size of at least 30 inches in circumference shall be replaced by a minimum of two 24-inch box trees.
- d. Maintenance. Landscaping shall be maintained in a clean and healthy condition. This includes pruning, weeding, removal of litter, fertilizing, replacement of plants when necessary and the appropriate watering.

(9) Retaining walls & fences.

a. Retaining walls that are visible from the public sidewalk adjoining a site shall:

- i. Not exceed four feet in height as measured from the adjacent finished grade.
- ii. Include a landscape planter in front of the wall. The planter shall be at least 18 inches deep, measured perpendicular to the wall.

(10) Signs. No sign, outdoor advertising structure, or display of any kind shall be permitted except as prescribed in Chapter 18.22, Signs. If there is an approved Master Sign Program for a site, then the standards in the Master Sign Program shall apply. The Signage Design Guidelines shall be applied to the extent practicable.

- (11) All service areas, refuse collection areas and trash bins shall be completely screened by a landscaped solid fence, landscaped masonry wall or compact evergreen hedge not less than six feet in height, with solid gates, or shall be enclosed within a building.
- (12) All off-street loading facilities shall provide for direct loading or transfer of materials and equipment directly to or from vehicles into a building. All loading facilities shall be screened to limit visual impacts on residential uses either on the same site or adjacent sites, and from public streets.
- (13) No use shall be permitted and no process, equipment or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, or heavy truck traffic, or to involve any hazard of fire or explosion.
- (14) No exterior loudspeaker shall be allowed.
- (15) All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except off-street parking and loading areas, outdoor dining areas, courtyards/patios, and outdoor recreational areas provided as part of a residential project. A use not conducted entirely within a completely enclosed structure may be required by the planning commission to be wholly or partially screened by a solid fence, masonry wall, or compact evergreen hedge not less than six feet in height.
- (16) The provisions of Section 9.36.030 (Specific Maximum Noise Levels) related to R-1-A, R-1, R-2 shall apply.
- (17) The provisions of Section 16.10.080 (Provisions for Flood Hazard Reduction) shall apply to all projects located entirely or partially within the Special Flood Hazard Area.

18.18.1120 – Development standards specific to the HE-1 Neighborhood District.

Development standards for Sites 1 and 2 shall be as prescribed in the following table:

Development Standard	Site 1	Site 2
Density	25 du/ac	25 du/ac
Non-residential square footage, minimum	N/A	5%
Non-residential square footage, maximum	20%	20%
Height	35 feet	35 feet
Front Setback, min.	As shown in Figure A	15 feet
Front Setback, max.	N/A	N/A
Rear Setback, min.	As shown in Figure A	15 feet
Side Setback, Interior	As shown in Figure A	5 feet
Side Setback, Street Side, min.	As shown in Figure A	N/A

Side Setback, Street Side, max.	N/A	N/A
Curb Cuts	Limited to 1 per street frontage	

Encroachments into minimum setbacks for Sites 1 & 2 are allowed as follows:

Encroachment Type	Front ¹	Side Street ¹	Interior Side	Rear
Architectural features	5 feet max	3 feet max	2 feet max	5 feet max
Stairs/ramps	5 feet max	3 feet max	2 feet max	5 feet max
Balconies	5 feet max	3 feet max	N/A	5 feet max

1. An upper story encroachment into the front or street side setback area requires a minimum of 8 feet vertical clearance.

18.18.1125 – Usable Open Space/Recreational Space Requirements specific to HE-1 District.

- (1) A minimum of 200 square feet per residential unit must be provided as usable open space/recreational space, subject to the following standards:
 - a. Open space/recreational areas may include but are not limited to courtyards, patios, balconies, barbecue areas, bocce courts, swimming pools, gym/fitness centers, community clubhouse, rooftop lounge areas, and playgrounds.
 - b. The usable open space may be common space accessible to more than one dwelling unit, or may be private space for the exclusive use of the residents of a development.
 - c. Common open space shall have a minimum area of 300 square feet, and shall have no dimension less than 15 feet.
 - d. Private usable open space located at ground level shall have a minimum area of 150 square feet, and shall have no dimension less than 10 feet.
 - e. Not more than one-half of the requirement may be satisfied by balconies or roof decks.
 - f. Open space/recreational areas may be located anywhere on the same development parcel, including the roof of any building on the site.

18.18.1130 – Development standards specific to the HE-2 Corridor District.

Development standards for sites 3 through 9 shall be prescribed in the following table:

Development Standard	Site 3	Site 4	Site 5	Site 6	Site 7	Site 8	Site 9
Density	35 du/ac	35 du/ac	35 du/ac	35 du/ac	35 du/ac	35 du/ac	35 du/ac
Non-residential square footage, min.	5%	N/A	5%	N/A	N/A	N/A	N/A
Non-residential square footage, max.	20%	20%	20%	20%	20%	20%	20%
Height	35 feet - 50 feet ¹	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Stepback Minimum ³	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Front Setback, min.	20 feet	10 feet ²	As shown in Figure A	15 feet	15 feet	12 feet	12 feet
Front Setback, max.	30 feet	N/A	A shown in Figure A	N/A	N/A	20 feet	20 feet
Rear Setback, min.	30 feet	15 feet	As shown in Figure A	20 feet	15 feet	15 feet	15 feet
Side Setback, Interior	10 feet	5 feet	As shown in Figure A	5 feet	5 feet	5 feet	5 feet
Side Setback, Street Side, min.	N/A	10 feet ⁴	As shown in Figure A	N/A	10 feet	N/A	12 feet
Side Setback, Street Side, max.	N/A	N/A	As shown in Figure A	N/A	N/A	N/A	25 feet
Curb Cuts	Limited to one per street frontage						

1. Height within the Neighborhood Zone (as prescribed in Chapter 18.18) is limited to a maximum of 35 feet and height in the Highway Zone (as prescribed in Chapter 18.18) is limited to a maximum of 50 feet.
2. Front setback is parallel to Tamal Vista Blvd.
3. Stepback required above the 3rd story provided no existing stepback exists; corner elements exempt
4. Street side setback refers to side setback adjacent to the trail

Encroachments into minimum setbacks for sites 3 – 9 are allowed as follows:

Encroachment Type	Front¹	Side Street¹	Interior Side	Rear
Architectural features	3 feet max	3 feet max	1 foot max	5 feet max
Stairs/ramps	3 feet max	3 feet max	1 foot max	5 feet max
Balconies/porches	3 feet max	3 feet max	N/A	5 feet max

1. An upper story encroachment into the front or street side setback area requires a minimum of 8 feet vertical clearance.

18.18.1135 – Usable Open Space/Recreational Space Requirements specific to HE-2 District.

- (1) A minimum of 150 square feet per residential unit must be provided as usable open space/recreational space, subject to the following standards:
 - a. Open space/recreational areas may include but are not limited to courtyards, patios, balconies, barbecue areas, bocce courts, swimming pools, gym/fitness centers, community clubhouse, rooftop lounge areas, and playgrounds.
 - b. The usable open space may be common space accessible to more than one dwelling unit, or may be private space for the exclusive use of the residents of a development.
 - c. Common open space shall have a minimum area of 300 square feet, and shall have no dimension less than 15 feet.
 - d. Private usable open space located at ground level shall have a minimum area of 150 square feet, and shall have no dimension less than 10 feet.
 - e. Not more than one-half of the requirement may be satisfied by balconies or roof decks.
 - f. Open space/recreational areas may be located anywhere on the same development parcel, including the roof of any building on the site.

18.18.1140 – Development standards specific to the HE-3 Core District.

Development Standard	Site 10
Density	40 du/ac
Non-residential square footage, minimum	7%
Non-residential square footage, maximum	34%
Height – Zone A, as shown in Figure B	40 feet
Height – Zone B, as shown in Figure B	70 feet
Stepback minimum ¹	10 feet
Front Setback, min	As shown in Figure B
Rear Setback, min.	As shown in Figure B

1. Stepback required above 5th story; corner elements exempt

Encroachments into minimum setbacks for site 10 are allowed as follows:

Encroachment Type	Front¹
Architectural features	5 feet max
Stairs/ramps	5 feet max
Balconies	5 feet max

1. An upper story encroachment into the front setback area requires a minimum of 8 feet vertical clearance.

18.18.1145 – Usable Open Space/Recreational Space Requirements specific to HE-3 District.

- (1) A minimum of 100 square feet per residential unit must be provided as usable open space/recreational space, subject to the following standards:
 - a. Open space/recreational areas may include but are not limited to courtyards, patios, balconies, barbecue areas, bocce courts, swimming pools, gym/fitness centers, community clubhouse, rooftop lounge areas, and playgrounds.
 - b. The usable open space may be common space accessible to more than one dwelling unit, or may be private space for the exclusive use of the residents of a development.
 - c. Common open space shall have a minimum area of 300 square feet, and shall have no dimension less than 15 feet.
 - d. Private usable open space located at ground level shall have a minimum area of 150 square feet, and shall have no dimension less than 10 feet.
 - e. Not more than one-half of the requirement may be satisfied by balconies or roof decks.
 - f. Open space/recreational areas may be located anywhere on the same development parcel, including the roof of any building on the site.
- (2) Public Space Requirements
 - a. A minimum contiguous quarter-acre public plaza shall be provided to create connectivity from the project site to the adjacent Village Retail Center. The plaza shall include but not be limited to landscaping, hardscape, lighting, and public seating areas.
 - b. An additional quarter-acre shall be provided elsewhere on the site, and may include pocket parks, walkways, and landscaping. This area is not required to be contiguous.

18.18.1150 –Affordable housing requirements.

Any new residential development project with dwelling units intended or designed for permanent occupancy shall be developed to provide affordable housing units to very low, low, moderate, and above moderate-income households in accordance with the provisions of the *Town of Corte Madera Guidelines for the Administrative of Affordable Housing in Section 18.24.120*.

18.18.1155 – Density Bonus.

The total cumulative bonus allowed for any project shall not exceed the bonus allowed by the state density bonus requirements as codified in Government Code Section 65915. An application for a state density bonus shall be submitted to the Planning Department pursuant to Section 18.24.125.

18.18.1160 – Plan Review.

Notwithstanding the provisions of Section 18.18.015 and Section 18.18.020, preliminary and precise plans shall not be required in the Housing Element Overlay District. Development in the Housing Element Overlay District shall be subject to Design Review.

18.18.1165 Preliminary Review Required.

An applicant seeking to develop a residential project or a mixed-use project that include residential uses shall submit an application for preliminary review with the Planning Department and the applicant's project shall require a minimum of one public hearing at a Study Session before the Planning Commission, unless expressly prohibited by state law.

18.18.1170 – Fee Reductions.

The Town Council may waive, reduce or rebate fees (e.g. traffic impact mitigation fees, commercial linkage fees, and park dedication fees) for any residential development project that exceeds the inclusionary requirement as set forth in the *Town of Corte Madera Guidelines for the Administrative of Affordable Housing in Section 18.24.120* by a minimum of 10%.

18.18.1175 – General provisions and exceptions.

Notwithstanding the provisions set forth in this section, the following exceptions shall apply:

- (1) Elevator penthouses, stairwells, and mechanical appurtenances covering not more than 10% of the ground area covered by the structure may be erected to a height not more than ten feet above the height limits prescribed in Sections 18.18.1120, 18.18.1130, and 18.18.1140.
- (2) Encroachments into minimum setbacks are allowed as stated in Sections 18.18.1120, 18.18.1130 and 18.18.1140.
- (3) Ramps providing ADA are allowed within setbacks, but shall not encroach within the public right-of-way.

Figure A: Development Standards for Site 1 & Site 5

Site 1: 111 Lucky Drive

Site 5: 2 Fifer Ave., 10 Fifer Ave, 110 Nellen Ave, 150 Nellen Ave
(4 parcels)

*note not to scale

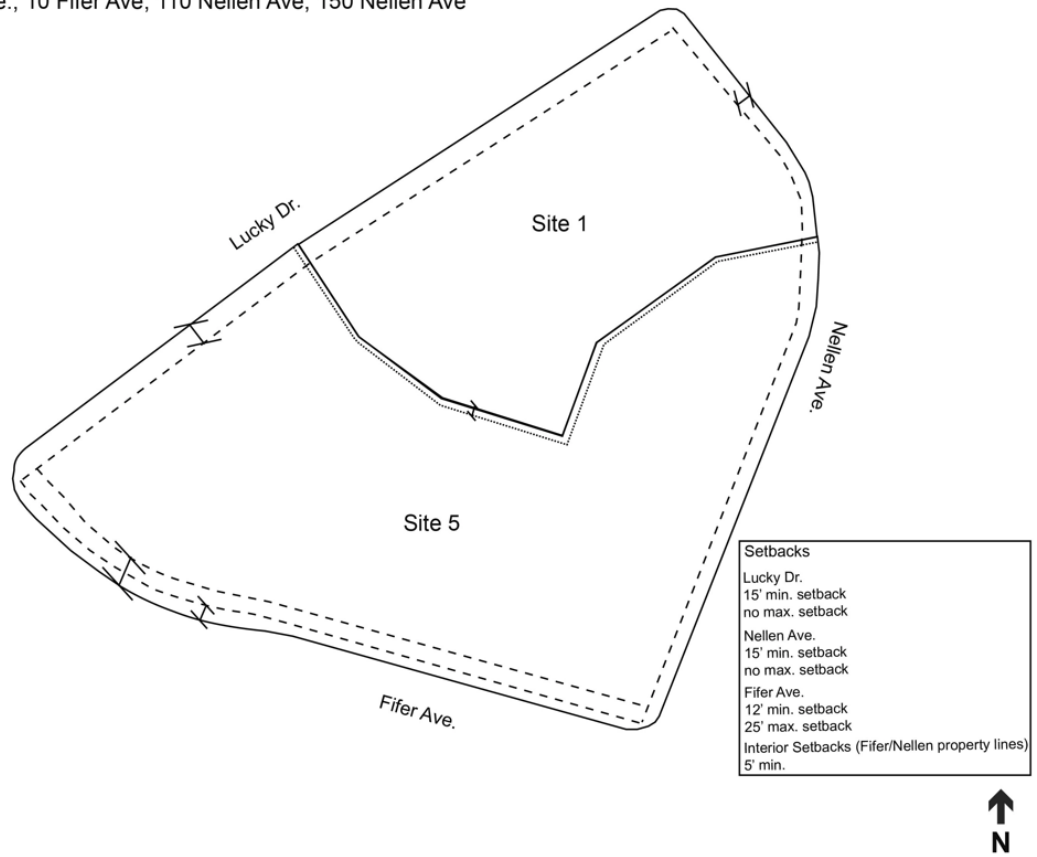
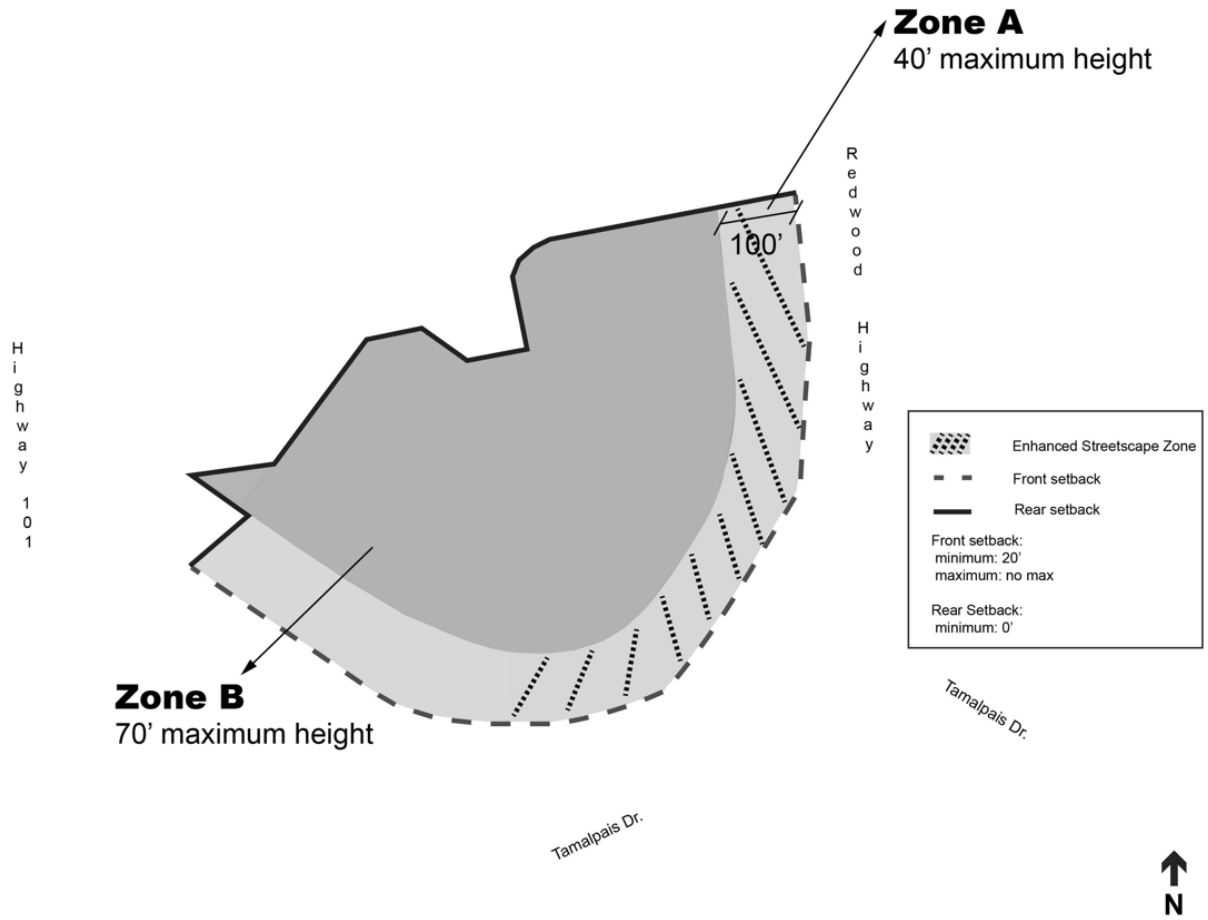


Figure B: Development Standards for Site 10



Attachment 2
Sites Inventory Table from the Draft Housing Element

Table 10: Sites Inventory

Site #	Parcel Number	Address	GP Designation	Zoning District	Size (acres)	Allowable Density (du/ac)	Realistic Develop. Capacity	Very Low	Low	Mod.	Above Mod.	Environmental Constraints
1	025-063-04	601 Tamalpais Dr.	Mixed Use Overlay - Neighborhood	C-1	0.33	20	10	-	-	2	8	Special Flood Hazard Area; Wildland Urban Interface (WUI)
	025-064-03	Tamalpais Drive & Lakeside Drive	Mixed Use Overlay - Neighborhood	C-1	0.145	20						
2	024-031-25	41 Tamal Vista Blvd.	Mixed Use Overlay - Corridor	MX-1	2.11	30	63	41	22	-	-	Special Flood Hazard Area
3	024-011-70	400 Tamal Plaza	Mixed Use Overlay - Corridor	M	1.43	35	105	34	18	53	-	Special Flood Hazard Area
	024-011-71	500 Tamal Plaza	Mixed Use Overlay - Corridor	M	1.57	35						
4	024-041-15	2 Fifer Ave.	Mixed Use Overlay - Corridor	O	1.08	35	120	12	6	6	96	Special Flood Hazard Area
	024-041-02	10 Fifer Ave.	Mixed Use Overlay - Corridor	C-3	1.03	35						
	024-041-12	110 Nellen Ave.	Mixed Use Overlay - Corridor	C-3	0.82	35						
	024-041-16	150 Nellen Ave.	Mixed Use Overlay - Corridor	C-3	0.52	35						
5	024-041-17	111 Lucky Dr.	Mixed Use Overlay - Neighborhood	C-3	1.67	25	25	16	9	-	-	Special Flood Hazard Area; 0.68 acre is Black Kettle Lagoon

Site #	Parcel Number	Address	GP Designation	Zoning District	Size (acres)	Allowable Density (du/ac)	Realistic Develop. Capacity	Very Low	Low	Mod.	Above Mod.	Environmental Constraints
6	024-032-22	1400 Redwood Hwy.	Mixed Use Overlay - Core	C-2	7.48	40	300	30	15	15	240	Special Flood Hazard Area
7	026-011-27	5804 Paradise Dr.	Mixed Use Overlay - Corridor	C-4	1.16	35	41	27	14	-	-	Special Flood Hazard Area
8	026-021-20	5750 Paradise Dr.	Mixed Use Overlay - Corridor	C-4	0.60	35	62	6	3	3	50	Special Flood Hazard Area
	026-021-15	Paradise Drive & Koch Road	Mixed Use Overlay - Corridor	C-4	0.36	35						
	026-021-19	Paradise Drive & Koch Road	Mixed Use Overlay - Corridor	C-4	0.80	35						
9	026-071-28	5651 Paradise Dr.	Mixed Use Overlay - Neighborhood	C-1	1.33	25	39	26	13	-	-	Special Flood Hazard Area
	026-071-65		Mixed Use Overlay - Neighborhood	C-1	0.09	25						
	026-071-66		Mixed Use Overlay - Neighborhood	C-1	0.13	25						
10	024-011-67	100 Tamal Plaza	Mixed Use Overlay - Corridor	M	1.50	35	53	3	4	3	43	
11	024-011-66	240 Tamal Vista Blvd.	Mixed Use Overlay - Corridor	0	1.57	35	55	4	4	3	44	Special Flood Hazard Area
12	033-021-03	Meadowcrest Dr.	Hillside Residential	R-1-A	4.06	2.2	1				1	Hillside Land Capacity District; WUI

Site #	Parcel Number	Address	GP Designation	Zoning District	Size (acres)	Allowable Density (du/ac)	Realistic Develop. Capacity	Very Low	Low	Mod.	Above Mod.	Environmental Constraints
13	025-251-04	Meadowcrest Dr.	Hillside Residential	R-1-C	3.85	2.2	1				1	Hillside Land Capacity District; WUI
14	025-241-87	Fairview Ave.	Hillside Residential	R-1-B	0.52	2.2	1				1	Hillside Land Capacity District; WUI
15	025-111-05	23 Buena Vista Ave.	Low Density Residential	R-1	0.64	5.8	1				1	WUI
16	025-111-34	530 Chapman Dr.	Low Density Residential	R-1	0.59	5.8	1				1	WUI
17	024-062-38	106 Walnut	Low Density Residential	R-1	0.27	5.8	1				1	WUI
18	033-031-67	Meadow Valley Rd.	Hillside Residential	R-1-A	0.59	2.2	2				2	WUI
19	033-031-69	Meadowsweet Dr.	Hillside Residential	R-1-A	0.47	2.2	2				2	WUI
20	033-031-68	Meadowsweet Dr.	Hillside Residential	R-1-A	0.50	2.2	2				2	WUI
21	025-051-01	208 Chapman Dr.	Low Density Residential	R-1	0.14	5.8	1				1	WUI
22	025-191-09	489 Montecito Dr.	Hillside Residential	R-1-A	0.39	2.2	1				1	WUI
23	025-221-10	499 Montecito Dr.	Hillside Residential	R-1-A	2.02	2.2	1				1	Hillside Land Capacity District; WUI

Site #	Parcel Number	Address	GP Designation	Zoning District	Size (acres)	Allowable Density (du/ac)	Realistic Develop. Capacity	Very Low	Low	Mod.	Above Mod.	Environmental Constraints
24	033-041-12	1161 Meadowsweet Dr.	Hillside Residential	R-1-A	1.97	2.2	1				1	Hillside Land Capacity District; WUI
25	025-181-05	817 Meadowsweet Dr.	Hillside Residential	R-1-A	1.48	2.2	1				1	Hillside Land Capacity District; WUI
26	025-201-06	18 Alta Terrace	Hillside Residential	R-1-A	0.71	2.2	1				1	WUI
27	025-181-16	3 Lupine Drive	Hillside Residential	R-1-A	1.0	2.2	1				1	WUI
28	025-063-05	645 Tamalpais Drive	Mixed-Use Commercial	C-1	0.46	15.1	3				3	Special Flood Hazard Area; WUI
29	026-143-13	Sonora Way	Low Density Residential	R-1	0.95	5.8	3				3	WUI
30	025-182-13	1591 Casa Buena Dr.	Mixed-Use Commercial	C-3	0.28	15.1	18	18				Special Flood Hazard Zone; WUI
ADUs		Various	Various	Various	Various	Various	100	30	30	30	10	
TOTAL							1,016	247	138	115	516	
RHNA							725	213	123	108	281	

Attachment 3
Updated Housing Sites Inventory



1 111 LUCKY DRIVE
 • MID SCALE (1.67 ACRES; 68 ACRES – BLACK KETTLE LAGOON)
 • FLOOD PLAIN/WI/O/FLAT
 • HIGHWAY COMMERCIAL & MIXED NEIGHBORHOOD CONTEXT

2 5651 PARADISE DRIVE (3 PARCELS – 2 OWNED BY TOWN)
 • MID SCALE (1.54 ACRES)
 • FLOOD PLAIN/FLAT
 • NEIGHBORHOOD SHOPPING CENTER CONTEXT

3 41 TAMAL VISTA BLVD.
 • LARGE SCALE (2.11 ACRES)
 • FLOOD PLAIN/FLAT
 • HIGHWAY COMMERCIAL AND SINGLE FAMILY NEIGHBORHOOD CORRIDOR CONTEXT

4 400 & 500 TAMAL PLAZA
 • LARGE SCALE (3.0 ACRES)
 • FLOOD PLAIN/FLAT
 • MIXED NEIGHBORHOOD CONTEXT

5 2 & 10 FIFER AVE., 110 NELLEN AVE. & 150 NELLEN AVE. (4 PARCELS)
 • LARGE SCALE (3.44 ACRES)
 • FLOOD PLAIN/FLAT
 • HIGHWAY COMMERCIAL & MIXED NEIGHBORHOOD CONTEXT

6 5804 PARADISE DRIVE
 • LARGE SCALE (1.16 ACRES)
 • FLOOD PLAIN/FLAT
 • HIGHWAY COMMERCIAL AND MULTI-FAMILY NEIGHBORHOOD CONTEXT

7 5750 PARADISE DRIVE (3 PARCELS)
 • MID SCALE (1.75 ACRES)
 • FLOOD PLAIN/FLAT
 • HIGHWAY COMMERCIAL AND MIXED NEIGHBORHOOD CONTEXT

8 100 TAMAL PLAZA
 • MID SCALE (1.5 ACRES)
 • FLAT
 • MIXED NEIGHBORHOOD CONTEXT

9 240 TAMAL VISTA BLVD.
 • MID SCALE (1.57 ACRES)
 • FLOOD PLAIN/FLAT
 • MIXED NEIGHBORHOOD CONTEXT

10 1400 REDWODD HWY. (MACY'S SITE)
 • LARGE SCALE (7.48 ACRES)
 • FLOOD PLAIN/FLAT
 • REGIONAL SHOPPING CENTER CONTEXT

LEGEND

25 DU/ACRE  

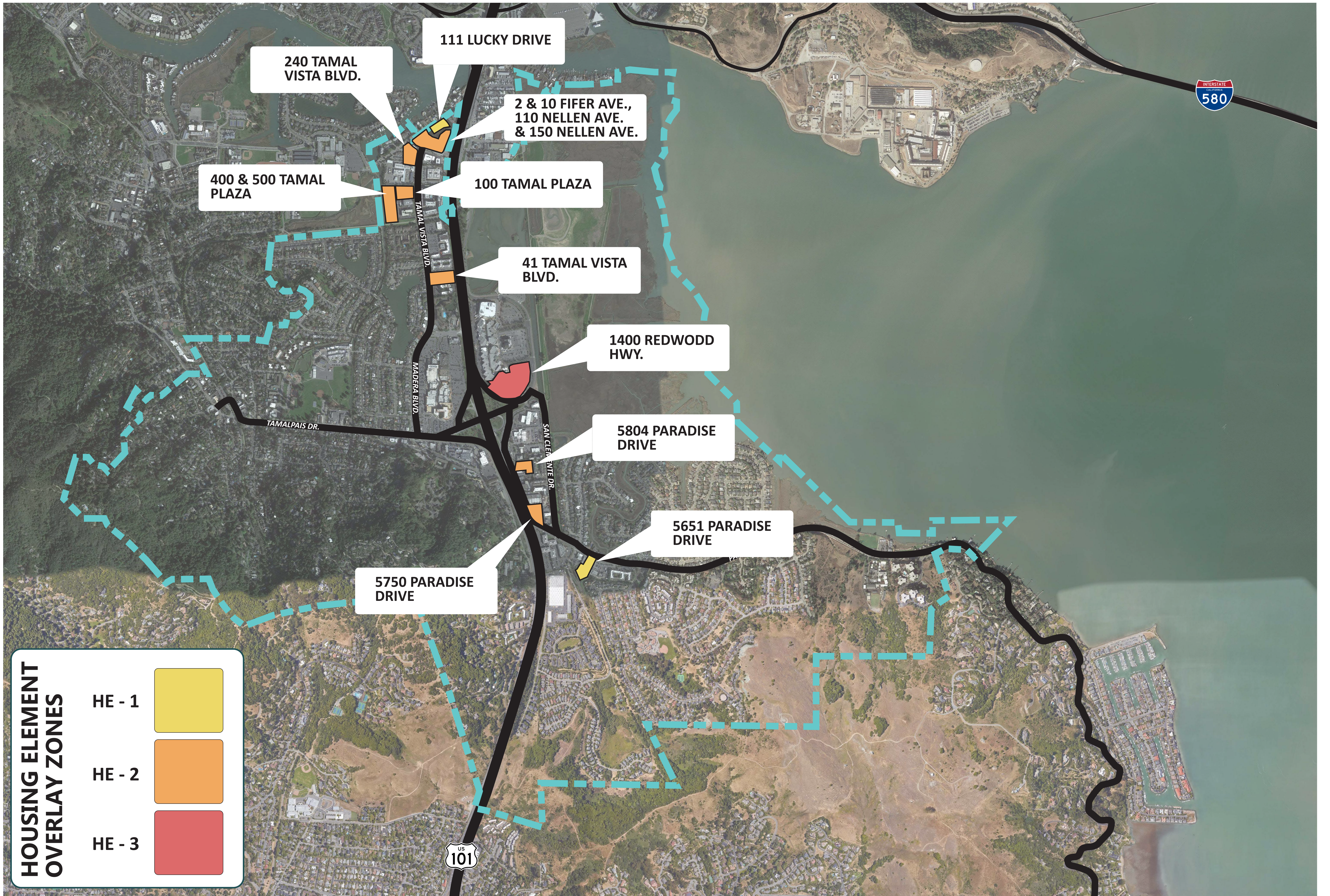
35 DU/ACRE  

40 DU/ACRE  

Scale: 1" = 500'



Attachment 4
Housing Element Overlay Zones Map



Attachment 5
Housing Element Project Timeline

Housing Element Project Timeline

Preparation of Housing Element and SEIR

SPRING 2022 - SPRING 2023

