



CORTE MADERA PLANNING COMMISSION STAFF REPORT

REPORT DATE: MARCH 24, 2017

MEETING DATE: MARCH 28, 2017

TO: PLANNING COMMISSION

FROM: DOUG BUSH, ASSISTANT PLANNER

SUBJECT: STUDY SESSION FOR DISCUSSION OF POTENTIAL MODIFICATIONS TO LOT
COVERAGE STANDARDS FOR THE R-1 SINGLE FAMILY RESIDENTIAL ZONE

APPLICANT: CORTE MADERA PLANNING DEPARTMENT

PURPOSE

Lot coverage is one of the primary development standards that control the physical form of development in the R-1 medium density residential zone. Along with setbacks, floor area and height limits, lot coverage affects the distribution of bulk on the lot and affects the proportion of open space to built structures on residential parcels. Within the region, lot coverage is a standard that is used in most, but not all jurisdictions. Of those jurisdictions that do utilize lot coverage, Corte Madera's standard of 30-35% is one of the most restrictive. In the last 10 years, the Town has approved at least 14 variances for exceeding allowable lot coverage. While lot coverage variances have historically been based on a number of different factors, small lot size is most common. In light of these recent variances, the Planning Commission has suggested that the Planning Department evaluate current lot coverage standards. Staff is requesting that the Planning Commission provide feedback regarding the information and conclusions drawn in this report and provide guidance and direction regarding potential modification of the existing lot coverage regulations.

BACKGROUND

WHAT IS LOT COVERAGE?

Lot coverage is a development standard that controls the maximum amount of a lot that can be covered by structures, expressed as a percentage of a lot's size. While setbacks create front, side and rear yards, lot coverage creates additional open space within the buildable area of the lot and governs proportion of open space to built structures. Lot coverage speaks to the footprint of structures and does not control height, total square footage, architectural design or building articulation. Lot coverage is one of multiple bulk regulations that together determine the maximum size and placement of a building on a zoning lot. It is important to note that for projects that are subject to Design Review, the maximum lot coverage, like other objective development standards that set maximum standards, may not necessarily be achieved given the requirement that all of the Design Review findings must be adequately satisfied.

HOW IS LOT COVERAGE CALCULATED?

Lot coverage is calculated by dividing the area of all structures (open or enclosed) over 3 feet from grade, into the total site area. The following are exempted:

- The area of uncovered and unenclosed off-street parking spaces, walks, patios, in-ground swimming pools or pools that do not project more than three feet above the ground
- Uncovered decks or garage aprons three feet or less above the ground
- Eaves projecting three feet or less
- Only one-half of the area of uncovered and unenclosed decks fifteen or more feet above the ground shall be counted.

Note: Additional lot coverage (+2%) for uncovered decks may be permitted for properties within the flood plain. See Section 18.08.220(e)(4)

EXISTING LOT COVERAGE STANDARD

In the R-1 zoning district, lot coverage maximums range from 30-35% depending upon the size of the lot.

- Lots less than or equal to 6000 s.f. may not exceed 35%
- Lots greater than 6000 s.f. and less than 7500 s.f. utilize the following formula: Maximum Coverage= $55 - (.0033 \times \text{Site Area})$
- Any lot equal to or greater than 7500 s.f. may not exceed 30% lot coverage.

The following table demonstrates how these current standards apply to common lot sizes.

R-1 MEDIUM RESIDENTIAL LOT COVERAGE REQUIREMENTS		
PARCEL SIZE SQ. FT.	LOT COVERAGE %	SQUARE FOOTAGE
2000	35	700
3000	35	1050
4000	35	1400
5000	35	1750
6000	35	2100
6500	33.55	2181
7000	31.9	2233
7500	30	2250
10,000	30	3000

WHY CHANGE THE LOT COVERAGE REGULATIONS?

Variances

The Planning Department has identified 13 approved Variance applications to exceed allowable lot coverage ("lot coverage variances") since 2007.¹ With 14 lot coverage variances issued in the last

¹ Because there is no master list of such variances, the total number of lot coverage variances is difficult to identify and likely exceeds the examples identified in the table below.

decade, and even more which were issued in the years preceding 2007, the prevalence of lot coverage variances creates multiple issues.

In order to issue a variance, Staff or the Planning Commission must make several required findings, including the finding that the subject property is unique in comparison to other properties in the same zone and vicinity (Attachment 1). Substandard lot size (lots which are under the standard lot size of 7500 square feet in the R-1 Zone) has been commonly used as a justification for lot coverage variances. The problem with considering this factor as “unique,” is two-fold. Firstly, the lot coverage standard is already a sliding scale which takes lot size into account – providing increased lot coverage for substandard lots. Secondly, Staff estimates that there are more properties in the R-1 Zone which are substandard in size – or roughly 1412 lots under 7500 square feet compared to 965 lots which are equal to or greater than 7500 square feet.

When considered in the Town-wide context, substandard lot size may not be an appropriate basis for issuance of a variance. Issuing variances for lots which are not truly unique and which share conditions with many other lots, establishes a precedent that can undermine the legitimacy of the development standard and the ability of the Town to implement such a standard. Changing lot coverage would interrupt the precedent tied to existing lot coverage standard and provide a more reliable application of the standard moving forward.

Lot Coverage Variances Issued Since 2007	
121 Birch Avenue	2015
172 Birch Avenue	2017
3 Council Crest Drive	2016
122 Grove Avenue	2017
317 Oakdale	2016
295 Golden Hind Passage	2010
307 Golden Hind Passage	2010
42 Madera Blvd	2008
14 Prospect Ln	2009
290 Corte Madera Ave	2011
149 Birch Ave	2012
40 Mohawk Ave	2008
16 Echo	2007

At the same time, the fact that so many variances to exceed allowable lot coverage have been approved points to de facto acceptance of: 1) the challenge of redeveloping or creating an addition to a house without exceeding the current thresholds, and 2) the appropriateness of an alternative lot coverage standard.

Neighborhood Impacts

The neighborhood impacts of residential remodels may be influenced by any number of factors such as lot topography, relationship and distance of neighboring properties and structures, and the height of developments. The Zoning Ordinance and General Plan acknowledges impacts related to height through design guidelines and policies including Residential Guidelines #1 which states that,

“in all residential districts, single-story design is encouraged.” General Plan Policy CD2.4 says to “allow second story construction... where site and view conditions warrant.”

Lot coverage is one of the planning tools that can be utilized to try and encourage desired residential construction, such as single story design. Currently, compliance with the Town’s lot coverage regulations tends to force homeowners wishing to construct significant additional allowable floor area onto a second story. This can have potentially negative impacts on neighborhood character, privacy, and views. A change to the lot coverage regulations that relaxes the current standard may help avoid or lessen the frequency of conflicts between an owner’s expectation of allowable floor area and neighborhood concerns of scale and privacy.

Comparison with Other Jurisdictions

Corte Madera’s Lot Coverage standard of 30-35% is more restrictive than a majority of other local towns. Tiburon limits lot coverage to 30% and Sausalito limits lot coverage to 30% for lots over 8000 square feet however a majority of local municipalities allow a maximum lot coverage of 35 or 40% for all lots, irrespective of size. Some jurisdictions such as Marin County or the City of Petaluma do not utilize lot coverage at all.

Jurisdiction	Maximum Lot Coverage %	Minimum Lot Size S.F.	Notes
County of Marin	No lot coverage	NA	
Fairfax	35	7500	
Larkspur	40	7500	
Mill Valley	40	6000	
Novato	40	6000	
San Anselmo	35	7500	
San Rafael	40	5000	"Maximum upper story floor size" Lots less than 5000 sf - 50% of max lot coverage, lots greater than 5000 sf, 75% of max lot coverage
Sausalito	35, 30	6000, 8000	Uses coverage and impervious surface as separate standards (65-67.5%)
Tiburon	30	10000	

INTENDED OUTCOMES

Given the aforementioned issues related to lot coverage, Staff believes a revision of the lot coverage standards could achieve the following positive outcomes:

- Facilitate single story design
- Reduce conflicts and neighborhood impacts associated with remodels and second story additions
- Provide property owners with more flexibility in considering home additions and redevelopment. Reduce frequency of variance applications

POTENTIAL CHANGES

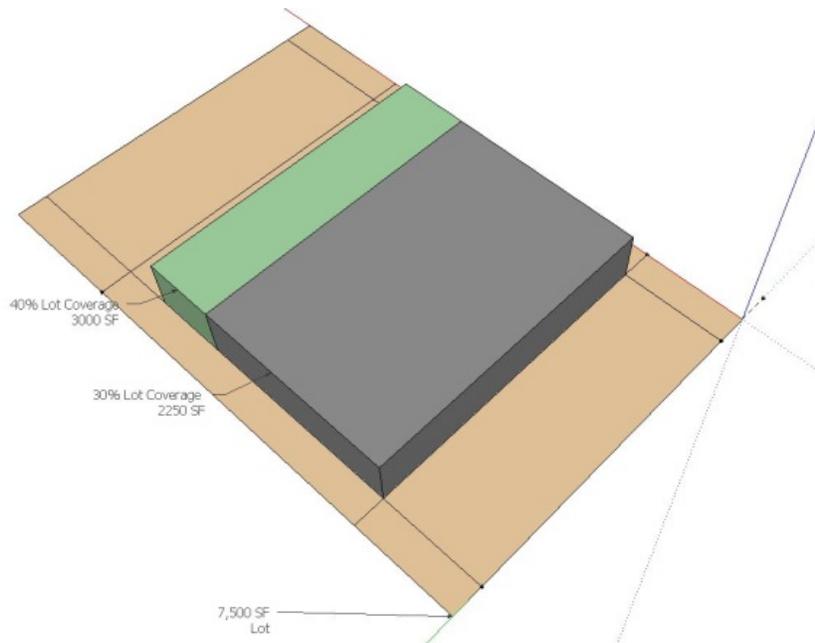
There are a variety of way to modify or change the existing lot coverage regulations in the R-1 zoning district to accomplish the above goals. Below are two different approaches that Staff is currently exploring.

Increase lot coverage to 40% for all R-1 properties.

R-1 LOT COVERAGE					
LOT SIZE	EXISTING LOT COVERAGE %	MAX BUILDING FOOTPRINT (EXISTING)	PROPOSED LOT COVERAGE %	MAX BUILDING FOOTPRINT (PROPOSED)	MAX FLOOR AREA S.F.
2000	35	700	40	800	1200
5000	35	1750	40	2000	2800
6000	35	2100	40	2400	2900
6500	33.55	2181	40	2600	2950
7000	31.9	2233	40	2800	3000
7500	30	2250	40	3000	3050

SCENARIO 1

Applicant has a 7500 square foot lot and desires to expand the size of their existing, single story, 1500 square foot home. The maximum lot coverage for the lot is 30% and the maximum floor area for the lot is 3,050 square feet. The neighboring residences are also single story and the applicant would like to avoid privacy concerns of the neighbor, avoid a costly second story addition and match the pattern of single story development in the neighborhood.



Under the existing 30% lot coverage, the applicant could build up to a 2,250 square foot single level home. This is 800 square feet less than the maximum floor area allowed on the lot. If the applicant desired to maximize the square footage of their home, this would necessitate adding a second floor. In this scenario the applicant desires to maintain a single level design, the neighbors are encouraging a

single story design, and the zoning ordinance clearly states, “in all residential districts, single-story design is encouraged.” (Section 18.30.030(1))

Increasing the lot coverage to 40% would allow the applicant up to 3000 square feet of floor area on the lower floor which is 50 square feet less than the maximum floor area allowed on the site. This would allow the applicant to achieve the goal of expanding their residence to the maximum allowed by development standards, while maintaining a single story design that is encouraged by both the neighbors and the zoning ordinance.

Eliminate Lot Coverage

Lot coverage was put into place to regulate the proportion of open space and structures on a lot. Setbacks also create this affect. For example, on a 5000 square foot lot that is 50 feet wide, by 100 feet deep, setbacks protect 52% of the lot from development. On a 7500 square foot lot that is 75 feet wide by 100 feet deep, setbacks prohibit development on 54% of the lot. As a lot gets wider and less deep, this number is exaggerated even further. Setbacks are an existing regulation that already set aside a significant portion of the lot from development. Lot coverage takes this even further, eliminating an additional 10-20% from the developable area of the lot. Because setbacks and floor area limit the overall bulk and distribution of building footprint on the lot, eliminating lot coverage completely would still result in a significant amount of open space on residential lots. Lastly, elimination of lot coverage would not necessarily allow applicants to maximize lot coverage because Design Review applications must still meet all Design Review Findings including but not limited to, aesthetics, neighborhood impacts, and neighborhood compatibility.

Attachments:

Attachment 1 Required Variance Findings

ATTACHMENT 1

REQUIRED VARIANCE FINDINGS

18.28.060 Required findings.

The planning commission or zoning administrator may grant a variance as it was applied for or in modified form if, on the basis of the application and the evidence submitted, the planning commission or zoning administrator makes all of the findings prescribed in subsection (1) of this section, and makes the additional findings prescribed in subsection (2) for a variance to a regulation with respect to off-street parking facilities or off-street loading facilities.

(1) Findings For All Variances.

- (A) There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, that do not apply generally to other properties in the vicinity and under identical zone classification.
- (B) Because of these special circumstances, the strict application of the title will result in practical difficulty and unnecessary physical hardship and will deprive the property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- (C) The variance or adjustment will not constitute a grant of special privileges and is consistent with the limitations upon other properties in the vicinity and under identical zone classification.
- (D) The granting of the variance or adjustment will not be detrimental to the public welfare or materially injurious to other property in the vicinity.
- (E) The variance is consistent with the objectives of this title and with the general plan.

(2) Findings For Variances to Off-street Parking or Off-street Loading Regulations.

- (A) Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
- (B) Granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
- (C) Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.