

**MINUTES
PLANNING COMMISSION MEETING
FEBRUARY 11, 2020
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS PRESENT: Chair Peter Chase
Vice-Chair Phyllis Metcalfe
Commissioner Bob Bundy
Commissioner Margaret Bandel
Commissioner Charles Lee

STAFF PRESENT: Adam Wolff, Planning Director
Martha Battaglia, Senior Planner
Teresa Stricker, Town Attorney

1. OPENING:

- A. Call to Order** – The meeting was called to order at 7:00 p.m.
- B. Pledge of Allegiance** – Commissioner Chase led in the Pledge of Allegiance.
- C. Roll Call** – All the commissioners were present.

2. PUBLIC COMMENT

Lucinda Smith, Alta Way, thanked the Town for taking abatement action on an Alta Terrace property and for the prompt street cleaning.

- 3. CONSENT CALENDAR** – None
- 4. CONTINUED HEARINGS** – None
- 5. NEW HEARINGS**

- A. TAMALPAIS DRIVE (LA-Z-BOY FURNITURE STORE)** – PUBLIC HEARING FOR A DESIGN REVIEW AND SIGN PERMIT APPLICATION FOR MODIFICATIONS TO THE EXISTING COMMERCIAL BUILDING, SITE IMPROVEMENTS AND ASSOCIATED SIGNS AT 801 TAMALPAIS DRIVE (Senior Planner Martha Battaglia)

Senior Planner Martha Battaglia presented the staff report. Ms. Battaglia discussed the project site, which she noted is within the San Clemente/Paradise Drive Specific Plan. She discussed new buildings in the Plan that have been approved and the current conditions of the La-Z-Boy building.

Ms. Battaglia discussed proposed site modifications, including updating two ADA parking spaces and re-facing the monument sign. Modifications to the elevations include a new front entrance design element that will raise the height from 19 feet to 25 feet, and a proposed color scheme that includes cream, tan and brown with a blue color at the entrance. Ms. Battaglia confirmed the trellis features on the east elevation will remain.

Ms. Battaglia moved on to discuss the landscaping plan, which included new ground cover, shrubs and two crepe myrtle trees. She also discussed the proposed two new wall signs that are consistent with the C4 Zoning District and the Specific Plan.

Ms. Battaglia noted that the findings are included in the staff report. She stated that a draft resolution has been prepared for approval of the Design Review and Sign Permit applications.

In response to Commissioner Bundy, Ms. Battaglia confirmed the property owner is responsible for maintaining the landscaping. She said that code enforcement by the Town could require the property owner to replace landscaping should it not be maintained.

Commissioner Lee and Ms. Battaglia discussed the reasons the current landscaping has not been maintained, with Ms. Battaglia noting that pedestrians most likely walk through landscaped areas. She confirmed that the irrigation system will be updated and that the requirement to maintain the landscaping has been included in the conditions of approval.

Wayne Bogart, Project Design and Build Contractor, stated that the building's owner, La-Z-Boy, will be occupying the building and that he expects his client will maintain the new landscaping, as they do for all their buildings.

Mr. Bogart discussed the roof height, signage and ADA accessibility, noting that the changes conform to the Town's code.

Commissioner Bandel and Mr. Bogart discussed the building sign and Mr. Bogart stated they reduced their preferred standard size to meet the Town's requirements. They also discussed lighting on the San Clemente side of the building.

In response to Chair Chase, Mr. Bogart confirmed the signage will be backlit and that there will not be glare. Chair Chase noted that staff could determine if the lighting is too bright once the project is complete.

Mr. Bogart and Commissioner Lee discussed the shade of blue color proposed, the brown color for the trellises and the tagline on the building sign.

In response to Commissioner Bundy, Mr. Bogart confirmed the trash will be located at the back of the building in an enclosure. He stated that the building will be used as a showroom only and that stock will not be warehoused on site.

In response to Vice-Chair Metcalfe, Mr. Bogart confirmed that interior lighting will be maintained for security purposes and that bright lighting will not shine through to the exterior when the store is closed.

Chair Chase noted that advertising screens were not included on the plans and could not be added at a later date.

In response to Vice-Chair Metcalfe, Ms. Battaglia stated that the trellises will be maintained on the east side in keeping with the goals of the Specific Plan.

Chair Chase opened the public comment period.

Lucinda Smith questioned the need for allowing the color blue on the exterior of the building when a similar proposal for the Highway Patrol building in the vicinity was rejected. Ms. Smith expressed concern that the commissioners were considering allowing additional height.

Chair Chase closed the public comment period.

Ms. Battaglia stated that the C4 Zoning District allows a maximum height of 35 feet, and that the applicants reduced the originally proposed height from 31 feet to 25 feet, which staff believed was in keeping with the neighborhood.

Commissioner Bandel stated that the proposal will be a great improvement as long as the landscaping is maintained and that she approves of the second ingress/egress to the site.

Commissioner Lee stated that he could make all the findings to support the project.

MOTION: Motioned by Commissioner Bundy, seconded by Vice-Chair Metcalfe to approve Resolution No. 20-002, Design Review and Sign Permit Applications PL-2019-0036 & PL-2020-0009, for modifications to the existing commercial building, site improvements, and associated signs at 801 Tamalpais Drive:

AYES: Metcalfe, Bundy, Chase, Lee, Bandel

NOES: None

Ms. Battaglia read the appeal rights.

B. ACCESSORY DWELLING UNIT ORDINANCE – PUBLIC HEARING TO CONSIDER PROPOSED ZONING ORDINANCE AMENDMENTS TO CHAPTER

18.18 (SPECIAL PURPOSE OVERLAY DISTRICT) AND CHAPTER 18.31
(ACCESSORY DWELLING UNITS) (Senior Planner Martha Battaglia)

Senior Planner Martha Battaglia presented the staff report, noting that a study session and hearing have already been conducted that resulted in the commissioners' recommendation to the Town Council to adopt changes to Chapter 18 of the Municipal Code relating to the Accessory Dwelling Unit (ADU) regulations.

Ms. Battaglia stated that the Town Council adopted a new ordinance at their January 21, 2020 meeting, and directed the Planning Commission to consider further amendments to limit ADUs and JADUs (Junior Accessory Dwelling Units) within existing structures in portions of Christmas Tree Hill (CTH) that are subject to the capacity limitations. She confirmed the Town's ordinance exempts ADUs/JADUs within existing space from these limitations, and that concerns about fire risk and safety have prompted the Town Council to direct staff to bring back amendments for their consideration. Ms. Battaglia noted that that the Town has received comment letters that are included in the packet.

In response to Chair Chase, Ms. Battaglia clarified the percentage of ADUs allowed in each capacity district, noting that there is sufficient capacity to allow between 4 – 6 additional ADUs on CTH. She confirmed that interior ADUs and JADUs were excluded from these capacity limits from 2017 to the current date.

Planning Director Wolff stated that approximately 4 interior ADUs have been constructed since 2017.

Ms. Battaglia and Chair Chase discussed parking spaces on CTH and enforcement. Staff confirmed that direction is requested should the commissioners not agree with the ADU limitations suggested in the resolution.

Chair Chase and Mr. Wolff discussed parking mitigations and Chair Chase expressed concern that existing parking conditions on CTH were not being addressed. Mr. Wolff explained that the evening's discussions were limited to the ADU ordinance and noted that parking spaces were delineated on CTH. Ms. Battaglia confirmed that additional parking for ADUs was not required within half-a-mile of public transit.

Vice-Chair Metcalfe and Ms. Battaglia discussed window standards in the ordinance, which Ms. Battaglia clarified. She confirmed that there is no provision in the current ADU regulations for the clerestory window standards to be waived with the agreement of an adjacent neighbor. Vice-Chair Metcalfe expressed a desire to consider allowing this discretion.

In response to Vice-Chair Metcalfe, Mr. Wolff confirmed there would be opportunity for non-clerestory windows through a discretionary process, which could be appealed. He noted that findings would need to be made, primarily for privacy.

Commissioner Lee expressed concern that the proposed JADU regulations might conflict with state legislation.

Counselor Stricker confirmed state law has mandated that the California Housing and Community Development (HCD) would review all ADU ordinances and amendments for consistency with state law. Ms. Stricker confirmed that staff has forwarded Ordinance 992 to HCD. Any amendments adopted to the ADU ordinance would also be submitted to HCD to review. HCD will review the ADU ordinance and make a determination and advise the Town if any aspect of the ordinance is in violation of State law. If any aspect of the ordinance is found in violation of State law, the Town will be given an opportunity to respond to HCD, which may require amendments to the ordinance or the Council could decide not to amend the ordinance, in which case HCD could make an enforcement action referral with the Attorney General's Office.

Ms. Battaglia confirmed that a garage could be converted to an ADU and an existing bedroom within the primary residence could be converted to a JADU. Commissioner Lee discussed his concern that over-regulating ADUs might not result in the desire to limit the population on CTH.

In response to Commissioner Bandel, Mr. Wolff confirmed that the proposed ordinance would restrict the number of accessory dwelling units on CTH and he clarified the proposed changes to the code.

Chair Chase opened the public hearing.

David Kunhardt, 141 Hill Path, speaking as a private citizen, stated that he did not believe the number of interior ADUs or JADUs should be restricted because they should not result in increased traffic or density for reasons he discussed. Mr. Kunhardt stated that adequate off-street parking existed.

Louise Brown, 9 Summit, discussed the need to limit ADUs on CTH, and thereby the density, for safety reasons, noting that steep and narrow roads with a single egress would make evacuation in an emergency difficult. Ms. Brown asked the commissioners to support the proposed changes to the ordinance and she requested an update on discussions to underground the utilities, which she stated was critical. Ms. Brown noted that additional ADUs/JADUs would constitute more households needing to be evacuated in an emergency.

Lucinda Smith, Alta Way, stated that she supported the proposed restrictions on CTH and that she would support similar restrictions in her neighborhood. Ms. Smith stated that single lane traffic conditions were created with street parking, which endangers the neighborhood in an emergency.

Chair Chase closed the public comment period.

In response to Vice-Chair Metcalfe, Mr. Wolff stated that a notice was sent to the Neighborhood Response Group (NRG) to notify CTH dwellers of tonight's meeting. He noted that additional weight should not apply to the group regarding design issues than any other member of the public.

Commissioner Bundy stated that he believed JADUs would not add to capacity because the room would most likely have been previously occupied. He discussed safety being of paramount importance and stated that he would support staff's recommendations.

Commissioner Lee stated that ADUs should be included in the limitations because other areas of a property besides a bedroom could be converted to additional space. He also discussed his belief that JADUs should not be included in the limitations, noting that use of the space had been allowed when the dwelling was built.

Commissioner Bandel discussed her opposition to any changes to the ordinance that would encourage an increase in the number of people who live on CTH, which would add to the already dangerous conditions.

Chair Chase asked staff if the Town had future plans to address problems related to safety and traffic on CTH and in other areas of Corte Madera. Mr. Wolff stated that such issues were being discussed in the context of climate adaptation, and he reminded the commissioners that significant studies were undertaken to create the Christmas Tree Hill Overlay District, which enabled the Town to enact restrictions it could not do in other areas of town without similar studies.

In response to Vice-Chair Metcalfe, Mr. Wolff suggested the commissioners make a recommendation to the Town Council to amend the language related to clerestory windows to include discretionary review, to be drafted by staff.

MOTION: Motioned by Commissioner Bundy, seconded by Vice-Chair Metcalfe, to approve Resolution No. 20-003, recommending adoption of the amendments to Chapter 18.18 (Special Purpose Overlay Districts) and Chapter 18.31 (Accessory Dwelling Units) of the Corte Madera Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units, with a recommendation that the ordinance allow for discretionary design review to allow non-clerestory windows in ADUs.

AYES: Metcalfe, Bundy, Chase, Bandel

NOES: Lee

Chair Chase announced a 5-minute break at 8:55 p.m.

6. BUSINESS ITEMS - None

7. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

i. Commissioners

Vice-Chair Metcalfe reported on the Town Council meeting of February 4, 2020 at which a Climate Action Committee was appointed; the Town Council Meeting of March 3, 2020 was moved to March 2, 2020 to ensure residents could vote in the election; an appeal of the Planning Commission's decision on 223 Baltimore Avenue was denied.

Commissioner Bundy reported on his attendance of the February 1, 2020 Planning Commissioners Conference at Sonoma State University with focus on wildland fire risk.

Commissioner Lee reported on his attendance of the Climate Adaptation meeting today, February 11, 2020. He noted that the Town Council has awarded funding for further studies and he commented on the productivity of the meetings due to attendance by a significant number of agencies.

ii. Planning Director

Planning Director Wolff announced that the Town would be hosting the Southern Marin workshop on March 19, 2020 relating to objective design and development standards.

Mr. Wolff reported on his attendance of a Special General Assembly on Regional Housing Needs at the Association of Bay Area Governments (ABAG) on February 7, 2020 and the January 30, 2020 workshop on the Town Hall proposal;

Mr. Wolff confirmed that the Building Permit for the Budget Inn has been issued.

iii. Tentative Agenda Items for the Tuesday, February 25, 2020 Planning Commission Meeting

iv.

(PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE)

a. None

iv. Future Agenda Items

(PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE)

B. MINUTES

i. Planning Commission Meeting Minutes of January 14, 2020

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bundy, to approve the minutes of January 14, 2020:

AYES: Metcalfe, Bundy, Chase, Lee, Bandel

NOES: None

8. ADJOURNMENT

A Motion was made, seconded and unanimously approved to adjourn the meeting at 9:15 p.m.