



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

TOWN OF CORTE MADERA PLANNING COMMISSION AGENDA

Tuesday, March 28, 2017

Council Chambers, 300 Tamalpais Drive, Corte Madera, California

7:30 P.M. REGULAR MEETING

1. OPENING

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call

2. PUBLIC COMMENT

The public is invited to address the Planning Commission on any matter in the Commission's jurisdiction, except for items scheduled for continued or new hearings. Comments are limited to three minutes per speaker.

3. CONSENT CALENDAR

All items placed on the consent calendar may be acted on collectively on a motion by any Commissioner, and each shall be deemed to have received the action recommended by staff. Any Commissioner or member of the public may request the removal of any item from the consent calendar and it will then be considered last under "New Hearings".

- A. **159 PRINCE ROYAL DRIVE** – REVIEW AND RATIFICATION OF A RESOLUTION FOR APPROVAL OF DESIGN REVIEW APPLICATION PL-2016-0007 – FOR A MAJOR REMODEL AND ADDITION OF A NEW THIRD FLOOR WITH ADDITIONS TOTALING 1,516 SQUARE FEET AT 159 PRINCE ROYAL DRIVE, REFLECTING THE PLANNING COMMISSION MOTIONS OF APPROVAL AT THE MARCH 14, 2017 PUBLIC HEARING (Assistant Planner Doug Bush)

4. CONTINUED HEARINGS

- A. None

5. NEW HEARINGS

- A. None

6. BUSINESS ITEMS

- A. **LOT COVERAGE STUDY SESSION**– STUDY SESSION FOR DISCUSSION OF POTENTIAL MODIFICATIONS TO LOT COVERAGE STANDARDS FOR THE R-1 SINGLE FAMILY RESIDENTIAL ZONE
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7. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

- i. Commissioners
- ii. Planning Director
- iii. **Tentative Agenda Items for April 11, 2017 Planning Commission Meeting**
PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE

A. CORTE MADERA INN REBUILD – PUBLIC HEARING FOR CONSIDERATION AND POSSIBLE RECOMMENDATION OF CERTIFICATION OF A REVISED FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND APPROVAL OF APPLICATIONS BY RENESON HOTELS, INC., FOR A NEW 174-ROOM DUAL-BRANDED MARRIOTT HOTEL, INCLUDING A 71-ROOM SPRINGHILL SUITES AND A 103-ROOM EXTENDED STAY RESIDENCE INN. APPLICATIONS INCLUDE A PROPOSED GENERAL PLAN AMENDMENT, ZONING AMENDMENT, PRELIMINARY PLAN, PRECISE PLAN, AND CONDITIONAL USE PERMIT.

B. MINUTES

- i. **Planning Commission Meeting Minutes of March 14, 2017**

8. ADJOURNMENT

To the next Planning Commission Meeting which will be held on **April 11, 2017 at 7:30 p.m.** in the Corte Madera Council Chambers, 300 Tamalpais Drive.

TO ACCESS PLANNING COMMISSION PACKET MATERIALS, VISIT:
<http://www.ci.corte-madera.ca.us/Archive.aspx?AMID=41>

PROCEDURAL NOTES

1. ALL DOCUMENTS RELATING TO AGENDA ITEMS ARE AVAILABLE FOR PUBLIC REVIEW IN THE PLANNING DEPARTMENT OF THE TOWN OF CORTE MADERA OFFICES AT 300 TAMALPAIS DRIVE, BETWEEN THE HOURS OF 8:00 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY. STAFF REPORTS ARE NORMALLY AVAILABLE ON FRIDAY AFTERNOON PRECEDING THE TUESDAY MEETINGS. IT IS RECOMMENDED THAT YOU CONTACT THE PLANNING DEPARTMENT FOR AVAILABILITY.
2. EACH PERSON DESIRING TO SPEAK ON A PUBLIC HEARING ITEM WILL BE GIVEN AN OPPORTUNITY AT THE APPROPRIATE TIME. PLEASE STATE YOUR NAME AND ADDRESS AS THE MEETING IS BEING RECORDED
3. **APPEAL** - FOLLOWING ACTION BY THE PLANNING COMMISSION AT A PUBLIC HEARING OR MEETING, ANY DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE TOWN COUNCIL WITHIN TEN (10) CALENDAR DAYS. APPEAL FORMS ARE AVAILABLE AT THE PLANNING DEPARTMENT, CORTE MADERA TOWN HALL. A \$300 FILING FEE IS REQUIRED.
4. IF YOU CHALLENGE THE ACTION OF THE PLANNING COMMISSION 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 AT OR PRIOR TO THE PUBLIC HEARING.
5. IT IS THE PLANNING COMMISSION'S POLICY TO ADJOURN ALL MEETINGS BY 12:00 A.M.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (415) 927-5064. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting, please notify the Planning Department 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.

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ITEM NO. 3A

**159 PRINCE ROYAL DRIVE – REVIEW AND RATIFICATION OF
A RESOLUTION FOR APPROVAL OF DESIGN REVIEW
APPLICATION PL-2016-0007 – FOR A MAJOR REMODEL AND
ADDITION OF A NEW THIRD FLOOR WITH ADDITIONS
TOTALING 1,516 SQUARE FEET AT 159 PRINCE ROYAL DRIVE,
REFLECTING THE PLANNING COMMISSION MOTIONS OF
APPROVAL AT THE MARCH 14, 2017 PUBLIC HEARING**

**Planning Commission Meeting
March 28, 2017**



CORTE MADERA PLANNING COMMISSION STAFF REPORT

ITEM NO. 3A

REPORT DATE: MARCH 24, 2017
MEETING DATE: MARCH 28, 2017

SUBJECT:

REVIEW AND RATIFICATION OF A RESOLUTION FOR APPROVAL OF DESIGN REVIEW APPLICATION PL-2016-0007 – FOR A MAJOR REMODEL AND ADDITION OF A NEW THIRD FLOOR WITH ADDITIONS TOTALLING 1,516 SQUARE FEET AT 159 PRINCE ROYAL DRIVE, REFLECTING THE PLANNING COMMISSION MOTIONS OF APPROVAL AT THE MARCH 14, 2017 PUBLIC HEARING

SITE:

159 PRINCE ROYAL DRIVE
APN 038-274-01

APPLICANTS:

Joel Hernandez and Stacy UyBico

CEQA STATUS:

The Planning Department recommends that the project is exempt from the California Environmental Quality Act under Categorical Exemption Class 1 (CEQA Article 19, Section 15301).

PROCEDURE:

The Planning Commission's decision is final unless appealed to or called up by the Town Council within ten calendar days.

BACKGROUND:

Below is a chronological listing of events pertaining to this application:

February 4, 2016 An application was filed for Major Design Review for a major remodel of an existing two level residence including the addition of a third level.

May 10, 2016 The Planning Commission held a Preliminary Study Session to facilitate an open dialogue between the applicant, commissioners and interested members of the public. Feedback provided at the hearing included questions regarding the general aesthetic of the design, the compatibility of a three level residence in the neighborhood, and potential for impacts on neighboring residences.

June, 2016 – December, 2016 The applicant engaged in neighborhood outreach, worked through multiple revisions of the project plans and worked with Staff to prepare a complete application.

January 26, 2017 The Planning Department determined the application to be complete after review of submitted information and recommended that the project qualifies for categorical exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.

February 3, 2017 Notices were mailed to all residents within 300 feet of the subject property.

February 14, 2017 The Planning Commission held a public hearing, heard testimony from the applicant and interested parties and continued the hearing to a date uncertain.

February 17 Notices were mailed to all residents within 300 feet of the subject property.

February 28, 2017 The Planning Commission made a motion to postpone the hearing to a date certain on March 14, 2017.

March 14, 2017 The Planning Commission held a public hearing on the item, heard testimony from the applicant and interested parties, and made a motion to conditionally approve the project with the request that staff provide a revised resolution at the March 28, 2017 Planning Commission meeting for consideration as a consent item.

March 28, 2017 A revised resolution is brought before the Planning Commission as a consent item for ratification of the motion made on March 14, 2017.

DISCUSSION:

On March 14, 2017, the Planning Commission held a public hearing to discuss the proposed project at 159 Prince Royal. The applicant presented illustrations of proposed tree trimming of trees on both sides of the existing structure in response to previously-expressed concerns raised by the Commission related to view impacts from 180 Prince Royal Drive. The commission discussed this proposal as it related to Design Review Finding #3. The Commission approved a motion (4-1 in favor), to approve the project based on its ability to make all of the required findings and requested that staff return with a revised resolution reflecting the Commission's conditions of approval, to be considered as a consent item.

Staff revised the resolution (Attachment 1) and has included additional conditions of approval based on the discussion and requests of the Commission. These conditions will result in a landscaping plan that provides additional plantings, improved screening and beautification of the site. A certified arborist, hired by Staff will confirm feasibility of the landscaping plan and provide a tree protection plan and further consultation to ensure that all applicable conditions of approval are met throughout the duration of the project. Furthermore, vegetation on the subject property may not exceed a fixed height specified in the condition of approval. In addition, Staff will require elevation certificates at the time of foundation inspection and installation of roof framing to periodically evaluate compliance with project plans and required conditions of approval. Staff has listed the additional and revised conditions of approval below:

3. *Height of Vegetation – No existing or proposed vegetation, inclusive of trees, may exceed an imaginary horizontal plane; set 20 feet above the level of the existing driveway, or approximately 160 feet above sea level. Height shall be measured relative to the off-site reference pins indicated on the survey submitted with the approved plan set.*
4. *Landscaping Plan*
 - a. *Show all existing and proposed landscaping within the property boundaries. The plan shall indicate the location, species, box size, height at time of planting and expected height within 3 years.*
 - b. *Provide additional landscaping, including new trees and plantings on the west and north*

- side of the property to provide additional visual screening of the structure.*
- c. New landscaping should be composed primarily of native and drought tolerant species.*
 - d. Any tree proposed for removal and any tree which is significantly damaged during construction, between 6 and 25 inches must be replaced with a minimum 24" box size while those trees equal to or greater than 25 inches in diameter, must be replaced at a 2:1 ratio, with a minimum 24" box size*
 - e. All trees shown on the landscaping plan must be maintained for a minimum of 5 years following construction.*
5. *Arborist Consult – The Town will hire an independent certified consulting arborist certified in risk assessment, and paid for by the applicant, to assess the feasibility of the landscaping plan and provide a tree protection plan. This assessment shall include, but not be limited to the following considerations:*
- i. feasibility of trimming and continued management of existing and proposed vegetation to comply with condition of approval #3 listed above*
 - ii. consideration of foundation and structural plans as they relate to effects on trees within close proximity of the construction area*
6. *Height Verification*
- a. At the time of foundation inspection, provide an elevation certificate to the Town from a licensed surveyor or engineer showing that the height of the foundation does not exceed the elevation of the existing foundation.*
 - b. After installation of the first roof truss or initial roof framing, provide confirmation in writing to the Town from a licensed surveyor or engineer that the height of the structure is consistent with the approved building permit plans. Existing elevations are taken from the Topographic Survey drawn on August 24, 2012 by Gregory Cook and provided with the approved plan set.*
7. *At the time of building permit submittal for any foundation work, the Planning Department shall review the plans for compliance with the approved plan set. Any deviation from the approved plan set may require a Permit Amendment, at the discretion of the Planning Director. The Director may also refer proposed changes of the approved plans to the Planning Commission for review.*
8. *The applicant shall be required to implement measures to avoid unsightly construction-related impacts, such as the accumulation of spoils or debris, and contain construction equipment and materials within a confined space adjacent to the area of ground disturbance and/or area of new construction, and away from vegetation to be retained.*
9. *Construction Management Plan - A Construction Management Plan and Parking Plan shall be prepared by the applicant and submitted at or before the time of building permit application submittal to the satisfaction of the Planning and Building and Public Works Departments in order to minimize impacts on the neighborhood and significant vegetation on-site during the construction period.*

Note that this application is also subject to a standard condition of approval included with all projects that no other changes shall be made to the approved site plan or landscape plans without written

approval from the Corte Madera Planning Department. If the applicant proposes changes that require Planning Department review to determine conformance with the approved plans, the Planning Director may require a \$500 deposit for a Permit Amendment, pursuant to the Corte Madera Fee Schedule. The Planning Director may also refer proposed changes of the approved plans to the Planning Commission for review.

RECOMMENDATION:

Staff recommends the Planning Commission ratify and affirm its decision made on March 14, 2017 by approving resolution No. 17-003.

ATTACHMENTS:

1. Resolution No. 17-003 For Approval
2. Draft Minutes of 3/14/17

Attachment 1
Resolution No. 17-003

BEFORE THE TOWN OF CORTE MADERA PLANNING COMMISSION

In the Matter of: DESIGN REVIEW PERMIT PL-2016-0007 FOR A MAJOR REMODEL AND ADDITION OF A NEW THIRD FLOOR WITH ADDITIONS TOTALLING 1,516 SQUARE FEET AT 159 PRINCE ROYAL DRIVE.	Resolution No. <u>17-003</u> Adoption Date: <u>March 1428, 2017</u> Appeal Period Ends: <u>March 24April 7, 2017</u>
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WHEREAS, on February 4, 2016, an application was filed for Major Design Review for a major remodel of an existing two level residence including the addition of a third level; and

WHEREAS, on May 10, 2016, the The Planning Commission held a Preliminary Study Session to facilitate an open dialogue between the applicant, commissioners and interested members of the public. Feedback provided at the hearing included questions regarding the general aesthetic of the design, the compatibility of a three level residence in the neighborhood, and potential for impacts on neighboring residences; and

WHEREAS, on January 26, 2017, the Planning Department determined the application to be complete and recommended that the project qualifies for categorical exemption under Section 15301 of the California Environmental Quality Act Guidelines; and

WHEREAS, on February 3, 2017, public hearing notices were mailed to property owners within 300 feet of the subject property and posted in three public places; and

WHEREAS, on February 14, 2017, the Corte Madera Planning Commission held a public hearing on the item, and heard testimony from the applicant and interested parties; and

WHEREAS, on February 17, 2017 public hearing notices were mailed to property owners within 300 feet of the subject property and posted in three public places; and

WHEREAS, on February 28, 2017, the Corte Madera Planning Commission postponed the public hearing to a date certain; and

WHEREAS, on March 14, 2017, the Corte Madera Planning Commission held a public hearing on the item, ~~and~~ heard testimony from the applicant and interested parties, and made a motion to approve the project with the request that staff provide a revised resolution at the March 28 Planning Commission meeting for consideration as a consent item; and

WHEREAS, on March 28, 2017, the Corte Madera Planning Commission reviewed the revised resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby **APPROVE** Design Review Permit PL-2016-0007 for a major remodel of an existing two level

residence including the addition of a new third floor, with additions totaling 1,516 square feet at 159 Prince Royal Drive, based upon the finding that the proposed project is in substantial conformity with the General Plan and Zoning Ordinance based upon the findings listed below in accordance with Section 18.30.070 of the Municipal Code, and subject to the conditions of approval listed below.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) DETERMINATION

This project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to California Code of Regulations, Title 14, Division 6, Chapter 3, (“CEQA Guidelines”), under Section 15301, because said Guidelines provision exempts the minor modifications to existing structures.

DESIGN REVIEW: REQUIRED FINDINGS

The Planning Commission hereby makes 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 with the General Plan, any applicable Specific Plan, and all provisions of the Zoning Ordinance.

The proposed project is consistent with both the Zoning Ordinance and the General Plan. The project meets all development standards of the R-1 Zoning District including but not limited to: height, floor area, setbacks, lot coverage and parking.

The project complies with the General Plan because it represents a significant reinvestment in existing housing stock that will improve the safety and structural soundness of the residence. The project is consistent with General Plan Policy CD-2.3, which requires that “new residential construction, including large additions, to respect the scale and character of nearby structures by minimizing abrupt or excessive difference in appearance or scale,” and Policy LU 2.4, that seeks to “ensure that new residential development and upgrades to existing residential development are compatible with existing neighborhood character and structures.” The structure is surrounded by a variety of homes that range from 1-3 stories. The proposed three story structure would be similar in height to other three story homes directly across Prince Royal Drive, at 164 and 168 Prince Royal. The remodel will preserve the residential use and character of the structure while introducing modern architectural elements that follow the improvements of other homes in the neighborhood, including 407 and 411 Prince Royal Drive, as well as 220 Granada which is a modular design approved by the Planning Commission in 2016.

The proposed residence would increase the functional floor area of the residence, improving the livability of the property for the property owners and doing so in manner which is harmonious with a neighborhood that is continually being improved through similar projects. The design of the structure uses significant articulation between wall faces to create “design approaches that break the mass of wall planes,” consistent with

Implementation Program CD-2.4.a. The applicants specifically maintained the existing setbacks of the structure in response to requests of the adjacent neighbor. Along with the deliberate siting of the structure, the applicants have also used clerestory windows in deliberate locations to alleviate privacy concerns of the adjacent neighbor. This is consistent with the residential design guidelines within Policy CD-2.4 which call for "limiting the impact of the proposed second story on privacy to adjoining residences... through features such as window size and placement...etc."

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.**

The project will not adversely affect the natural beauty of the Town. The project will utilize the existing graded portion of the lot - avoiding any change in the existing topography, unnecessary grading or unsightly changes to the slope or surrounding natural vegetation. There are a number of trees on the property, the majority of which are not within close proximity of the building location and will not be removed or damaged in the construction process. Much of the existing vegetation immediately surrounding the project site will be replaced according to the landscaping indicated on the site plan and new plantings will be primarily drought tolerant, non-invasive, native plantings, respecting the close proximity to Ring Mountain open space and complying with provisions of the General Plan which encourage the use of such vegetation. An additional landscaping plan will be provided by the applicant and reviewed by staff. This landscaping plan will include additional plantings along the west and norther portion of the lot that will provide visual screening and soften the transition between the slope of the lot and the structure. Any significant tree proposed to be removed, or that dies as a result of construction within 10 years of project completion will be replaced on the lot.- In addition, an arborist will be required to be hired by the Planning Department to assess the feasibility of the landscape plan, require modifications as necessary, develop a tree protection plan, and be consulted during project construction. These conditions ensure that the project will not adversely affect the natural beauty of the Town and that natural vegetation is not unnecessarily removed.

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 applicant has received 8 letters from surrounding neighbors, including 2 letters which communicate concerns of view impacts. The neighbor at 163 Prince Royal Drive, immediately east of the subject property, has raised concerns over impacts to western views from their kitchen window due to the location of the applicant's proposed covered entryway. This was an issue that was raised in the first preliminary study session. In response, the applicant reduced the length of the entryway by 1/3, from just over 30

feet in length, to 17 feet. The entryway would modify a view of the pine trees adjacent to Prince Royal Drive and remains a concern for the neighbor, as articulated in the letter they provided. The applicant has maintained a single story garage without any addition directly above it to remove any potential shading or view impacts and those aspects of the project are not a concern for the adjacent neighbor. The Commission finds that view impacts to the adjacent neighbor are minimal and not significantly or adversely affected due to the fact that the view is from a small kitchen window and the nature of the existing view is limited to the pine trees adjacent to 159 Prince Royal Drive. Views of nearby houses and other neighborhood vegetation would not be affected.

The owner of 180 Prince Royal Drive provided a letter stating that the project would have a significant adverse effect on the views from her property. A majority of the applicant's views are from the upper floor, as the lower level is limited to near views of the neighborhood and of the significant vegetation and redwood trees in her front yard. At the upper level of the home, the master bedroom extends the length of the north elevation with two sets of French doors leading to a balcony. The redwood trees growing in the front yard block approximately half of the width of the potential view area from the balcony. A PG&E power pole and wiring are conspicuously located within the existing viewshed. Beyond this power pole, there are open views from the west to the northwest include Mt. Tamalpais and the hills beyond San Rafael and Fairfax.

The proposed remodel and addition would increase the height of the structure at 159 Prince Royal which would result in the loss of a portion of the view from one of the master bedroom windows and the adjacent portion of the upper balcony. The view primarily includes portions of the distant San Rafael hills and a very limited portion of the existing view of the Corte Madera Marsh.

The General Plan acknowledges that view impacts are often part of the development process and calls for minimization of *significant* negative impacts to neighbor's views. The General Plan does not provide guidance on how to quantify the significance of a view or the significance of an impact. The General Plan does place a clear emphasis on balancing neighbor and applicant interests, or as stated in Policy LU-2.8, "view preservation shall be balanced with a property owner's right to develop." This message is echoed in Section 5.3 of the General Plan where it states, "the evaluation and analysis of new or expansion projects must balance the needs of the home owner with potential neighborhood impacts affecting views, sunlight, privacy and safety. This balance must be determined on a case-by-case basis."

In this case, while it is acknowledged that the project will result in some blockage of existing views for both 163 and 180 Prince Royal Drive, the Commission finds that the views of these and other properties within the vicinity will not be *significantly and adversely affected*. The *open* view at 180 Prince Royal Drive is wide, encompassing Mt. Tamalpais, West Corte Madera, Baltimore Ridge and the hills of Larkspur and the Ross Valley. Views to the East and Northeast are significantly obscured by redwood trees and other thick vegetation on the neighbor's own property. The view blockage of the proposed structure represents a limited proportion – roughly 1/5 - of the existing views

to the west and northwest. If the neighbor's redwood trees were pruned or "windowed" to thin their branches, the proposed development would block an even smaller proportion of the total view from 180 Prince Royal Drive. Ultimately the Commission finds that the additional height of the proposed residence would impact the view of 180 Prince Royal Drive but in no way would this impact be significant when viewed in the context of existing views. Furthermore, the Commission finds that views from 180 Prince Royal Drive have the potential for improvement, if blockages caused by adjacent vegetation were managed to reveal north and northeastern views.

Furthermore, the view impacts resulting from the increase height of the upper floor addition would be significantly mitigated by the management of trees adjacent to the subject structure. These trees currently block portions of the views of the San Rafael hills and Corte Madera Marsh. Trimming of these trees would increase views of those features and would result in a net increase of views when considered in tandem with the view blockages that would be caused by the increased height of the structure. A condition of approval for the project states that vegetation may not exceed a horizontal plane set at 20 feet above the existing level of the driveway. The applicant will also be required to prevent vegetation from exceeding this plane into the future.

Sunlight impacts are limited to the neighboring property at 163 Prince Royal and are insignificant. The adjacent structure is approximately 18 feet from the wall of the second level of the subject property and the floor level of neighboring house is approximately 10.5 feet higher than the applicant's driveway. The garage of the proposed structure has been maintained as a single level to further diminish any sunlight impacts to the neighboring property. Ultimately the higher location of the adjacent house, distance between structures and step back of the subject residence from the street significantly diminish any potential shading impacts.

Privacy impacts to this neighboring residence were mitigated through the use of clerestory windows at the upper floor, while the middle floor has two windows with limited view due to the neighbor's fence and vegetation. There are multiple balconies and decks, at the first, second and third levels. The lower level deck at the rear of the property and the patio above the garage do not create a significant and adverse impact because the height of the adjacent property is raised above the elevation of the deck and all other neighbors are a significant distance from the property. The second and upper level decks do not create any significant and adverse privacy impacts because each element is at a height that limits the ability of occupants to view inside the neighboring residence.

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 structure, site plan and landscaping are in scale and harmonious with surrounding development and neighborhood topography. Surrounding development is comprised of 1, 2 and 3 story residences. A majority of residences in the immediate vicinity retain

much of their original 1960's architecture while some have undergone major remodels that hint at current design preferences and trends. Two examples of significant remodels in the immediate vicinity include 207 and 211 Prince Royal Drive which are a significant contrast from one another and from the original structures that they replaced. 207 Prince Royal Drive is a modern design using rectangular elements, flat rooves and exposed steel whereas 211 Prince Royal uses a craftsman inspired design with wood shingles and white trim.

The redesigned residence builds on some of the traditions of the neighborhood which include a mix of craftsman style homes, traditional ranch homes and single-story shed roof homes. The existing structure has modern architectural elements, including a shed roof over the garage. The proposed design will replace this shed roof and build on this previous modern element. The design uses flat rooves and rectangular elements with modern materials, including glass, stucco, travertine and wood paneling that add a level of contemporary design to the neighborhood.

Landscaping includes existing trees along the west elevation in combination with proposed plantings around the footprint of the structure to soften the transition from the sloping lot to the structure. Overall the structure and landscaping are in scale and harmonious with the surrounding development and the project avoids modification of the lot topography that would be out of character with the neighborhood.

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

The existing structure was constructed in 1964 and has had little improvements made since that time. The proposed design and construction will use high quality and durable construction and fabrication materials and will improve the safety and soundness of the structure for the occupants.

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 property is setback from the front property lines and maintains a clear line of site for those entering and exiting the property as well as those passing along the street. The project will be an attractive, modern and visually pleasing addition to the neighborhood and will not create an adverse condition for pedestrians, cyclists or 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.

There are no known violations of the Zoning Ordinance, Building Code or other municipal code on this parcel. The project will comply with all applicable regulations and standards. The proposed structure would be a significant improvement over the aging structure which currently occupies the property.

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.**

The project does not include any signs.

CONDITIONS OF APPROVAL

PLANNING DEPARTMENT

1. Plans submitted for building permit shall include these conditions of approval on one or more of the sheets.
2. The applicant shall provide with the building permit application submittal a signed "Owner and Contractor Statement" (attached). This signed document acknowledges that the owner and contractor have read, understand and accept the responsibility to implement the conditions of approval. The proposed project shall be constructed substantially in accordance with "Joel and Stacey Home Renovation" project plans stamped "Official Exhibit" with a RECEIVED stamp date of January 31, 2017, and the colors and materials boards stamped "Official Exhibit, Approved by P.C., Resolution 17-003, Permit No. PL-2016-0007, 3/14/17" except as amended by the conditions listed below.
3. Height of Vegetation – No existing or proposed vegetation, inclusive of trees, may exceed an imaginary horizontal plane; set 20 feet above the level of the existing driveway, or approximately 160 feet above sea level. Height shall be measured relative to the off-site reference pins indicated on the survey submitted with the approved plan set. This condition shall be on-going and shall be maintained unless or until obtaining new permits or approvals or modifying existing permits or project approvals
4. A Landscaping Plan shall be submitted by the applicant and approved by the Planning Department prior to the submittal of any Building Department Permits and shall include at minimum, the following:
 - a. Show all existing and proposed landscaping within the property boundaries. The plan shall indicate the location, species, box size, height at time of planting and expected height within 3-5 years.
 - b. Provide additional landscaping, including new trees and plantings on the west and north side of the property to provide additional visual screening of the structure.

- c. New landscaping should be composed primarily of native and drought tolerant species.
 - d. Any tree proposed for removal or requiring removal during construction, or within 10 years following completion of construction, between 6 and 25 inches in circumference must be replaced in-kind with a minimum 24" box size while those trees equal to or greater than 25 inches in circumference, must be replaced in-kind at a 2:1 ratio, with a minimum 24" box size
 - e. The landscape plan shall be maintained in substantial conformity with the approved landscape plan for a minimum of 10 years following construction.
- 5. Arborist Consult – The Town will hire an independent certified consulting arborist certified in risk assessment, and paid for by the applicant, to assess the feasibility of the landscaping plan, require any modifications as necessary, and provide a tree protection plan. This assessment shall include, but not be limited to the following considerations:
 - i. feasibility of trimming and continued management of existing and proposed vegetation to comply with condition of approval #3 listed above—consideration of foundation and structural plans as they relate to effects on trees within close proximity of the construction area.
- 6. Height Verification
 - a. At the time of final foundation inspection, provide an elevation certificate to the Town from a licensed surveyor or engineer showing that the height of the foundation does not exceed the elevation of the existing foundation.
 - a.b. After installation of the first roof truss or initial roof framing, provide confirmation in writing to the Town from a licensed surveyor or engineer that the height of the structure is consistent with the approved building permit plans. Existing elevations are taken from the Topographic Survey drawn on August 24, 2012 by Gregory Cook and provided with the approved plan set.
- 7. At the time of building permit submittal for any foundation work, the Planning Department shall review the plans for compliance with the approved plan set and approved scope of work. Any changes to the approved plans may require a Permit Amendment, at the discretion of the Planning Director. The Director may also refer proposed changes of the approved plans to the Planning Commission for review.
- 8. The applicant shall be required to implement measures to avoid unsightly construction-related impacts, such as the accumulation of spoils or debris, and contain construction equipment and materials within a confined space adjacent to the area of ground disturbance and/or area of new construction, and away from vegetation to be retained.
- 3.9. Construction Management Plan - A Construction Management Plan and Parking Plan shall be prepared by the applicant and submitted at or before the time of building permit application submittal to the satisfaction of the Planning and Building and Public Works Departments in order to minimize impacts on the neighborhood and significant vegetation on-site during the construction period.

- | 4-10. If this project requires a new water service or a larger water meter then prior to submitting an application for a building permit with the Town of Corte Madera, the applicant shall provide written documentation that the project complies with the graywater provisions of Title 13 of the Marin Municipal Water District (MMWD) Code (Ordinance 429). MMWD Graywater information is available at marinwater.org/155/Graywater or 415-945-1530.
- | 5-11. No other changes shall be made to the approved site plan or landscape plans without written approval from the Corte Madera Planning Department. If the applicant proposes changes that require Planning Department review to determine conformance with the approved plans, the Planning Director may require a \$500 deposit for a Permit Amendment, pursuant to the Corte Madera Fee Schedule. The Planning Director may also refer proposed changes of the approved plans to the Planning Commission for review.
- | 6-12. Design review approval shall remain valid for a period of one year after which the approval shall lapse and become null and void. The issuance of a building permit shall constitute an extension of the design review approval which shall then remain valid during the same time period the building permit is active. If building permits have not been issued before expiration of design review approval, an extension may be requested as prescribed in Section 18.30.090 of the Town Zoning Ordinance. Such requests must be made before expiration of the Design Review approval. If building permits expire before completion of the project, the Planning Director may at their discretion, permit an extension of the Design Review approval.
- | 7-13. All exterior lighting must be (night sky compliant) and not create a glare or hazard on adjoining streets, properties or residential areas. Said lighting must be designed and installed so that the filaments, light sources or lenses are shielded with opaque material in such a way that they will not be visible at property lines. Any changes to proposed lighting must be approved by the Planning Department.
- | 8-14. Prior to a final building 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.

BUILDING DEPARTMENT

- | 9-15. Building permits are required for this project. Please contact the Corte Madera Building Department for specific submittal requirements. Plans shall comply with the 2016 Building Standards Codes.
- | 10-16. 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.

PUBLIC WORKS/ENGINEERING DEPARTMENT

Grading and Drainage

14. 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/soils engineer shall review and approve the grading/drainage plan for conformance to the report prepared for the project.
15. 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.
16. As of July 1, 2015 new projects must comply with NPDES Phase II permit storm water discharge requirements. Show how this project will comply with the new requirements and fill out required forms. This requirement will be prepared by an Engineer familiar with NPDES Phase II permit storm water discharge requirements.
17. 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 or natural storm drain system. Runoff shall not be diverted from one drainage area to another. The subsurface drainage system of the foundation or the retaining wall shall remain separate from the surface drainage system.
18. Per Municipal Code Section 12.56.010, portions of the existing sidewalk and/or driveway approach along the property frontage that show severe cracking and/or displacement will require repair or replacement as required by the Public Works Department.

Work In Public Right-of-Way

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

Sanitary Sewer

25. The existing sewer lateral serving the property shall be pressure tested or inspected by in-line video equipment from the building foundation to the main in accordance with Sanitary District No. 2 standards. Should the lateral fail this test, the applicant shall obtain a **Sanitary Sewer Permit** for the repair or replacement of the lateral in accordance with District standards prior to final acceptance of the project.
26. The applicant may 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.

27. Per Town Ordinance 21.32.050 and Sanitary District #2 Ordinance 34 § 2, the applicant is subject to an additional **Sewer Connection Charge** based upon an alteration of use. This alteration may be the result of changes to the premises or to the use of sewer facilities, in terms of either discharge or strength. The additional sewer connection charge shall be \$2,103 if paid in FY2015-2016.

Construction Operations

28. 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.
29. 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.
30. Any damage to the street caused by heavy equipment or because 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.
31. 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

32. This project is within the town of Corte Madera's wildland urban interface fire area, and is required to comply with specific regulations regarding: exterior building materials, vegetation/landscaping, firefighting water supply, fire apparatus access. Please contact the fire and planning/building departments for specific requirements for this project.
33. The interior of the building shall be provided with an automatic sprinkler system. The design and calculations for the system shall be approved by the Fire Department prior to close-in of framing.
34. The roof shall be constructed to be fire retardant (class A) or non-combustible and all chimneys shall have spark arresters. Roof and chimney plans shall be approved by the Fire Department prior to any construction.

35. Prior to the issuance of a Certificate of Occupancy, Fire Department-approved address identification shall be installed.
36. All tree limbs and vegetation within ten feet of chimneys shall be removed.
37. Smoke alarms and carbon monoxide alarms shall be installed in the structure, as required by the California Building Code/ California Residential Building Code.

INDEMNIFICATION AGREEMENT

38. The applicant/owner 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, 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 the 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.
 - D. In the event that the Town is require to initiate legal action to enforce the above indemnification conditions, the applicant shall indemnify the Town for any and all

costs and fees incurred by the Town in connection with that enforcement action.

APPEAL PERIOD

39. No building permit, Certificate of Occupancy, or other Town approval shall be issued until the expiration of the appeal period. The appeal period extends ten calendar days from the date the decision of the Planning Commission or Zoning Administrator was made. 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.

STOP WORK ORDER - RED TAG ORDINANCE

40. 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.

* * * * *

PASSED AND ADOPTED by the Corte Madera Planning Commission on March 14, 2017 by the following vote:

AYES: [Bundy, Caldera, Chase, Freedman](#)

NOES: [Metcalf](#)

ABSTAIN:

ABSENT:

Peter Chase, Chair Date

Adam Wolff, Director of Planning and Building Date

Attachment 2
Draft Minutes March 14, 2017

**DRAFT MINUTES
REGULAR PLANNING COMMISSION MEETING
MARCH 14, 2017
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS PRESENT: Chair Peter Chase
Vice-Chair Phyllis Metcalfe
Commissioner Bob Bundy
Commissioner Nicolo Caldera
Commissioner Jennifer Freedman

STAFF PRESENT: Adam Wolff, Planning Director
Douglas Bush, Assistant Planner
Judith Propp, Assistant Town Attorney
Joanne O'Hehir, Minutes Recorder

1. OPENING:

- A. Call to Order** – The meeting was called to order at 7:32 p.m.
- B. Pledge of Allegiance** – Chair Chase led in the Pledge of Allegiance.
- C. Roll Call** – All the commissioners were present.

2. PUBLIC COMMENT – NONE

3. CONSENT CALENDAR – NONE

4. CONTINUED HEARINGS

- A. 159 PRINCE ROYAL DRIVE – CONTINUED HEARING FOR A DESIGN REVIEW APPLICATION FOR A MAJOR REMODEL WITH THIRD FLOOR ADDITION AT 159 PRINCE ROYAL DRIVE** (Assistant Planner Doug Bush)

Chair Chase and Commissioner Bundy confirmed they had returned for a site visit, while the remaining commissioners confirmed they did not make an additional visit.

Senior Planner Bush presented the staff report. He provided background information on the first public hearing on February 14, 2017, noting that the commissioners held a general view that the project should have less impact. Mr. Bush discussed the correspondence received from the applicant following the first hearing that relates to tree trimming and he confirmed there are no changes to the plans.

Planning Director Wolff said he had visited 180 Prince Royal Drive to view the impacts of the proposed project from different areas of the home.

Joel Hernandez, Owner, discussed the reasons they prefer the original design and the problems resulting from removing the third floor to decrease the height. Mr. Hernandez discussed neighborhood support, and said he is unable to address a compromise with the neighbor at 180 Prince Royal Drive. He thought that sufficient distance exists between the two dwellings to render the height increase less impactful than it could be otherwise.

Mr. Hernandez discussed the proposed mitigation measure of tree trimming and noted that the owner of 180 Prince Royal Drive could trim a redwood tree on their own property to improve their view. He commented on the finding relating to the need to take into account all views from a property, not just a single view from a window.

In response to Commissioner Bundy, Mr. Hernandez said they have not consulted an arborist about tree trimming. Commissioner Bundy expressed concern that construction might negatively affect the trees on the east side of the property.

In response to Vice-Chair Metcalfe, Mr. Bush discussed the requirements for a tree permit, noting that there are certain species of nuisance trees that could be removed without a permit. He noted that pruning and minor topping does not usually require a permit.

In response to Chair Chase, Mr. Hernandez said they have not submitted a landscape plan.

Phyllis Galanis, 215 Prince Royal Drive, said that there should be confirmation that it would be possible for the owner of 180 Prince Royal to remove the redwood tree.

Margaret Bandel, 180 Prince Royal Drive, said the applicant was advised to consider alternative designs. She noted that some of the commissioners had discussed significant impacts and she commented on the lack of a landscape plan. Ms. Bandel stated that tree trimming would not mitigate an additional 6 feet of massing.

Mr. Wolff confirmed that a redwood tree would require a permit for removal if the circumference of the tree is 50 inches or more, but that pruning is allowed. He said that the Town's sunlight preservation ordinance has mediation rules relating to view obstruction that are not addressed by the Town but by the property owners.

Chair Chase noted that Ms. Bandel stated the applicants were asked to consider revising their plans. Mr. Bush confirmed that the offer to trim trees defines the response to the commissioners.

Vice-Chair Metcalfe said she would not consider approving the project without a landscape plan. Mr. Wolff noted that a drawing was submitted in the packet that provides landscape details. Vice-Chair Metcalfe confirmed that a tree-trimming proposal does not constitute sufficient mitigation efforts.

Commissioner Bundy stated that the views from 180 Prince Royal would be affected by the project and that trimming the trees on the east and west side of the property would improve the

view. Commissioner Bundy said he would favor a landscape plan and an arborist's report that included tree-trimming advice.

Commissioner Caldera said the project does not affect the views of 180 Prince Royal Drive to the extent he finds significant and that he could approve the project as presented.

Commissioner Freedman discussed the view impacts. She said the most significantly affected view is from one window in the master bedroom, but that the views from other windows on the two levels are not affected with the primary view of Mt. Tamalpais being preserved. Commissioner Freedman said that she could support the project with a plan to prune and maintain the trees to preserve views for 180 Prince Royal.

Chair Chase discussed his belief that the tree proposal would make a difference to the views from 180 Prince Royal, and that he would prefer the report to be undertaken by a State Certified Hazard arborist. Chair Chase said a complete landscape plan should be submitted in addition to a construction management plan that addresses foundation excavation and off haul.

The commissioners agreed with Mr. Wolff's suggestion that staff would procure the arborist.

Chair Chase discussed the required findings relating to landscaping. Commissioner Caldera confirmed he would like the project to move forward, since the tree trimming should improve the view impacts, and Commissioner Freedman said she could consider approving the application with responsibility for the arborist report, landscape plan and construction plan taken by staff.

MOTION: Moved by Commissioner Bundy, seconded by Commissioner Freedman, to approve Resolution No. 17-003, Design Review Permit PL-2016-0007 for a major remodel and addition of a new third floor with additions totaling 1,516 square feet at 159 Prince Royal Drive, with the added conditions that a State Certified Hazard arborist of the Town's choosing will submit a report that includes the intent of the tree-topping, the existing health of the trees and a method of maintaining the views of 180 Prince Royal; that the arborist reviews a preliminary structural plan to ensure construction does not affect the survival of trees during the construction process, and is engaged throughout excavation to backfill to ensure the trees are not harmed; that a tree protection plan is submitted for the construction period and that the applicant submits a complete landscape plan and construction management plan that addresses soil removal.

AYES: Bundy, Freedman, Caldera, Case
NO: Metcalfe

Vice-Chair Metcalfe discussed her preference that information should be presented to the Commission regarding the findings before approving the project, and Mr. Bush read the appeal rights.

ITEM NO. 6A

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

**Planning Commission Meeting
March 28, 2017**



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

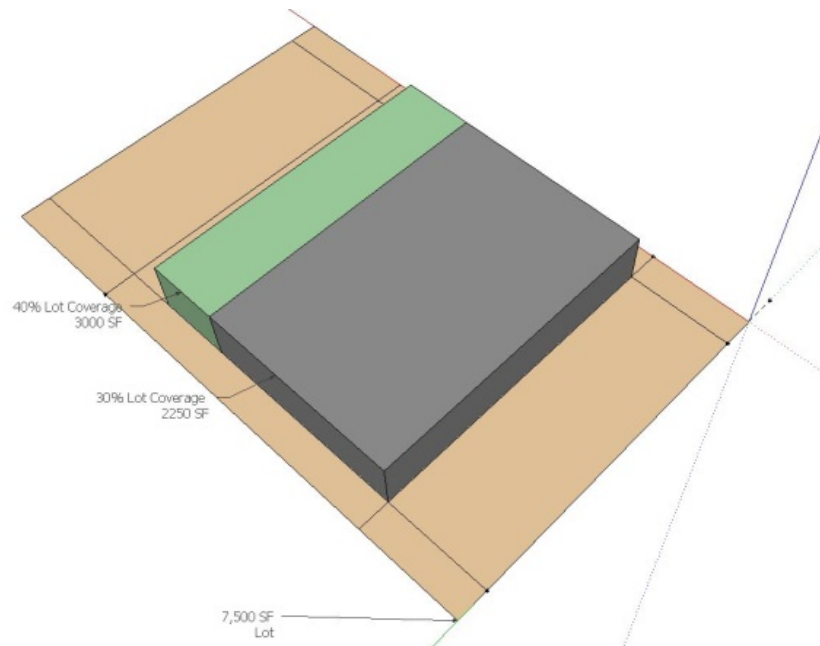
There are a variety of way to modify or change the existing lot coverage regulations in the R-1 zoning district to accomplish the above goals. Below are two different approaches that Staff is currently exploring.

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.

ITEM NO. 7Bi

**PLANNING COMMISSION MEETING MINUTES OF
MARCH 14, 2017**

**Planning Commission Meeting
March 28, 2017**

**DRAFT MINUTES
REGULAR PLANNING COMMISSION MEETING
MARCH 14, 2017
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS PRESENT: Chair Peter Chase
Vice-Chair Phyllis Metcalfe
Commissioner Bob Bundy
Commissioner Nicolo Caldera
Commissioner Jennifer Freedman

STAFF PRESENT: Adam Wolff, Planning Director
Douglas Bush, Assistant Planner
Judith Propp, Assistant Town Attorney
Joanne O'Hehir, Minutes Recorder

1. OPENING:

A. Call to Order – The meeting was called to order at 7:32 p.m.

B. Pledge of Allegiance – Chair Chase led in the Pledge of Allegiance.

C. Roll Call – All the commissioners were present.

2. PUBLIC COMMENT – NONE

3. CONSENT CALENDAR – NONE

4. CONTINUED HEARINGS

- A. 159 PRINCE ROYAL DRIVE** – CONTINUED HEARING FOR A DESIGN REVIEW APPLICATION FOR A MAJOR REMODEL WITH THIRD FLOOR ADDITION AT 159 PRINCE ROYAL DRIVE (Assistant Planner Doug Bush)

Chair Chase and Commissioner Bundy confirmed they had returned for a site visit, while the remaining commissioners confirmed they did not make an additional visit.

Senior Planner Bush presented the staff report. He provided background information on the first public hearing on February 14, 2017, noting that the commissioners held a general view that the project should have less impact. Mr. Bush discussed the correspondence received from the applicant following the first hearing that relates to tree trimming and he confirmed there are no changes to the plans.

Planning Director Wolff said he had visited 180 Prince Royal Drive to view the impacts of the proposed project from different areas of the home.

Joel Hernandez, Owner, discussed the reasons they prefer the original design and the problems resulting from removing the third floor to decrease the height. Mr. Hernandez discussed neighborhood support, and said he is unable to address a compromise with the neighbor at 180 Prince Royal Drive. He thought that sufficient distance exists between the two dwellings to render the height increase less impactful than it could be otherwise.

Mr. Hernandez discussed the proposed mitigation measure of tree trimming and noted that the owner of 180 Prince Royal Drive could trim a redwood tree on their own property to improve their view. He commented on the finding relating to the need to take into account all views from a property, not just a single view from a window.

In response to Commissioner Bundy, Mr. Hernandez said they have not consulted an arborist about tree trimming. Commissioner Bundy expressed concern that construction might negatively affect the trees on the east side of the property.

In response to Vice-Chair Metcalfe, Mr. Bush discussed the requirements for a tree permit, noting that there are certain species of nuisance trees that could be removed without a permit. He noted that pruning and minor topping does not usually require a permit.

In response to Chair Chase, Mr. Hernandez said they have not submitted a landscape plan.

Phyllis Galanis, 215 Prince Royal Drive, said that there should be confirmation that it would be possible for the owner of 180 Prince Royal to remove the redwood tree.

Margaret Bandel, 180 Prince Royal Drive, said the applicant was advised to consider alternative designs. She noted that some of the commissioners had discussed significant impacts and she commented on the lack of a landscape plan. Ms. Bandel stated that tree trimming would not mitigate an additional 6 feet of massing.

Mr. Wolff confirmed that a redwood tree would require a permit for removal if the circumference of the tree is 50 inches or more, but that pruning is allowed. He said that the Town's sunlight preservation ordinance has mediation rules relating to view obstruction that are not addressed by the Town but by the property owners.

Chair Chase noted that Ms. Bandel stated the applicants were asked to consider revising their plans. Mr. Bush confirmed that the offer to trim trees defines the response to the commissioners.

Vice-Chair Metcalfe said she would not consider approving the project without a landscape plan. Mr. Wolff noted that a drawing was submitted in the packet that provides landscape details. Vice-Chair Metcalfe confirmed that a tree-trimming proposal does not constitute sufficient mitigation efforts.

Commissioner Bundy stated that the views from 180 Prince Royal would be affected by the project and that trimming the trees on the east and west side of the property would improve the view. Commissioner Bundy said he would favor a landscape plan and an arborist's report that included tree-trimming advice.

Commissioner Caldera said the project does not affect the views of 180 Prince Royal Drive to the extent he finds significant and that he could approve the project as presented.

Commissioner Freedman discussed the view impacts. She said the most significantly affected view is from one window in the master bedroom, but that the views from other windows on the two levels are not affected with the primary view of Mt. Tamalpais being preserved. Commissioner Freedman said that she could support the project with a plan to prune and maintain the trees to preserve views for 180 Prince Royal.

Chair Chase discussed his belief that the tree proposal would make a difference to the views from 180 Prince Royal, and that he would prefer the report to be undertaken by a State Certified Hazard arborist. Chair Chase said a complete landscape plan should be submitted in addition to a construction management plan that addresses foundation excavation and off haul.

The commissioners agreed with Mr. Wolff's suggestion that staff would procure the arborist.

Chair Chase discussed the required findings relating to landscaping. Commissioner Caldera confirmed he would like the project to move forward, since the tree trimming should improve the view impacts, and Commissioner Freedman said she could consider approving the application with responsibility for the arborist report, landscape plan and construction plan taken by staff.

MOTION: Moved by Commissioner Bundy, seconded by Commissioner Freedman, to approve Resolution No. 17-003, Design Review Permit PL-2016-0007 for a major remodel and addition of a new third floor with additions totaling 1,516 square feet at 159 Prince Royal Drive, with the added conditions that a State Certified Hazard arborist of the Town's choosing will submit a report that includes the intent of the tree-topping, the existing health of the trees and a method of maintaining the views of 180 Prince Royal; that the arborist reviews a preliminary structural plan to ensure construction does not affect the survival of trees during the construction process, and is engaged throughout excavation to backfill to ensure the trees are not harmed; that a tree protection plan is submitted for the construction period and that the applicant submits a complete landscape plan and construction management plan that addresses soil removal.

AYES: Bundy, Freedman, Caldera, Case
NO: Metcalfe

Vice-Chair Metcalfe discussed her preference that information should be presented to the Commission regarding the findings before approving the project, and Mr. Bush read the appeal rights.

5. NEW HEARINGS

A. 323 SAUSALITO STREET – MAJOR DESIGN REVIEW FOR THE REMODEL OF AN EXISTING TWO LEVEL RESIDENCE WITH 850 SQ FT OF ADDITIONS AND A VARIANCE TO ALLOW ENCROACHMENT INTO THE REQUIRED FRONT AND SIDE SETBACK. (Assistant Planner Doug Bush)

Assistant Planner Bush presented the staff report. He passed additional materials, including a letter of support, to the commissioners, which he noted are also available to the public. Mr. Bush described the lot topography, location of adjacent structures, drainage easement, and the two-level home on the property, which he said would be maintained with the appearance of a one-level home from the street level. Mr. Bush discussed the expanded garage and landscaping, noting that two backyard trees are proposed to be removed to provide more useable space.

Mr. Bush discussed the variance to allow encroachment of the front and side setbacks, the reasons that the porch is able to encroach the front setback without a permit, and he confirmed that parking requirements would be met if the encroachment variance is granted for the garage expansion. Mr. Bush also discussed the deck addition at the rear of the property, the gable roof design, windows, finishes, and earth tone colors. He confirmed there would be no significant adverse impacts on the neighbors.

Mr. Bush said that staff could support the design review and variance findings. These included the unique conditions of the lot that relate to the increased front setback and the location of adjacent structures, and the drainage easement in the middle of the property that would make it difficult to move the house further away from the front setback. Mr. Bush confirmed that staff has received verbal support from both adjacent neighbors.

In response to Commissioner Caldera, Mr. Bush clarified the variances.

In response to Commissioner Freedman, Mr. Bush confirmed the garage is currently non-conforming and the applicant proposes that it remains non-confirming by extending the wall further into the front setback in order to meet the parking standards.

Ed Blenkinsip, Project Designer, discussed the reasons for not relocating the garage, the need for home renovation, the retaining walls and request for the encroachment variance. He said they have tried to reduce the presence of the house on the street side at the front and noted that they have reversed the slope of the roof in order to reduce the wall surface area on each side where there is a neighbor.

Mr. Blenkinship discussed the garage door materials and tree removal in response to questions by the commissioners. Vice-Chair Metcalfe said the project is well designed and would be an attractive addition to the neighborhood.

Chair Chase opened the public comment period. Alex Pulver, 18 Sunnyside, said he supports the project and commented on the provision of parking before Chair Chase closed the public comment period.

Commissioner Caldera said he could support the findings and that the proposal is an appropriate design that will benefit the area. Commissioner Freedman commented similarly on the design and said the variances will provide additional parking and that she can make the findings.

Vice-Chair Metcalfe said the design is attractive and that she can approve the variances and Chair Chase said it is a great design. The commissioners confirmed they have visited the property, with Vice-Chair Metcalfe confirming she had driven by.

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bundy, to approve Major Design Review PL-2016-0107 for the remodel of an existing two-level residence with 850 square feet of additions and Variance PL-2016-0108 to allow encroachment into the required front setback at 323 Sausalito Street:

AYES: Metcalfe, Bundy, Chase, Freedman, Caldera

NOES: None

Commissioner Bush read the appeal rights and Chair Chase announced a 5-minute break at 9:20 p.m.

6. BUSINESS ITEMS

A. 41 TAMAL VISTA BOULEVARD (SCANDINAVIAN DESIGNS) – STUDY SESSION FOR PRELIMINARY REVIEW OF A PROPOSED NEW MIXED-USE DEVELOPMENT AT 41 TAMAL VISTA BOULEVARD, INCLUDING A NEW 23,000 SF RETAIL STORE FOR SCANDINAVIAN DESIGNS, 4 RESIDENTIAL UNITS, AND APPROXIMATELY 5,400 SF OF RETAIL AND RESTAURANT SPACE. (Planning Director Adam Wolff)

Commissioner Freedman recused herself because she lives within 500 square feet of the subject property, and Planning Director Wolff presented the staff report. Mr. Wolff discussed the purpose of the study session, noting that a formal application has not been submitted by Scandinavian Design, and said that comments will serve only as guidance to the applicant.

Mr. Wolff discussed the location of the property and the land use process for the Tamal Vista corridor that resulted in the adoption of a new MX1 Zoning District in October

2016. Mr. Wolff said the applicant has worked with the regulations in a way that was envisioned when the new regulations were adopted and are proposing mixed uses, including a commercial base and residential units with an FAR of .38, which is .2% less than the maximum allowed. Mr. Wolff confirmed that a future design review application would need to include an additional height allowance and a conditional use permit for the residential use.

Mr. Wolff noted that a neighborhood meeting had occurred in February 2017, and that environmental and traffic studies would be needed, in addition to discussions on parking and design.

In response to Commissioner Bundy, Mr. Wolff said the zoning code allows for flexibility in height instead of a variance, but that the Commissioners would need to consider a height request. He noted the need to elevate the buildings out of the floodplain.

Chair Chase and Mr. Wolff discussed the differences between the MX1 zone and other commercial zones, which Mr. Wolff noted include the need to set back upper levels from the lower level and rules governing roof overhangs.

Jeff Shepherd, Project Architect, discussed the proposed project. He said they have incorporated public space into a modern design and avoided a single-use box store design. Mr. Shepherd said that it is of utmost importance that the design and aesthetics should be compatible with the products sold in the store.

Mr. Shepherd said they have designed the buildings in the front of the lot to screen parking, and he discussed the courtyard, pedestrian connection through the site, and the method used to determine the height of the buildings. He said there would be two buildings in the front consisting of a one-story building with a restaurant roof deck, while the second building would consist of two stories incorporating the residential units for which they would request an additional height allowance. Mr. Shepherd discussed the roof and the need to extend into the setback.

Mr. Shepherd went on to discuss landscaping, the FAR, the request for a restaurant or specialty store, and possible solutions for lack of parking, including a parking agreement with the office building next door and elevated parking spaces.

Mr. Shepherd discussed the photovoltaic roof system, the building materials, trellising, light mitigation measures, and design features to reduce massing. He also discussed the brand recognition (including the over-hang roof design that prevents light being emitted upwards), a deck area that would be open to the community, the street setback, a grassed area in front, steps at the street level that would lead to a first floor level, and their interpretation of the Code's second floor height and setback requirements relating to the apartments.

Mr. Shepherd discussed the design in relation to drawing in pedestrian traffic to the courtyard, landscaping, and the possibility of incorporating a green wall. He also discussed the differences between the design of the back of the building facing the freeway and the front that is pedestrianized.

Vice-Chair Metcalfe commented on the parking agreement that existed between the theater and the offices next door and she discussed other possible retail types that they might consider besides a restaurant. Mr. Shepherd confirmed their preference for a food-related business.

Chair Case opened the public comment period.

Steven Sklad, Council Crest, said that he likes the project and would prefer a restaurant or food oriented business included in the plan. However, he discussed his concerns about insufficient parking and light emission from the buildings that might affect neighboring homes.

Phyllis Galanis, 215 Prince Royal Drive, said she echoed Mr. Sklad's comments on lighting, and expressed concern that trees should not block views to Mt. Tamalpais. She expressed a preference for a family-oriented restaurant.

Pagerie Jacobi, 16 Tamal Vista Boulevard, said the project looks great but that she is concerned a single entrance and exit will result in cars backing up outside her home.

John Asdourian, 28 Tamal Vista Boulevard, said that he likes the concept of Scandinavian Design, but expressed concern that a small city is being developed in a dense area and not a store. He also expressed concern about noise levels caused by a dining area on the roof deck and increased traffic issues.

Patti Stoliar, Casa Buena Drive, expressed a hope that the design would be age-friendly and that the wooden louvers would not be black.

Kathryn Taylor, Greenbrae, said she lives next door to the family that own the store and that the design is considerate.

Jane Levinsohn, Tamal Vista Boulevard, commented on the number of driveways on Tamal Vista Boulevard, and said another monstrosity is not needed on the road. She said the project is attractive but that it should be located elsewhere and that traffic and bicycle accidents will increase. Ms. Levinsohn confirmed she is completely opposed to the project.

Judy Ardzrooni, Lakeside Drive, agrees with Ms. Levinsohn's comments. She said the project is over-planned, the façade too high, and that she would not wish to look up at

a restaurant while people look down into front yards. She said she likes the idea of Scandinavian Design in the location but that the project is too ambitious.

Chair Chase closed the public comment period.

In response to Commissioner Bundy, Mr. Shepherd confirmed the facilities would be undergrounded. They discussed an access drive that is required by the Fire Department.

Vice-Chair Metcalfe and Mr. Shepherd discussed the size of the residential units and Mr. Shepherd said each apartment would have a private courtyard. They discussed peak demand times for all uses, which Mr. Shepherd said they are investigating.

Mr. Wolff confirmed that the Zoning Code allows only one curb cut to improve pedestrian and bicycle safety.

Commissioner Caldera said the proposal meets the objectives of the mixed-use district, although he believes the density is too great and the scale of residential units appears to be too small with potential for high noise levels and loss of privacy. Commissioner Caldera said the design is elegant, contemporary, that it appears to be visually pleasing and that he could support the additional height allowance. He likes the idea of elevated parking spaces and he commented on a single exist/entrance relating to traffic issues.

Vice-Chair Metcalfe said the project is elegant and that she does not have an issue with the apartments being close together. She said the project is well thought out, is an excellent use of the site and is an example of the kind of project that is desirable in the mixed-use district. She said the project lends itself to being part of the community.

Commissioner Bundy discussed his concern about the noise from a restaurant and Mr. Wolff confirmed a Conditional Use Permit would not be necessary if a restaurant is less than 4000 square feet. Otherwise, Commissioner Bundy said the design is open and inviting and people will visit rather than walk by.

Chair Chase said the design is elegant and well conceived for the site and mixed-use regulations, and that it would work for the neighborhood. He said that the residents could be shielded from the restaurant, and that he supports the residential units because he believes people would like to live there. Commissioner Chase said the impact should not be high, traffic studies will be undertaken, and that noise issues could be addressed by the design. He believes the project would be a great addition to the area.

7. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

i. Commissioners

Chair Chase reported on his attendance of the March 7th Council Meeting at which the following items were discussed: A Police report, the combining of the Bicycle and Pedestrian Advisory Committee and Accessibility Advisory Committee, the closure of the top of Chapman Drive while drilling work is undertaken for the tunnel, and bids for the Tamalpais Corridor that will be issued on 15th March. Chair Chase also commented on a TAM Board Meeting he attended when Executive Director Dianne Steinhauser provided a Measure A update.

ii. Planning Director

Planning Director Wolff noted that the Corte Madera Inn Rebuild Project will not be heard at the next meeting on March 28, 2017.

Tentative Agenda Items for March 28, 2017 Planning Commission Meeting

PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE

A. CORTE MADERA INN REBUILD – PUBLIC HEARING FOR CONSIDERATION AND POSSIBLE RECOMMENDATION OF CERTIFICATION OF A REVISED FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND APPROVAL OF APPLICATIONS BY RENESON HOTELS, INC., FOR A NEW 174-ROOM DUAL-BRANDED MARRIOTT HOTEL, INCLUDING A 71-ROOM SPRINGHILL SUITES AND A 103-ROOM EXTENDED STAY RESIDENCE INN. APPLICATIONS INCLUDE A PROPOSED GENERAL PLAN AMENDMENT, ZONING AMENDMENT, PRELIMINARY PLAN, PRECISE PLAN, AND CONDITIONAL USE PERMIT.

B. LOT COVERAGE STUDY SESSION– STUDY SESSION FOR DISCUSSION OF POTENTIAL MODIFICATIONS TO LOT COVERAGE STANDARDS FOR THE R-1 SINGLE FAMILY RESIDENTIAL ZONE

B. MINUTES

i. Planning Commission Meeting Minutes of February 28, 2017

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bundy, to approve the Planning Commission Meeting Minutes of February 28, 2017:

AYES: Metcalfe, Bundy, Chase, Freedman, Caldera

NOES: None

8. ADJOURNMENT

A motion was made, seconded and unanimously at 11:17 p.m. to adjourn the meeting.