



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

TOWN OF CORTE MADERA PLANNING COMMISSION AGENDA

Tuesday, December 9, 2014

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. NONE

4. CONTINUED HEARINGS

- A. NONE

5. PUBLIC MEETINGS

- A. **Public Meeting to receive public comment on the Draft Environmental Impact Report (DEIR) for the Corte Madera Inn Rebuild Project at 56 Madera Boulevard.**

The proposed project consists of the demolition of the existing predominantly two-story, 110-room hotel on the site and construction of a new two and three story 187 room hotel. The project would include filling in the .64 acre pond on the site and removal of the existing restaurant use. The DEIR describes the effect of the project on the environment and any necessary mitigation measures. At this meeting the environmental consultant who prepared the DEIR will give a brief overview of the document and then the public will be invited to provide comments on the DEIR. Each person from the

public wishing to speak will be given three minutes. A formal public hearing on the DEIR and the proposed land use applications associated with the project will be scheduled before the Planning Commission and then Town Council at a later date.

The public comment period extends from November 17, 2014 and ends at 5:00 pm on January 9, 2015. All comments regarding the DEIR must be received by this ending date/time.

6. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

- i. Commissioners
- ii. Planning Director

B. MINUTES

- i. Planning Commission Meeting Minutes of November 19, 2014.

7. ADJOURNMENT

A Special Meeting of the Planning Commission will be held on **December 18th, 2014** at 7:30 p.m. in the Corte Madera Council Chambers, 300 Tamalpais Drive to discuss the Casa Buena Townhomes, 1421 and 1425 Casa Buena Drive.

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.

ITEM NO. 5A

**PUBLIC MEETING TO RECEIVE PUBLIC COMMENT
ON THE DRAFT ENVIRONMENTAL IMPACT REPORT
(DEIR) FOR THE CORTE MADERA INN REBUILD
PROJECT AT 56 MADERA BOULEVARD**

Planning Commission Meeting

December 9, 2014

Adam Wolff

From: Adam Wolff
Sent: Monday, November 24, 2014 12:21 PM
To: Patrick Pagnillo; Peter Schwartz; 'Phyllis Metcalfe (PC) (plmetcalfe@comcast.net)'; 'Peter Chase (PC) (pc@vanacker.com)'; 'Dan McCadden (dmccadden@allresco.com)'
Subject: Corte Madera Inn DEIR

Hi Commissioners:

On December 9, the Planning Commission will hold a public meeting to receive public comment on the DEIR for the Corte Madera Inn project. You can view the document in its entirety by clicking on the following link: http://www.ci.corte-madera.ca.us/CorteMaderaInn_EIRandAPPENDICES.pdf. There will be no action taken at this meeting. The environmental consultant will give a 15 minute overview of the results of the DEIR analysis and then the public will be given 3 minutes each to discuss their comments. Please let me know if you have any questions. Also, please confirm your attendance. Thanks.

Adam

ITEM NO. 6B

**DRAFT MINUTES OF
PLANNING COMMISSION MEETING
OF NOVEMBER 19, 2014**

Planning Commission Meeting

December 9, 2014

**DRAFT MINUTES
SPECIAL PLANNING COMMISSION MEETING
NOVEMBER 19, 2014
CORTE MADERA TOWN HALL
CORTE MADERA**

**COMMISSIONERS
PRESENT:**

Vice-Chair Peter Chase
Commissioner Phyllis Metcalfe
Commissioner Dan McCadden

**COMMISSIONERS,,
ABSENT:**

Commissioner Peter Schwartz
Chair Patrick Pagnillo

**STAFF
PRESENT:**

Adam Wolff, Planning Director
Phil Boyle, Senior Planner
John Abaci, Town Attorney
Joanne O'Hehir, Minutes Recorder

1. OPENING:

- A. Call to Order** – The meeting was called to order at 7:30 p.m.
- B. Pledge of Allegiance** – Vice-Chair Chase led in the Pledge of Allegiance.
- C. Roll Call** – All the commissioners were present with the exception of Chair Pagnillo and Commissioner Schwartz.

2. PUBLIC COMMENT:

Michael Orr, Chickasaw Court, expressed concern that a developer had participated in discussions that related to the Master Plan for the Tamal Vista corridor. He felt that individuals who did not live in the town, or who had an ownership interest in the town, should not participate in such discussions.

3. CONSENT CALENDAR: None.

4. CONTINUED HEARINGS

Precise Plan Amendment No. 14-002 - Application to amend the 1985 Precise Plan.

The application includes the demolition of the existing clock tower, the construct of a new clock tower, the relocation of the elephant fountain and modifications to the facades of retail units 105 and 107 at Corte Madera Town Center (Planner Phil Boyle).

Planning Director Wolff noted, and Commissioner McCadden confirmed, that Commissioner McCadden had not been present at the prior Town Council and Planning Commission hearings, but had listened to the recording of the meetings and had reviewed the minutes in anticipation of voting on this item.

Senior Planner Boyle presented the staff report using a slide presentation. He noted that the project included the replacement of the current tower with a tower of the same height in a different location and the installation of trellises and plant structures adjacent to the tower. Mr. Boyle also said that the project included the removal of the elephant fountain, restoration of the elephant, and the incorporation of the elephant into a new fountain at the south end of the center.

Mr. Boyle noted that the changes represented a significant change to the 1985 Precise Development Plan, and that the Commissioners would be making a recommendation to the Town Council whether or not to approve the amendments.

Mr. Boyle discussed the concerns of public speakers, the Planning Commissioners and Town Council Members at previous hearings, which included the need to reduce the size of the eaves and the scrollwork on the clock tower, and address illumination problems.

Mr. Boyle noted that the trellis height had been reduced and most of the scrollwork on the tower had been removed. He also noted that a list of plants had been provided, which he said would be consistent with plantings in other areas of the shopping center. He said that that nighttime renderings and details of the illumination of the clock face, sconces and spotlights had been provided by the applicant. He also noted a condition that dimmers be installed and lights shielded to prevent off-site glare had been included.

Mr. Boyle discussed the elephant fountain and the seating and landscaped area around the fountain. He discussed the possible need for railings or a barrier to comply with new ADA standards. Boyle stated that if a railing or barrier is required between the proposed seating area around the fountain and the common area (south of the new fountain) then the applicant will work with staff to assure that the railing or barrier is consistent in design and materials with the surroundings, both existing and proposed.

Mr. Boyle noted that details of the Town Center's public outreach had been provided in the staff report, along with an analysis of the application and design review findings.

In conclusion, Mr. Boyle said that staff believed the new design, lighting, scope of modifications and the elephant fountain had addressed the concerns of the commissioners and councilmembers and that they would recommend approval of the project to the Town Council.

Commissioner Metcalfe, staff and the Project Architect, Carl Okazaki, discussed the height of the area between the fountain and the top of the steps in relation to ADA requirements. Mr. Okazaki confirmed that planters, railings or similar permanent features would need to be added under new laws that would come into effect in 2015.

In response to Commissioner McCadden, Mr. Wolff said that the applicant could discuss the timing of the project.

Stan Hoffman, General Manager of Town Center, said that they had responded to the comments made at prior meetings. He said that they had identified a permanent location for

the elephant fountain and had designed a clock tower that was more in keeping with the center's architecture. Mr. Hoffman discussed the reasons for the improvements.

Carl Okazaki, Project Architect, discussed the changes to the plans. He noted that the trellises, canopies and the amount of scrollwork on the clock tower had been reduced. He also discussed the tower's lighting and noted that the lumen output would not change from the present lumen output. Mr. Okazaki also discussed a slight change to the positioning of the clock tower, which related to the preservation of Mt. Tamalpais views.

Mr. Okazaki discussed the new elephant fountain at the southern end of the shopping center, which he said would be family-friendly and use less water than the present fountain.

In response to Commissioner McCadden, Andy Fisher, Construction Manager, said that construction would occur concurrently and he discussed a timeline for the project.

In response to Commissioner Metcalfe, Mr. Hoffman said that additional changes to the center were being considered but that all the concrete plans that had been made were before the commissioners. Mr. Okazaki confirmed that any future changes in design would match the existing proposed changes.

Vice-Chair Chase opened the public comment period.

Jana Haehl, Prince Royal Drive, commended Stan Hoffman and said that she supported the project.

Phyllis Galanis, Prince Royal Drive, said that she did not support the project. Ms. Galanis said that the tower would continue to block views of Mt. Tamalpais and that it was not a necessary feature. Ms. Galanis said that she supported the elephant fountain.

Michael Orr, Chickasaw Court, discussed the elephant fountain and he commented on the necessity of a guardrail or warning system for those who were physically impaired in the area at the top of the fountain steps when the new building regulations came into effect in 2015. He also expressed support for the new fountain.

Bob Bundy, Golden Hind Passage, said that relocating the clock tower and fountain made a lot of sense since the area was congested. He said that the new design of the clock tower looked distinctive and in keeping with the architecture of the center. He noted that the views of residential homeowners would not be blocked by the clock tower and so he supported the proposal.

Jane Levinson, Tamal Vista, said that the globe on which the elephant would sit was too "cutsey", as were the cat and mouse features on the clock tower. Ms. Levinson suggested that the globe should be a world map to be more educational, and she questioned the position of the new fountain and table area away from the food shops. She also expressed concern with plantings being placed so high up on the trellising and the need for watering them in times when water conservation was important.

Joanie Levinson, a Greenbrae resident, expressed concern about water waste caused by the grass irrigation system on Madera Avenue pouring water on to the sidewalks and gutters. She asked that the management be better stewards of the environment and pay attention to water usage.

Jim Robinson, Ash Ave, said that he supported the project in general but that he was concerned that construction vehicles would take up so much parking space that shoppers would use the side streets. He expressed hope that future design would be more consistent with the west side of the shopping center facing Madera Garden, of which he approved in general. He also commented on lighting, which he hoped would be evaluated at a later date.

Mr. Okazaki discussed safety by the new fountain and said that they would solve any issues in a way that would be creative and conform to the new code. He also discussed the position of the new tower, which he said had been purposely shifted away from the entry.

Commissioner Metcalfe said the design was a vast improvement and that the tower looked better. She said that, although she was not excited by the trellises, management would be expected to look after the plants. Commissioner Metcalfe also said that the water feature was a big improvement, it looked good and the design would fit in with the center.

Vice-Chair Chase noted that the need for the project had been clearly demonstrated in the drawings and observance. He said that moving the tower was necessary to create access to commercial businesses. Commissioner Chase added that the installation of railings and planters at the relocated fountain was a permitted use that would be addressed by the Planning and Building Department. He noted that the process had been worthwhile and the questions and comments raised had paid off, since the current design was better and more specific. He noted that the center's plants were well cared for, so he did not have any concerns regarding the trellis plantings, and he said that the lighting issues had been addressed in the application. Commissioner Chase said that water was a concern but that the commissioners did not have the tools to deal with it. He thought that water usage was higher in other areas than the trellis plants. Overall, Commissioner Chase thought that the plans would work and would enhance the environment and the center.

Commissioner McCadden confirmed that he had reviewed all the information and listened to the meeting recordings. He said that he echoed many of the comments heard, that the new design would benefit the center, that it looked good and would be a pleasant place to visit. He agreed that the present clock tower was a pinch-point and that it would enhance the center if the clock tower and fountain were moved. He noted that retail would change over time, and he said that he supported the staff report and the findings and would recommend that the project move ahead.

Commissioner Metcalfe commented on the materials board and said that the colors looked good, although she believed the colors and materials should have been made more available to the public.

Commissioner Chase noted that nothing should be included in the construction drawings that were not included in the drawings for the Planning Commission. He said that the application would need to be amended if there was a change to the colors, lighting or structure. Furthermore, he said that, following completion of construction, the tables and umbrellas by the fountain needed to be installed.

In response to Commissioner Metcalfe, Mr. Okazaki used the slides to discuss plant types for the new design.

Commissioner Metcalfe and staff discussed the necessity of including language that related to the furniture by the fountain.

MOTION: Motioned by Commissioner Metcalfe, seconded by Commissioner McCadden, to approve Precise Plan Amendment No. 14-002 to amend the 1985 Precise Plan. The application includes the demolition of the existing clock tower, the construction of a new clock tower, the relocate the elephant fountain and modifications to the facades of retail units 105 and 107 at Corte Madera Town Center, with the additional condition of approval that a seating area is included as part of the relocation of the elephant fountain:

Ayes:	Chase, McCadden, Metcalfe
Noes:	None
Abstain:	None
Absent:	Pagnillo, Schwartz

5. NEW HEARINGS

- A. Zoning Ordinance Amendments related to required implementation programs in the 2011 Housing Element.** The proposed amendments would carry out housing policies related to reducing barriers in housing for individuals with disabilities, and removing barriers and promoting development and rehabilitation of housing to meet special needs, including supportive, transitional and emergency housing. Amendments are also proposed to clarify and update the existing language in the zoning ordinance related to the state density bonus law. (Planner Director Adam Wolff).

Planning Director Wolff presented the staff report. Mr. Wolff noted that staff had brought the Zoning Ordinance Text Amendments before the Planning Commission for discussion and recommendation to the Town Council that they be adopted. He noted that the Town Council had the authority to adopt the amendments.

Mr. Wolff provided background information on the adoption of the 2007 – 2014 Housing Element Update of the General Plan. He noted that it included three implementation programs that related to transitional and supportive housing, emergency shelters and reasonable accommodation for individuals with disabilities. Furthermore, Mr. Wolff discussed staff's recommendation that the proposed Ordinance Amendment related to the housing density bonus be adopted to clarify density bonus provisions.

Mr. Wolff explained that staff were currently drafting the Housing Element for the 2015 – 2023 planning period. He said that the adoption of the ordinances was a prerequisite to qualifying for the State agency's streamline review, which he said would involve significantly less time and cost to the Town and would increase the likelihood of the Housing Element being approved by the Department of Housing and Community Development (HCD). Mr. Wolff said that staff had been directed to move forward in qualifying for the streamline process for which the deadline for adoption of the Housing Element was January 31, 2015. Furthermore, he said that an additional purpose of approving the amendments was to ensure the town complied with state law.

Mr. Wolff discussed the four different Ordinance Amendments.

Supportive and transitional housing: Mr. Wolff explained that the amendments were in response to a Senate Bill passed in 2007 that changed the Housing Element law to remove barriers to providing supportive and transitional housing. He said that such housing would be considered a residential use, subject only to those restrictions that applied to other residential dwellings of a similar type in the same district.

Mr. Wolff discussed the meaning of supportive and transitional housing. He noted that transitional housing was a temporary place that targeted persons with low incomes who have one or more disabilities. He said that the Ordinance would add the definitions for supportive and transitional housing to the definitions section of the ordinance and would change the definition of dwellings to include supportive and transitional housing so that they would comply with and meet all the conditions of the housing allowed in the same zone and of the same type.

Emergency Shelters: Mr. Wolff explained that the adopted 2011 Housing Element identified the Public/Semi-Public Zoning District as an appropriate district to allow emergency shelters. Staff believed that the district was suitable based on allowable uses, which included public schools, charitable organizations and religious institutions.

In response to Commissioner McCadden, Mr. Wolff discussed the practical application of the Zoning Amendment. He noted that the current sites were occupied, but if there were a vacancy in the future, or a religious institution wished to operate an emergency shelter year round, then it would be a permitted use in the Public/Semi-Public Zoning District.

Reasonable Accommodation for Individuals with Disabilities: Mr. Wolff explained that this amendment arose from Federal Fair Housing Laws and a Senate Bill adopted in 2002. He said that it was intended to provide individuals with disabilities flexibility from zoning and other land use regulations that would otherwise create a barrier for housing. He said that the application process would be simpler and would obviate the necessity of a variance application or other zoning action, for example.

Density Bonus Provisions: Mr. Wolff explained that the purpose of the amendments was to ensure the town's regulations were consistent with state law. They wanted to be sure that the code was explicit should a developer intend to pursue the density bonus provisions when developing housing. Mr. Wolff asked the commissioners to recommend a date by which

applications could be considered complete in order to qualify for the provision, given that an application was currently being processed by the Planning Department.

In summary, Mr. Wolff said that the first three elements were included in the implementation program under the adoption of the 2011 Housing Element, so they would be carrying those programs forward. He said that all four amendments to the code were required to qualify for the streamlining review of the Housing Element, which needed to be adopted by the Town Council by January 31, 2015.

Mr. Wolff and Commissioner Metcalfe discussed a request to the Town Council by REST for a donation towards an emergency shelter and whether the town was obliged to provide an area for an emergency shelter. Mr. Wolff said that he understood an effort was underway to identify a location in Marin County to build an emergency shelter, but that any donation to REST to support this effort would not alter the need to adopt the proposed emergency shelter ordinance.

In response to Commissioner Metcalfe, Mr. Wolff explained the steps staff takes to deem an application complete in relation to state law and the Permit Streamlining Act.

Commissioner Metcalfe and Mr. Wolff discussed density bonuses. Mr. Wolff said that the State Density Program was based on the percentage of units in a development that were either for low, very low or moderate income.

In response to Commissioner McCadden, Mr. Wolff said that the number of affordable housing units required to achieve a 25% density bonus would depend on the number of units proposed and the size of the lot.

Commissioner Chase and Mr. Wolff discussed the density bonus. Mr. Wolff noted that rental or sale restrictions would need to be maintained for 55 years if an applicant qualified for a density bonus.

Commissioner McCadden noted that the 55 year requirement might only apply to the units required by the Town's Inclusionary Housing regulations.

Vice-Chair Chase opened the public comment period.

Michael Hooper, Applicant for a project at 1421 and 1425 Casa Buena, said that the density bonus rules were hard to follow and that the town was doing the right thing by adopting the state laws.

David Kunhardt, Hill Path, discussed the benefits of affordable housing projects and said that he generally supported the amendments to the Ordinances in order to fast track the process. He discussed the reasons why the organization that was looking to locate a homeless shelter in Marin would likely not look at Corte Madera.

In response to Commissioner McCadden, Mr. Wolff said that he was unaware of exactly how much land was zoned to allow emergency shelters in other jurisdictions, but that several

other cities and towns in Marin were in the process of designating zoning districts for emergency shelters

Commissioner Chase and Mr. Wolff discussed an application for state density bonus that was currently being processed. Mr. Wolff noted that the timing of that application and the ordinance amendment considered here might prove problematic for the applicant and therefore recommended the Commission consider a date certain whereby applicants would not need to submit application material as required by the ordinance. Mr. Wolff noted this relates to the application for 1421 Casa Buena Drive.

MOTION: Motioned by Commissioner Metcalfe, seconded by Commissioner McCadden, to approve Resolutions No. 14-025 and Zoning Ordinance Amendments No. 14-002, 14-003, 14-004 and 14-005 recommending to Town Council to approve three amendments to the Zoning Ordinance regarding Implementation Programs cited in the 2007 – 2014 Housing Element Update (4th cycle) of the General Plan and the ordinance amendment related to the Sate Density Bonus Law.

Ayes:	Chase, McCadden, Metcalfe
Noes:	None
Abstain:	None
Absent:	Pagnillo, Schwartz

6. ROUTINE AND OTHER MATTERS

A. REPORTS AND ANNOUNCEMENTS

i. Commissioners

Commissioner Metcalfe asked that “Requests” be added to the heading “Reports and Announcements”.

Commissioner Metcalfe discussed the necessity of providing color boards and the production of renderings to match the finished project as closely as possible.

ii. Planning Director

Senior Planner Boyle provided materials for a planning course that would be suitable for the commissioners to attend.

B. MINUTES

i. Planning Commission Meeting Minutes of October 28, 2014.

MOTION: Motioned by Metcalfe, seconded by McCadden, to approve the minutes of October 28, 2014:

Ayes:	Chase, McCadden, Metcalfe
Noes:	None
Abstain:	None
Absent:	Pagnillo, Schwartz

7. ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the hearing at 10:15 p.m.

The next Planning Commission Regular Meeting will be held on December 9, 2014 at 7:30 p.m. in the Corte Madera Council Chambers, 300 Tamalpais Drive.