

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
MAY 27, 2008
CORTE MADERA TOWN HALL
CORTE MADERA**

**COMMISSIONERS
PRESENT**

Chair Bruce K. Mace
Commissioner Sloan Bailey
Commissioner Peter Schwartz
Commissioner Patrick Pagnillo
Commissioner Richard Esteb

**STAFF
PRESENT:**

Bob Pendoley, Planning Director/Assistant Town Manager
Dan Bell, Senior Planner
Nancy Salcedo, Minute Recorder

1. OPENING

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

All the Commissioners were present

2. PUBLIC COMMENT: None

3. CONSENT CALENDAR None.

4. CONTINUED HEARINGS:

- A. 663 TAMALPAIS DRIVE, DESIGN REVIEW APPLICATION NO. 07-028 AND SIGN PERMIT APPLICATION NO. 07-001. BANK OF AMERICA (BUSINESS OWNER, APPLICANT), SIGN PRODUCTIONS, INC. (SIGN DESIGNER)-To allow installation of one freestanding business sign, two replacement wall signs and retention of an ATM sign. (Zoning: C-1 Local Shopping District) (Planner: Dan Bell.)**

Senior Planner Dan Bell introduced the staff report for which he used a slide presentation. He explained that the applicant is seeking sign permit and design review

approval, for a pole sign and noted story poles showing location of proposed sign. The application includes replacement of two wall signs and retention of an existing backlit illuminated ATM sign installed without approval. The Commission reviewed on February 12, 2008 a similar pole sign proposal and requested an alternative monument sign. The applicant submitted a written statement preferring pole sign. Mr. Bell explained that the Zoning Ordinance states that all freestanding signs be reviewed and approved by the Planning Commission, who may authorize only if the following findings can be made:

- (A) The sign is single-sided, unless Planning Commission determines that a double-sided sign is beneficial to the public.
- (B) A freestanding sign is the only appropriate means by which the business can have the same degree of identification as that available to business on neighboring premises.
- (C) The freestanding sign is consistent with the purposes of this chapter and Chapter 18.30 Design Review

He reviewed the purposes of Sign Ordinance, which are:

- (1) To protect life, health, property, public safety and public welfare;
- (2) To preserve the natural beauty of the town and to maintain its essential residential character;
- (3) To maintain the attractiveness and orderliness of the town's appearance by encouraging signs that are well designed and pleasing in appearance.
- (4) To protect office, commercial and light industrial sites from loss of visual prominence resulting from excessive signing on nearby sites;
- (5) To identify businesses in a manner that is most harmonious with an aesthetic and functional business district.

Mr. Bell added that the applicant has stated a freestanding sign is necessary for adequate visibility, and the Commission must decide if they agree with this finding. He added that a low profile monument sign would likely be on the very corner, which may cause removal of parking space, and that staff acknowledges visibility could be limited. He added that the Planning Commission must decide whether the applicant has provided adequate information and arguments in favor of the proposed freestanding pole sign. He added that many communities have toned down corporate sign designs, and that staff prefers the color scheme of a B of A sign found in downtown San Francisco. He concluded that, should the Commission find that the pole sign is necessary, staff feels that the stark red is not "pleasing in appearance" and does not "preserve the natural beauty of the town" as outlined in the purposes of the Sign Ordinance, and that the ATM sign should not be internally illuminated.

Commissioner Bailey asked if the double-sided nature of the pole sign affected the maximum sign area. Senior Planner Bell clarified it does not, rather that the one side of 28.6 sq. ft. was counted. He clarified that this evening all 4 signs are in front of the Commission, but that the pole sign requires special findings.

Matt Seek, B of A and Sign Productions of Cedar Rapids, Iowa, explained that the applicant had proposed a double-sided pylon sign to add visibility. The applicant is also proposing two wall signs with red background because individually mounted channel letters will require more holes in the wall for electrical. One sign is near a vault, where the applicant prefers one penetration with red sign versus 26 penetrations for individually mounted letters. He added that the pylon sign is recommended by the bank. He noted that a monument sign would eliminate two parking spaces because of the setback. He said that the applicant will remove electricity from ATM and make it non illuminated.

There was no public comment

Commissioner Esteb said he is not in favor of the pylon sign, preferring the adjacent Peet's Coffee sign. He acknowledged that the applicant was trying to generate interest from off the freeway, but noted that most people using this bank already know the bank is there. He said that for the bank's location a monument sign is more appropriate. He said that he visited the site today and noted that there were no story poles for a monument sign. He felt this option was not investigated far enough. He added that he doesn't see a need for illumination on both sides of the pylon sign, as one side faces the bank.

Commissioner Bailey agreed he would have liked to have seen a monument sign investigated. He said it would be impossible for him to make findings to allow approval of a larger 15' sign at this time.

Commissioner Schwartz said he has serious issues with the bright red background, though he acknowledges the applicant's need for visibility. He added that the white outline around the letters blurs them, making it harder to read. He said that he prefers the downtown San Francisco sign variation shown in the staff report and noted that the Fairfax Bank of America sign has no color as the other extreme. He said that this is a messy intersection to start, and that it needs less distraction, not more. He recommended the use of edge-lit lettering, or perhaps LED technology. He added that he is unhappy with the ATM, wanting to avoid a sign package where one sees repeated bright red squares.

Senior Planner Bell showed slides to provide background on sign changes at this site.

Commissioner Pagnillo said he does not like the red, and agreed that the lettering is impossible to read. He said that the Commission did not have all the information necessary to decide between the monument versus pylon signs.

Commissioner Esteb added that the sign ordinance specifies that no sign may be lit after 11pm or business hours, and that the ATM is lit all night long. Perhaps there could be a distinction made pertaining to the ATM sign being off. He likes the red

Commissioner Mace recalled the Commission's previous review of a similar proposal, and said that in that instance, the monument sign was the direction that the Planning Commission had requested. He continued that the Commission may authorize a freestanding sign ONLY if the findings listed in the Zoning Ordinance can be made. He said he doesn't feel that the proposal is well designed or pleasing in appearance. He said that the Commission is looking for consistency and moving toward monument signage. He wants the bank to be successful, but wants internally lit blocks of red to be reworked. He asked how the bank site fared in terms of parking requirements. Senior Planner Bell added that they are at or under parked. Planning Director Pendoley added if a monument sign requirement would reduce spaces, the site could pick up lost spots with re-stripped compact spots. He said that applicant did not address or evaluate this concept well enough.

Commissioner Schwartz said that he is not in favor of compact spaces, because the number of larger vehicles and sloppy parkers reduce the number of available spaces. Staff confirmed that this lot was redesigned for handicap spaces about 5 years ago.

Commissioner Mace concluded that he felt the Commission was looking for a monument sign, and asked staff for clarification on potential solutions. Planning Director Pendoley said the Commission could deny the project on grounds of not liking red, or the fact that the proposal includes a pole sign, or deny everything giving the applicant the right of appeal. Another option would be to continue the item, with a warning that if the next round is in the wrong direction, the Commission will be forced to act at that time.

The applicant said he doesn't like ATM sign either and that it is the work of a different sign company. He said that the white background is a possibility with monument and wall signs. He said he could do halo illumination with red lighting. He said he will go back to the bank with monument sign, and will look at triangle spot near the corner where there is no parking.

Commissioner Pagnillo said he would like to know the locations of existing B of A sign examples so the Commission can view the signs. The applicant said he would forward the locations of several installed front-lit and halo illumination signs for the Commission's review.

Motion: Moved by Schwartz, second Pagnillo and passed unanimously to continue 663 Tamalpais Drive, Design Review Application No. 07-028 and Sign Permit Applicant No. 07-001-To allow installation of one free standing business sign, two replacement wall signs and retention of an ATM sign to a date uncertain with following considerations:

1. Monument sign package
2. Alternate for existing ATM installed without permit
3. Replace red with more suitable package

5. NEW HEARINGS

A. 418 MANZANITA AVENUE, DESIGN REVIEW APPLICATION NO. 08-011 and VARIANCE APPLICATION NO. 08-004, BRETT FOLEY (OWNER), MC GUIRE PROJECT DESIGN (ARCHITECT.) To allow partial demolition of an existing one-story 1,068 sq. ft. single family home with a 301 sq. ft. one car garage and construction of first and second story additions. (Zoning: R-1 Medium Density Residential District) (Planner: Dan Bell)

Commissioners Esteb and Mace removed themselves due to conflict of interest.

Senior Planner Bell introduced the staff report. He explained the applicant is seeking Design Review and Variance approvals to demolish portions of an existing, one-story addition with a net increase of 312 sq. ft. and construct an 803 sq. ft. second story addition. He said that the resulting two-story house would be 2,208 sq. ft. (with 276 sq. ft. one car garage.) He explained that the garage floor would be raised to accommodate a flat driveway from the sidewalk. The project includes two variances. One variance is to waive the requirement for a second, independently accessible, on-site parking space that is triggered by the residential addition. The applicant is proposing a tandem parking space in the driveway. The second variance is a request to extend vertically the existing legally non-conforming side walls that are located 3'-6" and 4'-4" from the side property lines.

Mr. Bell showed comparison of the adjacent properties' relative heights. The views from 416 Manzanita Avenue are to the left side, and those from 422 Manzanita Avenue are from the right side. There is a two-story house directly across the street. The adjacent residence to the left is one story. The adjacent residence to the right is two story. He added that the neighborhood is characterized by flat or gently sloping rectangular lots.

Senior Planner Bell said that the proposed architecture is an attractive, craftsman-like design compatible with neighborhood. The second story addition has been recessed back from the front, rear and side walls of the existing first story. The design and the use of a hipped roof minimize mass and bulk of building. The second story addition will block morning sun for the neighbor at 416 Manzanita Avenue. The new first and second story windows potentially cause privacy impacts for neighbors at both 416 and 422 Manzanita Avenue. He added that all first story windows within 5 feet of a property line should be either obscured glass or the window sill height should be raised to 4'-9", and all east and west facing second story windows should be either obscured glass or the window sill should be raised to 4'-9" in height. He added that there is dense foliage between the subject property and 416 Manzanita Avenue, which serves to further protect privacy from the rear yard.

He explained that the greatest potential view impact of westerly view corridors toward Mt Tamalpais and Christmas Tree Hill would be from existing second story bedroom window at 422 Manzanita Avenue. Though the view of the base of these mountains would be blocked, the majority of the upper reaches would not be affected. He added that the view blockage is dependent on the vantage point within the bedroom at 422 Manzanita Avenue, showing photographs of several vantage points. He added that staff feels that view blockage is not adverse, and that it is more important to address the privacy issues.

He said that staff believes that the design of the proposed second story addition is compatible with the existing architecture of the building, and that there are numerous two story residences in the neighborhood, so the design is in scale and compatible with the neighborhood character. He said that staff does recommend that the new rear yard deck be redesigned to be lower to reduce potential privacy impacts on both adjacent side neighbors.

He said the Zoning Ordinance requires that additions to residences with substandard parking must provide one new on-site parking space (not in Front Yard setback area) unless a variance is granted. He said that due to the location of the residence and the one-car garage on the lot, it is impossible to locate a second on-site parking space not within the 15' Front Yard setback area. The proposed option of widening the driveway

apron by removing shrubbery along the right side property line would provide an opportunity to park a sub-compact vehicle and not block access to the garage. He said this option is preferred over widening the driveway to the left near the front entrance to the residence.

He said that the lot is smaller and narrower than standard R-1 residential lots, and has a legal non-conforming 4'-4" left and 3'-6" right side yard setback. The narrow 50' width of the lot and the historic siting of the residence are findings for relaxation of side yard setbacks for the vertical extension of the existing first story side walls. The proposed second story addition would conform to all required setback distances. Staff however, does not see any justification to compound the already reduced side yard setback (4'-4") with the new stairway side wall, which would be 4' from the side property line. He concluded that there are three letters from neighbors.

Planning Director Pendoley read section 5.3 in Rules of Order and gathering outside evidence.

Commissioner Pagnillo asked if either neighbor had a deck coming off the side. Senior Planner Bell said yes, both 416 and 422 Manzanita Avenue have decks, and that the neighbors do come out the back door onto the deck at 416 Manzanita Avenue.

Joe Mc Guire, project designer, reviewed the proposal, adding that he began the project understanding the review process at the Town. He said that the garage is not currently usable because of steepness and drainage problems. One of the project benefits is that runoff would be redirected to the town's gutter system. He said that they didn't want the large parking lot look caused by the driveway encroaching to the left of the garage. The two-story addition is supported by existing walls. The interior garage wall and chimney chase from an existing fireplace are to remain. He said they had raised the window sill height to 4' in the staircase that wraps upstairs, and added thickened siding. The existing enclosed porch in the side yard will be removed, improving the relation between the house and the neighbor. He added that the applicant had already reduced the size of the deck to help Laurie Gregg.

Brett Foley, applicant, clarified that the deck is setback 17 feet from the property line, and that, in regard to Commissioner Pagnillo's deck question, there are two decks at 416 Manzanita Avenue, and at 422 Manzanita Avenue there is a deck that comes off the kitchen, and another off the third floor master bedroom.

Barbara Golden, 422 Manzanita Avenue, referred to the letter she had sent to the Planning Commission, and said that everything she wanted to say was in her letter. She

said that the proposal appears to be a nice addition, but that it removes any privacy in her downstairs. She said that the visual affront of the building side with three windows and its resulting invasion of privacy is simply outrageous.

Laurie Gregg, 416 Manzanita Avenue on west side, clarified that her bedroom door articulates with a deck that is recessed in a niche, and not an entertaining deck, and that the foliage along the common side property line is wonderful. She acknowledged the reality that second stories happen. She said that hers and Brett's homes are twins with flipped floor plans so that bedrooms and bathrooms go down the side yard setback, and that the similar uses had always worked well. But with the proposed addition, now her bedroom will be across from a family room. She is happy that the stairway landing window is now opaque. She said she is grateful for Senior Planner Bell's staff report, but a sill height of 4' is not satisfactory. She loses both light and privacy. The applicant put a transom window in the proposed family room and she would like to add that the sill height by 5' and with obscure glass. Thickening of stairwell is merely aesthetic, and is not important to her.

Commissioner Schwartz asked for clarification on second floor windows and whether they look down into bedroom or back yard. The applicant clarified that it was bedroom.

Gustav Tois, 438 Manzanita Avenue neighbor, said he was told three years ago that tandem parking cannot be done, or that it was not necessarily a good idea. Commissioner Schwartz said that the Commission could only take comments specific to the project at this time.

Jane Anthony, Tamalpais Drive neighbor at rear, said that now she does not see the subject home. She realizes that the proposed windows would look into hers, but she has no objections.

Beth Cook, 421 Manzanita Avenue, across street and kitty corner, said she is a one-story homeowner coming to speak in favor of a second-story addition. She wants to make sure that the town makes decisions that work for everyone. She advised all to work with their neighbors.

Applicant Brett Foley addressed Barbara Golden's privacy concerns by saying the windows are obscured and have 4'- 10" sills. He said that he has 5'-5" window sills on the first story, and if Ms. Gregg wants them to be obscured glass that's fine. He added that the windows are obscured in the staircase. He clarified sill heights and added that the west-facing transom window in the master bedroom has a sky view.

Commissioner Bailey acknowledged the applicant for working with neighbors. He asked if the applicant had considered raising sill heights further. The applicant said he had, and that if the Commission felt that was best, they could live with that. He said that all residents were trying to look at the mountain.

Commissioner Pagnillo said that he visited the site and noted a gigantic amount of foliage in both yards and that it is a big help for privacy. He said he didn't see a need to lower the deck height on this house. He asked if the 4-inch bump out on the way up stairs needed to occur. He said he understood the neighbor's tandem parking comment, adding that he didn't think making an additional parking space would improve the neighborhood.

Commissioner Schwartz said he felt it was nice to have privacy with obscurity but also to have views. He noted that the front room at 416 Manzanita Avenue is a bedroom and has clear glass, pointing out that it is difficult to decide who gets clear glass and who gets obscure. He saw a need to balance privacy in view corridors from rooms depending on how rooms are used. He said he has less of a problem with tandem parking, but that we don't want to pave front yards, and losing street parking is bad. He said setting back the stair wall (to the legal non-conforming 4'-4" line) may be another solution, as it reduces the mass of what's there. He said he cannot make a finding for the stair wall variance for this if one could accomplish the same thing in-plane. He said he thought the deck didn't need to be lower, given significant foliage.

Commissioner Bailey said that the designer had done a good job, and that the neighbors did a good job extracting concessions. He said he can make a finding that the house fits in with the character of neighborhood. He would like the raising of the window sill height to recommended staff height of 4'9" and that the 4' setback for the stair wall be changed. (He said he likes the plane broken, but would like to see it brought back to the 4'4" setback.) He added that the Commission should acknowledge that it is hard to be consistent in determining projects, and that in this case, tandem parking spaces were not counted as required spots, therefore, the Commission was being asked to consider a variance to waive the requirement. Planning Director Pendoley clarified that the Commission does not accept tandem parking as a second space, and recommended that a variance be given to waive the requirement for second space.

Commissioner Bailey said that he has a hard time getting a sense of the deck with the information given. In absence of that, it doesn't appear to be overly intrusive, but that he remains unpersuaded.

Commissioner Pagnillo said he felt that the deck height is inconsequential. He said he feels that the Commission should be focused on the issue of windows, mainly the master bedroom window. He added that he can see circumstance for both applicant and neighbor, adding that he didn't want all houses in Corte Madera to have obscure or windows with 5' sill heights.

Commissioner Schwartz wondered if there was a facility to condition window treatment. Planning Director Pendoley said there was not, and that the Zoning Ordinance applied only to the outside of the building.

Commissioner Bailey said he would like to see a requirement that landscaping be maintained. Planning Director Pendoley said that the Commission could require that prior to issuance of Building Permits, a 10-foot hedge be measured.

Commissioner Schwartz suggested that each window be delineated on the elevations with a number, and its treatment be listed in the conditions of approval. The Commission delineated window treatments as follows:

On east elevation:

Lower window #1 is a garage window.

Lower window #2 is a garage window.

Lower window #3 should have a sill height of 4'9" or obscured glass.

Lower Window #4 is more than 5 feet from the property line.

Upper window #5 in bedroom #2 with a sill height of 5' per proposed plan.

Upper window #6 in laundry area with a sill height of 5' per proposed plan.

Upper window #7 in bathroom with obscured glass per proposed plan.

On west side:

Lower window #1 in family room with sill height of 5'6" per proposed plan.

Lower window #2 in stairwell with obscured glass per proposed plan.

Lower window #3 in powder room with obscured glass on lower portion,
but can be clear glass in upper portion.

Upper window #4 in office with a sill height of 5'6" per proposed plan.

Upper window #5 with a sill height of 4' per proposed plan (Commissioners Pagnillo and Schwartz in favor, Commissioner Bailey opposed preferring to see a sill height of 4'9" and good neighbor shading.).

Upper window #6 with a sill height of 8' per proposed plan.

Upper window #7 in bedroom #1 with a sill height of 4'-6" per plan.

Commissioner Pagnillo asked the applicant if the 4' setback for the stairwell was structural. The applicant said that it was not.

Commissioner Schwartz asked staff about exterior light at night, and whether the applicant was required to shield exposed lamps for landscape lighting. Senior Planner Bell said the issue was governed by standard condition of approval in staff report on page 9 of resolution item 34.

MOTION: Moved by Pagnillo, second Bailey and passed unanimously to approve 418 Manzanita Avenue, Design Review Application No. 08-011 and Variance Application No. 08-004- To allow partial demolition of an existing one-story 1,068 sq. ft. single family home with a 301 sq. ft. one car garage and construction of first and second story additions with the following conditions:

1. To include the window specifications noted on East and West Elevations.
2. Move the 4' stair wall setback to 4'-4".
3. Allow tandem parking
4. Maintain foliage requirements along westerly side property line.
5. Shield all lighting and maintain window requirements as discussed.

Senior Planner Bell clarified that the Commission is granting a Variance to waive parking requirement. Planning Director Pendoley read appeal rites.

Commissioner Esteb and Mace returned to table.

6. ROUTINE AND OTHER MATTERS

A. REPORTS AND ANNOUNCEMENTS

- i. Commissioner Esteb attended the Town Council Meeting. Commissioner Schwartz added that he would like to see grid lines on architectural drawings. And that suggestion to all applicants with neighbors with privacy issues or light issues should build a model and go to the PGE heliodome.

B. Minutes

- i. Planning Commission minutes of May 13, 2008
Motioned, seconded and approved (Esteb abstained because he was absent)

7. ADJOURNMENT

The meeting was adjourned at 10:15pm

The next Planning Commission meeting is Tuesday June 10 at 7:30pm