

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
JUNE 24, 2008
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS

PRESENT:

Chair Peter Schwartz
Commissioner Sloan Bailey
Commissioner Patrick Pagnillo
Commissioner Richard Esteb

STAFF

PRESENT:

Bob Pendoley, Planning Director/Assistant Town Manager
Patrick Angell, Planning Consultant
Nancy Salcedo, Minute Recorder

1. OPENING

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

All the Commissioners were present with the exception of Commissioner Bruce Mace.

2. PUBLIC COMMENT: None

3. CONSENT CALENDAR:

A. 300 ROBIN DRIVE, DESIGN REVIEW APPLICATION NO. 07-040 AND VARIANCE APPLICATION NO. 08-005, STELLAR CORTE MADERA, L.L.C. (OWNERS), FERRARI MOE ARCHITECTS (ARCHITECT)- To allow exterior remodel of seven apartment buildings at the Madera Vista Complex. (Zoning: R-2 Low Density Multiple-Dwelling District) (Planner: Dan Bell).

Motioned, seconded and passed unanimously

4. NEW HEARINGS:

- A. 1618 REDWOOD HIGHWAY, SIGN PERMIT APPLICATION NO. 08-001 and DESIGN REVIEW APPLICATION NO. 08-021-** To allow a Master Sign Program for pole-mounted directional signs at The Village at Corte Madera (Zoning: C-2 Regional Shopping District) (Planner: Dan Bell).

Senior Planner Dan Bell introduced the staff report for which he used a slide presentation. He said that the applicant is requesting adoption of a Master Sign Program for five pole-mounted shopping center identity and directional banner signs. He said that Master Sign Programs are intended to be unique to the property and are not necessarily regulated by the prescriptive sign standards outlined in the Sign Ordinance for individual businesses. He said that the size and type of business identification signage for individual tenants is regulated by the previously approved Village at Corte Madera Tenant Design Manual, which does not regulate identity or directional signs for the shopping center. He said that the applicant is proposing a Master Sign Program for identity and directional signs that would include five, pole-mounted banner signs to be located along the back parking lot parallel to Highway 101, but not intended to be visible from Highway 101. Each pole sign would be 12'-7' in height.

He said that the applicant feels that the pole-mounted identity and directional banner signs are needed to better identify specific amenities, entrances and popular locations within the shopping mall to customers driving along the back parking lot. He said the existing wall mounted or low profile directional monument signs are not clearly visible due to landscaping, curbside loading zones and the long expanse of the parking lot.

He said that Page 4 of the staff report shows the locations of the five signs and their text, and that the Master Sign Program may at the discretion of the Commission specify: size, material, location, design, color, lighting and construction of each sign. He said that a strict reading of Zoning Ordinance would limit the number of freestanding signs on The Village property to one. He said that the Commission must decide whether the proposed Master Sign Program is consistent with the *Purposes* of the Sign Ordinance found in Section 18.22.010 and listed on Page 5 of the staff report:

- (1) To protect 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;
- (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.

He said that staff finds the proposed Master Sign Program to be harmonious in scale and necessary to clearly identify amenities. He said staff agrees the proposed Master Sign Program is consistent with the *Purposes* of the Sign Ordinance.

Commissioner Bailey wondered whether there was a safety issue with proposed sign #5 acting as an obstruction with cars parked on either side. Planning Director Pendoley clarified that there would be 8' of clearance below the banners. Senior Planner Bell added that the minimum required clearance is 7', which is exceeded here.

Commissioner Esteb asked if the approval of such a Master Sign Program would allow for increased signage in the future. Senior Planner Bell said that as additional signs are applied for, they may be added in the future, but that this application is specifically for the five pole-mounted signs. He said staff shares the concerns that this not turn into a lot of banners, and added that if the Commission does not feel that the proposal meets finding #3 of the *Purposes* of the Sign Ordinance, it can be denied.

Kathy Lovold, applicant and Senior Property Manager at The Village at Corte Madera, said that, though The Village gets a lot of compliments on its ambiance, a frequent complaint is that there is no informational signage. She said the project is intended to highlight the most requested amenities. She said that a lot of thought went into location and design, and she feels the proposed Master Sign Program is complimentary to existing design and is non obtrusive. She complimented Senior Planner Bell's staff report in covering the application. She added that on the mall's east side they don't have the confusion issues, so big changes there are unlikely in the future.

Commissioner Schwartz asked if the applicant had considered locating the signs on the buildings. The applicant said that they had, and determined that signage would have had to be too small to achieve their goal.

There was no public comment.

Commissioner Pagnillo said that he thought the signs were well designed and located and that he had no concern with their being obtrusive. Commissioner Pagnillo said that he once drove by the Marriot in Lake Tahoe six times because their sign was too small, so he understood the need for informational signs. He said he would like to see the final sign proposal, rather than the sample currently before the Commission, but he has no problem with the concept.

Commissioner Bailey said he could make findings that all five Purposes of the Sign Ordinance are upheld.

Commissioner Schwartz agreed he would like to see the final sign proposal. He asked the applicant to address choice of materials in regard to UV fading and weather durability under item three of the Purposes of the Sign Ordinance. The applicant said she is confident that the Village's high quality standards will be upheld. She added that these signs could be changed out as needed if they begin to appear weathered.

Commissioners Esteb and Schwartz asked if they would be consulted when the signage was changed. Planning Director Pendoley said that over the course of 12 or 24 months these could be replaced, but that the Commission may not want to see this as a Master Sign Program application each time. He suggested that staff could report to the Commission when new signs go up, and another round of review can be handled at staff level to assure that the new signage is consistent with the intent of the Master Sign Program.

Motion: Pagnillo, second Bailey and passed unanimously to approve 1618 Redwood Highway, Sign Permit Application No. 08-001 and Design Review Application No. 08-021- To allow a Master Sign Program for pole-mounted directional signs at The Village at Corte Madera with the following condition:

- (1) That all future replacement banner signs shall be reviewed by staff to be consistent with Master Sign Program exhibits approved June 24, 2008.

5. CONTINUED HEARINGS:

A. DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DRAFT GENERAL PLAN- This is a public hearing to receive comments on the Draft Environmental Impact Report (DEIR) for the draft updated General Plan. The Commission will receive comments and make comments of its own. At the conclusion of the hearing, the Commission will direct staff and the EIR consultants to prepare responses to all comments received for inclusion in the draft Final EIR. A public hearing on the final Draft EIR is tentatively scheduled for August 14, 2008. (Planner: Robert Pendoley).

Planning Director Pendoley said the Commission had received a number of comments at the hearing and in writing requesting that a fourth alternative combining alternatives two and three be analyzed in the DEIR. He said that the point of the alternatives is to

achieve less environmental impact (traffic in this case) and he could not predict whether this is possible.

Dave Coury, 301 Corte Madera Avenue, and member of the Executive Committee of the Marin Environmental Housing Collaborative shared his copy of the newly completed Marin County Affordable Housing Inventory 2008. He said that one of the more important findings of the inventory was a chart showing the distribution of employees and residents within each town in the County (figure 16 on page 13). He said that just 15 percent of those who work in Corte Madera live here. He said that the alternatives analyzed in the DEIR would make that worse. He said that in the alternatives the impacts are analyzed as though development would be commercial, with no residential or affordable housing development. He said that the DEIR should be revised to analyze affordable housing, and that he hoped the Town would provide an incentive of regulation for development of the WinCup property. He suggested that the Town consider the use of hyper-inclusionary zoning where land could be set aside for affordable housing, and other policies that make affordable housing possible, such as air rights. He concluded that affordable housing mitigates traffic, and asked the Town to consider what can be done in the DEIR process to facilitate this.

Commissioner Schwartz closed the public hearing.

Commissioner Pagnillo said that in many cases the cause of environmental impact is out of the Commission's hands. He said that the Fire Department does not have the necessary resources to protect the Town in case of fire. He said some trees (eucalyptus) should go, and plans for firebreaks and evacuation should be put in place. He said that the Town has a limited number of volunteers at the Fire Department, so we need a policy that encourages volunteers to be here. He said this is the Town's single largest environmental risk. He said that in regard to the saving of wetland areas, the Commission should carefully consider the definition of a wetland. He added that with wetlands come mosquitoes, and that West Nile Virus killed 20 people last year in California. He said he felt that the statistics used in the Housing Element need further review: there are 4,000 homes in Corte Madera, but the average household size of 2.4 people per unit may not be an accurate number. He said that Corte Madera is a bedroom community for San Francisco's jobs, so the "more housing equals less trips" concept may not apply. He said that for the jobs residents particularly want, they may still have to commute to San Francisco. He said that Highway 101 has no access roads, so we have to be careful about traffic. He said that the Commission should consider school traffic, pointing out that school buses are non-existent; there are two empty schools in town; and residents must drive across town to Tiburon for school.

Commissioner Bailey complimented the great effort evident in the compilation of the DEIR. He said that he would like a comfort level to be established in the document that the best industry practices are being used in the underlying data pertaining to traffic wildlife, and the jobs housing balance. He added that he is unclear whether the Town's DEIR harmonizes with other federal state and local entities on the wetlands issue. He said he would like to better understand how wetland regulation fits together, asking for clarification of whether the Town had a more restrictive or more open wetland policy. He said he wondered if there was a better option for meeting housing element requirements.

Commissioner Schwartz asked staff if Commissioner Mace would be allowed input. Planning Director Pendoley said he would ask Commissioner Mace to submit comments by the end of the week. Commissioner Schwartz said he agreed that wetlands need a better definition of delineation. He said he had some concern about discrepancies involved by encouraging one thing, such as public access, that counters sustainable practices, such as pavement of public access paths. He added that some bike paths go through seasonal wetlands, and that the Commission needs to be consistent in considering both green and sustainable practices. He said that he would like to see the Housing element include consideration of how the Town can ensure that people live and work in same community as more housing is developed. He said he would like to see the underlying data analyzed in regard to hyper inclusionary zoning to determine whether fewer trips are generated with affordable housing by structuring who gets to live there. He said that with regard to transportation, the DEIR asserts that many impacts are unavoidable, but that he is not sure he agrees that they are unavoidable if infrastructure associated with future development includes that which encourages clean air transportation and pedestrian uses. He said he would like to see the DEIR encourage alternative energy systems. He said that there is little mention in the DEIR of enforcement teeth with regard to fire and tree danger. He added that the state has recently put out a new tier to be met in the cumulative impacts section 4.11 of the public services section, where the DEIR includes an old version, and that he would like to see this section of the document have more teeth. He concluded that the consultant has done a remarkable job in putting the DEIR together.

Planning Director Pendoley said that the consultant's responses regarding General Plan policy shortcomings will go to a section of policy choices the Commission can make in regard to the General Plan, but that they would not be addressed as comments taken at the DEIR hearing.

Commissioner Schwartz said that he feels it is difficult to use data from the past or present to guide decisions that will be made in the future, because the technological choices made will determine the footprint's ultimate impact.

Planning Director Pendoley clarified that, for example, air impacts may not be as bad as projected because of technological changes over time, but under CEQA such information is considered “speculation” which is excluded. He said that CEQA requires agencies to analyze the worst case scenario, which in this case would be today's technology.

Commissioner Schwartz concluded that in regard to Barbara Salzman's comments on bird counts and data sources, he would like to see transparency of data sources, and whether they have been peer reviewed.

Commissioner Esteb said that often wetlands rules are not upheld by dogs and their owners, and wondered if, as wetland advocates, the Town should fence the wetlands. He said he would like to see the DEIR balance retail and housing as long as there is less traffic. He wondered if the Town could establish incentive, perhaps by lower building permit costs if a project would aid the jobs housing balance. He said he would like the Commission to consider policy to achieve a better balance without building more units, for example by encouraging more second units. He questioned how the Commission could plan realistically and not speculate regarding the amount of housing required by the Housing Element in relation to whether MMWD can provide water. He concluded that he felt the Town should have more housing and more dense mixed retail.

Commissioner Schwartz agreed with Commissioner Esteb's water comments, and discussed heat islands generated by material choices.

Planning Director Pendoley said that there would be a written response made to every comment made tonight. He said that if the Commission did not want to continue the hearing, they could direct staff to prepare a draft Final EIR. He said staff would like direction as to whether a fourth alternative would be desired by the Commission.

Commissioner Bailey asked if there were questions the Commission can answer now for the Housing Element update process. Planning Director Pendoley said that the DEIR assesses impacts only for the project in front of you. He said that it would be impossible in the future for the Commission to approve a combination of alternatives two and three in the Final EIR because the environmental impact of the combination has not been addressed as required by CEQA. In order for the Commission to consider this combination at the Final EIR stage, they must recommend that the consultant prepare a fourth alternative assessing the environmental impacts of a combination of alternatives two and three. He said that it is likely that the Housing Element will require an EIR of its own, especially if it requires housing at both WinCup and The Village.

Commissioner Bailey asked about the cost of directing the consultant to prepare a fourth alternative. Planning Director Pendoley said the cost would be \$14,000, and added that it is in the budget. He said that the fourth alternative will ultimately be a council decision, but it could be the Commission's recommendation.

Motion: Motioned by Esteb, second by Schwartz and passed unanimously to close the public hearing on the Draft Environmental Impact Report (DEIR) for the draft updated General Plan with the following recommendations:

- (1.) The Commission recommends that the Town Council direct the consultant to prepare a fourth alternative in the DEIR assessing the environmental impacts of a combination of alternatives two and three.
- (2) The Commission directs staff and the EIR consultants to prepare responses to all comments received for inclusion in the draft Final EIR. A public hearing on the final Draft EIR is tentatively scheduled for August 14, 2008.

6. ROUTINE AND OTHER MATTERS

A. REPORTS AND ANNOUNCEMENTS

- i. Commissioner Pagnillo attended the City Council meeting and said that the Mayor directed the Fire Department to look at the Tree Ordinance.
- ii. Planning Director Pendoley said that the Commission needs to elect new officers at the next Planning Commission meeting.

B. MINUTES

- i. Planning Commission minutes of June 10, 2008 were motioned, seconded and approved.

7. ADJOURNMENT

The meeting was adjourned at 9:15pm

The next Planning Commission meeting is Tuesday July 8 at 7:30pm