

**FINAL MINUTES
PLANNING COMMISSION SPECIAL MEETING
DRAFT UPDATED GENERAL PLAN PUBLIC HEARING
JULY 17, 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
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 Mace.

2. PUBLIC COMMENT: None

3. CONSENT CALENDAR: None

4. CONTINUED HEARINGS: None

5. NEW HEARINGS:

- A. DRAFT UPDATED GENERAL PLAN - This is a public hearing to receive comments on the draft updated General Plan. The Commission will receive comments and may make comments of its own, and continue the hearing to July 24, 2008 for further comments and deliberation. A public hearing on the draft Final EIR**

**for the project is tentatively scheduled for August 14, 2008.
(Planner: Robert Pendoley)**

Planning Director Pendoley introduced the staff report for which he used a slide presentation. He reviewed the hearing and adoption process explaining that the Commission has to hold at least one public hearing with a ten-day notice period. The Commission must conduct the hearing(s), take public input and make a recommendation for approval to the Town Council. He said that an approval must be made by the affirmative vote of the majority of Commission's membership (a minimum of three votes), and that the same requirements existed for the Council. If the Council propose to adopt the General Plan with significant changes, the document must come back to the Commission for review. If that happens, the Commission has 45 days to respond to the proposed changes. He said that no response from the Commission would be considered a recommendation for approval. He said that the Council must also adopt the EIR. He added that he had some proposed schedule changes resulting from another Town meeting on July 24. Staff has proposed to move the agenda planned for July 24 to July 31, 2008. He said that now that the hearing is open, the Commission could continue the hearing to any date. He added that the consultants hope to have Alternative #four included in the Draft final EIR and have that document ready by Aug 28, 2008.

He said staff had conducted an analysis to identify a list of issues for Commission deliberation that would have major unmitigated environmental effects. He said that Chapter 1 the introduction, Chapter 2 and 4, the Land Use and Circulation Elements are analyzed together because the environmental effects are closely related.

Regarding Chapter 1, Planning Director Pendoley noted that when the Commission generated the draft they deliberately spent three meetings carefully capturing the community context. He said that there are no suggested changes.

Regarding Chapters 2 and 4, Planning Director Pendoley provided an overview of Land Use and Circulation Elements. He said that the important goal of the document is to preserve existing neighborhoods. The Land Use Element establishes three new mixed-use land use designations with four community plans proposed in the mixed-use areas. The Land Use Element includes a number of policies to protect and enhance community character, including proposed Design Guidelines, an updated Zoning Ordinance to reflect changes in draft General plan, and infill development standards.

Chapter 4, the Circulation Element, recommends a change to the Level of Service standard for intersections. This chapter of the General Plan provides a basis for

updating Street Impact Fees, establishes the Town's position on Highway 101 improvement projects, and sets as priorities for road improvements the upgrades to the Tamalpais/Paradise Drive/Highway 101 interchange and the completion of a Class I bicycle lane on Paradise Drive to the Tiburon town limit. The Circulation Element recommends improved east-west linkages in the community, including a possible new Highway 101 overcrossing. Chapter 4 identifies scenic corridors, and calls for corridor design guidelines.

He said that there are a number of policies in the plan that are growth inducing, and that these could result in adverse environmental impacts, but that the Plan includes other policies that are designed to reduce or avoid these effects. The DEIR finds 6 areas of environmental impact that have not been mitigated in plan: the jobs/housing balance; Highway 101 (now at level of service F); Greenhouse Gas emissions; Ozone; Noise; and Water Supply. He said that with the exception of the jobs/housing balance and water supply, the unmitigated impacts are regional.

He said that the majority of impacts are related to land use policy LU-4.3. The DEIR finds that developing both shopping centers to a 0.60 FAR in exclusively retail use would have worst-case scenario environmental impacts when both properties are built out. Approaches to reducing unmitigated traffic-related impacts of LU-4.3 include reducing the allowable increase in retail FAR (1. Leave the FAR at Town Center at the present ratio of 0.34-they are currently built to this and have no expansion plans; or 2. Reduce allowable FAR for The Village to 0.34- staff estimates they are currently built to 0.30); and improving the jobs/housing balance. A mixed used strategy is proposed to improve the jobs/housing balance.

Other issues in the Land Use and Circulation Element include the following corrections: delete Implementation Program LU-2.10.b (This has been done.); Replace Figure 2.4, Land Use Diagram with correct version of this diagram as found in Attachment 1 to the staff report; designate Town corporate yard at 81 Lucky Drive as Public/Semi-Public on the Land Use Diagram; and show LAFCO's amendment to Town's Sphere of Influence to exclude Ring Mountain.

He said that the Commission should also note an important recommended change in the Circulation Element to the Town's engineering standards for intersection level of service (LOS). LOS is a measure of time delays caused by traffic flows, and the proposed LOS standard is recommended for efficiency. The intersection of Tamalpais Drive and Madera Boulevard operates at LOS D. The average delay at the intersection is 36 seconds, one second below LOS C. Overcoming this one-second inefficiency would require a substantial expense to add turning lanes and make other modifications to

accommodate the same amount of traffic. He said LOS C is hard to achieve at stop sign intersections, and not always cost affective or aesthetic, and that problems with mandating LOS C in a low density environment such as Corte Madera include a tendency to require wider streets and more asphalt than LOS D.

Chairman Schwartz opened the public hearing, and asked for clarification on LOS C and D. Planning Director Pendoley said that LOS is measured on average during peak traffic hours, and that LOS C has an average delay of 20.1-35 seconds, while LOS D has an average delay of 35.1-55 seconds. He said that traffic engineers recommend LOS D, but that it becomes an issue of how much service you want to buy.

Jack De Shadarevian of East Corte Madera said that he feels there is a nagging problem in the width of bike lanes, and that when they are too close to the curb, cars shift to the left. Planning Director Pendoley said it is the Circulation Element that sets priorities of bike projects, and that a Class I bicycle lane along Paradise Drive to the Tiburon town limit is among the highest priority. He added that the timing is a matter of money.

Commissioner Bailey asked for clarification on the relationship between policies in the General Plan and the decision making process. Planning Director Pendoley explained that the General Plan guides all of the decisions the Commission makes, and that in some cases the Commission must make specific findings of consistency with the General Plan. He added that all of the Town Council's decisions regarding the Capital Improvement Budget are based upon priorities set forth in the General Plan, and that all road improvements must be consistent with General Plan policy. Commissioner Bailey said that philosophically, he would like to simplify General Plan policy. He asked how the Town's General Plan compares in breadth with other Marin municipalities. Planning Director Pendoley said that the Town's is much less intense than County's plan, which is ambitious. He added that the Town's plan is smaller than San Rafael's, and much smaller than Novato's, but bigger than Tiburon's, and that ours could be shorter. Commissioner Bailey commended Planning Director Pendoley's presentation, and said that he didn't want to increase the specificity of policies in hopes that the Town could avoid skewing the Plan's result.

Commissioner Schwartz said that he likes the flexibility of the Plan's policies, but that he thought timeframes should be applied in some cases, such as those where the Plan can reduce impact.

Commissioner Pagnillo said an example would be public school buses to reduce the school traffic issue. Commissioner Schwartz suggested that the Town could sponsor school busses or provide neighborhood electric vehicles for which every Corte Madera

resident would receive a key. Commissioner Bailey asked for clarification regarding what sort of school bussing change could be brought about by the Town's General Plan. Planning Director Pendoley explained that the Town has no regulatory authority over the school districts.

Commissioner Pagnillo said that regarding Circulation and Land Use he was concerned about exits off of Highway 101. Commissioner Schwartz said that he felt developers should pay for onramps. Commissioner Pagnillo said he felt that the issue was removing exits and wondered how the potential 0.60 FAR at the shopping centers would impact this. He said that the standard dictates that entrances and exits be separated by one mile, and that the Town has four within a mile. Planning Director Pendoley said that if a development were of such a scale, highway improvements could be required as a mitigation measure, but that no projects of that size were anticipated.

Commissioner Esteb said that he is not wild about assigning an FAR 0.60 to The Village.

Commissioner Schwartz said he noticed an inconsistency of characterization of certain elements particularly in Land Use Element, especially regarding jobs/housing balance policy and economic vitality. He said that the Town doesn't have a lot of new development so we should fold in other aspects, such as encouraging electric reliability with solar panels, and encourage other utilities aside from telephone. He also said we should encourage infill development in core town areas such as Corte Madera Square, but that policy calling for promoting calming, underground utilities, bike and pedestrian access may be at odds with policies promoting the economic vitality of that area. He said that there are many nail salons, but we could encourage a retail mix that would transform it into a gathering area, which now is at Town Center. He suggested goals of underground parking, and infill development with additional retail and an expanded park.

Dave Kunhardt of 141 Hill Path and member of an early citizen advisory committee on Corte Madera Square said that there had been a lot of discussion about the traffic light near Corte Madera Square. He said improved levels of service speed up traffic, which makes the area dangerous for pedestrians. He said that the goal was not just to improve the level of service, but also to improve the calming of the area. He said that underground parking was the missing tooth in the gap between the upper and lower portions of the park. He liked the idea of ground level retail and upper level apartments.

Commissioner Schwartz asked staff if it would be feasible to attach a guideline for economic development, and to attach a timeframe for completion of such a plan.

Commissioner Bailey said that he is apprehensive of an artificial deadline. Planning Director Pendoley explained that an economic development plan could be whatever the Commission wanted to make it. As a single, community-wide policy, an economic development plan is typically designed to build from other policies, encouraging higher revenue from shopping centers, so that retail stays vibrant. He said the consensus among Marin planning directors is that the towns along the highway need more housing, and a strategy to deal with economic development versus housing as the market forces change over time. He suggested that it may be helpful to have a document that addresses business retention.

Commissioner Esteb says he feels that the low intensity land use goal stated by the third bullet on page 2-37 does not seem to encourage a vibrant square, and that perhaps the plan should distinguish between a calming portion in the park and a vibrant retail surrounding. He added that buildings should offer living space above retail.

Commissioner Schwartz said regarding bicycle circulation improvement policy, that he feels a distinction should be made between recreational and commuter use for safety purposes. Commissioner Pagnillo said that he doesn't understand the need for such a distinction. Commissioner Esteb added that the DMV is very clear about distinguishing uses.

Roland Lidel of 76 Summit in Corte Madera said that as a bicyclist riding on the road, you survive by considering yourself invisible. He said that in a bike lane just off to the right of traffic, you must rely on the driver seeing you, but on the road, often drivers look through bicyclists. He said that he is an advocate of the Alto Tunnel for safety reasons.

Planning Director Pendoley suggested he do an inventory of issues regarding bikes and return to Commission.

Commissioner Schwartz said that there were several wording issues he wished to highlight: the Marin Bicycle Coalition (MBC) should not be listed as an agency; and, he said that on the map the phrase "tunnel closed" doesn't accurately capture the condition of the tunnel, adding that opening the tunnel would more closely resemble a "rebuilding" of the tunnel. He added that linked policies throughout the Plan need consistency review to highlight reduction of school traffic and greenhouse gases, and calming.

Planning Director Pendoley suggested that Commissioner Schwartz pinpoint places for inserting such policies and which policy should be inserted, adding that staff needed

specific direction. Commissioner Bailey said that he is in favor of the concepts discussed but wasn't sure which would fit here. Planning Director Pendoley said that staff would be happy to research things that can be done here that have not been included, such as specifying that new development be built to LEED standards in exchange for an ease in FAR restrictions. He asked for feedback on specific points listed in staff report.

Commissioner Esteb asked what would be the benefit of allowing the shopping centers to almost double the maximum FAR of 0.34. Commissioner Pagnillo asked how the Town would benefit by limiting it. Commissioner Esteb questioned whether FAR 0.60 should be consistent for all retail areas. Planning Director Pendoley said that to accommodate FAR 0.60 in all areas, the level of service in the Circulation Element may require widened streets beyond what would benefit the Town. He said that the malls are regional, and should have a higher FAR where other retail areas are local, and the FAR should be reduced. He clarified that staff feels that the retail FAR 0.34 is a good number because it allows for onsite parking, but that FAR range up to 0.60 was chosen because it is high enough to allow for room to study.

Commissioner Esteb said that he had attended an LEED workshop, and noted that, since this is a certification given after the fact, there is no guarantee up front which level of certification will be granted, so the Town may not wish to consider the granting an lessened FAR restriction up front. Commissioner Bailey said that he likes the idea of linking an environmental carrot to development.

Commissioner Pagnillo wondered if there general revenue thresholds related to FAR, and specifically if FAR 0.60 is high enough to encourage developers to build. He asked whether FAR was the right metric for refreshing retail and increasing vitality. Planning Director Pendoley explained that economic programs like this tend to be done by redevelopment agencies. Development agreements could be drawn to give land use privileges in return for a given retail FAR, but that is typically only done for regional shopping centers, which we already have. He explained that this policy would be handled in a development agreement ordinance with development policies added to the Zoning Ordinance.

Commissioner Esteb asked for clarification on the consistency issue of setting an FAR of up to 0.60 in the General Plan, then an FAR in the Zoning Ordinance of 0.50. Planning Director Pendoley said that it would be consistent and would allow an FAR to be increased up to a maximum 0.60 based upon providing linkages to energy efficiency.

Commissioner Bailey said that he does not want to place the town in an advocacy position, but if a developer would like to build, they understand that the Town

encourages green-friendly practice. He asked staff for clarification on how to connect public policy in favor of green practice. Planning Director Pendoley said FAR bonuses in return for incentives (traffic reduction and housing) were an option, suggesting that the plan develop a base FAR at 0.34 above which an applicant can get an FAR bonus in return for a green proposal (energy conservation, low carbon footprint).

Commissioner Schwartz added that mixed-use policies could encourage a vital pattern of retail uses rather than detrimental uses. Planning Director Pendoley said that the Zoning Ordinance lists permitted uses, and could dictate that personal care places are not permitted in a district. But he added that the Town is careful about going strongly against the market, and instead tries to help landowners fill retail spaces. He said that Corte Madera Square is not a strong market for storefronts, and that it may be more appropriate to encourage a more vital mix of businesses in the General Plan, adding that regulation may only be part of the solution.

Planning Director Pendoley clarified that the Draft General Plan hearing schedule be amended to reflect that next available date for a special meeting is July 31, followed by Aug 14 and that the consultant should be prepared to return to the Commission with the DEIR August 28, 2008.

Motion: Motioned by Commissioner Pagnillo second Commissioner Esteb to continue the public hearing to July 31, 2008.

6. ROUTINE AND OTHER MATTERS

A. REPORTS AND ANNOUNCEMENTS

- i. Commissioner Bailey attended the Town Council meeting.

B. MINUTES

None

7. ADJOURNMENT

The meeting was adjourned at 10:30pm

The next Planning Commission special meeting is Thursday July 31, 2008 at 7:30pm