

**FINAL MINUTES
SPECIAL PLANNING COMMISSION MEETING
DRAFT UPDATED GENERAL PLAN
SEPTEMBER 18, 2008
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS

PRESENT:

Chair Bruce K. Mace
Commissioner Sloan Bailey
Commissioner Peter Schwartz
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 Pagnillo.

2. PUBLIC COMMENT: None

3. CONSENT CALENDAR: None

4. CONTINUED HEARINGS:

A. DRAFT UPDATED GENERAL PLAN- This is a public hearing to receive comments on the draft General Plan. The Commission will consider comments received at the public hearing and in writing and may direct staff to make changes to the draft Plan before adopting a resolution forwarding the draft Final EIR and the draft General Plan to the Town Council. (Planner: Robert Pendoley).

Planning Director Pendoley said that the staff report for tonight's hearing proposes that the Commission discuss a method for tracking and deliberating on Plan revisions, and staff's revisions for Chapter 3. He referred the Commission to the Revisions Table, which has 8 sections corresponding to the 8 chapters of the draft General Plan. It is organized in 7 columns titled Edit #, Policy or Mitigation Measure, Revision, Status, Page Number, Proposed by, and Comments. The Revisions Table lists 18 proposed

changes to Chapter 3. Eight of these changes are mitigation measures from the EIR. He said staff had also reviewed the hearing minutes and found 10 proposed changes requested by the Commission.

Planning Director Pendoley asked the Commission to consider the Revisions Table not only for accuracy, but also in terms of it serving as a presentation to Town Council listing what has been discussed. Commissioners Schwartz, Bailey, Mace and Esteb all agreed that the Table was successful. Planning Director Pendoley said that he would like to bring back all the chapters in this format.

Commissioner Mace began the review of Chapter 3 with the Definition of Sustainability and Policy RSC-1.1, which Planning Director Pendoley said came from largely the County's plan. Commissioner Esteb said he liked the wording and definition.

Commissioner Schwartz asked generally whether the document is meant to encourage sustainability from a local or regional context. Planning Director Pendoley said staff felt there would be a greater benefit to defining it broadly, though certain issues, such as energy conservation and greenhouse gases will have more of a local focus.

Commissioner Mace said that on page 3-6 the definition of sustainability should read "can be" versus "is" to add focus.

Commissioner Schwartz asked whether the intent of the definition of "sustainability" is to require that new projects incorporate sustainability measures, or to encourage this. Planning Director Pendoley said the definition is intended to provide context. He also said the Town is working with other jurisdictions and the County on a Sustainability Plan for town-based implementation, and that he wants to ensure his revisions have captured the Commission's intent. He said Marin cities and the county have formed a Partnership to formulate local sustainability plans, and the Partnership will be hiring a "Climate Action Director" to work with local planning departments. Work has started on the sustainability plan.

Commissioner Mace said he likes the wording on page 3-9 under the Green Buildings heading, 2nd paragraph "Performance-based programs *such as...*" He said on page 3-11 *Implementation Program RSC-2.2c Public Facilities Conservation*, he would like to see the policy strengthened from "Encourage use of recycled water." Planning Director said that use of gray water was promoted in the 1970s drought with resulting health issues. In some states it is not an issue, but in California it could be.

Commissioner Schwartz said that on page 3-12 *Implementation Program RCS-2.2f Heat Islands* (which should read RCS 2.2h to be consecutive) he would like to include areas of large paving and asphalt, or heat retaining materials to expand on artificial turf.

Planning Director Pendoley said he would research this and bring it back for the Commission's review.

Regarding page 3-13 *Implementation Program RCS-2.3.a.*, Commissioner Schwartz said "Savings by Design" should be replaced with "Utility Energy Efficient Programs." Commissioner Mace agreed, and added that "by the utility" should be deleted.

Regarding page 3-14 *Implementation Program RCS-2.6.a.*, Commissioner Schwartz asked if the policy should encourage potential projects to reach beyond merely meeting code. Planning Director Pendoley clarified that he is asking for more direction and not naming incentive programs, but he understands the Commission does want to strengthen this program. He said the Town currently sees projects that exceed Title 24.

Commissioner Mace said the Town could strengthen the policy by offering incentives. Planning Director Pendoley said an option is to develop a program to address incentives.

Commissioner Schwartz said this could tie in with the Sustainability Plan. Planning Director Pendoley added that the Town has formed a partnership with the county and other jurisdictions, and the Partnership has received grant money on behalf of the jurisdictions.

Commissioner Schwartz said he liked the idea of a plan to develop incentives, and it could include incentives such as preferred interest rates for homes that meet energy efficiency requirements.

Commissioner Mace said the Commission must stay at the policy level and keep it simple. He said that the policy should be addressed here, and with reference to design guidelines that will be developed, rather than put off to a separate incentives plan.

Commissioner Esteb said the policy should be strengthened or removed, because as of now it just says development must be to code.

Commissioner Schwartz said the wording could be: "require all new development projects to exceed code relative to energy efficient site and building design."

Planning Director Pendoley said he would research the concept of developing a program to "incentive-ize" the policy that development exceed Title 24 requirements, and return to the Commission.

Commissioner Esteb said *Implementation Program RCS-2.6.a.* should include mention of Design Guidelines, as does *Implementation Program RCS- 2.6.b.*

Planning Director Pendoley pointed out that *Implementation Program RCS-3.1.c.* contains the context for the Sustainability Plan, which is underway.

Commissioner Mace added that on page 3-17 *Implementation Program RCS-3.1.c.* is underway, and should read "Continue membership" in place of "Consider joining" the climate protection campaign, and that text should include "its' equivalent or better."

Commissioner Schwartz pointed out that Energy Star is considered middle ground not leading edge, and that the Town's policy should promote purchase of at least minimum Energy Star or better.

Commissioner Mace said regarding Page 3-19 *Implementation Program RCS-4.1.b.* Recycling Receptacles, that this provision is historically included in Zoning Ordinance, and he asked if the law allows this. Planning Director Pendoley said that a policy stating that the Town will provide public recycling receptacles could be appropriate, and that the Town could encourage the malls to do the same, but was unsure whether the Town could include a provision in Zoning Ordinance to require private business to recycle the public's waste. Planning Director Pendoley said he would research the matter and come back to the Commission. The waste hauling franchise provides recycling to all residential buildings, but that the Town's issue could be to make sure there is a place for the bin.

Commissioner Esteb asked about including a timeframe to get the cans off the street after pick up. Planning Director Pendoley said this is not a zoning issue, but that it could be included somewhere in the Municipal Code.

Regarding page 3-21 *Implementation Program RCS-5.1.e.*, Promote Green Businesses, Commissioner Esteb asked about the Town's role, questioning whether this is something it should be involved with. Commissioner Mace said he is okay with this program the way it is. Planning Director Pendoley said it is a political leadership statement for the Council.

Regarding page 3-27 *Implementation Program RCS-6.2.a.*, Planning Director Pendoley said this change was required by the EIR to strengthen the Town's resource protection policy. Commissioner Bailey asked if this is where the Town states its' connection of its intent to manage resources in a sustainable way with its' wetlands policy. Planning Director Pendoley said it starts the process, and sets the U.S. Army Corps of Engineers' standard as the Town's standard.

Planning Director Pendoley said that *Implementation Program RCS-6.6* comes from the EIR and from comments that Commissioner Schwartz made when we reviewed this chapter. He added that *Implementation Program RCS-7.1.a.* came from Audobon and

Friends of Corte Madera Creek's comments. This is Barbara Salzman's sensitive habitat areas list and it matches the list in the EIR. The Commissioners agreed that they liked this.

Regarding *Implementation Program RCS-7.4* Tree Protection on Page 3-33, Planning Director Pendoley said the Commission had asked for this to be strengthened, and he asked for clarification. He said that the Tree Ordinance currently does not give grounds to deny a permit. Commissioner Schwartz asked the Commission to consider adding "ecological importance" to "large, native and of historical importance."

Commissioner Bailey said the grounds for denial need to be added to the Tree Ordinance. Planning Director Pendoley said the Commission could address this in the revision of the Tree Ordinance.

A typographical error on page 3-34 "require" was noted.

Commissioner Mace referred to page 3-36 *Implementation Program RCS-8.1.a*. Wetland Data ... "will make recommendations for avoidance." He asked if there is a threshold for "avoidance." Planning Director Pendoley explained that the term is used by the U.S. Army Corps of Engineers, USFWS and the Water Board. He said that USFWS especially focuses on avoidance, and that it is a term of art.

Commissioner Esteb said the passage now reads that if you have a site, you need a detailed assessment whether you are considering development or not. Planning Director Pendoley said he would wordsmith this and return to the Commission.

Commissioner Schwartz asked if seasonal wetlands were included in the policy. Planning Director Pendoley explained that all wetlands are covered.

Commissioner Schwartz asked regarding page 3-38 "Mitigation projects should..." whether "should" could be changed to "shall." Planning Director Pendoley said this could not always be accomplished.

Commissioner Esteb said other towns have ordinances banning two-stroke leaf blowers. Planning Director Pendoley said this issue could be considered for inclusion in the Noise Ordinance. Commissioner Esteb said it is also an air quality issue.

Commissioner Mace suggested the wording "where possible utilize methods that are more sustainable."

Commissioner Schwartz suggested it be added on page 3-52 under *Implementation Program RCS-10.1.a*. Planning Director Pendoley suggested "leaf blowers and other equipment" could be added to *Implementation Program RCS-10.4*, adding that this

issue is regulated by the Air Quality Board, and they are developing new regulation for this as it pertains to new units.

Commissioner Schwartz suggested the addition of encouragement for more efficient machinery use. Planning Director Pendoley said this would fit in the Sustainability Plan.

Commissioner Esteb also asked about re-labeling “construction dust control” to “dust control.”

Commissioner Mace referred to page 3-54 *Implementation Program RCS-10.4.a. Natural Gas Fireplaces*. “Amend the Zoning Ordinance to Prohibit wood burning devices in new construction.” He said EPA-rated wood burning fire places are not outlawed, and that the policy could encourage changing to natural gas. Planning Director Pendoley explained that this policy is in the state energy code, and that it is now required code in unincorporated areas of the county and several municipalities, and is a trend in the Bay Area.

Brooke Vos of 14 Granada said if the policy focuses solely on natural gas, naming something specific, it limits the Commission’s review capacity, whereas if the policy focuses on being EPA-rated it can evolve with that rating.

Commissioner Bailey said he is opposed to disenfranchisement of property values with regulation, and would like to see the policy be encouraging rather than limiting. Commissioner Esteb suggested that the policy read “prohibit non EPA-rated wood burning devices.”

Planning Director Pendoley said regarding *Implementation Program RCS-10.6.d. on page 3-56 Demonstration Projects* that he recommends that the Town Council not adopt this mitigation measure. He said that programs in Mitigation Measure 19 would not fit a low-density jurisdiction such as Corte Madera, adding that bridge tolls are out of the Town’s purview. He said he would recommend the Council make a finding of overriding consideration that this is not applicable to the Town.

Commissioner Schwartz asked if the document needs a definition for “traffic calming.” Planning Director Pendoley suggested it be placed in the glossary. The Commissioners agreed on the overriding consideration finding.

Commissioner Mace noted the addition of *Implementation Program RCS-11.2.a on page 3-58* regarding archeological resources. Planning Director Pendoley explained that this is a mitigation measure out of the EIR, and not overly applicable.

Planning Director Pendoley concluded that he understands the direction received from the Commission, and will republish Chapter 3 and have it back before the Commission by the next hearing.

Brooke Vos called attention to edit #18 "Projects that do not meet code may not be approved." She said it should be double-checked that there is linkage to other documents.

5. NEW HEARINGS: None

6. ROUTINE AND OTHER MATTERS

A. REPORTS AND ANNOUNCEMENTS

i. Commissioners: Commissioner Bailey summarized the Council meeting he attended.

ii. Planning Director Pendoley announced that Gordon Terrell had passed away Monday.

B. MINUTES

i. None

7. ADJOURNMENT

The meeting was adjourned at 9:15pm in memory of Gordon Terrell

The next Planning Commission Special Meeting is Thursday October 2, 2008 at 7:30 p.m., and the next Regular Planning Commission Meeting is September 23, 2008 at 7:30p.m. in the Corte Madera Council Chambers.