

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
MARCH 24, 2009
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS

PRESENT:

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

STAFF

PRESENT:

Robert Pendoley, Planning Director
Larisa Roznowski, Associate Planner
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:

Inge Morrison of 27 Lakeside suggested an extension of the red curb for an additional 20' on both sides on Madera Avenue at Monona to mitigate parking issues.

Planning director Pendoley suggested she make this comment to the Town Council.

Ms. Morrison also suggested that to mitigate school crowding, why not bring in temporary buildings at the school on Granada, which the school district owns. Planning Director Pendoley said that the property is in fact in the Reed School District, but that she may be referring to the San Clemente school, which is in the local district. He suggested that she present her ideas to the school district.

3. CONSENT CALENDAR: None

4. CONTINUED HEARINGS: None

6. ROUTINE AND OTHER MATTERS

A. CRATE & BARREL EXTERIOR COLORS

This item was heard ahead of New Hearings at the Chairman's request.

Senior Planner Bell presented the colors for which he used a slide presentation and referred to color samples submitted by the applicant for the exterior base color of the building. He suggested that the Commission consider the information and decide which colors would be presentable.

Joe Stein, Construction Manager from Crate & Barrel referred to the color swatches, and said they were also painted on the building wall. He said they arrived at these colors by pulling three colors that have been used in other locations successfully. He added that the color on far right is slightly darker.

Commissioner Esteb said he had visited the site and was surprised there was no bright white for comparison. He said would accept any of these colors.

Commissioner Pagnillo said it appeared that the color panel on left is painted on different texture, and that the one on right is acceptable.

Mr. Stein said the color changes with the light.

Commissioner Bailey said is agreeable with any of the three colors.

Commissioner Mace said he had visited the site twice, and could not tell the difference between the samples. He said prefers the darker shade of white (gray white #6050.)

MOTION: Motioned by Commissioner Esteb, seconded by Commissioner Pagnillo and passed unanimously to approve exterior paint color #6050 for Crate & Barrel.

5. NEW HEARINGS

A. AMENDMENTS TO TITLE 18, ZONING ORDINANCE, FOR MINOR CORRECTIONS TO LANGUAGE AND DIAGRAMS - (Planner: Larisa Roznowski)

Associate Planner Roznowski presented the staff report for which she used a slide presentation. She explained that staff had developed a series of minor amendments to the Zoning Ordinance that would correct typographic errors and other similar problems that make the Ordinance unnecessarily difficult to use. With noted exceptions, overall the proposed changes are negligible and would not change the way property is developed in Corte Madera.

She explained several sections in detail, including Section 13 which would include a provision for entry gates, arbors, trellises in the front yard setback not to exceed 8'-0" in height, 4'-0" in depth and 8'-6" in width with no design review required.

She said that in Section 14 the lot coverage formula is clarified as shown in Table one adding parenthetical references for clarity.

She explained that Section 30 regards temporary on-window signs and prohibits lighting. She added that staff believes that the original intent of the lighting standards is for permanent signs.

She explained that the remaining items are straight forward, and referred to the comprehensive summary table provided at the meeting. She suggested the Commission open the public hearing and consider the merit of the proposed changes.

Ms. Morrison asked what the allowed height was for front gates.

Associate Planner Roznowski explained that the height limit is 4', extending to 6' with design review.

Commissioner Esteb asked about garden structures.

Associate Planner Roznowski explained that currently garden structures in are included in FAR, but the idea is to include other items like arbors and pool houses. Commissioner Esteb asked how arbors would be counted for lot coverage. Associate Planner Roznowski said any structure is included, and that even a bulky trellis could be included. Senior Planner Bell added that bulk and mass is the key, and that heavy trellises are counted, but lighter trellises may not be.

Commissioner Esteb said that in the City of Sausalito if rain falls through it, it is counted. Senior Planner Bell said it doesn't have to shed water for inclusion under the Town's Ordinance.

Chairman Mace asked about Section 30 and the origin of the proposed change prohibiting lighting for temporary on-window signs.

Associate Planner Roznowski said that the Central Self-Storage at 31 San Clemente has faux windows on south elevation with temporary on-window signs and then the owner added fluorescent lighting above. She explained that because the Zoning Ordinance doesn't currently prohibit it, the Town has to allow it. In the meantime, the lighting rule applies for permanent lights. The amendment to Section 30 would clarify it in terms of bringing exclusion. Planning Director Pendoley added that the self storage business is within 30-day time limit currently allowed once per year for temporary signs.

Commissioner Esteb added that they also said they have a neon "open" sign that remains on outside of typical business hours.

Planning Director Pendoley said they have a resident manager and that they are presumably open at all hours, and that staff has tended not to go after those sorts of signs.

MOTION: Motioned by Commissioner Esteb, seconded by Commissioner Pagnillo and passed unanimously to adopt Resolution No. 09-007, Zoning Ordinance Amendment No. 09-003, dated March 24, 2009.

B. ZONING ORDINANCE AMENDMENTS TO MODIFY REGULATORY STANDARDS FOR FLOOR AREA RATIO (FAR) IN THE R-1 AND R-1-A RESIDENTIAL DISTRICTS - (Planner: Dan Bell)

Senior Planner Bell presented the staff report for which he used a slide presentation. He explained that there is some difficulty interpreting Gross Floor Area and Floor Area Ratio standards for partially excavated structures. Staff is recommending a minor revision to the method of calculating Gross Floor Area of residences that are partially excavated, and is also recommending a minor revision to the definition of Net Area of Land for lots affected by water bodies and waterways.

He explained that the principal of the Gross Floor Area concept is to regulate the visible outward mass and bulk. If floor area is the result of a hillside excavation and is not overly visible, or has a ceiling height of less than 5' it was felt it should not be counted toward Gross Floor Area and not included in the FAR. He said that the current language doesn't work well, and that the Town has had applicants propose to lower an interior ceiling height to avoid counting space as Gross Floor Area, though that does nothing to lessen the visible outward bulk and mass of the building and is contrary to the intent and spirit of the Ordinance.

The new exhibit and language address these issues. "Where the top plate or ceiling height which ever is higher, is 5' or more above the grade of the lot measured at

nearest outside building wall, the floor area immediately beneath that affected top plate or ceiling height shall be counted as gross floor area.”

Regarding the issue of how Net Area of Land next to water bodies is calculated, he explained that staff has realized a better method that would eliminate relying on the “area above mean high tide”. He explained that staff feels that mean high tide changes and is difficult to pinpoint, and suggests using a fixed North American Vertical Datum (NAVD) point of 6.2 as criteria. He explained that this datum measurement is already used for commercial properties in the Baylands Overlay District.

He recommended that the Commission open the public hearing and discuss the merits of the proposed amendments.

Commissioner Esteb asked whether the proposed 5’ above grade amendment would result in more square footage as we are decreasing counted floor area.

Chairman Mace agreed the proposed amendment would be allowing more square footage.

Senior Planner Bell explained there are homes in the flood plain that could be raised above 5’, and that staff is trying to avoid looking at two exhibits and applying one definition.

Planning Director Pendoley added that the proposed amendment treats all properties the same by looking at how much additional elevation is acceptable before a penalty is applied. The Ordinance should apply the same standard for property on hillsides. But one could raise a house in the flood zone 7’3” without a penalty. He said the current Ordinance lost track of the standards and concepts and it contradicts itself. The 5’ concept is the first step at controlling bulk and mass. The proposed amendment is more consistent.

Chairman Mace said some residences that were at the maximum allowed FAR could now be increased under the proposed amendment, for instance, where an applicant proposes to excavate down to access the lower floor.

Senior planner Bell said this would not be so as excavated space would not be counted as gross floor area since it is not visible.

Commissioner Schwartz asked about ceiling dormers.

Planning Director Pendoley said the Ordinance would measure from the ceiling (or top plate) down to the grade of the lot adjacent to the building.

Commissioner Schwartz asked about domed skylights where the plane of glass is the ceiling.

Senior Planner Bell said an outward appearance is included. A vaulted skylight with a central spine would be counted.

Chairman Mace said he is happy with the use of NAVD 6.2.

MOTION: Motioned by Commissioner Schwartz, seconded by Commissioner Esteb and passed unanimously to approve resolution No. 09-006, Zoning Ordinance Amendment No. 09-002, dated March 24, 2009 and recommend that the Town Council adopt the amendment.

6. ROUTINE AND OTHER MATTERS (continued)

B. CHEVRON STATION LIGHTING/SIGNAGE

Senior Planner Bell presented the staff report for which he used a slide presentation including photographs of spanner lights illuminated. He explained that with the spanner lights off, only the decal would be counted as sign area, but with the spanner lights on, the whole panel is included. He said work lights above also shine on the signs. He concluded that staff had received a letter from Jeffrey Van Ripper from Chevron indicating that the circuits to the spanners would be disconnected.

Commissioner Schwartz said that with lights on it is more attractive, but from off-site the glare and light trespass is big.

Planning Director Pendoley said it is possible that the signs are being lit internally from the work lights above.

Senior Planner Bell said while referring to a slide that the end caps reveal whether the spanner lights are on.

Commissioner Bailey asked for clarification regarding whether the applicant had previously said the spanner lights would be physically disconnected. He said that is all the Commission can ask for and he hopes it happens quickly. He added that if the applicant had said previously that the lights were disconnected, and if they misrepresented a fact, this becomes a more serious problem.

Planning Director Pendoley said staff could write a letter requesting that the spanner lights be disconnected in 2 weeks.

Chairman Mace said if they do not light it we do not count it as signage.

Schwartz said the edge lighting is a problem.

Commissioner Esteb asked if the spanner tops should be painted to prevent illumination from the work lights above.

Commissioner Schwartz asked whether the site had met the Title 24 requirements.

Commissioner Esteb said the part that bothers him most is that we were told the lights were off, yet they are on.

Senior Planner Bell said that the Town could only continue to monitor the lighting.

Commissioner Bailey said we should commit to the applicant's record that they had agreed to disconnect. The issue is that the lights need to be off.

Planning Director Pendoley said the Town's recourse would be to pursue nuisance abatement, and if they don't comply, go to court.

Planning Director Pendoley said they would get a letter off to the applicant.

C. REPORTS AND ANNOUNCEMENTS

i. Commissioners: Commissioners Esteb and Schwartz, and Pagnillo said that they attended Town Council meetings.

ii. Director: Planning Director Pendoley said the Council had held three hearings on the General Plan and EIR and will hold one more.

D. MINUTES: Planning Commission Meeting Minutes of February 10, 2009.
Motioned, seconded and approved.

7. ADJOURNMENT: The meeting was adjourned at 8:40 p.m. The next Planning Commission Regular Meeting is to be announced.