

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
APRIL 14, 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
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:

3. CONSENT CALENDAR: None

4. CONTINUED HEARINGS:

- A. 1618 REDWOOD HIGHWAY, DESIGN REVIEW APPLICATION NO. 07-007 (THE VILLAGE SHOPPING CENTER) (PROPERTY OWNER: MACERICH COMPANY)-To adopt a revised Tenant Design Criteria Manual for The Village Shopping Center for Storefront Improvements. (Zoning: C-2 Regional Shopping District) (Planner: Dan Bell)**

Senior Planer Bell presented the staff report for which he used a slide presentation. He explained that the Commission had requested at the September 25, 2008 hearing that

Green Building Principles including lighting efficiency guidelines (see pages 17-19) be included, and that the Planning Commission retain design review authority over new storefronts facing the parking lots (see pages 4 and 20).

He added that at the December 11, 2008 hearing Commissioner Esteb requested that certain text be changed from “encouraged” to “required”, and that Commissioner Schwartz recommended technical changes to lighting specifications. Senior Planner Bell explained that the new “required” language is found on page 18 under Energy and Atmosphere, and that new lighting specifications are addressed on page 44, 47, and 48.

He said the manual currently before the Commission includes the new text to address all the commissioners concerns.

He noted that if a remodeling project is determined to conform to the Tenant Design Criteria Manual, no Design Review Permit approval would be required by the Town, although a Town Building Permit would always be required. Major storefront remodels not oriented toward the center arcade would continue to require Design Review approval, as would exterior remodels to the Macy's or Nordstrom buildings which are under separate ownership and not subject to the design criteria in this manual.

He concluded that staff recommended the Commission recommend adoption of the manual as revised by Planning Commission comments to the Town Council.

Chairman Mace called for a presentation by the applicant. Hearing none, discussion was brought back to the Commission

Commissioner Schwartz said he had read the changes and that they seemed consistent with Manual's intent.

Commissioner Bailey complimented the staff report, but asked in the future that requested changes be identified in such documents.

Commissioner Schwartz agreed that this would be helpful. He said that he had read through the entire document and found it favorable.

Commissioners Pagnillo and Esteb and Chairman Mace each said they are fine with the revised manual. Chairman Mace added that it would be important to monitor lighting issues.

MOTION: Motioned by Commissioner Esteb, seconded by Commissioner Pagnillo and passed unanimously to approve Design Review Application

No. 07-007 to recommend to the Town Council to adopt the revised Tenant Design Criteria Manual for the Village Shopping Center for Storefront Improvements.

Commissioner Bailey noted that the Tenant Design Criteria Manual delegates that as long as a proposed change is in compliance, no Design Review approval would be required. He asked whether this was intended in perpetuity, and whether it would remain in effect if the property were sold, which was affirmed. He asked if changes were typically owner initiated, which was also affirmed.

Planning Director Pendoley added that the manual's authority lies with the original approval of the Precise Plan in 1985.

5. NEW HEARINGS

A. 477 AND 495 CHAPMAN DRIVE, LOT LINE ADJUSTMENT APPLICATION NO. 09-001, DAN AND ELEIN PHIPPS (Owners)-To allow a Lot Line Adjustment between two adjacent residentially zoned parcels. (Zoning: R-1 Medium-Density Residential District) (Planner: Dan Bell)

Chairman Mace excused himself since he owns property within 500 feet of the subject property.

Senior Planner Bell presented the staff report for which he used a slide presentation. He explained that the parcels were both owned by the applicant, and are located on Chapman Drive, but that access is on Templeton Court, a private street not maintained by the Town that serves each parcel. Should the Commission approve the proposed Lot Line Adjustment, the applicant shall be responsible for filing the Record of Survey for Lot Line Adjustment or appropriate related deeds at the Marin County Records Office, and for providing the Town with a copy of all recorded maps and related Deed documents.

He explained that in order to approve a Lot Line Adjustment, the Commission must make a finding that the proposal is consistent with the General Plan and the Zoning and Building Ordinances. The resulting proposed single family residential lots exceed the 7,500 sq. ft. minimum lot size requirement, and are therefore consistent with the district's minimum lot area requirements found in the General Plan and Zoning Ordinance.

He added that the repositioned lot line would correct an existing non-conforming side yard setback, which would be consistent with the Zoning and Building Ordinances.

The Lot Line Adjustment would also include removal of an existing carport at 495 Chapman Drive and construction of uncovered parking pads for both lots. The on-site parking requirements would therefore be met by existing and proposed parking spaces and consistent with the Zoning Ordinance.

He said that the Commission has also historically made four findings for Lot Line Adjustments under Section 17.21.070 of the Subdivision Ordinance. He added that Section 17.21.060 of the Subdivision Ordinance provides authority to grant an "exception" to these findings by making four "exception" findings.

The required Subdivision Ordinance Findings include:

- (1) The proposal does not create an additional parcel in any zone. (This finding is made)
- (2) The proposal does not cut off any parcel from frontage on a public street, or access to a public utility easement. (This finding is made)
- (3) The proposed Lot Line Adjustment does not affect any utilities. (This finding is made)
- (4) The proposal does not reduce the area of any parcel in any zone by more than thirty percent or more than ten percent below the average area of similarly zoned parcels within three hundred feet thereof.

He noted that both resulting parcels meet or exceed the 7,500 sq. ft. lot area requirement for the R-1 district in which they are located. The subject parcels are generally larger than other parcels in the neighborhood, and neither parcel is reduced more than 10% below the area average.

Senior Planner Bell noted the finding requiring an exception is the one that says no parcel shall be reduced by more than 30%. The parcel at 495 Chapman will be reduced 33.7% from 14,076 sq. ft. to 9,321 sq. ft. which exceeds the 30% standard. Staff recommends that an "exception" be granted to this standard, since both parcels far exceed the 7,500 sq. ft. minimum lot size. Staff believes this 30% reduction standard is more applicable to revisions to a Tentative Parcel Map, rather than a Lot Line Adjustment.

He concluded that staff had received two letters of support for the project from the neighbors at 460 Chapman Drive and 200 Stetson Avenue, and that staff recommends

that the Commission approve the Lot Line Adjustment Application by adopting attached Resolution #09-008.

Commissioner Bailey asked what is the average square footage of lots in the neighborhood. Senior Planner Bell explained that a detailed survey was not conducted, but a cursory view of the Assessor's Parcel Map concludes that the resulting parcels are not less than 10% of the neighborhood average.

Commissioner Bailey said that the findings explicitly called for a survey of lot sizes, and that he would find it helpful if that information could in the future be included in the staff report. Staff agreed with the comment.

Commissioner Schwartz asked about the genesis of the 30% limit cited in the Subdivision Ordinance. Senior Planner Bell said the genesis was not known, and that a new ordinance would soon be proposed excluding this limit. He said staff has researched planning practice in other towns, and this limit is not typical or seemingly useful. Planning Director Pendoley added that in other towns Lot Line Adjustments are done administratively so long as there is compliance with the General Plan and Zoning Ordinance.

Senior Planner Bell said in the Subdivision Ordinance, Lot Line Adjustments are discussed in the same section as readjustments to a Tentative Parcel Map. He said the 30% limit would make more sense while considering a proposal for changes in a parcel map. He added that the other three findings are consistent with the General Plan and Zoning Ordinance, and that those three findings alone better represent planning practice throughout the state

Dan Phipps, the owner said he agreed with Senior Planner Bell's staff report and added that the existing side property line goes through a portion of the house at 477 Chapman Drive. He said that the previous owner had had a survey done and found that when Mr. Phipps comes through his front gate, it and a portion of his kitchen and laundry room are on his neighbor's property. He said the house was built by his neighbor in 1910, and is known as the Templeton House, and when his neighbor moved away, he bought it. Now he is trying to fix the problem, and is trying to comply with all Planning ordinances. He has set aside additional land for parking, and that as a part of the community he wants to do everything right.

Commissioner Esteb said that he visited the site, and he has no issue with the project. Commissioner Pagnillo said he is fine with the proposal, adding that he appreciates that it corrects several zoning and building regulations.

Commissioner Bailey said he agreed with his fellow commissioners, and that he is in favor of the project

Commissioner Schwartz said he is looking forward to improved ordinance language for Lot Line Adjustments, and agreed that it is good to fix historical problems.

MOTION: Motioned by Commissioner Bailey, seconded by Commissioner Esteb and passed unanimously to adopt Lot Line Adjustment Application No. 09-001 to allow a Lot Line Adjustment between two adjacent residentially zoned parcels at 477 and 495 Chapman Drive.

6. ROUTINE AND OTHER MATTERS

A. REPORTS AND ANNOUNCEMENTS

i. Commissioners: Chairman Mace noted that the Town Council packet had been mailed to the incorrect address, and that he received it after the fact. Commissioner Schwartz said he had attended a Council Meeting in Vail, Colorado, and that their sustainable energy component was impressive in linking regional transportation with Town initiatives.

ii. Director: Planning Director Pendoley said the Town Council has held 3 hearings on the General Plan and 3 on the EIR. Audubon's attorneys have filed charges against the EIR, possibly resulting in commensurate policy revisions that would not likely change the content of the document.

B. MINUTES: Planning Commission Meeting Minutes of March 24, 2009. Commissioner Bailey referred to a comment attributed to him on Page 7 that he said did not make sense. He said that the issue he had intended to portray was whether the applicant had stated something and the statement was false.

Planning Director Pendoley said he remembered the context of the conversation, and that Commissioner Bailey had wanted staff to check the record. Minutes were motioned, seconded and approved.

7. ADJOURNMENT: The meeting was adjourned at 8:15 p.m. The next Planning Commission Regular Meeting is to be April 28, 2009 in the Corte Madera Town Council Chambers, 300 Tamalpais Drive.