

MINUTES
REGULAR PLANNING COMMISSION MEETING
SEPTEMBER 13, 2016
CORTE MADERA TOWN HALL
CORTE MADERA

COMMISSIONERS PRESENT: Chair Peter Chase
Vice-Chair Phyllis Metcalfe
Commissioner Bob Bundy
Commissioner Nicolo Caldera

COMMISSIONERS ABSENT: Commissioner Jennifer Freedman

STAFF PRESENT: Adam Wolff, Planning Director
Judith Propp, Town Attorney
Joanne O'Hehir, Minutes Recorder

1. OPENING:

A. Call to Order – The meeting was called to order at 7:33 p.m.

B. Pledge of Allegiance – Chair Chase led in the Pledge of Allegiance.

C. Roll Call – All the commissioners were present with the exception of Commissioner Freedman. Chair Chase stated that Commissioner Freedman lives within 500 square feet of the properties relating to the item concerning the Mixed Use Zoning District.

2. PUBLIC COMMENT – NONE

3. CONSENT CALENDAR – NONE

4. CONTINUED HEARINGS - NONE

5. NEW HEARINGS – NONE

A. NEW MIXED USE ZONING DISTRICT – REVIEW AND POSSIBLE ADOPTION OF A NEGATIVE DECLARATION PURSUANT TO CEQA GUIDELINES SECTION 15074 AND POSSIBLE ADOPTION OF A RESOLUTION RECOMMENDING ADOPTION OF PROPOSED ZONING ORDINANCE AND GENERAL PLAN AMENDMENTS CREATING A NEW MIXED-USE ZONING DISTRICT MX-1 AND REZONING SEVEN PROPERTIES ALONG THE EAST SIDE OF TAMAL VISTA BOULEVARD BETWEEN MADERA BOULEVARD AND

WORNUM DRIVE FROM C-3 AND PUBLIC/SEMI PUBLIC FACILITIES TO MX-
(Planning Director Adam Wolff)

Planning Director Wolff presented the staff report. He noted that new materials, including public comments, have been provided to the commissioners and the public, and he introduced the consultants on the project and the Assistant Town Attorney.

Mr. Wolff explained the applications under discussion, which include recommendations to the Town Council for a Zoning Ordinance Amendment to create a Mixed-Used Zoning District (MX-1), a General Plan Amendment relating to 75 Tamal Vista Boulevard, Environmental Assessment and the adoption of a Negative Declaration.

Mr. Wolff discussed the process leading to tonight's discussions, including public meetings and the Tamal Vista Corridor Study Report. He said the Report includes policy recommendations for housing in the MX-1 District, increasing the FAR in certain circumstances, and setback and height limitations. Mr. Wolff said the Town Council reviewed the Report, where there were comments about potentially zoning sites with existing hotels for hotels only, support for maintaining adequate space at the rear of the properties and an increase in FAR as long as there is no adverse affect on traffic.

Mr. Wolff discussed the present C-3 Zoning District properties, noting that the uses are not compatible with the character of the area. He said the regulations for the proposed MX-1 district include streetscape improvement areas for public use, residential uses, incentives for senior and affordable housing, and development standards. Mr. Wolff noted that there are other potential areas in Corte Madera that could be converted to the MX-1 District.

Mr. Wolff discussed the recommendations in the Study Report, including the addition of new locally serving commercial uses, such as bookshops and pharmacies, and the removal of certain inappropriate commercial uses, such as a car wash. He also discussed the recommendations for residential uses, the proposed regulations for intensity and density, and parking requirements. Mr. Wolff noted that the new regulations would allow for more units on a lot the size of Sandpiper Circle, albeit the overall residential floor area would be less, and there would be a requirement for commercial space.

Mr. Wolff clarified the FAR area of a lot in response to Commissioner Caldera, and he provided examples of how floor area could be allocated on a site for residential and commercial uses.

Mr. Wolff discussed a policy recommendation allowing an FAR of up to .5 for projects that offer community benefits, such as senior housing. He discussed the proposed regulations in relation to the Town's inclusionary requirements with Vice-Chair Metcalfe and confirmed they would be consistent with the density bonus requirements.

In response to Chair Chase, Mr. Wolff clarified the recommended maximum FAR in relation to the need to provide commercial space.

Mr. Wolff went on to discuss the recommended setback requirements, noting that the front setback requirements relate to streetscape improvements. He said The Marketplace appears to be the only building with a rear setback that is non-conforming, but this has not been confirmed.

Mr. Wolff discussed the policy recommendations relating to height and massing in the Neighborhood Zone and Highway Zone, particularly a lower height limit at the front of a property with higher limits towards the rear. He also discussed the distribution of floor area, noting that the maximum size in the Neighborhood Zone should be limited to encourage the distribution of floor area.

Mr. Wolff discussed other provisions in the regulations, including lighting, parking, bicycle parking, and signs, noting that some of the regulations are used in existing commercial uses.

Mr. Wolff addressed rezoning the properties to MX-1 and the necessary changes to the Zoning Map and General Plan. He confirmed that the DMV site is included in the rezoning.

Mr. Wolff moved on to discuss the environmental Assessment, including the CEQA process, and he noted that applications for projects on individual sites would still require CEQA assessment. He discussed comments from the general public, including correspondence relating to changes in use at The Marketplace.

In summation, Mr. Wolff discussed the options before the Planning Commission, including a recommendation to the Town Council to adopt the draft resolution or a continuance.

Chair Chase noted that the Town would need to find the funds to implement the physical changes to the corridor and he commented on the traffic studies, noting that the Tam Ridge apartments are not yet occupied.

Vice-Chair Metcalfe and Mr. Wolff discussed the change of restaurant use at The Marketplace from a permitted use to a conditional use permit, which Mr. Wolff explained related to traffic impacts and nighttime use.

Chair Chase and Mr. Wolff discussed the zoning changes in relation to the Corte Madera Inn, and Mr. Wolff explained that staff does not believe it is necessary for the Inn to be separately rezoned.

Chair Chase opened the public comment period.

Scott Hochstrasser, a consultant who represents The Marketplace, said he believes that the majority of the conditional uses should be permitted uses. He expressed his opposition to restaurants being a conditioned use, noting that a restaurant occupied a space at The Marketplace for 31 years as a permitted use with no problems. He asked if the commissioners would consider making restaurants up to 4,000 square feet a permitted use.

Peter Orth, 200 Meadowcrest, asked for clarification on whether 4 stories would be permitted and why a rear setback of 50 feet could be reduced to 30 feet. Furthermore, Mr. Orth said he believes the commercial portion of a residential development should be more than 10%.

Garrett Grialou, Corte Madera Inn, expressed his concern with a 20-foot front streetscape area and said that 15 feet is sufficient. Mr. Grialou discussed the difficulty of judging a project of community benefit and allowing the FAR increase from .34 to .5, and he confirmed his belief that .5 is suitable for all projects. He said he would be opposed to a separate hotel zone.

Jane Levinsohn, 32 Tamal Vista, discussed her concerns about additional commercial uses on Tamal Vista, particularly relating to franchised restaurants and hotels. Ms. Levinsohn expressed opposition to bike lanes because she believes the road is too narrow, and she commented on the construction potential along the corridor being daunting.

Colin Rand, 23 Chickasaw, said there is insufficient bicycle parking space for commercial and residential uses and he commented on Chickasaw being used for overflow parking for movie and Book Passage events. Mr. Rand also asked for information on the bike study.

Chair Chase closed the public comment period and noted that a bike study is part of the Tamal Vista Corridor Study Report, which is available on the Town's Website.

Mr. Wolff said that staff should be informed when overflow parking issues arise and Counselor Propp noted that issues with existing uses could not be reviewed by the Town.

Mr. Wolff noted that the 20-foot streetscape improvement area is a maximum and that less could be required. He said that height limitations dictate the number of stories, which should not exceed 3. Mr. Wolff confirmed that staff is comfortable with a 10% commercial requirement, and he said that banks, savings and loan businesses might not have the desired effect on an area, which is why staff recommends the uses should be conditionally permitted.

Vice-Chair Metcalfe expressed support for allowing a restaurant of up to 4,000 square feet as a permitted use.

Commissioner Bundy said he would support a portion of a residential project being 10% commercial, which should preserve the streetscape appearance. In response to Commissioner Bundy, who asked for clarification on the rear setbacks, Mr. Wolff said that a maximum 50 feet buffer would allow 15 feet of landscaping and should provide a sufficient area between the building and the highway to allow for a multi-use bike path.

In response to Commissioner Caldera, Mr. Wolff said that staff recommends the 20-foot streetscape area and .5 FAR area should be viewed as maximums, and would not recommend setting specific requirements. Chair Chase noted that the commissioners would review such requests and Mr. Wolff confirmed the actions are discretionary with findings that would need to be made. Counselor Propp noted that a Zoning Change would be necessary if an applicant requested an FAR of .5 if the maximum were set lower.

There was general consensus that the Negative Declaration and rear setback requirement of 50 feet, with a possible reduction to a minimum of 30 feet under special circumstances, are acceptable to the commissioners.

With the exception of Commissioner Caldera, the Commissioners said they could support the Changes to the General Plan Amendment. Commissioner Caldera said that he could not justify residential uses so close to the freeway but that he considered hotels to be an acceptable use in the Mixed-Use Zone.

There was general consensus amongst the commissioners that 10% of residential space should be used for a commercial use.

Commissioner Caldera led a discussion on the use of "Substantial Remodel" under the definitions and suggested that the minimum requirement should be 50%. Mr. Wolff discussed the intent of the provision and noted that this number could be changed at if it the Commission felt it was a better standard. There was general consensus amongst the Commissioners that 50% was a better standard.

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bundy, to adopt Resolution 16-026 recommending the Town Council adopt a Negative Declaration pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074, adoption of a Zoning Ordinance Amendment creating a new Chapter 18.13 and Mixed-Use Zoning District (MX-1) and the rezoning of the seven properties bounded by Tamal Vista Boulevard to the west, Wornum Drive to the north, Highway 101 to the east, and Madera Boulevard to the south (the "Tamal Vista Corridor"), and a General Plan Amendment changing the land use designation for 75 Tamal Vista Boulevard to mixed-use commercial to be consistent with the MX-1 Zoning District, with the understanding that the commissioners have reviewed and accepted the findings relating to the CEQA

process, Zoning Ordinance Amendment and General Plan, with the following amendments:

1. Juice and smoothie shops to be designated a permitted use.
2. A restaurant/café of up to 4,000 square feet without a drive-through shall be designated a permitted use.
3. All residential uses shall be conditionally permitted
4. Definition of “substantial remodel” shall be defined as affecting 50% of exterior walls and roof rather than 75%; and
5. Revised language clarifying when the reconstruction or reconfiguration of existing sites triggers streetscape improvements in relation to the definition of substantial remodel.

AYES: Metcalfe, Bundy, Chase

NOES: Caldera

RECUSED: Freedman

6. BUSINESS ITEMS - NONE

7. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

- i. **Commissioners – None**
- ii. **Planning Director**

Planning Director Wolff discussed the potential need to change the regular Planning Commission meetings as various holidays approach and noted staff would place an item on the next agenda to discuss schedule.

Chair Chase commended staff for their outstanding work on the Tamal Vista Corridor project.

- iii. **Tentative Agenda Items for September 27, 2016 Planning Commission Meeting**

- A. 122 GROVE AVENUE – DESIGN REVIEW AND VARIANCE APPLICATION FOR A NEW SINGLE FAMILY RESIDENCE TO REPLACE THE EXISTING. A VARIANCE IS REQUESTED TO ALLOW TANDEM PARKING WHERE ONE SPACE WOULD PARTIALLY ENCROACH INTO THE FRONT SETBACK.**
- B. 52 SUMMIT DRIVE – DESIGN REVIEW AND VARIANCE APPLICATION FOR A NEW 3,809 SQUARE FOOT TWO-STORY RESIDENCE. THE APPLICATION INCLUDES A REQUEST FOR A FRONT SETBACK VARIANCE, A REAR SETBACK VARIANCE, AND A LOT COVERAGE VARIANCE.**
- C. 159 PRINCE ROYAL DRIVE – DESIGN REVIEW APPLICATION NO. PL-2016-0007 FOR A COMPLETE REMODEL AND THIRD FLOOR ADDITION TO AN EXISTING TWO STORY SINGLE FAMILY DWELLING AT 159 PRINCE ROYAL DRIVE.**

B. MINUTES

i. Planning Commission Meeting Minutes of August 23, 2016

Due to the lateness of the hour, the minutes were continued.

8. ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 11 pm.