

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
FEBRUARY 12, 2008
CORTE MADERA TOWN HALL
CORTE MADERA**

PRESENT: Chair Bruce Mace
Commissioner Patrick Pagnillo
Commissioner Peter M. Schwartz

STAFF

PRESENT: Bob Pendoley, Planning Director/Assistant Town Manager
Dan Bell, Senior Planner
Joanne O'Hehir, Minute Recorder

ABSENT: Commission Richard Esteb

1. OPENING

- A. Call to Order
- C. Pledge of Allegiance
- D. Roll Call

2. PUBLIC COMMENT None.

3. CONSENT CALENDAR None.

4. CONTINUED HEARINGS

- A. CASA BUENA DRIVE AT MEADOWSWEET DRIVE (APN 033-031-65), TENTATIVE PARCEL MAP APPLICATION NO. 03-001 and ENVIRONMENTAL ASSESSMENT NO. 03-001, RILEY TRUST (OWNER) - To allow a three-parcel residential subdivision of an existing vacant parcel. (Zoning: R-1-A Low-Density Residential District) (Planner: Dan Bell)**

Senior Planner Bell said that staff had been informed by the applicant that the Tentative Parcel Map would not be available for review this evening, and they asked for a continuance to the meeting of March 11, 2008. Mr. Bell noted that many of the neighbors were informed of the change.

MOTION: Moved by Pagnillo, second Schwartz, and unanimously approved to continue Tentative Parcel Map Application No. 03-001 and Environmental Assessment

No. 03-001, to allow a three-parcel residential subdivision of an existing vacant lot to the meeting of March 11, 2008.

5. NEW HEARINGS

A. 663 TAMALPAIS DRIVE, DESIGN REVIEW NO. 07-028 AND SIGN PERMIT NO. 07-001, BANK OF AMERICA (OWNER), SIGN PRODUCTIONS, INC. (SIGN DESIGNER). To allow installation of one free-standing business sign and two replacement wall signs for Bank of America. (Zoning: C-1 Local Shopping District) (Planner: Dan Bell)

Senior Planner Bell introduced the staff report, for which he used a slide presentation. Mr. Bell discussed the size and colors of the pole sign, and noted that the Zoning Ordinance dictates that all free-standing signs must be approved by the Planning Commission. He said that the height and size criteria have not been exceeded, and he discussed the findings that need to be met. Mr. Bell also discussed the wall signs, when he explained the total amount of signage complies with the Ordinance.

Mr. Bell said that there does not appear to be a building permit for the ATM machine sign, and that the overall square footage of the proposed signs plus the ATM sign would exceed the maximum 100 sq. ft. allowance for this property.

Staff recommends review of the entire sign package, and that the Commissioners must consider whether findings can be made to approve the sign application. However, the ATM sign has not been included because it was not brought to staff's attention until recently.

Walter Ruden, representing Bank of America, said that another sign company was responsible for the ATM sign, and that he has been concerned only with the signs included in the application. He said that the Bank would like a 15 foot tall free-standing sign on the corner in order to increase visibility of the branch, which attracts non-members who might not know of the branch's existence.

The hearing was opened to the public, but no-one wished to speak.

In response to Commissioner Schwartz, Mr. Bell said that the wall signs are illuminated but not from an internal light source, and they discussed the free-standing sign.

Mr. Ruden believed that the free-standing sign is intended to be internally illuminated, which Mr. Bell noted is not included in the application. Commissioner Schwartz discussed the reasons he does not favor such lighting techniques, with safety being of concern.

Chair Mace said that the ATM sign should count towards the maximum allowable signage, although it is not part of the application. Internally-lit signs are of concern to him, and he referred to the Zoning Ordinance and permitted signage. Chair Mace said he would have difficulty making findings to approve the project, and that he does not move lightly towards supporting free-standing signs.

Commissioner Schwartz noted that free-standing signs are not common and that improved building signage would perhaps be a better option. He does not believe the right solution has been presented this evening.

Commissioner Pagnillo is in agreements. Improved signage would be helpful, but a free-standing sign is not suitable and suggested that another type of free-standing sign would be more appropriate. However, verification is needed as to whether or not the free-standing sign is proposed to be internally-lit, and he would prefer that a coherent proposal be brought before the Commission.

Planning Director Pendoley confirmed that the ATM sign did not have a building permit. He suggested that the applicants pursue a monument sign, as opposed to a 15 foot tall free-standing sign and provided examples of suitable signs.

Chair Mace does not believe the current sign proposal is suitable, and he believes that a monument sign or non-illuminated sign would be better. He asked that the radius for the notice be widened.

Commissioner Schwartz said that lit signs can be a distraction on a dangerous corner and that a monument sign would be an improvement, as long as view corridors are not blocked.

General discussion followed between Mr. Rudin, staff and Commissioners. Mr. Pendoley discussed monument signs that were externally lit, and suggested that the sign not be placed on a corner for safety reasons.

Discussion turned to the wall signs, when better color depictions were requested, and the applicant discussed the reasons for the design and colors which are representative of Bank of America identity. Mr. Pendoley suggested that this item be continued.

MOTION: Moved by Schwartz, second Pagnillo, and passed unanimously, to continue Design Review No. 07-028 and Sign Permit No. 07-001 to allow installation of one free-standing business sign and two replacement wall signs for Bank of America at Tamalpais Drive to a date uncertain, for purposes of redesign and a possible alternate to a free-standing sign.

B. 219 MORNINGSIDE DRIVE, DESIGN REVIEW APPLICATION NO. 07-045 AND VARIANCE NO. 08-002, ROBERT AND KRIS CARLYLE (OWNERS), MICHAEL J. HARLOCK (ARCHITECT) – To allow expansions to this three-story single family residence. A Height Variance and Floor Area Ratio Variance are requested. (Zoning: R-1 Medium-Density Residential District; Christmas Tree Hill Overlay District) (Planner: Dan Bell)

Senior Planner Bell introduced the staff report, for which he used a slide presentation. He noted that two variances are requested for height and floor area ratio (FAR), the latter being based on the lot size. The applicants are requesting a variance to exceed the allowable FAR maximum, and Mr. Bell noted that this is the first such request since the adoption of the new FAR Ordinance. He discussed the five findings that need to be made in order to grant the variance, which include special circumstances applicable to the subject property that do not generally apply to other properties in the vicinity which share the identical zone.

Staff believes that discussion on the FAR Variance should take place before other aspects of the project are discussed, and he noted that options exist to reduce the size of the project to render a variance unnecessary.

Michael Harlock, architect, noted that they received approval for their project in 2004 but that the design had since been improved upon, which made a variance request necessary. He discussed the changes to the design, which has resulted in a better floor plan. Mr. Harlock also addressed the covered front roof, which is a design improvement that should not be included in FAR. He believes that unique circumstances exist for an exception to be made, which he explained in detail, and he noted that a variance would not have been requested had the lot been slightly smaller.

Mr. Harlock provided materials to the Commissioners relating to the FAR standards, and explained why he believes a problem exists in certain categories. He said that the maximum size of dwelling allowed at this FAR scale is not in keeping with other allowable sizes, and that a special circumstance therefore exists to grant a variance. Furthermore, the dwelling is positioned on a down-sloping lot, which reduces visibility, and that the covered front porch, which does not significantly impact neighboring properties, is the reason that the FAR standard is exceeded and for which a variance is requested.

In response to Commissioner Schwartz, Mr. Bell said that the adjacent pedestrian pathway easement is not part of the discussions and could not warrant a higher FAR. In response to Commissioner Pagnillo, Mr. Bell explained that covered porches add bulk and mass to a dwelling, and were thus included in FAR measurements. However, since porches are considered a desirable design feature, 40 sq ft of front porch space is not included in FAR.

Commissioner Mace and Mr. Bell discussed the project. Commissioner Mace discussed the findings for the height variance. The lot has a steep downslope, and an unnecessary physical hardship could result in a lower roof height, and the height is not noticeable from the street.

Commissioner Mace said that the lot is small, and Planning Director Pendoley noted that this is addressed by the FAR's sliding scale, so that it is not possible that a special circumstance finding exists because every property of this size would be treated the same way under the formula.

General discussion on the findings took place. It was noted that the intent of the Ordinance was not to allow porches to be added that would escape FAR rules.

Commissioner Pagnillo is in agreement with Mr. Harlock, but does not believe the FAR rules will allow him to support the variance.

Mr. Pendoley noted that a higher ratio for smaller lots was desirable, and that the shallow range of FAR for lots of this size would promote continuity in neighborhoods.

Chair Mace noted that the FAR is a maximum allowable size, and not something that is to be achieved. He quoted language from the ordinance and said that he cannot make the findings to support the FAR variance.

Mr. Harlock and Mr. Bell discussed an option to separate the porch from the main dwelling, and Mr. Bell noted that it would still add bulk and mass in appearance from the street, which should be subject to FAR.

Chair Mace and Commissioner Pagnillo agree that the porch consists of bulk and mass, which is subject to FAR. They do not believe special circumstances exist to grant the variance.

Mr. Bell and Commissioner Schwartz discussed lot coverage with regard to decks, which was followed by general discussion about the interpretation of FAR.

Mr. Pendoley suggested that the project be continued.

MOTION: Moved by Schwartz, second Pagnillo, and passed unanimously, to continue Design Review Application No. 07-045, and Variance No. 08-002, to allow expansion of a three-story single family residence by granting a Height Variance and Floor Area Ratio Variance to the property at 219 Morningside Drive, to a date uncertain when the applicant should explore an alternate design to reduce the mass to meet FAR requirements.

6. ROUTINE AND OTHER MATTERS

A. NONE

B. REPORTS AND ANNOUNCEMENTS

i. Commissioners

Commissioner Schwartz discussed legal issues concerning access of light to solar systems.

In response to Commissioner Schwartz, Planning Director Pendoley said that a Notice of Abatement will be presented to the owners of 317 Oakdale Avenue next week if the story poles are not removed.

Commissioner Schwartz and staff discussed exterior lighting on private properties. Mr. Pendoley said that progress was being made with regard to adding shields to lights at the San Clemente Housing project.

ii. Director

Planning Director Pendoley discussed a meeting between staff and Town Center Management to discuss the vent system on the roof of PF Changs. Screening is an option, and the Town Center will have to bear the costs. Direction from the Commissioners would be appreciated. General discussion took place on design, and Chair Mace and Commissioner Schwartz said they would research solutions.

Mr. Pendoley said that the Council will be interviewing prospective commissioners next month, and that the final General Plan Workshop will take place at the next meeting.

C. MINUTES

i. Planning Commission minutes of January 22, 2008

MOTION: Moved by Schwartz, second Pagnillo, and unanimously passed to approve the minutes of January 22, 2008.

7. ADJOURNMENT

The meeting was adjourned at 9.25pm.