

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
AUGUST 26, 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
Dan Bell, Senior Planner
Larisa Roznowski, Associate Planner
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. 640 and 654 OAKDALE AVENUUE, LOT LINE ADJUSTMENT APPLICATION NO. 08-001, PHILLIP BORGHUIS, RICHARD FOWLER (OWNERS)**-To allow a lot line adjustment between two adjacent residentially zoned parcels. (Zoning: R-1 Medium Density Residential District) (Planner: Dan Bell)

MOTION: Motioned, seconded and passed unanimously to continue the hearing to a date uncertain.

5. NEW HEARINGS

- A. 25 CORTE MADERA AVENUE, DESIGN REVIEW APPLICATION NO. 07-027, and VARIANCE APPLICATION NO. 07-014-** To construct an 805.2 sq. ft. addition to an existing single-family residence and demolish an existing one-car garage and replace it with a new 286 sq. ft. one-car garage. (Zoning: R-1 Medium Density Residential District) (Planner: Larisa Roznowski)

Larisa Roznowski presented the staff report for which she used a slide presentation. She explained that the applicant is seeking Design Review and Variance approval to construct an 805.2 sq. ft. third-story addition to a 1,971.8 sq. ft. two-story, split level, single-family residence on a 7,638 sq. ft. lot. The 330 sq. ft. existing one-car garage would be replaced with a 286 sq. ft. one-car garage in a similar location. She said that a Variance is being requested to allow the proposed garage to be located 3 ft. from the northern side property line where a 6 ft. side yard setback is required.

She explained that the proposed maximum height of the house is 28.1 ft. above finished grade where 30 ft. is the maximum height allowed. The proposed lot coverage is 29.46% where 30% is the maximum lot coverage allowed. The proposed Floor Area Ratio (FAR) is 40.1% where 40.1% is the maximum FAR allowed. A studio with a separate entrance was permitted for construction on the Lower Level by the Town in 1982, however subsequently a kitchen including a cooking facility was installed rendering the Lower Level as an un-permitted additional dwelling unit. The proposal includes converting the kitchen on the Lower Level to a wet bar. A condition of approval has been included to require that prior to Building and Planning Final Inspections, the applicant shall record a notarized Deed Restriction stipulating that the Lower Level located on the subject property shall not contain "cooking facilities", and that the Lower Level shall not be used as a dwelling unit separate from the existing residence or rented without first securing a Second Unit Permit from the Town of Corte Madera Planning Department. Another Condition of Approval has been included to require that prior to Building and Planning Final Inspections the applicant shall establish one electric meter instead of two, and that written verification from PG&E or the applicant must be submitted to the Planning Department.

She said that the Design Review proposal includes converting the 32.8 sq. ft. Attic Floor into an 838 sq. ft. new Upper Floor, partially stepped back from the existing Main Floor below so that it follows the contours of sloping site. The existing cedar shingle siding is proposed to be replaced with horizontal Hardi-Plank lap siding.

New retaining walls, landscaping and a new flat patio are proposed in the front yard near Edison Avenue. Two new independently-accessible, uncovered, off-street parking spaces are also proposed next to the new garage.

The proposed house is in proportion with existing house, which minimizes visual mass and bulk. Dense vegetation screens the house from Corte Madera and Edison Avenues. The proposed addition and new garage are consistent with the character and intensity of residential development on Christmas Tree Hill, particularly between Corte Madera and Edison Avenue, where there are many multi-story, multi-family residences. She said that four trees are proposed for removal. She added that view, sunlight and privacy impacts on adjacent neighbors are not found to be significant. Privacy will not be significantly affected because there are no new proposed windows on the closest northern elevation, and existing vegetation along the northern side property line screens the more distant north facing windows that are part of the proposed addition on the south side of the site. On the south elevation there is one window in the proposed pantry and one set of windows in the proposed dining room, which are high windows with openings 6 ft. above the finish floor level.

The addition will not affect any significant views from the neighboring residences due to the steeply sloping lot and because existing vegetation screens the residence from most off-site views. Only a small area of the addition is proposed on the Upper Floor on the north side of the residence, and any sunlight is already blocked in this area by existing vegetation. The addition is harmonious with the site because all exterior colors and materials will be earth-toned and will be compatible in scale with surrounding residences. She said staff believes that the proposed addition to the residence and proposed garage conforms to the Christmas Tree Hill Design Guidelines.

The applicants are requesting to demolish the existing one-car garage, which is 9-½ in. from the northern side property line, and rebuild and reconfigure a new one-car garage 3 ft. from the northern side property line where a 6 ft. side yard setback is required. Strict application of the 6 ft. side yard setback for the garage would result in the particular difficulty of not being able to site one reasonably-sized off-street covered parking space as required by the Zoning Ordinance, which would deprive the property of the privilege enjoyed by similar properties in the vicinity and under the same zoning. Because the property has an irregular triangular shaped lot and steep slope that create a special circumstance that greatly constrains the allowed area for development of a new replacement garage, the reduced setback for the garage at 3 ft. from the northern side property line is justified. She concluded that this would help alleviate parking problems on Christmas Tree Hill.

Commissioner Schwartz asked for clarification on the type of trees proposed for removal, which Planner Roznowski pointed out on the site plan.

Commissioner Mace asked for the applicant's comments.

Dennis Key, project architect, said he would be happy to any answer questions.

Commissioner Mace opened the public hearing. There were no comments.

Commissioner Bailey asked if the Christmas Tree Hill Homeowners Association had been given a copy of the staff report. Planning Director Pendoley said that they had, and would typically come ask for staff clarification if they were in opposition, which had not happened.

Commissioner Esteb said he had visited the site and thought it was a great project, adding that the neighboring buildings are large multi-family buildings, so the size does not concern him, and that he had no problem with the Variance.

Commissioner Bailey said that he had also visited the site and had no concerns. He commended the owner for working with the Homeowners Association, he said he had read the Christmas Tree Hill Design Guidelines and could make findings for Design Review approval and for Variance.

Commissioner Schwartz said he had also visited the site, that he liked the project, and that it would be an improvement to the neighborhood. He noted that the architect had chosen materials that were compatible with green building concepts, and that the parking proposal would make parking easier. He said that the proposal is nicely stepped back, which is an important policy issue, except on the east side. He said that he could make the findings for the Variance, and that the proposal represents a well-executed design.

Commissioner Mace asked whether the project was located within the Wildland Urban Interface Area. Planning Director Pendoley said that it was, and that it complies. Commissioner Mace said that other issues for him were the parking and second unit ordinance. He said he would prefer the single meter from PG&E verification rather than from the applicant. He asked about a construction management plan. Planner Roznowski said that a construction management plan requirement was included in the Conditions of Approval on page 10 of the resolution. Planning Director Pendoley read the appeal rights.

Motion: Motioned Esteb, seconded Schwartz, and passed unanimously to approve Design Review Application No. 07-027, and Variance Application No. 07-014 to construct an 805.2 sq. ft. addition to an existing single-family residence and demolish an existing one-car garage and replace it with a new 286 sq. ft. one-car garage.

B. 100 MADERA DEL PRESIDIO, DESIGN REVIEW APPLICATION NO. 07-038, CONDITIONAL USE PERMIT APPLICATION NO. 07-006 and VARIANCE APPLICATION NO. 08-009- To allow office use in a C-1 Local Shopping District, reconstruct 370 sq. ft. commercial storage room, allow a "Parking Reserve" area per section 18.20.050(8) of the Zoning Ordinance for six on-site spaces and allow one parking space within the Front Yard Setback. (Zoning: C-1 Local Shopping District) (Planner: Dan Bell)

Senior Planner Bell presented the staff report for which he used a slide presentation. He explained that the project includes a Conditional Use Permit, Design Review and a Variance to occupy a building for an office use in the C-1 Local Shopping District. He said that the hours of operation would be Monday-Friday 8am to 6pm, with six employees. He said the applicant states that no business clients come to the office site, and only incidental business deliveries occur. The Parking Ordinance requires 12 on-site parking spaces for a 3,092 sq. ft. office use, and the applicant is proposing to provide 6 on-site parking spaces at the front of the property, and that the additional 6 on-site parking spaces be identified as a Parking Reserve to be constructed only if determined to be required by the Planning Commission.

Senior Planner Bell said that the C-1 Local Shopping District requires that no required on-site parking space be located within the 10' Front Yard setback. The applicant is requesting a Variance to locate Parking Space #1 in the Front Yard. The intent of the setback is to create a visual buffer, but there is a substantial green area between the Madera del Presidio roadway and Parking Space #1 to act as a visual buffer and meet the intent of the setback. He added that the narrow configuration of the front property line is a special consideration as it inhibits efficient development of parking spaces conforming to the 10' setback rule. He said that Design Review is required for all modifications to commercial buildings and commercial sites, no matter how small in scale. The obsolete and substandard 370 sq. ft. attached storage building facing the parking lot is proposed to be demolished and a more functional storage building is proposed in its place. The design, height and building materials are compatible and will match the character of the main building. The replacement storage building will not result in any new adverse impacts affecting adjacent properties, and the project's scale is very low key and not detrimental to office uses in vicinity.

He concluded that the proposed Conditional Use Permit would be an appropriate use at this location, and that Staff believes that required findings could be made for a Conditional Use Permit, Design Review and Parking Variance. Staff believes the creation of a Parking Reserve is appropriate as present need for additional parking does not exist. Staff recommends that the applicant be required to report to the Planning Department on an annual basis as to whether the 6 on-site parking spaces still meet the needs of the office use.

Commissioner Esteb asked about the process for the use of a Parking Reserve. Senior Planner Bell explained that the applicant would have to report the number of employees to the Planning Department annually to justify the Parking Reserve.

Commissioner Schwartz pointed out that the drainage area, if determined a wetland in the General Plan Update process, would require setbacks, which could affect the parking reserve in the future. Planning Director Pendoley added that it would be an advantage to know the precise location of the wetland boundary. Senior Planner Bell added that this is part of the Town's storm drainage system. Commissioner Schwartz said he would like to see it kept green.

Commissioner Mace asked the applicant for comments.

Jim Mallot, project architect, explained that the project site was an old WWII structure, and that portions of the property are below the flood zone, which is appropriately proposed to remain the garden area. He said he would be happy to do annual notification of employee numbers for parking requirements. He added that the building is a lamella plywood arch building, and during WWII was a submarine machine shop.

Commissioner Mace opened the public hearing. There were no comments.

Commissioner Esteb asked about the ADA ramp.

Commissioner Esteb said that he lives near the building, and said he would like to see the proposed improvement. He said that he is fine with the location of the first parking spot in the setback, as it is far enough from the street already.

Commissioner Mace asked how services are delivered to the client. The applicant said everything is printed, and that the business focuses on collating information from the Internet and billing. Commissioner Mace said he was fine with the Variance and Parking Reserve.

Commissioner Esteb said that the Conditional Use process was not discussed, but that he was fine with that too. Senior Planner Bell clarified that the Conditional Use Permit approval was required, as the building's proposed use would be changing from residential to commercial.

Motion: Motioned by Bailey, seconded by Schwartz and passed unanimously to allow Conditional Use Permit Application No. 07-006 to allow office use in a C-1 Local Shopping District, Design Review Application No. 07-038 to reconstruct a 370 sq. ft. commercial storage room, and allow a "Parking Reserve" area per section 18.20.050(8) of the Zoning Ordinance for 6 on-site spaces, and Variance Application No. 08-009 to allow one parking space within the Front Yard Setback at 100 Madera del Presidio.

C. 700 TAMALPAIS DRIVE, DESIGN REVIEW APPLICATION NO. 08-013-.
To allow for the installation of an Enhanced Vapor Recovery System at the 76 Service Station (Zoning: C-2 Regional Shopping District (Planner: Dan Bell)

Senior Planner Bell presented the staff report for which he used a slide presentation. He explained that the State of California Air Resources Board is requiring all gasoline stations to install an enhanced vapor recovery system by April 1, 2009. He added that the Fire Department requires that the upright Clean Air Separator Tank be surrounded by a non-combustible metal enclosure. The proposed location for the Enhanced Vapor Recovery System at the rear of the station appears to be logical, and that the metal enclosure will not be overly visible or unsightly as long as it is painted to match the existing building.

During the filing of this application, staff reviewed the sign permit history on the property, abated an unauthorized mobile lunch wagon, and removed some unauthorized signs. He said that the business operators have indicated they will be filing for sign permits on remaining signs that have not previously been approved. Staff recommends that the approval for the Enhanced Vapor Recovery System at the 76 Station should include a condition that requires all signage on the property shall receive approval prior to issuance of a Final Building Permit Inspection.

Commissioner Schwartz said he agreed that signs must be submitted and approved before the final building inspection for the vapor system.

Commissioner Esteb asked if we could approve the vapor system, but stipulate that before building permits could be applied for we could require sign approval. Planning Director Pendoley suggested that the Commission require that the Town not approve a

building permit application until staff receives an application for the signs. He added that the applicant had been very helpful in complying with the Town's request to remove them.

Commissioner Esteb said that there is a small cardboard sign at the bottom of the pole sign at the front of the property, and that the metal storage enclosure has garbage flowing out from it.

Commissioner Schwartz said that this project is significant because it is located on a gateway property coming into Corte Madera.

Commissioner Mace asked for comments from the applicant.

James Southward, project coordinator of the consulting firm (Stantec) and applicant, said Conocco Phillips has done everything possible to clean up their stations to ensure pride in the brand, and in Town. He added that if there is something to paint, or clean up they are happy to do whatever it takes.

Commissioner Mace opened the public hearing. There were no comments.

Commissioner Esteb asked about the placement of the ADA spot. He said it is located in an area currently used as a driveway. Senior Planner Bell explained that the Conditions of Approval for the project call for the ADA parking to be restriped.

Commissioner Schwartz added that the dumpster should be removed from the area adjacent to the ADA parking spot. Commissioner Schwartz said that the rear of the property has always been more of a problem aesthetically.

Planning Director Pendoley said that the applicant was very cooperative and suggested that the Commission could ask that the applicant submit a plan for landscaping, storage and screening for the back of the property to be submitted within 6 months or prior to the final inspection for the vapor recovery system, whichever comes first.

Commissioner Esteb said he has no problem with the approval of the Enhanced Vapor Recovery System, but that he is concerned that the ADA parking spot needs to be better defined and the garbage brimming from the trash enclosure should be screened.

Mr. Southward said that this station is busy and generates a significant amount of trash, and agreed that there should be a screen, plus perhaps a service to remove trash frequently, or a policy that the discarded tires be stored inside.

Motion: Motioned by Schwartz, seconded by Esteb and passed unanimously to approve Design Review Application No. 08-013 allow for the installation of an Enhanced Vapor Recovery System at the 76 Service Station at 700 Tamalpais Drive, with the following condition:

- 1.) A landscaping, parking and garbage screening plan be submitted to the Planning Commission for review before the final building inspection for the EVRS or within 6 months, which ever comes first.
- 2.) Sign Permit application for all signs on the property, not previously permitted, shall be submitted before a Building Permit application is submitted for the EVRS.

6. ROUTINE AND OTHER MATTERS

A. REPORTS AND ANNOUNCEMENTS

- i. Commissioner Mace went to a Town Council meeting. Commissioner Esteb wanted to address Bank of America's lack of compliance with signage. Planning Director Pendoley said he would call the local bank.
- ii. Planning Director Pendoley said we could have a hearing on September 11, 2008 on the draft final EIR.

B. MINUTES

- i. Draft minutes of the Draft Updated General Plan hearing August 14, 2008. Motioned, seconded and passed unanimously.

7. ADJOURNMENT

The meeting was adjourned at 9p.m.

The next Planning Commission Regular Meeting is Tuesday September 9, 2008 at 7:30 p.m. and the next Special Planning Commission Meeting is Thursday August 28 at 7:30 p.m. at Corte Madera Town Hall.