

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
AUGUST 14, 2007
CORTE MADERA TOWN HALL
CORTE MADERA**

PRESENT: Chair Joel Josehart
Commissioner Richard Esteb
Commissioner Bruce K. Mace
Commissioner Patrick Pagnillo
Commissioner Peter M. Schwartz

STAFF

PRESENT: Robert Pendoley, Planning Director/Assistant Town Manager
Larisa Roznowski, Associate Planner
Joanne O'Hehir, Minute Recorder

1. OPENING

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

All Commissioners were present.

- 2. **PUBLIC COMMENT** None
- 3. **CONSENT CALENDAR** None
- 4. **CONTINUED HEARINGS** None

5. NEW HEARINGS

- A. 8 COUNCIL CREST DRIVE, DESIGN REVIEW APPLICATION NO. 07-020, HILDING AND DEBY LUND (OWNERS). MARK WHITTENKELLER (DESIGNER)** – To construct a 1,102 sq. ft. addition to an existing one-story, single-family residence. (Zoning: R-1 Medium-Density Residential District) (Planner: Larisa Roznowski)

Planner Roznowski presented the staff report, for which she used a slide presentation. Ms. Roznowski noted that the addition would be of matching earth tones, with features similar to the existing home, which she discussed further.

Staff believes that the design fits the character of the neighborhood, in which there are one and two story homes in the general Madera Gardens vicinity. Furthermore, using the proposed floor area ratio formula, the additions do not reach the maximum allowed size. Ms. Roznowski continued discussions on views, sunlight and privacy, which are not thought to be adverse because the second story addition is sited away from surrounding homes and a lagoon buffers the property to the west. Also, window changes have been made to reduce privacy impacts on both neighboring properties.

However, a view issue exists from the front of 3 Council Crest, which Ms. Roznowski discussed, and she said that reasonable design steps have been taken to reduce the massing of the second floor so that the adverse affects of the views from this property are not considered to be significant. Furthermore, staff believes that the view impact from 5 Council Crest will be minimal. Overall, staff recommends that the project be approved.

Mark Wittenkeller, project designer, said that his clients asked him to minimize the mass out of concern for their neighbors, and that design changes were made at staff's direction. Mr. Wittenkeller discussed the finishes and colors, noting that the design complements the neighborhood. Furthermore, the owners will landscape the back of the property.

Steve Cardillini, 22 Council Crest, said that improving homes is good for the neighborhood and property values and that he supports the project.

Barbara Becker, 6 Council Crest, said that her property is sited between a recently approved two-story home and the proposed two-story home, and that she supports the project. She said that the design is tasteful and the owners have worked with her over a window privacy issue that has been resolved. Ms. Becker agrees that others benefit when a home is improved.

Erik Pampel, 10 Council Crest, said that he has good neighbors but that he does not support their project or any other second story addition in Corte Madera. He believes his backyard privacy will be affected and that the character of older one-story homes does not need to be changed to improve properties.

Amy Loux, 10 Council Crest, said that privacy is their primary concern. From their back yard, they will see their neighbors looking at them. Ms. Lukes said that the proposed addition is tasteful, but that there will soon be three homes in their neighborhood with new second-story additions, which will change the neighborhood.

Kristi LaHaye, 5 Council Crest, said that they bought their home for the views of Mt. Tamalpais. She is concerned that the views from 3 Council Crest will be affected by the proposed addition, albeit that the proposed project might be sensitive to this problem, but she remains concerned that other applications for second stories will not be as sensitive. They value their privacy and the views of residents need to be protected.

Vicki Cardellini, 22 Council Crest, said that many residents have open views of one another across the lagoon, so privacy should not be an issue. She supports the project.

Jon LaHaye, 5 Council Crest, said that their partial, obscured views are precious to them. He favors improvements to homes, but believes that two-story homes are inappropriate and incompatible with the neighborhood.

Deby Lund, applicant, said they have designed an addition that meets the minimum of their requirements. They stay home all day and have two children, and do not have an option to build a first-story addition. She said that they are concerned for their neighbors at 3 Council Crest, and that they explained how the project would impact them. Ms. Lund noted that these neighbors support their project.

Brian Miller, 4 Council Crest, said this addition seems a little easier than others he has seen presented to the Planning Commission. He favors this type of project, rather than using more land to build ranch-style homes. The applicants seem to have made an effort to mitigate their neighbors' concerns, and he noted that his neighbors overlook his back yard.

Hilding Lund, applicant, said that they have addressed a privacy issue concerning a window that faces the property at 10 Council Crest, and would be willing to plant a tree to mitigate further concerns. Mr. Lund noted that they are only able to enlarge their home with a second-story addition, and that it will not seem obvious until one is close to the house.

Commissioner Pagnillo said that the applicants have addressed privacy issues regarding second floor windows, and the design is well set back. It is easy for him to approve the project, and he noted that there are many places where people can see into others' backyards from across the lagoon, and he does not believe that the bathroom window will impinge upon the privacy of the neighbors at 10 Council Crest.

Commissioner Mace is in agreement: The designer and applicants have addressed the neighbors' concerns as much as they are able. He said that the Commissioners try to protect views as much as possible, but that property owners also have rights. Commissioner Mace said that there is little available land, but that that issues remain as to how changes are addressed. He is concerned about view blockage from the house across the street at 3 Council Crest, but he is less concerned about the views from the kitchen at 5 Council Crest, which are not direct views of Mt. Tamalpais.

Commissioner Schwartz agrees with many of the comments of the previous Commissioners, although he remains concerned about the affect of the project on the views from 3 Council Crest. However, it appears that the owners are reconciled to the impact because they have signed a letter of support, and the position of the bathroom window will mitigate privacy impacts on the neighboring property.

Commissioner Esteb is also in agreement with the previous Commissioners' comments, and he said that the applicants have met the setbacks, and that they have a right to develop their property. Furthermore, there are trees planted along the sidewalk, and one could easily have been planted in front of 3 Council Crest, which would have obliterated the view of Mt. Tamalpais. Furthermore, a total view of the mountain does not exist, and privacy does not exist in towns the size and density of Corte Madera. Commissioner Esteb supports the project.

Chair Josehart agrees with most of the previous comments of the Commissioners. He noted that second story additions are new to this neighborhood, and that people are pressed into remodeling rather than moving. With the exception of the view issue, Chair Josehart believes this is an easy project to approve: The massing is comfortable on top of the house and the design is well done, and it does not appear to be feasible to put the addition elsewhere. He favors the project, and can make findings to support the second-story addition.

MOTION: Moved by Esteb, second Mace, and unanimously approved to approve Design Review Application No. 07-020 to allow a 1,102 Sq. ft. addition to an existing one-story, single-family residence at 8 Council Crest.

Planning Director Pendoley read the appeal rights.

6. ROUTINE AND OTHER MATTERS

A. None

B. REPORTS AND ANNOUNCEMENTS

i. Commissioners

ii. Director

Planning Director Pendoley suggested that a simplified staff report on FAR (Floor Area Ratio) be presented to the Council at their meeting next week because the agenda will be full. Chair Josehart is in agreement.

The Commissioners commented on the draft report on FAR, and some amendments were made. Mr. Pendoley explained how the report will be presented, in response to Commissioner Schwartz.

C. MINUTES

i. Planning Commission minutes of July 24, 2007.

MOTION: Moved by Esteb, second Schwartz and unanimously moved to approve the minutes of July 24, 2007.

7. ADJOURNMENT

A motion was made, seconded and unanimously passed to adjourn the meeting at 8.25pm.