

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
AUGUST 28, 2007
CORTE MADERA TOWN HALL
CORTE MADERA**

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

STAFF

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

ABSENT: Chair Joel Josehart
Commissioner Richard Esteb

1. OPENING

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

All Commissioners were present with the exception of Esteb and Chair Josehart.

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

5. NEW HEARINGS

- A. **50 LAKESIDE DRIVE, DESIGN REVIEW APPLICATION NO. 07-016 and VARIANCE APPLICATION NO. 07-008, STACEY AND ED CONTI OWNERS). MARTY ZWICK, A.I.A. (ARCHITECT)** – To allow construction of a first and second story addition to an existing, one-story single family home.: (Zoning: R-1 Medium-Density Residential District; FEMA-designated Special Flood Hazard Area) (Planner: Dan Bell)

Senior Planner Bell introduced the staff report, for which he used a slide presentation. He explained that an intrusion into the rear yard setback triggered

the variance, but noted that there will be a net decrease in the floor area encroachment into the rear yard setback.

Mr. Bell said that there have been a number of second story approvals in the area, and that the site benefits from an abundance of foliage that will provide screening. Furthermore, the addition is compatible with the existing home; the second story has been recessed back from the front and side walls of the first story, and the hipped roofs help to minimize the mass. However, Mr. Bell suggested that the Commission might wish to minimize the ceiling heights, which are tall, and lower the roof height to reduce the mass of the second floor.

Mr. Bell noted that it is unlikely the neighbors' light will be impacted because the subject property is northerly of the adjacent lots. There are potential view impacts towards Mt. Tamalpais and Christmas Tree Hill upon the houses across the street. Lowering the roof would marginally reduce this impact.

Mr. Bell noted that windows on the second story would not pose an adverse privacy impact on the neighbor at 48 Lakeside due to the setbacks and the fact that they are small. Furthermore, there is tall and dense shrubbery on the lot that would provide sufficient privacy for the neighbor at 63 Mohawk, although there would be a potential impact if the shrubbery were thinned in future.

Mr. Bell discussed the special circumstances relating to the shape of the lot that enable staff to support the variance, and the reasons that the first story will have less visual impact on the neighbor. The subject property is in the Flood Plain. Mr. Bell discussed the circumstances that will arise if the Public Works Director determines that the addition constitutes more than 50% of the value of the property.

Overall, the addition is compatible with the neighborhood, but Mr. Bell suggested that the Commissioners might wish to reduce the height of the project, and minimize potential future impacts from the bedroom window if the foliage is thinned out in future.

Commissioner Schwartz identified an encroachment into the front yard setback.

Marty Zwick, project architect, said that a very small part of the framing might encroach upon the front yard setback, and Mr. Bell noted that this was not included in the Public Notice. Planning Director Pendoley suggested that the applicant might apply for a front yard variance with approval being granted at Zoning Administration level.

Mr. Zwick presented materials to the Commissioners and Staff. He explained that they were including environmentally friendly materials in the construction and that the addition will remain under the height limit of the Code. However, he is concerned that they might have two different roof pitches, but he suggested ways in which part of the roof could be lowered. Furthermore, he believes that the eaves will have the effect of reducing the bulk of the second story, and he noted that the neighbors are in favor of the project. Mr. Zwick discussed privacy issues, noting that approximately 50' lies between this house and the neighboring property.

The occupant of 63 Mohawk supports the project, and he said that lowering the roof is unlikely to make much difference to the views of the house across the street.

Phil Whelan, 53 Mohawk, opposed second story construction in the neighborhood. He said that they have beautiful lots and private yards, and that there are other towns that have larger homes which provide more space.

Commissioner Mace said that he visited the house and confirms there is sufficient mature foliage that will hide the addition, albeit that a corner lot usually renders a second story larger in appearance. He remains concerned by the size of the addition, but Ms. Conti confirmed that they have worked with the neighbors across Lakeside.

Commissioner Pagnillo noted that the position of the dwelling does not enable the applicants to take full advantage of the lot size, and he is concerned about the effect of the addition on the neighbors across the street.

In response to Commissioner Pagnillo, Mr. Zwick said that the house would need to be raised a further 4' to lift it out of the flood plain.

Commissioner Schwartz said that the mature trees and foliage should provide screening to hide the mass and bulk of a second story. However, the lower floor plate could be reduced to lower the height of the dwelling and opportunities exist to reduce the mass, slightly. Although he believes this might not result in a major difference, it might help mitigate any privacy issues.

Commissioner Mace said that the design is attractive but that he is surprised the neighbor at the back is not concerned about a possible privacy issue concerning the windows on that side. Furthermore, he believes that the massing and size of the second story are too large, and he discussed the plate height with Mr. Zwick.

General discussion followed amongst the Commissioners and Staff and Mr. Zwick regarding a reduction in the height of the addition. Planning Commission concluded that the overall height should be reduced by 1.5 ft.

MOTION: Moved by Mace, second Pagnillo, and unanimously passed to approve Design Review Application No. 07-016 and Variance Application No. 07-008, to allow construction of a first and second story addition to an existing, one-story single family home at 50 Lakeside Drive with the condition to support a Zoning Administration Variance Application to allow for a minor front yard setback encroachment to enable infill on the first, and that the overall roof peak t be reduced by 1.5 ft in a manner chosen by the applicants to reduce the massing.

Planning Director Pendoley read the appeal rights.

6. ROUTINE AND OTHER MATTERS

A. REPORTS AND ANNOUNCEMENTS

i. Commissioners

ii. Director

Planning Director Pendoley discussed the FAR presentation that was made to the Town Council, who appeared to be satisfied by the report. Staff is drafting the Ordinance and hearings are scheduled for September.

Mr. Pendoley reported that staff is working on changes to the Ordinance, which include allowing arbors without the need for design review, and to remove uncovered parking from counting towards lot coverage.

Mr. Pendoley further reported that he hopes to have the final copy of the Draft General Plan by the end of the week, which will be copied on to compact discs and put on the Town Website. He suggested that informal workshops take place that should be open to the public with hearings tentatively scheduled for January.

Mr. Pendoley verified Commissioners' attendance at future meetings.

B. MINUTES

i. Planning Commission minutes of August 14, 2007.

The Minutes of August 14, 2007 were motioned, seconded and unanimously passed.

C. ELECTION OF NEW OFFICERS (CHAIR AND VICE CHAIR)

The election of new officers was postponed.

7. ADJOURNMENT

The Meeting was adjourned at 9.30pm.