

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
SEPTEMBER 11, 2007
CORTE MADERA TOWN HALL
CORTE MADERA**

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

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

1. OPENING

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

All Commissioners were present with the exception of Commissioner Pagnillo.

2. PUBLIC COMMENT None.

3. CONSENT CALENDAR None.

4. CONTINUED HEARINGS

- A. 317 OAKDALE AVENUE, DESIGN REVIEW APPLICATION NO. 06-001, DIERK HERBERMANN (OWNER). SUAREZ*KUEHNE ARCHITECTURE (ARCHITECT)** - Revised project to allow demolition of an existing one-story single family home and construction of a two-story home with an attached garage and full basement. (Zoning: R-1 Medium Density Residential Distract) (Planner: Dan Bell)

Senior Planner Bell introduced the staff report for which he used a slide presentation. He provided background information on the project that has been continued from a previous hearing. Mr. Bell said that the project still consists of a two story dwelling, although the mass has been decreased and the lot coverage and maximum allowable

height have not been exceeded. He discussed the changes in further detail and noted that a basement has been included with the new proposal.

Mr. Bell discussed the lot and its setbacks. He noted that the second story has been recessed inwards to mitigate adverse impacts on the immediate neighbor at 325 Oakdale Avenue, and that the second story rooflines facing 308 Willow now slope downwards to reduce the bulk and mass. Staff suggested that these roofs be hipped rather than gabled to reduce the appearance of bulk and mass even further, and alternative plans have been provided to show the hipped roof.

Overall, staff believes that the project is generally harmonious with the neighborhood and the latest design has lessened some of the impacts to the neighbors with the reduction of the second story. Additional landscaping will provide further screening, and the current proposal meets the development standards for a lot of this size. However, staff believes the project should be conditionally approved with a further reduction of the bulk and mass by hipping the roofs.

Mr. Bell brought a letter of opposition to the attention of the Planning Commission.

Commissioner Mace recused himself because he lives within 500 sq ft of the subject property.

Commissioner Schwartz and Mr. Bell discussed the FAR (floor area ratio) comparisons that are contained in the staff report.

In response to Commissioner Esteb, Mr. Bell explained how the Ordinance dictates the front, rear and side property lines of a corner lot.

Dierk Herbermann, applicant, discussed his design in more detail, noting that they have tried to comply with their neighbors' wishes and the directions of the Planning Department to mitigate adverse impacts. He discussed changes made to the rooflines and the landscaping that are planned. Mr. Herbermann used a rendering to indicate that there will be sufficient foliage to screen the new two-story dwelling.

Mr. Herbermann discussed construction and said they wish to minimize problems caused to the neighborhood and build the project quickly.

Margaret Maxey, 328 Oakdale, and Mr. Herbermann discussed the height of the dwelling.

Patrick Quigley, 232 Willow, said that the house is too large for the small lot on which it will be located.

John Maier, 325 Oakdale, is concerned that there will be insufficient parking, and he agrees that the house is too big for the corner lot. The structure will appear to be huge when viewed from his front lot. In response, Mr. Bell confirmed that parking requirements have been met.

John Murray, 239 Willow, read aloud a letter from Gary Campagna, 236 Willow, who opposes the project and believes it will destroy the character of the area. Mr. Murray, too, opposes the project for this reason and also because the occupants of the new house will have a direct view of his yard from the second story.

Linda Morrell, 308 Willow, said that her property is the most impacted by the new dwelling. She acknowledges that the second floor has been reduced in size, but the reduction is not sufficient to make a difference, and the second story will loom over her property and fill her sky views. The dwelling is too large and out-of-character with the neighborhood and the whole project needs to be scaled down so that it does not adversely impact the enjoyment of the neighborhood.

Richard Maxey, 328 Oakdale, said that the house at 241 Willow is too large and out of proportion with other homes in neighborhood and he agrees with the previous speakers that the new project at 317 Oakdale will also be too large. The craftsman style home is beautiful but the house is too large.

Jimmy Wanninger, 9 Pleasant Avenue and the new owner of 323 Willow, spoke for himself and a friend at 307 Oakdale. They love the neighborhood but are concerned that the traditional homes are not well built, and the new dwelling will be a great improvement on what is presently on the lot. Mr. Wanninger said that the real issues are managing problems associated with construction projects and ensuring they are brought to a timely conclusion. The applicant has worked within the Town's guidelines and reached out to the neighbors, and the project should be approved.

Mr. Herbermann said that a basement area is a good use of space and that parking should not be an issue since this will not be a multi-family dwelling. He noted that whichever way they shift the second story, one of the neighbors will be affected. He believes they have addressed the concerns of the neighbors as much as they are able.

Commissioner Esteb likes the shingle and gabled-end style of the design and is concerned that this would be lost if some of the roofs were changed to a hip design. He is further concerned about height and massing issues, and he believes that basements are acceptable; that they will be dealt with should FAR rules be adopted, and they do not add to the massing because they are invisible from the street. However, the plate heights could be lowered and the roof pitch could be less steep. Commissioner Esteb discussed a design that could lower the height substantially.

Commissioner Schwartz said that the applicant has reduced the second floor massing by a substantial degree, and he noted that the difficulty could lie with the site and the orientation of the home relative to the neighboring properties, which he discussed in more detail. He said that elevations do not provide clear pictures of the dwelling, and suggested design changes that might aid Ms. Morrell. However, this design is a significant improvement upon the original drawing.

Chair Josehart said that more second story dwellings will be built, but that they must be designed appropriately. The project under discussion meets the parking standards and a basement has no visual impact at street level. Furthermore, the roof pitches are already reasonably flat, and he agrees that changing the roof design from hip to gable would negatively affect the design. He suggested that the plate heights be lowered to enable the neighbor to gain more sky view without compromising the style of the dwelling. Overall, there is a need is to focus on whether the massing is right for the neighborhood, rather than questioning whether there should be a second story.

The Commissioners discussed changes to the design that might reduce the height and mass. Commissioner Esteb said the design is too large for the neighborhood and Commissioner Schwartz noted that the design incorporates a large amount of articulation that is attractive. He believes that the plate heights could be lowered and suggested other design changes to lower the height and aid Ms. Morrell.

Mr. Herbermann believes there will be sufficient mature foliage to screen the second floor without making design changes to the design, and he does not believe that the impact of lowering the plate heights by 1' would be significant.

In summation, Chair Josehart said that the character and style of the project are stronger in comparison to the original design and the articulation is pleasing; however, the project is not really much smaller than the original design and the size and massing need to be reduced.

Planning Director Pendoely discussed the project in relation to the FAR rules that might be implemented, and he noted that this project falls a little under the maximum allowed. However, the property is on a small, visible lot and the solution might not be found by turning towards FAR regulations. Mr. Pendoley suggested a continuation to allow the designer to address the various concerns and design suggestions that were heard this evening, and he said that the Commissioners were wise not to attempt to solve the issues which might ruin the design.

MOTION: Moved by Schwartz, second Esteb, and unanimously passed to continue Design Review Application No. 06-001, to demolish an existing one-story single family home and construct a two-story home with an attached

garage and full basement at 317 Oakdale Avenue, to the meeting of October 9, 2007.

5. NEW HEARINGS

A. 16 SERRA STREET, DESIGN REVIEW APPLICATION NO. 07-030 AND VARIANCE APPLICATION NO. 07-015, JAMES RIZZO (OWNER). JAMES RIZZO (ARCHITECT) - To allow expansion of the existing second story of this two-story single family home. (Zoning: R-2 Low Density Multiple Dwelling District) (Planner: Dan Bell)

Senior Planner Bell introduced the staff report, for which he used a slide presentation. Mr. Bell described the project in more detail, noting that the variance is required in order to extend the second story walls along the non-conforming side yard wall. Special circumstances exist that comprise of a small lot and the historic siting of the dwelling, which support the variance request. A variance to waive the second on-site parking space is also requested.

Staff believes that the proposed expanded second floor is compatible with the mixed neighborhood, where there are one and two story homes; single and multi-family dwellings and commercial buildings. The expanded second story utilizes dormer windows to capture more habitable space. A shadow study indicates that the only shadow casting would be late in the afternoon affecting a small rear portion of the house next door at 18-20 Serra Street. Furthermore, the new dormer windows would not cause a significantly adverse privacy impact on the neighboring home for reasons Mr. Bell described. He noted that the FAR for this project is fairly high, but the dwellings in this mixed use neighborhood are also high in comparison to other areas of town. Furthermore, the proposed FAR regulations would not apply to the R2 Zoning District.

Mr. Bell discussed the Parking Variance, and the reasons staff are recommending that the need for a second on-site space is being waived, due mainly to the lot being very small. Overall, the project fits the character of the neighborhood, and staff recommends approval of the variance and design review.

James Rizzo, applicant, discussed his project in more detail, noting that it would be difficult to locate an addition elsewhere, due to the small size of the lot. Mr. Rizzo said that he has met most of his neighbors who approve of his plans, and he discussed the design in more detail, in addition to the special circumstance findings. He said that he had undertaken extensive research on properties in the surrounding areas, and concluded that there are many with non-conforming conditions. Mr. Rizzo discussed the parking variance, and said that the need to provide another parking space on his property would have a negative impact.

Ray Capper, 145 Willow, said that this project has been designed with the neighbors in mind, and he is excited to see it come to fruition.

Britton Womack, 14 Serra, supports the project.

Commissioner Mace discussed the reasons this project would normally be considered unsuitable but that, in this instance, the design fits in with the neighborhood and the existing building and site. He said that the design is very well done. In response to Commissioner Mace, Mr. Bell said that there would be Code problems if the garage roof were changed due to it being on the property line.

Commissioner Schwartz said that this project has been successfully rendered, and that this is a good design for a hard lot.

Commissioner Esteb agrees with the previous Commissioners and he discussed a discrepancy with the garage plans with Mr. Rizzo. He supports the project, but would prefer that the chimney be lowered, which he believes looks awkward and out of scale with the dwelling.

Chair Josehart agrees with the comments of the previous Commissioners.

MOTION: Moved by Esteb, second Mace, and unanimously passed, to approve Design Review Application No. 07-030 and Variance Application No. 07-015 to allow expansion of the existing second story of a two-story single family home at 16 Serra Street and waive the second on-site parking space.

6. ROUTINE AND OTHER MATTERS

A. DISCUSSION OF PROPOSED GENERAL PLAN WORKSHOP SCHEDULE

Planning Director Pendoley said that the adoption schedule will be heard by the Council at their next meeting. Mr. Pendoley said that an Environmental Impact Report (EIR) will be necessary and he discussed the process in more detail. The public hearings are expected to begin on January 22, 2008, and he hopes to publicize the workshops as widely as possible.

Chair Josehart and Mr. Pendoley discussed the hearings, further. Mr. Pendoley noted that draft copies of the General Plan would be available the next day, and the proposed workshop schedule was accepted by the Commissioners.

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

The elections were postponed in the absence of Commissioner Pagnillo.

C. REPORTS AND ANNOUNCEMENTS

i. Commissioners

Chair Josehart commented on the process of tonight's hearing.

ii. Director

Planning Director Pendoley confirmed future meeting attendance.

D. MINUTES

i. Planning Commission minutes of August 28, 2007.

MOTION: Moved by Mace, second Schwartz, and passed, with Josehart and Esteb abstaining, to approve the minutes of August 28, 2007.

7. ADJOURNMENT

It was moved, seconded and unanimously passed to adjourn the meeting at 10.10pm.