

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
MARCH 11, 2008
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS

PRESENT:

Chair Bruce K. Mace
Commissioner Richard Esteb
Commissioner Patrick Pagnillo
Commissioner Peter M. Schwartz

STAFF

PRESENT:

Robert Pendoley, Planning Director
Dan Bell, Senior Planner
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

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 used a slide presentation to discuss the changes that were requested by the Commission at the previous hearing. He confirmed that the building envelope for Lot 1 has been moved 10 feet further away from the westerly neighbor, and an on-street parking space has been provided on Meadowsweet near the common

driveway. Mr. Bell also noted that language pertaining to visual screening for 3 Pepperwood Lane has been amended in the Mitigation Measures of the Negative Declaration.

In response to Commissioner Esteb, Mr. Bell said that the plantings will be made in a manner that will not block the neighbor's views, which will also become part of the Conditions of Approval for Design Review.

In response to Mary Steil, 4 Pepperwood, Chair Mace said that drainage and road concerns would be discussed when the new homes reach the Design Review Stage.

MOTION: Moved by Esteb, second Pagnillo, and unanimously approved Tentative Parcel Map Application No. 03-001, Environmental Assessment No. 03-001 and adoption of the Mitigated Negative Declaration to allow a three-parcel residential subdivision of an existing vacant parcel at Casa Buena Drive at Meadowsweet Drive.

B. 323 WILLOW AVENUE, DESIGN REVIEW APPLICATION NO. 07-046, JIMMY AND LEANN WANNINGER (OWNERS), NORTH BAY ARCHITECTURE (ARCHITECT) – To allow demolition of an existing single-family residence and new construction of a single-family residence. (Zoning: R-1, Medium Density Residential District) (Planner: Dan Bell)

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

Senior Planner Bell provided background information on the project relating to the last meeting, when the Commissioners felt that the bulk, mass and height should be reduced. As a result, the roof and plate heights have been lowered, in addition to other design changes and landscape changes, which Mr. Bell discussed. Furthermore, the project falls below maximum FAR (floor area ratio), and complies with setback and height requirements. He noted that no further letters of opposition have been received since the design changes, and that an approval resolution has been provided if the Commissioners feel able to support the project.

In response to Commissioner Esteb, Mr. Bell said that the project would only be finalized if all the conditions were met including final paint color and landscaping. Planning Director Pendoley said that the Town has not been asked to enforce residential colors or landscaping for design review projects, but specific wording could be added to the conditions if the Commissioners deemed it appropriate.

Jimmy Wanninger, applicant, provided background information on the project, and he introduced Arlene Sloan of North Bay Architecture. Ms. Sloan explained how the

changes to the design adhere to the guidelines that were provided at the last meeting. She noted that the dwelling falls below lot coverage, FAR and height maximums, and she explained why the project will not cause adverse negative impacts on the neighbors. Furthermore, the craftsman style home fits into the neighborhood.

Ms. Sloan discussed other design alternatives and the reasons they were not chosen. They have sought to find balance and diminish the bulk and height with architectural techniques, which she discussed further. Overall, the design is less visible and blends more into the landscape than the previous design.

Mr. Wanninger used a slide presentation to show that there are other dwellings in the vicinity that are on the street, and he said that the dark-colored garage is better suited for the project.

Jeff Meunier of 320 Willow, Brad Oldenbrook of 241 Willow, and Todd Ransick of 307 Oakdale spoke in favor of the project, noting that the design had been improved.

Commissioner Esteb expressed his preference for the stucco wall, which changed from stone veneer. He believes that the current design is an improvement on the present building and he favors a dark-colored garage door. Mr. Bell noted that colors are part of the Conditions of Approval.

Commissioner Pagnillo said that the changes are an improvement but that the mass remains too large for the site, particularly on the front.

Commissioner Schwartz believes that the massing is well hidden, in the main, and that the architect has responded well to the comments of the previous hearing. Furthermore, the top of the garage is below grade, and he does not believe that the massing will be so noticeable.

MOTION: Moved by Esteb, second Schwartz and passed with Pagnillo against, to approve Design Review Application No. 07-046 to allow demolition of an existing single-family residence and new construction of a single-family residence.

Planning Director Pendoley read the appeal rights.

C. 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 Rear Yard Setback Variance are requested. (Zoning: R-1, Medium-Density Residential District; Christmas Tree Hill Overlay District) (Planner: Dan Bell)

Chair Mace returned to the podium, and Senior Planner Bell introduced the staff report, for which he used a slide presentation. He provided background information on the Design Review and variances that were granted in 2004, and noted that the current application is to expand the floor area on all floors with a roof design that exceeds the height limitation in certain locations. Mr. Bell noted that at the previous hearing, findings could not be made for an FAR variance and changes have since been made to render the variance request unnecessary.

Mr. Bell noted that the steep down-slope lot is similar to others in the vicinity, and that the architectural design of the present project is more appealing than the original design. However, the neighbor at 122 Crescent Road would be most affected, although the steep topography and dense canopy should prevent there being negative impacts on the views and privacy of most of the neighboring properties. Staff does not believe there will be negative sunlight issues and the design is not a significant departure from the original in 2004. Furthermore, staff believes that the design would be affected if the new rooflines were flattened to meet the height requirements.

Mr. Bell noted that a construction management plan has been submitted, showing that material staging and off-street parking could occur on the car deck.

Commissioner Pagnillo and Mr. Bell discussed the floor expansion.

In response to Commissioner Esteb, Planning Director Pendoley said that this project will be exempt from being constructed under the new Building and Fire Code.

In response to Commissioner Schwartz, Mr. Pendoley said that owners are remedying the violation (construction beyond the scope of the 2004 Design Review) by applying for a permit to correct the violation, which they have a right to do if the scope of work lies within the development standards. If the work intrudes into the setbacks, then a variance request must be sought, although it is appropriate to deny an application if it does not comply with the requirements for design review.

In response to Chair Mace, Mr. Bell noted that the FAR discussion was an over-riding concern at the last meeting, and needed to take precedence. There was not discussion about the height variance or yard variance at the previous meeting.

Michael Harlock, project architect, discussed the design changes, when he noted that very little extra space is being added. Mr. Harlock said that the floor area and lot coverage comply with regulations, and that they are content with the list of conditions. He noted that part of the top floor space does not count towards FAR because the ceiling height is less than 7-1/2 feet tall.

Steve Crane, 122 Crescent Road, expressed concern that the back of their house will be unusable because they will be sitting under their neighbor's deck, and he expressed concern regarding the way in which the property line has been marked. Mr. Crane noted that the trees have been trimmed, and they would like to see a landscaping plan to soften the view from their house.

Commissioner Schwartz agrees that the design is a significant improvement, but it does seem to impose upon the neighbor at 122 Crescent Road. He thought it might also affect the neighbors on the other western side of the property.

Commissioner Esteb said that he visited several neighbors, for whom privacy is an issue. The site had previously been hidden by foliage, but is now more exposed, which impacts the neighbors at 203 Morningside Drive and at 122 Crescent Road.

In response to Commissioner Pagnillo, Mr. Crane said that the lower deck has an intimidating appearance, creating a box-like effect.

Chair Mace noted that his packet contained no paperwork to suggest that neighbors would be impacted by this project, and the issues should have been raised earlier.

Mr. Harlock noted that the deck has been set back and angled to soften its appearance.

Commissioners Schwartz, Esteb and Chair Mace made general comments on the decks, and Mr. Bell noted that the lower deck has been added since the original design review application of 2004, albeit that the deck is elevated just five steps up from grade.

Mr. Harlock said that the lower deck provides outdoor living space, and he suggested that a fence and landscaping could provide screening.

General discussion of the project took place between the Commissioners. It was generally agreed that the height variance would not be an issue because there are other dwellings in the vicinity on a steep down-slope, and Planning Director Pendoley noted that those features that exceed the 30 feet height limit will not cause shadowing. However, it was generally agreed that the lower deck impacts the neighbor, and Commissioner Esteb remains concerned with the variance to extend the upper two floors.

MOTION: Moved by Schwartz, second Pagnillo, and passed unanimously to continue Design Review Application No. 07-045 and Variance No. 08-002 to April 8, 2008 to provide revised plans to include the following:

1. The lower deck should be redesigned to mitigate privacy concerns to the easterly neighbor at 122 Crescent Road.
2. Clear site line drawings showing privacy mitigations between 219 Morningside Drive and 122 Crescent Road.
3. Landscaping plans to include fencing and potential louvers or privacy screening.
4. That the plans be shared with the immediate adjacent neighbors for feedback and concurrence.

5. NEW HEARINGS

- A. 470 MONTECITO DRIVE, DESIGN REVIEW APPLICATION NO. 07-049 and VARIANCE APPLICATION NO. 07-020, MINDY STEINER (OWNER), JOHN SWAIN (DESIGNER)** – To construct a 971.6 sq. ft. addition to an existing two-story, single-family residence. (Zoning: R-1-A, Low Density Residential District) (Planner: Larisa Roznowski)

Schwartz recused himself because he lives within 500 feet of the subject property.

Planner Roznowski introduced the staff report, for which she used a slide presentation. She noted that a variance is requested for a 3 feet rear yard setback, where a 35 feet rear setback is required. This would increase the FAR (floor area ratio) but the project would remain under the maximum allowed.

Ms. Roznowski noted that the addition will consist of matching earth tone colors and materials, and she discussed the design elements, which staff considers are aesthetically pleasing and will add character to the house and neighborhood. Furthermore, the addition will not significantly and adversely affect the views, sunlight and privacy of neighboring properties because the addition is sited away from other properties and screening will be provided. The irregularly shaped lot is considered to justify the variance, and staff recommends approval.

In response to Commissioner Esteb, Planning Director Pendoley confirmed that the project does not need to meet the possible upcoming fire Wildland Urban Interface (WUI) requirements because it was deemed complete before the new fire requirements come into affect if they are adopted by Town Council.

Jeff Broussard, owner, said that their lot is secluded and they have the support of their neighbors.

Bob Ravasio, 427 Oakdale Avenue, said it is a great to way utilize the site and he supports the project.

Peter Schwartz, 381 Chapman Drive, said that the new project is a vast improvement on the current design, and suggested that foliage be planted on the street side to ensure adequate screening.

Commissioner Esteb suggested that the applicants consult the Fire Department regarding the planting of trees.

Chair Mace said that the site has a lot of potential and the applicants are taking advantage of it.

Planning Director Pendoley said that the applicants have used design ideas suggested by the Commissioners and taken them a step further.

MOTION: Moved by Esteb, second Pagnillo and passed unanimously, to approve Design Review Application No. 07-049 and Variance Application No. 07-020 to allow construction of a 971.6 sq. ft. addition to an existing two-story, single-family residence.

6. ROUTINE AND OTHER MATTERS None.

A. REPORTS AND ANNOUNCEMENTS

i. Commissioners

Commissioner Esteb commented on the Council Meeting he attended last week, when the Fire Chief addressed the Wildland Urban Interface Code (WUI), which will be adopted by the Town.

Commissioner Pagnillo said that there are more effective fire protection measures and he believes there will be insurance ramifications with the adoption of the new Code.

Commissioner Mace said that his contractor is studying the plans of the mechanical rooftop equipment at P.F. Changs, and Planning Director Pendoley discussed the suggestions made by Town Center's Management.

ii. Director

Planning Director Pendoley said that the Town Council has appointed Sloan Bailey to the Planning Commission.

He also reported that the part of the Draft Environmental Impact Report for the General Plan has been received and is being reviewed by Staff.

Mr. Pendoley discussed future projects, and he noted that the sign lights had been turned off at Chevron.

Future meeting attendance was confirmed.

B. MINUTES

i. Planning Commission minutes of February 26, 2008

MOTION: Moved by Esteb, second Pagnillo, and unanimously passed to approve the minutes of February 26, 2008.

7. ADJOURNMENT

The meeting was adjourned at 10.30pm.