

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
MAY 13, 2008
CORTE MADERA TOWN HALL
CORTE MADERA**

PRESENT: Chair Bruce K. Mace
Commissioner Sloan Bailey
Commissioner Peter Schwartz
Commissioner Patrick Pagnillo

STAFF PRESENT: Robert Bob Pendoley, Planning Director/Assistant Town Manager
Dan Bell, Senior 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 Esteb.

2. PUBLIC COMMENT: None

3. CONSENT CALENDAR None.

4. CONTINUED HEARINGS:

A. 248 GRANADA DRIVE, DESIGN REVIEW APPLICATION NO. 08-005 AND VARIANCE 08-002, ADAM AND BONNIE NEVITT (OWNERS), IVAN M. LUKRICH (ARCHITECT) - To allow construction of first, second and third story addition to an existing, two-story single-family home. A Variance is requested to locate the third on-site parking space partially within the 20' Front Yard Setback. (Zoning: R-1, Medium Density Residential District) (Planner: Dan Bell)

Senior Planner Bell introduced the staff report for which he used a slide presentation. He noted substantial demolition of single family home for subsequent construction of a three-story residence. He noted that the property is located at the end of Granada Drive, with one adjacent neighbor at 244 Granada Drive, and the remaining surrounding property designated open space. He noted that proposed residence will generally occupy the same footprint, and the multiple rooflines are nicely articulated to lessen bulkiness of building. The residence at 244 Granada has no side windows facing the proposed residence. The

rear yard privacy of 244 Granada Drive should not be impacted as there is a solid fence and shrubs between the neighbor and the proposed residence, and the proposed raised deck in the rear does not extend beyond wall of neighbor's house. Though the proposed residence is taller than adjacent home, design features reduce impacts to less than significant

Senior Planner Bell noted that the Zoning Ordinance requires a third on-site parking space because of the increased habitable area, so the applicant has requested a Variance, and to add curb cut to construct the third, on-site parking space partially within the 20-foot front-yard setback. Senior Planner Bell noted that a substantial retaining wall with substantial amount of fill would be required to relocate parking space back of the 20-foot setback line, and that the steep slope is a special circumstance to find for a variance.

Commissioner Bailey commended the staff report. He asked about the adjacent properties zoned residential. Planning Director Pendoley clarified that the adjacent properties to the south and east are publicly owned open space.

Commissioner Mace asked to weigh the option of waiving the third parking space requirement versus granting a Variance to park within the Front Yard. Senior Planner Bell clarified that Planning Commission could approve either Variance.

Applicant Adam Nevitt commended the staff report. Added he spent extra time with the neighbor making sure he was happy with window placement, and that the applicant is trying to stay in the same footprint and to not block his view. He said he could go either way on the parking Variance.

Commissioner Bailey asked if Ring Mountain Open Space trails were accessed here, and staff clarified that they are.

Commissioner Pagnillo said that he had viewed the site and had no problem with the proposal, but added that he may prefer on-street parking.

Commissioner Schwartz addressed massing issues. Upper floor massing could be reconfigured to create more of a view corridor for neighbor to the west. He said he felt the orientation of mass is more sensitive on hillsides, and that this could be an opportunity for the architect to embrace where the house is. He thought the proposal could be tightened up in areas where you get to rooms, and that more space planning would grant a better product. He noted the potential privacy impact on the neighbor. In regard to the granting of a Variance, he said he felt that providing off-street parking makes more sense.

Commissioner Bailey agreed with off-street parking theme. He summarized that on balance, the project seems appropriate, since open space is adjacent.

Commissioner Mace raised the Variance question in relation to Fire Department turnaround. Senior Planner Bell noted that this street width is substandard now, and Planning Director Pendoley added that, had this been a subdivision application, staff would ask for a turnaround. Commissioner Mace asked about the down slope, and how slopes are counted. Senior Planner Bell clarified that there is no existing ordinance dealing with buildable area. Planning Director Pendoley added that the area is covered by the zoning ordinance as it applies to the subdivision.

Commissioner Schwartz said that he feels there is a consistency issue. He would like the parking located on the property because of public access and fire issues. He said that because there is no one across the street or to the east, he has a relaxed opinion on massing. He noted that development on hillsides in Petaluma appears too massive, and that the problem is extreme at Tam Junction. He wondered that if the neighbor proposed a similar structure, the two homes together might be too massive. He said he would like to see a more efficient plan.

Commissioner Pagnillo said that he is fine with the way the proposal is, because it is not viewable.

MOTION: Moved by Bailey, second Pagnillo and passed with Schwartz against to approve 248 Granada Drive, Design Review Application No. 08-005 and Variance 08-002, To allow construction of first, second and third story addition to an existing, two-story single-family home and to locate the third on-site parking space partially within the 20' Front Yard Setback.

B. 18 GRANADA DRIVE, DESIGN REVIEW APPLICATION NO. 08-007, FRED AND MARIE CASISSA (OWNERS), CHALFANT GUNTHER DESIGN (DESIGNER)-To allow construction of a second-story addition to an existing two-story single-family home. (Zoning: R-1, Medium-Density Residential District) (Planner: Dan Bell)

Senior Planner Bell introduced the staff report for which he used a slide presentation.

He explained that the applicants are proposing to add a master bedroom/bathroom/sitting area on the second floor within existing attic space. He noted that the surrounding neighborhood is comprised mainly of flat lots with one and two-story homes, many of which have done similar additions. The houses on either side of the applicant's property are one-story models, but the proposal is harmonious with character of the greater neighborhood. He added that the north elevation windows should not pose any privacy issues since they are transom-like windows. The residence currently has second-story windows facing the rear, an additional second-story window is proposed, and there is approximately 75' between the subject property and the nearest rear neighbor. He said that the overall profile of the residence would not change dramatically. He did suggest that

the proposed street-facing windows are awkward and should be more unified, and perhaps linked with trim, shutters, or bay windows. He provided a collage of similar additions in the neighborhood for comparison.

Commissioner Bailey questioned privacy impacts on the rear neighbor, noting that if there were no windows existing, the impact would be great.

Fred Casissa, applicant, noted that they would be willing to work with staff on the street facing windows.

Commissioner Bailey, noting that there were no comments from the public, said he appreciated the applicant's willingness to work with staff. He said there is a second-story across street at 17 Granada Drive, so the proposal is not out of character with the neighborhood.

Commissioner Schwartz noted that there are design challenges with modest additions to existing building stock. It is often difficult to come up with architecture that blends well with house. Privacy is less of an issue because there are existing windows.

Commissioner Pagnillo said that he is happy with the proposal, with exception of the street-facing windows.

Commissioner Mace said that he felt the two-story stucco façade on north side elevation needs articulation, and perhaps for the front roofline to wrap around.

Commissioner Schwartz suggested a wrap siding to mix materials, and suggested a change in building relief to break up plane. He noted that the addition is visible as you come down Granada Drive, but that he is not as concerned with the rear.

Commissioner Mace added that he is not as concerned with rear either, but agrees front window design can be integrated. Senior Planner Bell clarified that staff could handle the front window design issue at staff level.

MOTION: Moved by Schwartz, second by Bailey, and passed unanimously to approve 18 Granada Drive, Design Review Application No. 08-007 -To allow construction of a second-story addition to an existing two-story single-family home, with the following conditions:

1. That the applicant submit improved second-story street-facing window designs for staff review and approval at time of Building Permits.

2. That the applicant submit improved design element on north façade at northwest corner for staff review and approval at time of Building Permits.

5. NEW HEARINGS

- A. 45,55, 65 KOCH ROAD, TENTATIVE PARCEL MAP APPLICATION NO. 08-001, MEADOWSWEET INDUSTRIAL ASSOCIATES, L.P. (OWNERS), KIER & WRIGHT CIVIL ENGINEERS (ENGINEER)-** To approve a Tentative Parcel Map for Commercial Condominium Conversion Purposes. (Zoning: M, Light Industrial District) (Planner: Dan Bell)

Applicant has requested that this item be continued to the July 8, 2008 hearing.

MOTION: Moved, seconded, and passed unanimously to continue hearing to July 8, 2008 hearing.

- B. 300 ROBIN DRIVE, DESIGN REVIEW APPLICATION NO. 07-040 AND VARIANCE APPLICATION NO. 08-005, STELLAR CORTE MADERA, L.L.C. (OWNERS) FERRARI MOE ARCHITECTS (ARCHITECT)-**To allow exterior remodel of seven apartment buildings at the Madera Vista Complex. Portions of the existing seven buildings exceed the current maximum height allowance. Portions of the proposed exterior design features will exceed the height allowance further. (Zoning: R-2, Low-Density Multiple Dwelling District) (Planner: Dan Bell)

Planning Director Pendoley submitted to the Planning Commission a hand-delivered letter dated May 13, 2008 from Sharon Thom, and the Commission briefly recessed to review the letter.

Senior Planner Bell introduced the staff report for which he used a slide presentation. The project encompasses a modernization to include new windows, siding material, landscaping, and new architectural features including an atrium to cover the interior courtyard of each building. He explained that a height Variance was requested for the portions of the atriums that exceed the 40' height limit. He noted that the number of units, parking counts and building sizes remain the same. Other project goals include improved circulation throughout the buildings, and a full sprinkler system for each building. The new landscape plan, bay windows, and modified exterior decking with glass rails would visually reduce proposed structures, and the hillside location lessens any impact. He said that the atriums are only slightly seen from Paradise Drive, but are visible from higher elevation residential areas in Tiburon. Senior Planner Bell acknowledged that buildings are in need of repair. He added that zoning and height standards have changed since the original apartments were built, and that the special circumstance of topography would warrant the granting of a height Variance for the atriums, adding that if these buildings were on a level lot, they would not exceed the height limitation.

Commissioner Schwartz asked for clarification on ADA aspects mentioned in Sharon Thom's letter. Planning Director Pendoley clarified that, to the extent the building code requires, ADA requirements must be met. He added that he would look into whether deferred maintenance at the property was referred to the County Health Department. He also added that the Town cannot require additional parking as part of this application as this property is a legally nonconforming use, and the applicant is not seeking approval for any changes to use.

Commissioner Schwartz noted there is existing solar, and asked if the applicant had plans for replenishing.

Commissioner Bailey declared he had a conflict of interest and moved to the audience.

John Moe, architect, stated that the applicant wished to bring the building up to the current, 2007 building code as adopted by the Town of Corte Madera. Project goals include insulated glass, opening up views, simplifying design, and making it safer with added fire-exiting and seismic strengthening. He noted that they looked at putting solar on the building, but thought it would be a greater detraction for people looking at buildings.

Commissioner Pagnillo noted that the parking is substandard, and asked if there was a way to bring it up to standard. Moe said that without moving too much earth, the applicant could cantilever decks overlooking Marin Country Day School (MCDS).

Commissioner Schwartz asked for staff clarification regarding the flat, level area behind MCDS. Mr. Bell said it is a separate parcel zoned for low-density single family residential. Planning Director Pendoley doubted whether zoning ordinance would permit its conversion to parking, but added that subject property is a legally non-conforming use.

Commissioner Schwartz asked about green and sustainable practices. The applicant said that the roof is a cool roof, that durable products would be used, such as plaster stone and glass. He added that there is also an existing level of hazardous waste that will be abated.

Commissioner Schwartz asked about the boiler. Applicant clarified boilers were neither new nor original. Commissioner Schwartz asked if solar could be added to covered parking, or if there was uncovered parking that could be covered.

Mr. Lupay, neighbor on Cibrian Drive in Tiburon, explained that his home has a view of this project, and asked the Commission to consider the impact of seven invasive buildings if a Variance for height is granted; and to review the projects' color to blend and reduce mass.

Commissioner Pagnillo said he felt that the proposed project would be a dramatic improvement. He feels that the atrium will look better than the current solar panels sticking up. He also agreed with Mr. Lupay's comments.

Commissioner Schwartz, having lived at the subject property, applauds the effort to clean it up. He said Commission should consider the impact of the infrastructure, adding that glazing can cause heat gain to increase. He felt the applicant should consider shading devices, and perhaps conduct a glare check at the PGE heliodome in San Francisco. The applicant clarified that the project specifies translucent glass. Commissioner Schwartz said traffic flow was an issue at the site.

Commissioner Mace said he felt something had to be done. He said that, though specified atrium glass is translucent, he has concerns about anytime reflectivity. He added that he wants glazing to have a matte surface and non-reflective density darkness. He asked staff to prepare a response to Sharon Thom's letter, letting her know that it was discussed and is being considered.

Mr. Lupay reiterated that the key issue for him is the reducing the enormity of buildings, and seeking colors to lessen the impact-perhaps different colors for each of the buildings.

Commissioner Schwartz said that he wants any lighting fully shielded. He questioned the need for the height of the proposed atrium walls on exterior. Applicant explained that louvers were required in wall for smoke ventilation. Commissioner Schwartz asked for green practices such as compressor-less cooling, and agreed with Mr. Lupay's suggestion that the buildings each be a different color. Planning Director Pendoley suggested that hillside design guidelines in nearby towns recommend darker colors to lessen massing. He said that colors could be reviewed by the Commission before a building permit would be issued.

Commissioner Pagnillo added that we cannot be responsible for traffic at MCDS, but wondered what the Commission could do. Senior Planner Bell added that the Public Works Department often requires a construction management plan as a standard condition of approval.

Planning Director Pendoley clarified that the Commission did not have a nexus to require parking review or additional parking... He explained that much of the time spent reviewing this application was dedicated to the consideration of legal non-conforming use. He said it is a tightly drawn issue of size increase, and that the applicant is not expanding a legal non-conforming use. He added that the Commission did have discretion over color and type of glass.

Commissioner Mace said he would like to see the type of glass, colors, and a construction management plan to come back to the Commission for review.

Commissioner Schwartz said he would like to see some delineation of project description explaining what is meant by some of statements. He added that this is a prominent development and a high profile landmark, and that he would like it to be a truly sustainable remodel. Planning Director Pendoley added that we do not currently have a policy basis for requiring use of sustainable materials.

Commissioner Schwartz requested to see an exterior lighting plan.

Commissioner Mace said he wanted to look at it again, but he felt the Commission could approve the project at any time.

MOTION: Moved by Schwartz, second Pagnillo, and approved unanimously to approve 300 Robin Drive, Design Review Application No. 07-040 and Variance Application No. 08-005-To allow exterior remodel of seven apartment buildings at the Madera Vista Complex. Portions of the existing seven buildings exceed the current maximum height allowance. Portions of the proposed exterior design features will exceed the height allowance further.

With the following condition:

1. That the applicant submit plans for exterior color, exterior lighting, atrium lighting and materials for all glazing for Consent Calendar approval prior to issue of Building Permits.

Planning Director Pendoley clarified that the Town would notice neighbors when the item returns to the Consent Calendar.

6. ROUTINE AND OTHER MATTERS

A. Preliminary Hearing Schedule for the Draft General Plan The Commission approved July 17, 24, and 31 as the preliminary meeting schedule for the Draft General Plan. The schedule will be included in a Draft General Plan article in the Town newsletter June 1, 2008.

B. Discussion of the Agenda for a Joint Meeting with the Town Council

Planning Director Pendoley and the Commission listed the following agenda items: Neighborhood dispute guidelines; Guidelines for view preservation; Site visit guidelines; and Preview of General Plan EIR and Housing Element.

C. REPORTS AND ANNOUNCEMENTS

Commissioner Schwartz attended a town council meeting.

D. MINUTES

i. Planning Commission minutes of April 22, 2008

The minutes of April 22, 2008 were motioned, seconded and approved.

7. ADJOURNMENT

The meeting was adjourned at 10pm.