

**MINUTES
SPECIAL PLANNING COMMISSION MEETING
FEBRUARY 28, 2019
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS PRESENT: Chair Peter Chase
Vice-Chair Phyllis Metcalfe
Commissioner Bob Bundy
Commissioner Lee

COMMISSIONERS ABSENT: Commissioner Margaret Bandel

STAFF PRESENT: Adam Wolff, Planning Director
Phil Boyle, Senior Planner
Martha Battaglia, Senior Planner
Judith Propp, Assistant Town Attorney

1. OPENING:

A. Call to Order – The meeting was called to order at 7:00 p.m.

B. Pledge of Allegiance – Commissioner Chase led in the Pledge of Allegiance.

C. Roll Call – All the commissioners were present with the exception of Commissioner Bandel.

2. PUBLIC COMMENT - None

3. CONSENT CALENDAR – None

4. CONTINUED HEARINGS – None

5. NEW HEARINGS

A. 78 GRANADA DR - DESIGN REVIEW APPLICATION PL-2018-0080 FOR A RESIDENTIAL ADDITION AND REMODEL TO AN EXISTING TWO STORY DWELLING AT 78 GRANADA DRIVE (Senior Planner Martha Battaglia and Senior Planner Phil Boyle)

Senior Planner Boyle stated that comments received since the packet was distributed have been made available to the public, and he presented the staff report.

Mr. Boyle discussed the lots in the vicinity and the current and proposed size of the dwelling, noting that approximately 300 sq. ft. is proposed for the first floor, 900 sq. ft. for the second floor, and additional storage space to the garage. He confirmed the

project meets all of the requirements for the R1 Zoning District, and that the floor area ratio, height requirements, setbacks and lot coverage were below the maximum allowed.

Mr. Boyle discussed the existing and proposed site plan and floor plan. He explained that the main portion of the second story would be constructed above the garage for a new master suite, bedroom and bathroom.

Mr. Boyle discussed the elevations, noting that there would be little change to the west elevation that rises above the lot below. He also discussed the story poles, and explained that the poles on the front have been set closer to the street than the structure will be located for reasons he discussed.

Mr. Boyle discussed a meeting between staff, the applicants, project architect and the owners at 82 Granada to review the view blockage from two of their windows in the master suite. He noted that the two windows were not installed when the dwelling was built. Mr. Boyle also discussed the view from other aspects of the house at 82 Granada and the modifications that have been made to the east elevation of 78 Granada to reduce privacy impacts.

Mr. Boyle confirmed that staff could support the application.

Jan O'Brien, Project Architect, stated that she lived at 77 Granada Drive. Ms. O'Brien discussed the site plan and their desire to maintain the backyard for outdoor use. She discussed the proposed first and second story floor plans, and the porch design that would break up the massing. Ms. O'Brien discussed the plans and a rendering to show the proposed materials from the front of the dwelling.

Commissioner Bundy and Ms. O'Brien discussed the exterior materials, and Ms. O'Brien confirmed the roof would include drainage facilities.

In response to Vice-Chair Metcalfe, Mr. Boyle stated that the materials are described in the plan set and noted that lap siding and stucco were proposed. Ms. O'Brien confirmed the colors of the materials in response to Commissioner Lee.

Ms. O'Brien and Chair Chase discussed the plate height of the master bedroom in relation to the adjacent rooms. Ms. O'Brien discussed the reasons they prefer the proposed plate height and expressed surprise that the neighbors at 82 Granada had view issues.

Chair Chase opened the public comment period.

Marc Stolman, 82 Granada Drive, discussed the reasons they would be negatively impacted by the project, including views, light and privacy, and he said that no other neighbors would be so impacted. Mr. Stolman quoted the Town's code that related to unreasonable accommodation and stated that he is confined to the ground floor of his

home. Mr. Stolman said that he has requested the applicants reduce the height of the addition, and suggested the addition could be added to the other side of the lot.

Christine Martin Stolman, 82 Granada Drive, said that the applicants should be able to achieve the space they needed for their family without obstructing their view of the hillside and Mt. Tamalpais. Vice-Chair Metcalfe and Ms. Martin Stolman discussed correspondence they had submitted.

Chad Gerber, owner, said they have considered the height and reduced the size of the windows in the master bedroom and the roof slope to accommodate their neighbors. Mr. Gerber explained that it was more cost-effective to use attic space for the project.

The commissioners confirmed they had visited the site.

Counselor Propp clarified the Town's code relating to unreasonable accommodation, which she said was not applicable to homeowners or the neighbors' property.

Mr. Wolff clarified the Town's rules relating to sunlight impacts, and Mr. Boyle discussed the reasons staff did not believe the addition would cast significant shading on the adjoining property on the east side.

Vice-Chair Metcalfe and Mr. Boyle discussed the position from which the photographs of the views from 82 Granada were taken.

Chair Chase closed the public comment period, and the commissioners confirmed they had issues only with the finding relating to view blockage.

Commissioner Lee stated that the photos show the ridgeline views will be blocked and that the request to lower the massing is reasonable. He confirmed he could not make the finding based on the photos, story poles, and the neighbors' concerns.

Commissioner Bundy stated that he would like to visit the Stolmans' property to determine the view that would be blocked by the addition.

Vice-Chair Metcalfe stated that she would also like to visit the Stolmans' property and to see photographs of the view from their bedroom window in a seated position.

Chair Chase said the photos indicated that primary views of Mt. Tamalpais and the hillside would be affected. He said a 2 ft. reduction in the roof height would affect the project significantly but would allow more of the distant views to be preserved.

In response to Ms. O'Brien, Mr. Wolff discussed a specific finding that a project should not significantly affect the views of nearby residences, and Vice-Chair Metcalfe stated that the commissioners do not automatically approve a project that meets the Town's codes.

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bundy, to continue Design Review Application PL-2018-0080 for the remodel of a 2071 square foot two story residence including an 830 square foot addition to the upper floor at 78 Granada Drive to the Planning Commission meeting on March 12, 2019, following submission of additional photographs of the view from the master bedroom at 82 Granada Drive and a site visit by the commissioners to 82 Granada Drive:

AYES: Metcalfe, Bundy, Chase, Lee

NOES: None

ABSENT: Bandel

B. 360 CORTE MADERA AVE - DESIGN REVIEW AND VARIANCE APPLICATION PL-2018-0079 FOR A RESIDENTIAL ADDITION AND REMODEL TO AN EXISTING TWO-STORY DWELLING AT 360 CORTE MADERA AVE. (Senior Planner Phil Boyle)

The commissioners confirmed they had visited the property and Senior Planner Boyle presented the staff report. Mr. Boyle discussed the location of the lot and the current and proposed size of the dwelling. He noted that the requested height and lot coverage would be below the maximum allowed, while there was a request for maximum FAR at 48%.

Mr. Boyle discussed the existing, non-conforming setbacks on the front and south side of the property; the addition to the lower floor at the rear of the dwelling and the replacement of a sunroom with a deck. Mr. Boyle discussed the proposed new two-car garage and the requested front yard and northern side setback variances.

Mr. Boyle discussed the proposed and existing site plan and elevations, and he noted that the proposed garage would be the same height and design as the adjacent dwelling. He also discussed the proposed new living space with the deck above on the south side, and he noted that the most significant modifications to the first floor would include the proposed conversion of the garage to a living room.

Mr. Boyle discussed unique topographical features of the property in relation to the variance findings. He noted that the Commissioner granted a variance for a different application for a garage close to the property line to allow for better access on Corte Madera Avenue.

Mr. Boyle confirmed that staff could support the findings for the variances and the required design review findings, which he discussed.

Mr. Boyle and the commissioners discussed a nearby lot with apartment buildings, which Mr. Boyle confirmed was also zoned R1.

Heidi Richardson, Project Architect, discussed the reasons the current garage is not used for parking, the proposal to create a new garage and convert the existing garage to living space. She noted that residents have not utilized onsite parking due to the steep driveway and the need to make multiple turns. She stated that staff has encouraged them to use the side yard for parking for safety reasons.

Ms. Richardson discussed a change to the proposed color scheme in relation to the neighboring property. She said they believe they have met the required findings and that the applicants have offered to provide screening on the neighbor's side at 346 Corte Madera Avenue. Ms. Richardson discussed proposed design change to address the neighbor's concerns.

Ms. Richardson and Commissioner Bundy discussed the construction and support system for the garage.

Dan Hughes, Project Engineer, discussed the driveway approach in response to Chair Chase.

Josh Cherner, Applicant, discussed the positive feedback from his neighbors and he discussed an alternative design in response to a letter of objection from the occupants of 346 Corte Madera Avenue.

Chair Chase opened the public comment period.

Lisa Macpherson, an uphill neighbor, stated that she supported the proposed new garage for reasons that related to the safety of bicyclists. Ms. Macpherson said the garage could save a bicyclist's life in the future.

Rob Epstein, representative of the trustee at 346 Corte Madera Avenue, provided materials to staff and the commissioners. Mr. Epstein stated that there is no reason for the occupants of 360 Corte Madera Avenue not to use the garage and exit safely on to the road. He discussed the difficulty of painting and maintaining the proposed garage without access from the neighboring property. Mr. Epstein discussed the increase in non-conforming conditions and questioned the ability to support the findings.

David Macpherson, Corte Madera Avenue, stated that he has never observed the garage in use due to the steep driveway and he discussed the problems related to access. Mr. Macpherson said he failed to see how the tenants at 346 Corte Madera Avenue would be affected by the 5 ft. encroachment of the proposed garage.

Tamara Goldman, Compass Real Estate, representative of the trustee at 346 Corte Madera Avenue, said the wall would be unsightly. Ms. Goldman suggested the applicants could reconfigure the current garage or utilize space at the front of their property for parking.

Elizabeth Rhodes, 346 Corte Madera Avenue, discussed the beautiful property in which she resided and stated that the wall of the proposed garage would be aesthetically displeasing.

Chair Chase closed the public comment period.

In response to Vice-Chair Metcalfe, Mr. Boyle confirmed the materials for the garage wall on the neighbors' side would be painted horizontal siding. He addressed discussions between 346 and 360 Corte Madera Avenue relating to trees along the northern property line. Mr. Boyle said the Public Works Department has determined the trees are on private property and were the responsibility of the property owners.

Commissioner Lee discussed the importance of safety in relation to decision-making, and he said that traffic conditions were dangerous on Corte Madera Avenue. He said that safety improvements were primary design criteria he would consider in relation to variances, and that the proposed garage would create a safer environment for the owners and the community. Commissioner Lee said he would therefore grant the variance. He said the impacts on the large lot at 346 Corte Madera Avenue would be minimal; that he would support the use of durable materials for the garage, and that moving the garage away from the property line would push it towards the road and increase safety risks.

Vice-Chair Metcalfe said she concurred with Commissioner Lee's comments relating to safety issues on a dangerous road, and she confirmed she could support the variance findings for the project.

Commissioner Bundy commented on the current garage and driveway being substandard and unusable, and he said the proposal was a good solution. He suggested the applicants might want to pull the garage wall back for maintenance purposes and said there was an opportunity to replace the Monterey pine trees with more appropriate screening on the property next door. Commissioner Bundy stated that he believed it unlikely the proposed garage would significantly affect the value or use of the property at 346 Corte Madera and he confirmed he could make the findings.

Chair Chase opened the public comment period.

Mr. Epstein stated that he agreed with Commissioner Lee's comments that public safety is a priority. However, he noted that public safety was not addressed by the variance findings or the code; that there was an existing garage and that the findings could therefore not be made.

Chair Chase closed the public comment period.

Staff and the commissioners discussed the way forward, and Mr. Wolff discussed staff's recommendation that the alternate plan suggested by the applicants be submitted for review by staff and the commissioners.

MOTION: Motioned by Commissioner Bundy, seconded by Commissioner Lee, to approve Resolution No. 19-013, Design Review and Variance Application PL-2018-0079 for a residential addition and remodel to an existing two story dwelling at 360 Corte Madera Avenue, having reviewed and agreed with the findings for the variances and design review:

AYES: Metcalfe, Bundy, Chase, Lee
NOES: None
ABSENT: Bandel

Mr. Boyle read the appeal rights and Chair Chase announced a 7-minute break.

C. 38 LAKESIDE DR - MAJOR DESIGN REVIEW APPLICATION FOR A REMODEL AND ADDITION TO THE EXISTING SINGLE-STORY RESIDENCE AT 38 LAKESIDE DR. WHICH INCLUDES A 425 SQUARE FOOT ADDITION INTO THE REAR YARD WITH THE EXPANSION OF THE KITCHEN, LIVING ROOM AND DINING ROOM AND A 717 SQUARE FOOT UPPER-LEVEL MASTER BEDROOM SUITE AND OFFICE ADDITION OVER THE CENTER OF THE HOUSE. THE LOWER FINISHED FLOOR ELEVATION WILL BE RAISED 2 FEET 6 INCHES TO MEET FEMA AND CORTE MADERA STANDARDS. (Senior Planner Phil Boyle)

Commissioner Lee recused himself because he lives within 500 feet of 38 Lakeside Drive. Senior Planner Boyle noted that comments have been received since the packet was distributed, which have been made available to the public. Mr. Boyle also noted that the applicant has not provided the color board for the hearing, which staff had expected, and he presented the staff report.

Mr. Boyle discussed the application, which he noted included an expansion into the rear yard and an upper level master bedroom suite and office. Mr. Boyle stated that the lower level would need to be elevated to meet FEMA requirements.

Mr. Boyle discussed the location of the property, the proposed additional square footage and height, which he noted were below the maximum allowed. He said that all the setbacks for the R1 district would be met, that the FAR proposed would be 39% (while the maximum FAR allowed was 40%), and that a 35% lot coverage has been requested where 40% is allowed.

Mr. Boyle discussed the existing and proposed site plans, noting that the kitchen, living and dining areas will increase the coverage at the back and that the project includes a new front porch and trellis. He also noted that there is a proposal to convert 3 bedrooms to 2 bedrooms with a bathroom.

Mr. Boyle discussed the elevations and a proposed new design for the garage roof. He discussed the design features that reduce the impact to the neighbors on the north side and on the side facing 36 Lakeside, including clerestory windows and the reduction in size of a proposed balcony.

Mr. Boyle discussed the potential design review impacts, and he noted that a shade study had been conducted. He presented photographs and exhibits indicating the potential privacy and skyline view impacts on the property at 36 Lakeside Drive.

Mr. Boyle confirmed the design review findings were attached for the commissioners' review and he discussed the changes the applicants have made as a result of a meeting between staff, the applicants, and the property owners at 36 Lakeside, including additional landscaping and the reduction in the size of the balcony. Mr. Boyle concluded that staff could make the findings to support the project and were recommending approval.

Chair Chase and Vice-Chair Metcalfe confirmed that they had met the applicants and the neighbors, and Chair Chase stated that he discussed the use of obscured glass for the office windows.

Staff clarified window and sill heights in relation to the sight lines for Commissioner Bundy and Mr. Boyle discussed the screening purpose of four new trees along the fence line.

Laura and Rusty Von Waldburg, 38 Lakeside Drive, discussed the need to increase the interior space and add curb appeal. Mr. Von Waldburg stated that the need to lift the house 3 feet has impacted their neighbors at 36 Lakeside, and he noted that many other lots in the neighborhood have two story homes. He discussed the changes they have made to the design to reduce privacy impacts, including a flat roof and first floor ceiling heights of 8 feet.

Ms. Von Waldburg discussed the letters of support from their neighbors, in addition to negative feedback, and she noted that the code allows for second story additions.

Kenneth Holder, Project Architect, discussed the impact of the need to raise a house 3 feet and he stated that they have reduced the plate height as much as they were able to accommodate a second story. Mr. Holder discussed the materials and colors, the second story, and the need for natural ventilation provided by the clerestory windows.

At 10:00 p.m., Vice-Chair Metcalfe made a motion, seconded by Commissioner Bundy, and unanimously carried to continue the hearing to 10:30 p.m.

Chair Chase stated that the color board was necessary, which he discussed.

In response to Commissioner Bundy, Mr. Von Waldburg confirmed they could make the office windows inoperable; they discussed the installation of new trees to provide

privacy and agreed to raise the lattice structure. Ms. Von Waldburg said they were open to using a different species of tree for the screening, and Chair Chase suggested a fast-growing hedge that would be effective within 3 years.

Chair Chase discussed relocating the office to the opposite side of the master suite with the applicants, who thought it would result in poor design.

Chair Chase opened the public comment period.

Anna Tchibissova, 36 Lakeside Drive, discussed her concern that her son's bedroom will lose light and views, which would affect his health and prevent him from reading in natural daylight. Ms. Tchibissova discussed her further concern that the roof overhang will block even more of their light and view, as would the privacy screen. She suggested that the lot was sufficiently large to accommodate additional space without compromising the neighbors' health and views.

David Trollman, 27 Lakeside Drive, discussed the impacts on their home of a similar project that was approved, and he expressed his opposition to the proposed project. Furthermore, Mr. Trollman stated that it was inaccurate to describe their neighborhood as one where two story homes were typical.

Vlad Abramov, Madera Gardens, expressed his opposition to the proposal, which he said would be massive and incompatible with the neighborhood. Mr. Abramov said that other two story homes in the area were not outrageously large and he suggested the applicants expand on the lower floor so as not to adversely impact close neighbors.

Inge Morrison, 27 Lakeside Drive, stated that they had been severely impacted by the addition at 22 Seminole, and that the landscape screening has not grown or is not completed. Ms. Morrison said she was opposed to second stories and the proposal seemed enormous.

Mike Mongan, Mohawk Avenue, stated that they have written a letter of support. Mr. Mongan described the ways in which the applicants were dedicated to the neighborhood, and said that he hoped they could find a way to accommodate the addition. He said the applicants have engaged with the neighbors and have abided by the Town's code.

Vlad Abramov, 36 Lakeside Drive, stated that their home would be the most impacted by the proposed project and he discussed the amount of daylight that would be lost. He discussed the privacy and view blockage issues from his son's window, and asserted that the homes were close together for trees to grow. He suggested the office and bathroom were moved to the other side and the master suite relocated. Mr. Abramov asked the commissioners to continue the meeting to explore other options that would help the applicants reach their goals.

Chair Chase closed the public comment period.

At 10:30 p.m., Commissioner Bundy made a motion, seconded by Vice-Chair Metcalfe, and unanimously carried to continue the hearing to 11:00 p.m.

In response to Vice-Chair Metcalfe, Mr. Wolff stated that he was not aware of the Health Code requiring a specific amount of daylight.

Commissioner Bundy stated that sufficient screening has been provided with trees and a screen, and he noted that second stories were not prohibited albeit the code was changed to encourage ground floor additions. Commissioner Bundy also said that privacy and good design were important, and that he believed the applicants have been responsive to the issues and have protected their neighbors' privacy to the extent possible. He acknowledged there would be some impact of light and views but that he could make all the findings to support the project.

Chair Chase commented on the need on a continuing basis for houses in floodplains to be raised for remodeling projects. He stated that the impacts have been reduced by the second story being set back, and that the obscured upper floor windows and screening should ensure the applicants would not see into the neighboring back yard. Together with the planting, Chair Chase stated that the neighbors' privacy should be maintained.

Chair Chase discussed the reasons he believed that light to the bedroom would not be impacted, but acknowledged that visibility would have some impact. He said the proposal was a great design and the effort has been thorough, and that he can make the findings with additional conditions.

Vice-Chair Metcalfe suggested the office were moved to the first floor and the bathroom relocated to provide more natural light. Chair Chase said that he did not think the change in design would add much advantage.

Commissioner Bundy stated that the whole plan was good and that the privacy issues, with which he was most concerned, have been addressed.

MOTION: Motioned by Commissioner Bundy, seconded by Chair Chase, to approve Resolution No. 19-013, Major Design Review Application PL-2018-0082 for a remodel and addition to the existing single-story residence which includes a 425 square foot addition to the lower level and a new 717 square foot second story at 38 Lakeside Drive, with the additional conditions that the lower portion of the office window are of obscure glass, that the height of the privacy screen be raised to 6 feet, and that the applicants agree upon a suitable species of tree for screening purposes with the neighbors at 36 Lakeside Drive:

AYES: Metcalfe, Bundy, Chase
NOES: None
RECUSED: Lee
ABSENT: Bandel

Mr. Boyle read the appeal rights and Chair Chase confirmed he would not sign the resolution until a materials board was submitted for staff's approval.

Due to the lateness of the hour, the remaining items were continued to the next meeting.

6. BUSINESS ITEMS – None

7. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

- i. Commissioners
- ii. Planning Director
- iii. Tentative Agenda Items for the Tuesday, March 12, 2019 Planning Commission Meeting

(PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE)

- A. 159 PRINCE ROYAL DR – A CONTINUED PUBLIC HEARING FOR CONSIDERATION AND POSSIBLE APPROVAL OF LANDSCAPING PLAN PURSUANT TO CONDITIONS OF APPROVAL OF TOWN COUNCIL RESOLUTION NO. 26/2017, RELATED TO THE CONDITIONALLY APPROVED MAJOR REMODEL AND HOME ADDITION AT 159 PRINCE ROYAL DRIVE.

iv. Future Agenda Items

(PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE)

B. MINUTES

- i. Planning Commission Meeting Minutes of January 22, 2019
- ii. Planning Commission Meeting Minutes of February 12, 2019

9. ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:55 p.m.