

**MINUTES
REGULAR PLANNING COMMISSION MEETING
MARCH 31, 2016
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS PRESENT: Chair Peter Chase
Vice-Chair Phyllis Metcalfe
Commissioner Dan McCadden
Commissioner Nicolo Caldera

COMMISSIONERS ABSENT: Commissioner Tom McHugh

STAFF PRESENT: Adam Wolff, Planning Director
Phil Boyle, Senior Planner
Doug Bush, Assistant Planner
Joanne O'Hehir, Minutes Recorder

1. OPENING:

A. Call to Order – The meeting was called to order at 7:35 p.m.

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

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

2. PUBLIC COMMENT – NONE

3. CONSENT CALENDAR – NONE

4. CONTINUED HEARINGS – NONE

5. NEW HEARINGS

A. 255 SAUSALITO STREET - DESIGN REVIEW APPLICATION NO. 15-037 FOR AN ADDITION TO THE FIRST AND SECOND STORY OF EXISTING TWO STORY SINGLE-FAMILY RESIDENCE

The commissioners confirmed they have visited the site and Assistant Planner Doug Bush presented the staff report. Mr. Bush discussed the project, which he said is for a 280 square foot addition to the first floor, including a 170 square foot expansion of the single car garage to an approximate size of 450 square feet. Mr. Bush noted that the residence is in the R1 zoning district and that the existing size of the dwelling is 1,768

square feet on a 3,678 square foot lot, which he said is the smallest lot in the immediate neighborhood.

Mr. Bush discussed the elevations showing the existing layout and the proposed layout, with the second story cantilevered outwards from the first story. He noted that a main feature of the first story is a deck on the east elevation that wraps around the north and west elevations. Mr. Bush said the footprint will remain the same with interior changes. The exterior changes include a storage area, which will be enclosed, and a rear bay window that will be removed and replaced with a patio. Mr. Bush confirmed the addition to the single garage will create a 2-car garage.

Mr. Bush discussed the proposed storage area. He said that, for topographical reasons, the ceiling height varies between a little above 3 feet to 5 feet, and the portion that is 5 feet in height counts towards FAR.

Mr. Bush discussed the north elevation, showing where the deck has been enclosed to form interior space, and said that the deck will be maintained on the east and west elevations. He discussed the elevation facing Sausalito Street, showing the extension of the deck with the enclosed area, and he noted that the roof's 3-foot eave is permissible in the R1 district.

Mr. Bush discussed the view from the east elevation in relation to neighboring residences. He noted that the downslope neighboring property is an existing non-conforming structure in terms of side setback encroachments, with the result that the two properties will be closer on the south side.

Mr. Bush discussed an elevation showing the window changes on the upper and lower levels, noting the addition of clerestory windows, and the elevations from Sausalito Street. He said the proposed materials would match the existing and that the proposed colors are provided in the staff report.

Mr. Bush discussed the letters of support that have been received from neighbors, and he said that the setbacks have not changed, that the lot coverage has decreased slightly and the FAR would be 59% where 60% is allowed. Mr. Bush said the height will increase by 6 inches.

Overall, Mr. Bush confirmed that staff believes the applicant has designed an attractive residential space and that the findings can be made to support the project. He said that an alternative eave design has been included for the commissioners' consideration should there be concerns about shadowing affecting the downslope neighbor.

In response to Chair Chase, Mr. Bush said the downhill neighbor did not comment on the eave, but that staff provided the option. However, he noted that it is the desire of the homeowners and architect to adhere to the design as proposed. He noted that the proposed design maintains the existing roofline design.

Commissioner McCadden discussed his concern that there is insufficient fire separation between the subject property and downslope neighbor. Mr. Bush confirmed that the eave maintains the 5-foot setback, although the northern eave encroaches the side setback towards the property on the north side. Planning Director Wolff noted that the plans were routed to the Fire Department and that staff could confirm with them that there are no issues.

Mr. Bush noted that the overhang complies with development standards, which allows a 3-foot encroachment into the setback.

Liam O'Flaherty, Project Architect, addressed the overhang issue and said that he understands that the Building Code allows a 3-foot overhang of an eave into the setback as long as the building has a fire sprinkler system, and 5 feet if not. Mr. O'Flaherty discussed other fire safety measures they must include in their design to meet the California Building Code.

Mr. O'Flaherty discussed the design approach. He said a site survey concluded that much of the deck is over the setback, and that the lot coverage is exceeded. However, he said the floor area is small and so they have added the square footage to the upper floor deck to maintain and enhance the design of the original house. Mr. O'Flaherty described how they have tried to realign the first and second floors and provide a 2-car garage and a staircase, in addition to a larger kitchen and master bedroom. He said that they like the eave design because it complements the mid-century design of the dwelling.

In response to Chair Chase, Mr. O'Flaherty discussed the color board. Chair Chase said that he would have preferred a materials board, rather than a color board.

In response to Vice-Chair Metcalfe, Mr. O'Flaherty said they are requesting a 3-foot eave on the downslope side and a 2-foot eave on the other side. Vice-Chair Metcalfe said that the eaves must meet the Fire Department standards and that, otherwise, the design is nicely done and is a good use of a small lot. She said that a materials board would have been preferable and Mr. O'Flaherty noted that they are matching the existing materials. They discussed the garage door materials.

Commissioner McCadden and Mr. O'Flaherty discussed the materials. Mr. O'Flaherty said they are using a shade of gray stucco that is lighter than the wood siding to break up the mass. They also discussed the windows and Mr. O'Flaherty noted that they are raising the window height so that the occupants would look up at the view rather than down on the neighbor. Commissioner McCadden noted that there is potential for those views to be blocked if the neighbor expanded their property.

In response to Commissioner McCadden, Mr. O'Flaherty said that the eaves are for aesthetic purposes and that they could be reduced, while still being able to fit venting. They discussed the Fire Code in relation to the distance between the eaves and the

walls to the neighboring property. Mr. O'Flaherty said they have provided examples of similar eaves on other homes.

Commissioner Caldera said that it is a nice remodel with good symmetry, with a lot of natural light. He said he likes the use of different materials to break up the mass.

Vice-Chair Metcalfe said the overhang fits the design and Chair Chase opened and then closed the public comment period when no one came forward to speak.

Vice-Chair Metcalfe said she can make the findings to support the project and that she likes the design as presented. However, Vice-Chair Metcalfe said that the eaves must be approved by the Fire Department. Commissioner Caldera said he is in agreement with Commissioner Metcalfe's comments.

Commissioner McCadden said that Fire Department confirmation of the eaves is a necessity and that he would be inclined to reduce the eave between 261 and 255 Sausalito. He said he liked the windows and the design is good, but that he believes their views will be affected in the future.

Chair Chase said that exterior lighting on the street side should be shielded as a condition of approval and he noted that the distance between the eaves appears to meet the code. Chair Chase commented on the need for a materials board, but said the applicants described the project well and that he can making the findings to support the project.

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Caldera, to approve Resolution No. 16-011 and Design Review Application No. 15-037 to allow construction of a 281 square foot addition to the main and lower floor of an existing two story dwelling, including a 168 square foot addition to the existing garage, at 255 Sausalito Street with the additional condition that exterior lights will be shielded:

Chair Chase asked Vice-Chair Metcalfe if she would amend her motion to include the condition that the Fire Department must approve the eave design, to which she agreed, and Commissioner Caldera seconded the amendment to the motion:

AYES: Metcalfe, Chase, Caldera, McCadden

ABSENT: McHugh

Mr. Bush read the appeal rights.

A. 145 GROVE AVENUE - DESIGN REVIEW APPLICATION NO. PL-2016-0003 and SECOND UNIT PERMIT APPLICATION NO. PL-2016-0004 FOR A 361 SQ. FT. ADDITION TO THE FIRST FLOOR OF THE EXISTING TWO STORY SINGLE-FAMILY RESIDENCE AND CONSTRUCTION OF A 1,248 SQ. FT. DETACHED GARAGE WITH A SECOND UNIT ABOVE.

Assistant Planner Bush presented the staff report. He discussed the height and size of the dwelling, noting that it is an approximately 2,000 square foot two-level home with a 620 square foot detached two-car garage. Mr. Bush explained that the applicants are proposing an addition to the lower floor, in addition to a new two-car garage with a second unit on top. Mr. Bush said the lot is half an acre and is set primarily amongst single-family residences in the R1 district. He discussed the neighboring property to the north at 127 Grove and also the site plan showing the existing and proposed conditions. Mr. Bush said that the current garage encroaches on the side yard setback.

Mr. Bush discussed the first floor addition with an extending wrap-around porch, and he noted that windows are proposed for a crawl space (which will remain unconditioned space) for aesthetic and ventilation purposes.

Mr. Bush discussed the proposed north elevation, and noted that the materials of the addition will match the existing dwelling, as will the roofline. He noted that there will be a small change to the upper window to match the roof design.

Mr. Bush discussed the detached garage and second unit, including a balcony feature. He said that can lights are proposed in the overhang, and that the applicants have made an effort to embed the structure into the slope to reduce the bulk and mass. Mr. Bush said the applicants work out of their home and that they intend to use the second unit as an office. He explained that the structure must meet the definition of a second unit, which he discussed, and noted that approval is ministerial.

Mr. Bush discussed the floor plan of the second unit and noted that there might be changes, which will be reviewed by staff. Mr. Bush said that he understands that the neighbors at 127 Grove support the project but that staff has been unable to contact them, noting that the property recently sold and a letter of support has not been provided.

Mr. Bush discussed the existing non-conforming condition of the two-car garage, which he compared to the proposed new garage. He noted that the new structure will have a 6-foot setback to comply with the development standards.

Due to the size of the lot, Mr. Bush said that the proposed project will increase the FAR to 18%, where 40% is permitted. He discussed the increase in floor area, including part of the crawl space that is over 5 feet.

Mr. Bush discussed the reasons staff is able to support the project, confirming their belief that the proposal should be harmonious with the surrounding neighborhood and that they are able to make the design review findings. Therefore, staff is recommending approval of the project and has attached a resolution for the commissioners' review.

In response to Vice-Chair Metcalfe, Mr. Bush said the house is not considered to be a historical structure.

In response to Commissioner McCadden, Mr. Bush said that an additional parking space is provided in the road in conformance with staff's requirements and the Public Works Department require a revocable encroachment permit. Mr. Wolff confirmed that staff is not aware of a dispute with the neighbor to the north regarding the location of the property line.

Commissioner McCadden and Mr. Bush discussed the parking requirements for the R1 Zoning District and confirmed that one of the spaces is in a 40-foot easement owned by the Town and will require a license agreement. Commissioner McCadden discussed backing out issues due to the narrowness of the driveway. Mr. Bush said that the Public Works Department have reviewed the plans and confirmed they conforms to their requirements.

Commissioner McCadden discussed his concern that the second unit might adversely affect a structure on the neighboring property that is also close to the property line. Mr. Wolff noted that the second unit is ministerially reviewed and that the structure conforms to the development standards. He said that design review considers future developments in its findings, and the issues are theoretical without an application. Mr. Wolff said that staff are reviewing the second unit project and that they did not find shadowing to be in conflict with the standards for second units.

In response to Commissioner McCadden, Mr. Bush said that he is not aware of any subdivision plans for the property to the north or of any entitlements to construct a house on the property. He noted that no cottage appears on the approved site plans for 127 Grove Avenue.

Chair Chase discussed the negative effects relating to light and views that the second unit might have on the abutting neighbor should they choose to develop their property. Mr. Bush confirmed that different design review standards apply to second units.

Vice-Chair Metcalfe said that the garage might cause issue relating to light and spacing and thought that the commissioners should discuss such matters. Mr. Wolff noted that there are no guidelines on how a structure, which is not completely a second unit, should be treated. He noted that only one of the spaces in the garage applies to the second unit.

Richard Esteb, Architect, said they have concentrated on ensuring the garage conforms with design standards, including the side yard setback. He noted that the windows on the north side of the unit are high so that there should not be any direct views of the neighboring property should there be any development. Mr. Esteb said the garage window will let in light and commented on its unsightly present state. He discussed the difficulties of the driveway, and addressed the addition, which they believe is low impact and in keeping with the architectural style of the house. Mr. Esteb noted that they have brought in a model of the project.

Vice-Chair Metcalfe commented on the story polls and tape used.

In response to Chair Chase, Mr. Esteb discussed the reasons little dirt should be removed from site. Chair Chase commented on the lack of information presented on the drawings, noting that building sections and the buildings' location in relation to other dwellings have not been provided, in addition to an exterior lighting plan.

John Chuharski, Owner, said that the property line dispute was settled with the previous owners of 127 Grove, which he discussed. Mr. Chuharsky said they have met the new owners who have reviewed their plans.

Chair Chase opened the public comment period.

David Ellison, 140 Grove Avenue, said the plans seem in keeping with the style of the house, and that his only concern relates to storm drainage, which he discussed. Mr. Ellison said his mother is concerned that landscaping should be restored in a timely fashion after construction, and that she would like screening for the porch wall, which they can see from their kitchen. Otherwise, Mr. Ellison said they support the project.

Jake Chuharsky said he supports his parents' project.

Chair Chase closed the public comment period.

Commissioner Caldera concurred with Chair Chase that the plans are missing some details. He said the impact of the project seems minimal, but he believes a landscaping plan should be submitted, to which Chair Chase concurs.

In response to Commissioner McCadden, staff confirmed that there are no plans for the subdivision of the property to the north. Commissioner McCadden said the house is beautiful and the design is in keeping with the neighborhood. He commented on the design matching the existing craftsman style, and the matching roof slopes. He expressed concern that a dwelling might be constructed on the neighboring property at a future date and that there would be privacy impacts. Therefore, Commissioner McCadden said he would have moved the garage, which he understands would be an issue due to the slope, but that he believes in time the neighbor will wish the garage had not been built in its chosen location. Commissioner McCadden commented on the in-fill and suggested that the driveway should be altered.

Vice-Chair Metcalfe commented on the incompleteness of the application. Mr. Wolff suggested that the hearing could be continued for the review of specific items that have been discussed, such as the landscape plan, while moving forward with the resolution.

In response to Chair Chase, Mr. Wolff said the drainage plans would be submitted at the building permit stage. Mr. Bush confirmed the plans were routed to the Fire Department and their comments have been included in the staff report.

Following discussion on the way forward, Chair Chase re-opened the public comment period so that the architect could respond. Mr. Esteb said they are working on the building permit plans and lighting plan. He thought that the sections would not be too difficult to produce but that they would need to hire a landscape architect to produce the landscape plans.

Discussion took place on whether staff should approve the landscape, lighting and building section plans.

Commissioner McCadden commented on the lack of a materials board. In response, Mr. Wolff said that staff does not typically require a board if the materials match the existing exterior colors and materials.

Chair Chase discussed with Mr. Esteb the details that are expected to be included in the plans, including building dimensions and sections.

Gloria Ghirarduzzi, 134 Grove, expressed her concern that there is no parking on the cul-de-sac and asked where guests could park. In response, Mr. Shuharsky confirmed that his guests tandem park and no one who visits them parks on the street.

Rosemary Ellison said they have been wonderful neighbors and they are happy to have them.

Chair Chase closed the public comment period.

Discussion took place on whether the whole application should be continued or divided to allow the commissioners to review the landscape plan, lighting and building section plans. Mr. Wolff noted that the draft resolution would need to be revised.

MOTION: Motioned by Commissioner Caldera, seconded by Vice-Chair Metcalfe, to continue Design Review Application No. PL-2016-0003 and Second Unit Permit Application No. PL-2016-0004 for a 361 Sq. Ft. addition to the first floor of the existing two story single-family residence and construction of a 1,248 sq. ft. detached garage with a second unit, with the addition of a lighting plan, color and materials board, plans showing dimensions and sections, and a landscape plan, to the meeting of April 26, 2016, with a revised resolution.

AYES: Metcalfe, Chase, Caldera, McCadden

ABSENT: McHugh

Chair Chase announced a 10-minute break at 9:20

6. BUSINESS ITEMS

A. 30 MOHAWK – DISCUSSION AND REVIEW OF LAND USE REVIEW REGULATIONS IN RELATION TO 30 MOHAWK AVENUE (NON ACTION ITEM)

Planning Director Wolff presented the staff report. Mr. Wolff confirmed that the discussions concern a non-action item at the request of a neighbor during the open time at the meeting of February 23, 2016. He explained that the item has been agendaized for discussion purposes to provide an opportunity for the Planning Commission to understand the concerns of the neighborhood residents.

Mr. Wolff noted that there has not been any communication between the residents and property owners, and that staff is recommending the commissioners listen to the neighbors' concerns and review information, which staff could use moving forward in other similar construction projects. Mr. Wolff provided information on past planning approvals for the property, including a Conditional Use Permit for a second unit and a small addition. He discussed the current project that encompasses demolition and reconstruction of a significant portion of the house, including lifting the house. Mr. Wolff noted that the redesigned roof will significantly change the architecture of the dwelling, although he said the floor area will be minimally changed. Mr. Wolff discussed a variance for lot coverage due to the requirement of an uncovered parking space, and he discussed the height of the dwelling, which will not exceed 15 feet.

Mr. Wolff discussed the floor plan, noting that 64 square feet of space is being added to the floor area, and compliance to the parking requirements relating to the second unit. However, Mr. Wolff explained that the main focus on discussions would be design review. He explained that the code does not require design review for projects that are less than 15 feet in height and additions that are less than 250 square feet. This also applies to colors (with an exception he discussed), windows, landscape elements and the majority of re-roofs and interior remodels. Mr. Wolff noted that there are construction projects that will have some impact but they are granted to the property owner by right, which he discussed.

Mr. Wolff discussed the project, which he said is an addition to an existing house pursuant to the code definitions, noting that the 64 square feet does not meet the threshold for design review, and he noted that the building code does not classify the project as new construction but as substantial rehabilitation or alteration. Mr. Wolff confirmed that staff does not believe the addition qualifies for design review despite the level of construction that appears to be taking place.

Mr. Wolff discussed the breakdown of communication between the property owners and neighbors, and staff's involvement in mediation efforts that have not been successful. Staff hopes that this evening's discussions will provide an opportunity to arrive at an understanding between the applicant and neighbors.

Mr. Wolff discussed the variance to exceed lot coverage, which he explained is necessary due to the requirement of a parking space for a second unit. He noted that

the space is in the front yard setback and that a variance would be required for that reason as well.

In response to Chair Chase, Mr. Wolff discussed the current state of the project, noting that construction is ongoing; the house had been lifted very high but has been lowered to the foundation, and framing is taking place. He noted that the construction manager and contractor are present. Mr. Wolff confirmed that planning approval had not been necessary (and thus the project was not noticed) and the plans had been submitted for a building permit. However, he noted that a variance application is being processed, so a notice has been mailed.

In response to Commissioner Caldera, Mr. Wolff confirmed that building permits have been issued and the purpose of this evening's discussions is to provide an opportunity to evaluate the project, use it as a learning lesson and perhaps change some of the planning requirements. He also noted that this is a public forum for parties to discuss their concerns.

Chair Chase opened the public comment period.

Suzy Denning, 19 Mohawk, said there has been a lot of conflicting information and that she would like to know the height of the dwelling. Ms. Denning also asked for confirmation that the building inspector will be responsible for ensuring the height remains under 15 feet, that the second unit will not be used for Airbnb and, finally, asked if the project constitutes new construction. Ms. Denning said the construction crew have been respectful to neighbors.

Cliff Olson, 28 Mohawk, discussed his concern that the variance for the parking space was not been dealt with earlier so that the process would have begun earlier. Mr. Olson commented on a meeting he had with staff, where they had discussed lot coverage, and he expressed frustration at the request to put his complaints in writing. He discussed his concern that the neighbor's kitchen window faces his bathroom and expressed frustration with the building department. Mr. Olson also discussed his concern that people had been living in the garage and that a portable toilet had been placed closed to their master bedroom, and he said he was annoyed with the whole situation and that the project constitutes new construction.

Nancy Ley, 28 Mohawk, discussed two bay windows from which they have a view into their neighbor's home, which she discussed. She said this would have been discussed had there been a design review process.

Chair Chase announced a short break at 10:05 p.m.

Ms. Ley commented on it being too late to make changes to the project. She said the code should be changed to ensure the neighborhood is noticed under such circumstances and she noted that the previous items had been scrutinized in a way that this project should have been considered. Ms. Ley said they would then have had the

chance to comment during the public hearing on a deck that the neighbors' have built that allows them a view into their back yard. She repeated the need for changes to the noticing requirements and said that a brand new house appears to have been constructed.

Oliver Osborn, 13 Mohawk, said he is not directly impacted by the project, but he commented on the relative smallness of the project in comparison to how large the structure appears. He said that a house has been removed and replaced with a structure that has differences and he expressed surprise that it warranted so little scrutiny. He said he understands the reason, because the house has not changed to a great extent, but he commented on there being new walls, foundation and flooring.

In response to Chair Chase, Mr. Wolff said staff have scrutinized the work, made frequent drive-bys, and have put aside extra time and effort to review the plans. He said it is a priority to ensure the project proceeds according to code and said that staff have agreed hours of construction with the property owners. Mr. Wolff confirmed they have investigated complaints that people are sleeping at the property and that staff has not observed such behavior.

In response to Chair Chase, Mr. Wolff said there have been claims about construction workers being on site beyond construction hours, but that there is no law preventing them from being on site. He said this can be an opportunity to request such a condition that workers do not arrive before a certain time and staff will do its best to enforce the conditions. Chair Chase suggested a list of conditions could be added based on the neighbors' experience, if possible.

Vice-Chair Metcalfe commented on the pettiness of not moving a portable toilet and people sleeping on the premises. Mr. Wolff confirmed that there were no signs of people living on the premises when staff checked following complaints.

In response to Commissioner Caldera, Mr. Wolff said that there were issues at the beginning of the project with the applicants doing work beyond what the permit allowed, and that the building official issued a stop work order. In further response to Commissioner Caldera's question about whether inspections had not been frequent enough, Mr. Wolff said that the Building Department relies on contractors calling for inspections, similar to other jurisdictions, and that the town's resources are limited with one building official and one contract inspector.

In response to Vice-Chair Metcalfe, Senior Planner Boyle said that complaints should be put in writing so that staff is able to respond to specific requests, which is difficult when many questions are raised verbally. Mr. Boyle said the Building Official asked for a specific complaint to be made in writing that he could investigate and noted that a complaint can be submitted through the Town's website.

In response to Commissioner McCadden, Mr. Boyle said the height should remain under 15 feet, which will be confirmed by a surveyor at the framing stage. Chair Chase discussed the elevations on the plans with staff.

Max Mironov, Construction Manager, said they are building the house for his grandparents. Mr. Mironov discussed the portable toilet, noting that they were out-of-town for the holidays when they received the request and that he moved it himself on January 5th. He explained that there is a refrigerator and flat screen television in the garage, where the crew play cards, and he said that Mr. Wolff had gone with him to their home in Mill Valley to see where the crew are living.

Mr. Mironov discussed the project in relation to FEMA's standards. He said that they would have needed to build a massive house to meet their requirements, so they resolved to raise the house sufficiently to solve some mold issues.

Mr. Mironov said he has communicated with Mr. Wolff with regard to their neighbors' concerns, and that none of his neighbors have contacted him. He discussed the variance, noting that they have abided by staff's request to install a parking space, and he discussed the ways in which they have reached out to their neighbors. Mr. Mironov commented on the windows, noting that they have not been finished and therefore appear larger than will be the case. He said the neighbors have seen their plans, which include the windows. Mr. Mironov confirmed they have abided by the noise ordinance in relation to construction hours, that they need the extra space and that they would like to complete their project.

In response to Chair Chase, Mr. Wolff said the original approval was for a demolition permit and that the current plans reflect changes that were made to the building permit with regard to the roof in order to ensure the height of the house does not exceed 15 feet. Mr. Wolff discussed the demolition plans.

In response to Chair Chase, Mr. Mironov said the framing in the north part of the house remains, to which Mr. Wolff concurred. Mr. Mironov discussed adjusting the plate height to maintain the height requirements.

Commissioner McCadden and the contractor discussed construction and how much of the material has been replaced.

Chair Chase commented on the usual practice in most communities of being unable to obtain a demolition permit until final intent is shown. Mr. Mironov explained why they divided the project, which relates to FEMA's requirements.

Mr. Boyle noted that FEMA's requirements must be met. However, Mr. Boyle noted that documentation has been submitted confirming that the applicants need not meet FEMA's requirements for reasons he discussed.

Chair Chase commented on the piecemeal process of submissions until the project evolved into a whole application. Mr. Wolff discussed the complexity of the project and the changes that needed to be made to the plans.

In response to Chair Chase, staff confirmed that the project has reached a conformance level that is acceptable. Chair Chase discussed communities that leverage fines for projects that exceed the allowable work. In response, Mr. Boyle noted that the Building Official issued a stop work order for exceeding the demolition permit. He said that the problem has been rectified to the satisfaction of the Building Official.

Chair Chase discussed the difficulty of projects that are undertaken in a fashion that is piecemeal over which staff has limited control. Commissioner McCadden said that it is his experience that staff and the commissioners act with integrity, although an outcome is sometimes not perfect. He commented on this project being a good cause for rendering the design review process as unnecessary, but that the Town needs to evaluate its processes and this kind of project should be scrutinized differently. He commented on the difficulty of the situation and noted that the applicants have a right to move forward if they have met all the departments' requirements.

Commissioner Caldera said he is in agreement with Commissioner McCadden. In response to Commissioner Caldera, staff confirmed that the Municipal Code has adopted the California Building Code. Commissioner Caldera quoted from the building code relating to new construction. He said that, based on the specific code section, the project would qualify as new construction and therefore requires design review.

Vice-Chair Metcalfe discussed the exceptions listed in the design review process in relation to future projects. She suggested that if two or more exceptions apply to a project, then the design review process should commence, particularly the exception relating to significant changes to the exterior of a structure. Vice-Chair Metcalfe commented on her support for these changes to the code.

Chair Chase thought that the Town should establish an appropriate fine structure to discourage people from doing work that exceeds a permit and provide motivation to obtain approval before a project starts. Chair Chase said there is an obligation to provide staff with a good plan for a project. He discussed changes to the code for stop work orders that relate to work exceeding a permit by 50%, and how fines should be applied. In response to Chair Chase, Mr. Wolff noted that, since there was no planning process, planning staff's time has not been compensated and the building permit fees are fixed.

Vice-Chair Metcalfe commented on the need for a comprehensive plan. Mr. Mironov responded, and said that they had submitted a full set of plans including both demolition and building plans, and that the review was almost complete when issues came up. He said that they obtained a demolition permit while those issues were resolved. Mr.

Mironov said that their project is not a flip and that his elderly grandparents want to live in the home.

Mr. Olson discussed the difficulty in obtaining copies of plans. In response, Mr. Boyle said that plans stamped by an architect or engineer are copyrighted and that the signatory's permission is necessary. However, he noted that plans could be reviewed at the counter.

Commissioner McCadden discussed protocol with Mr. Olson and the process that has taken place. He noted that the plans are being made available to him should he so wish. Mr. Wolff discussed the stop work order in response to Mr. Olson.

The contractor discussed the stop work order. He said they did not deliberately exceed the permit.

In response to Mr. Mironov, Mr. Wolff addressed the variance. He noted that one space is required for the house and another for the second unit, which had been located in separate areas on the property. Mr. Wolff explained that the notice prompted complaints from neighbors that the location of the space is not in keeping with the character of the neighborhood. He said the applicant submitted a different design, whereby the spaces are located together, and he discussed the relocation of a magnolia tree and replacement with drought-tolerant plants to provide a buffer.

Mr. Wolff noted that the notice might be appealed, which he discussed. He discussed parking setbacks for second units in response to Ms. Ley. Mr. Boyle consulted the code and said that the space is proposed to be 3 feet from the property line.

Chair Chase confirmed that the commissioners are unable to take any action. In response to Ms. Ley, Mr. Wolff noted that the homeowner must occupy one of the dwellings where there is a second unit.

7. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

- i. Commissioners**
- ii. Planning Director**
- iii. Tentative Agenda Items for April 26, 2016 Planning Commission Meeting**
 - 1. 516 CHAPMAN DRIVE – NEW THREE-STORY 4001 SQ. FT. RESIDENCE ON A VACANT LOT**
 - 2. 82 SONORA WAY – DESIGN REVIEW APPLICATION FOR 380 SQ. FT. ADDITION TO THE SECOND FLOOR, REMODEL ON FIRST FLOOR, CHANGE OF ROOF LINES; AND A VARIANCE APPLICATION TO ENCROACH INTO STREET SIDE SETBACK AT THE EAST SIDE OF THE PROPERTY.**

3. CORTE MADERA INN – REVIEW OF DRAFT PLANNING COMMISSION RESOLUTIONS APPROVING PROPOSED PROJECT WITH CONDITIONS

B. MINUTES

i. Planning Commission Meeting Minutes of March 8, 2016

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner McCadden, to approve the minutes of March 8, 2016:

AYES: Metcalfe, Chase, Caldera, McCadden

ABSENT: McHugh

Mr. Boyle noted that the item on 359 Chapman Drive has been appealed to the Town Council.

8. ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 11:45 p.m.