

**MINUTES
REGULAR PLANNING COMMISSION MEETING
AUGUST 9, 2016
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS PRESENT: Chair Peter Chase
Vice-Chair Phyllis Metcalfe
Commissioner Jennifer Freedman
Commissioner Bob Bundy
Commissioner Nicola Caldera

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

1. OPENING:

A. Call to Order – The meeting was called to order at 7:30 p.m.

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

C. Roll Call – All the commissioners were present.

2. PUBLIC COMMENT – NONE

3. CONSENT CALENDAR – NONE

4. CONTINUED HEARINGS - NONE

5. NEW HEARINGS

A. 5124 PARADISE DRIVE – DESIGN REVIEW AND ENVIRONMENTAL ASSESSMENT APPLICATION DR15-021 AND PL-2016-33-PLEA FOR A PRIVATE BOAT DOCK AND LIFT AT THE REAR OF THE SINGLE-FAMILY RESIDENCE LOCATED AT 5124 PARADISE DRIVE (Senior Planner Phil Boyle)

The Commissioners confirmed they had visited the site except for Vice-Chair Metcalfe confirmed she had viewed the property from each of the neighbor's property on either side but not the project site. Senior Planner Boyle presented the staff report, noting that additional emails from neighbors have been provided this evening and is available for review.

Mr. Boyle discussed the project, which he said includes a fixed pier and a floating boat dock. He explained why the project is not exempt from the CEQA process and that an Initial Study was prepared and included in the packet. Mr. Boyle confirmed that it has been determined no significant environmental impacts will be caused by development of the project with the implementation of biological and noise mitigations.

Mr. Boyle discussed the approvals needed from other agencies and provided more details on the project, including the elevations of the gangway and boatlift. He noted that floats have been used in place of story polls in the water to show the proposed location of the dock. Mr. Boyle said the staff had a meeting the applicants, engineers and other other regulatory agencies at the County offices.

Mr. Boyle discussed the materials and he said the project meets the R1-A Zoning District requirements. He confirmed that staff could support the findings to approve the project with the conditions in the staff report.

Vice-Chair Metcalfe and Mr. Boyle discussed the reasons for the request for a floating dock.

In response to Commissioner Bundy, Mr. Boyle said staff believes that Fish and Wildlife Service and the U.S. Army Corps of Engineers and approved the project and the Bay Conservation and Development Commission and SF Bay Regional Water Quality Control Board have not and their review will follow approval by the Town. Mr. Boyle clarified the height of the walkway and said the applicant could clarify the deck materials.

In response to Chair Chase, Planning Director Wolff said it appeared the last pier project in 1993 had not required design review or a CEQA process and had therefore not been reviewed by the Planning Commission. Mr. Boyle confirmed that the proposed project meets the setback requirements.

Brooke Gordon, property owner, said that they desire a dock and noted that other neighbors enjoy the same amenity.

Peter Clark, Project Engineer, discussed the ways in which they have mitigated the neighbors' concerns, including a greater offset from the neighboring property lines. Mr. Clarke discussed other residences in the vicinity that enjoy dock amenities with similar encroachments. He discussed the height of the various project components, noting that the structure should not block neighbors' views, including those of Mt. Tamalpais.

Mr. Clark discussed the reasons it would be difficult to relocate the pier or make it longer.

Commissioner Bundy and Mr. Clark discussed the possibility of moving the structure towards the center of the property, further away from the neighboring property on the

west side. Mr. Clarke discussed the need to limit the number of piles to as few as possible.

Commissioner Freedman and Mr. Clark discussed the length of the pier in relation to the tides. Mr. Clark explained that other agencies would prefer the pier is not extended further. He confirmed that State Agencies have approved the materials.

In response to Commissioner Caldera, Mr. Clark discussed the reasons they would not recommend a shorter pier. Mr. Clarke said it might be possible to relocate the pier 5 feet towards the center of the property.

Chair Chase and Mr. Clark discussed the method of pile installation and Mr. Clark agreed that they would monitor the neighboring property's pier for negative effects. Mr. Clark noted that other agencies have accepted their proposal, while BCDC is currently evaluating the project.

Chair Chase opened the public comment period.

Patti Stoliar, Casa Buena Drive, asked if photographic simulations showing the effect the proposed pier and boatlift will have on the views from neighboring properties.

Carla Condon, 5132 Paradise Drive, said she disagreed with the conclusions of the Negative Declaration for reasons she discussed and said that their views will be significantly impacted by the project. Ms. Condon said the applicants should respect the ecosystem and the views of nearby homeowners and noted she and her husband were not invited to review the plans by the applicants. Ms. Condon said that the floating devices in the water do not provide an adequate indication of the project's mass and she repeated her concerns about visual impacts and also glare from the proposed aluminum material.

Chair Chase and Ms. Condon discussed her concerns about view impacts of the San Rafael-Richmond Bridge.

Jim Simon, Paradise Drive, said there should be room for compromise and that the applicants should be allowed to construct a pier. He commented on the design in relation to the tides and said the dock should not interfere with wildlife. However, Mr. Simon said the design is over-engineered, that the pier should be relocated and scaled down.

Allen Sandner, 5116 Paradise Drive, discussed his concern about the size and impact of the proposed design, including the possible impact of pile construction on their property, and the reasons why little consideration has been given to the neighbors. Mr. Sander agrees that the applicants should have access to the water but that the project should be scaled back. He said he would consent to his piers being surveyed before and during construction.

Lisa Sandner, 5116 Paradise Drive, said that it is not necessary to build a pier to have access to the water. She commented on the Negative Declaration and her concerns about liquefaction, pile driving, salt spray and noise issues.

Sue Duryee, 5094 Paradise Drive, commented on a neighbor's dock resting on mud twice a day and she suggested design changes that would reposition the pier closer to the house.

Chair Chase closed the public comment period.

In response to Commissioner Bundy, Jayni Allsep, Planning and Environmental Consultant, explained that the environmental and wildlife impacts are not thought to be significant due to the size and scale of the floating dock. Ms. Allsep explained that the area of the pier and dock does not have a high biological value and that the proposed materials meet the criteria for public agencies, including the California Fish and Wildlife Service.

Vice-Chair Metcalfe commented on the need for good neighborhood outreach. She said she would recommend that the applicants communicate with the neighbors and redesign the project.

Commissioner Bundy commented on the difficulty of proposing a structure in an area where the view is currently unimpeded but that he believes the proposed project will impact the neighbors at 5116 Paradise Drive. He suggested the takeoff for the pier is moved to the west, next to the deck off the bedroom. Commissioner Bundy suggested a condition that furniture and similar materials are not stored on the pier or dock.

Commissioner Caldera said he is in agreement with Commissioner Bundy and that the floating devices are inadequate for providing a realistic idea of the proposed structure. He commented on the difficulty of stipulating the length of the pier and said he would like the applicants explain how often the floating dock can be used based on tide levels.

Commissioner Freedman said the project appears to be consistent with other docks that have been provided as examples and would support the proposal. She said she does not believe the view of the dock would be a primary view, and that a condition should be added that the applicant would monitor the integrity of the piers on the Sanders' property.

Chair Chase said the project is not offensive as designed but that it would impact the neighbors. He suggested the dock be moved towards the center of the property. Chair Chase acknowledged the structure will fall within the visual view of the properties to the west, but that he does not believe the primary views will be impacted significantly.

Vice-Chair Metcalfe suggested the pier could be shortened.

Commissioner Bundy discussed the modern design of the structure, noting that it is less impactful for reasons he discussed, but concurred that it should be moved away from the Sanders' property.

Commissioner Freedman explained why she believes the primary views of the property at 5116 Paradise Drive will not be significantly impacted, noting that the views west to Mt. Tamalpais will be unimpeded.

Chair Chase confirmed his belief that the structure will not rise above a level that would be impactful and suggested possible design changes that would be acceptable.

MOTION: Motioned by Commissioner Bundy, seconded by Vice-Chair Metcalfe, to continue to a date uncertain Design Review and Environmental Assessment Application Dr-15-021 and PL-2016-33-PLEA for a private boat dock and lift at the rear of the single-family residence located at 5124 Paradise Drive. Applicants are to consider moving the pier to the west and shortening the length of the pier projecting out to the water. The Commission recommend that a condition be added that the dock remains clear of any materials, and that the resubmitted application includes a proposal to monitor the pilings at 5116 Paradise Drive during construction. The applicants are also encouraged to consult the neighbors and staff.

AYES: Metcalfe, Bundy, Chase, Freedman, Caldera

NOES: None

Chair Chase announced a 10-minute break at 9:50 p.m.

A. 21 ENDEAVOR COVE – MAJOR DESIGN REVIEW PL-2016-0013 AND MAJOR VARIANCE PL-2016-0015 FOR A MAJOR INTERIOR AND EXTERIOR REMODEL INCLUDING A 550 SQUARE FOOT ADDITION TO THE SECOND STORY AND A 130 SQUARE FOOT ADDITION TO THE ENTRYWAY OF THE LOWER LEVEL OF AN EXISTING SINGLE FAMILY HOME WITH A REQUEST FOR A 9 FOOT ENCROACHMENT INTO THE REQUIRED 20 FOOT FRONT SETBACK (Assistant Planner Doug Bush)

Assistant Planner Bush presented the staff report. Mr. Bush discussed the general characteristics of the lot and surrounding homes, noting that open space exists to the east. He confirmed that feedback was not received after posting the notice and that three letters of support have been provided.

Mr. Bush discussed the existing front setback encroachment, the conversion of an existing two-car garage to a single garage and a covered single space in the side yard, which he said meets the zoning requirements. Mr. Bush also discussed the master bedroom and office addition and the front entryway addition. He noted that a materials board has been provided.

Mr. Bush discussed the existing and proposed lower floor plan and confirmed that a portion of the garage will be brought into compliance with the current building code. He also addressed the non-conforming stairway, noting that the applicant is proposing an extension to the front entryway to allow for the reconfiguration of the stairs and provide a functional entryway. Mr. Bush also discussed the covered front porch, trellis, and proposed upper level, noting that no windows are proposed facing the property at 25 Endeavor. He discussed the height and landscaping plan for the portions of the house affected by the addition.

Mr. Bush discussed the variance request for the enclosed front entryway, which staff can support, but said that staff questions whether findings exist for the trellis and front entry porch for reasons he explained.

Mr. Bush discussed lot coverage and FAR. He explained why a resolution has not been prepared, and Planning Director Wolff noted that the hearing should not necessarily be continued.

Mr. Bush confirmed that the existing two-car garage is not operable as a two-car garage.

Nick Lockwood, Owner, discussed the reasons they would like a formal entryway, noting that it would improve the aesthetics of his house.

Michael Harlock, Project Architect, discussed the arbor and the reasons they believe a variance is not necessary. He said the bay only projects 18 inches and that they have reduced the front entryway by 3 feet from the curb, and also lowered and narrowed the porch by three feet. Mr. Harlock said it would be a hardship to change the location of the stairway for reasons he discussed.

In response to Vice-Chair Metcalfe, Mr. Harlock explained that the aesthetics of the home would be affected if they reduced the porch by another foot.

Mr. Lockwood presented further letters of support from his neighbors at 5 and 17 Endeavor Cove.

Chair Chase opened and closed the public comment period since no members of the public were present besides the applicants.

Commissioner Caldera discussed the reasons he could support the findings and approve the project, noting that the entryway encroachment will be consistent with other homes in the neighborhood. He said the necessity of design serves as a hardship to allow the variance and he discussed other reasons he could support the porch as designed.

Commissioner Freedman and Mr. Wolff discussed the reasons the porch requires a variance and the difference in setback requirements if the porch was not covered. Commissioner Freedman said the revised design has less massing and is more appropriate; that the covered arbor has been scaled back and the house will be more architecturally interesting. For these reasons, Commissioner Freedman said she could make the findings to support the project.

Commissioner Bundy said he could support the variance and project, with which Vice-Chair Metcalfe was in agreement. Chair Chase said he would support the project, albeit he has reservations, but that they are not sufficient to reject the application. He noted that the house is on a street where other homes have non-conforming front setbacks and that he might have a different opinion if the house were on a busier street.

MOTION: Motioned by Commissioner Caldera, seconded by Commissioner Bundy, to approve Major Design Review PL-2016-0013 and Major Variance PL-2016-0015 for a major interior and exterior remodel including a 550 square foot addition to the second story and a 130 square foot addition to the entryway of the lower level of an existing single family home and the request for a 9 foot encroachment into the required 20 foot front setback, with a request that staff prepares a resolution stating as such with the findings set out in the staff report.

AYES: Metcalfe, Bundy, Chase, Freedman, Caldera

NOES: None

Assistant Planner Bush read the appeal rights.

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Metcalfe, and unanimously approved to adjourn the meeting when the time reached 11 p.m.

6. BUSINESS ITEMS

A. CONSIDERATION OF REVISIONS TO THE 2015 PLANNING COMMISSION RULES AND PROCEDURES (Planning Director Wolff)

Commissioner Metcalfe explained why she would not recommend modifying the start time of the Planning Commission meetings to 7 p.m. under Item 3.2.3. Planning Director Wolff noted that the Town Council will review the modifications made to the rules.

MOTION: Motioned by Commissioner Bundy, seconded by Vice-Chair Metcalfe, to recommend that the Town Council approve the revisions to the 2015 Commission Rules and Procedures:

AYES: Metcalfe, Bundy, Chase, Freedman, Caldera

NOES: None

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