

**FINAL MINUTES  
REGULAR PLANNING COMMISSION MEETING  
FEBRUARY 26, 2008  
CORTE MADERA TOWN HALL  
CORTE MADERA**

PRESENT: Chair Bruce K. Mace  
Commissioner Richard Esteb  
Commissioner Peter Schwartz

STAFF  
PRESENT: Bob Pendoley, Planning Director/Assistant Town Manager  
Larisa Roznowski, Associate Planner  
Joanne O'Hehir, Minute Recorder

ABSENT: Commissioner Peter Schwartz.

**1. OPENING**

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call

**2. PUBLIC COMMENT**                      None.

**3. CONSENT CALENDAR**                  None.

**4. CONTINUED HEARINGS**

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

Planning Director Pendoley explained that a lack of quorum existed because the Chair would need to recuse himself because he lives within 500 sq ft of the property. He suggested that the project be continued to the next meeting.

In response to Jimmy Wanninger, applicant, Mr. Pendoley said that State Law dictates that the Chair must recuse himself.

MOTION: Moved by Schwartz, second Esteb, and unanimously passed to continue the project to the meeting of March 11, 2008.

**B. 6 MEADOW RIDGE DRIVE, DESIGN REVIEW APPLICATION NO. 07-047 and VARIANCE APPLICATION NO. 07-019, MOHAMMAD AND AZADEH BENHAM (OWNERS), MAUREEN JOCHUM (DESIGNER) – To construct 714 sq. ft. in additions to a single-family residence. (Zoning: R-1-A Low Density Residential District) (Planner: Larisa Roznowski)**

Planning Director Pendoley introduced John Abaci, Assistant Town Attorney, who would be acting in an advisory capacity to the Commissioners.

Planner Roznowski introduced the staff report, for which she used a slide presentation. Ms. Roznowski discussed the project, noting the variances requested, lot coverage and setbacks. She said that it was generally agreed at the last meeting that the upper level height of the addition needed to be reduced, and that the applicants have reduced the plate height to achieve a 9" reduction.

Ms. Roznowski explained that the applicants explored other options, but the proposed change was the most amenable to their needs. She noted that the variance findings for the reduced height would remain the same as those for the original design, and that staff recommends the attached resolution be approved if the Commissioners believe that the changes are adequate. However, Ms. Roznowski noted that other options include the approval of the project with additional conditions of approval, or denying the project, in addition to approving the original application presented at the meeting of January 22, 2008.

In response to Commissioner Esteb, Mr. Abaci confirmed that the application was deemed complete by staff in December prior to the effective date of the FAR ordinance.

Commissioner Schwartz and Ms. Roznowski discussed the location from which photographs of the addition were taken from the Gray's property.

Chair Mace and Ms. Roznowski discussed the revised sheets that were submitted on January 9, 2008. Ms. Roznowski confirmed that minor revisions were made, which were not at staff's request but were related to minor technical edits made by the architect.

Maureen Jochum, project architect, said that minor discrepancies were found in the plans, which were then revised and presented on January 9, 2008, and that no significant changes were made.

Ms. Jochum discussed the reduction in height and massing.

She discussed other options that were considered to reduce the impact, but the applicants believed this would result in design impacts, such as a bedroom being too small if the addition were made narrower and lower. Furthermore, installing two steps would cause hardship to an elderly resident of the dwelling. She said that the only viable location for bedroom addition is over the garage.

Ms. Jochum noted that all the typically recommended guidelines for designing second stories had been used, and the option they have chosen provides the best architectural design for the neighborhood.

Azadeh Benham, applicant, used a slide presentation to show that the homes in the area are sited parallel to one another with views of open space from the back of the properties and of neighboring properties at the sides. She does not believe significant views will be affected by their addition; that the Home Owners Association has approved their plans. The Benhams are requesting a fourth bedroom, which many houses enjoy in the neighborhood.

Elizabeth Brackus, attorney representing the Grays of 8 Meadow Ridge Drive, said that they had two main objections: that the Benham's did not obtain approval for this redesign from the Architectural Review Committee, and that a 9" reduction in height does not translate to an improvement.

Ms. Brackus said that the Gray's sole view of the Bay and Larkspur Hills would be lost, and the Benhams could build a similar addition to her clients, which would provide ample space. Ms. Brackus referred to the Town's ordinances, and suggested that the applicants could extend their property at the back. She also discussed the Code with regard to sunlight and view preservation that the Commissioners should consider. She said that the loss of this view, which is enjoyed from many aspects of the room, is significant. Ms. Brackus believes that the light to the first and second floors of her clients' home will be affected. They request that the project is denied or a proposal for a more modest addition be requested.

Joel Josehart, 107 Corte Madera Avenue, speaking on behalf of the applicants, said that he has reviewed the project, which he believes is well executed and contextual. If the addition were built, it would appear as if there had been no addition, and he believes this design is optimum. Furthermore, a primary view is not being blocked, and it appears that the problems concern neighborly conflicts rather than design. Mr. Josehart said that this is a good project, which he hopes is approved.

In response to Commissioner Schwartz, Mr. Abachi said that the Commissioners must determine if findings exist to support design review and variances, irrespective of the CC&Rs and Homeowners Association. He said that their process is entirely separate.

Commissioner Esteb said that the applicants were requested at the last meeting to lower the height of the addition, which has been accomplished. He believes that the current design is better than the alternative options presented, and that he is leaning towards the idea that the view is not as significant as he had previously thought. The drop in height will make little difference, but the applicants were requested to explore options to reduce the height and he believes they have done a good job.

Commissioner Schwartz said that the view from the street is typically improved by stepping back the corners, and he discussed the design with Ms. Jochum. He noted that it is not unusual for properties in the neighborhood to encroach the front setback, and his original thoughts on the matter have changed. Commissioner Schwartz does not believe the side view carries as much weight as the predominant views at the back of the properties.

Chair Mace noted that the view affected is not from a primary use area, such as a living room, bedroom or kitchen and that the intent of the design of many homes in the area is to orient the views towards the meadows. However, the feelings of loss of view should be mitigated and having studied the plans, he believes the height could be reduced further, and he noted that the addition need not necessarily be centered over the garage and could be moved away from the neighbor. Furthermore, the plate heights are still significant.

General discussion amongst the Commissioners took place regarding the design. Commissioner Esteb said that the redesigned lower front gable will provide the appearance of there being less mass from the street.

MOTION: Moved by Esteb, second Schwartz, and passed with Mace against, to approve Design Review Application No. 07-047, to construction 714 sq. ft. in additions to a single-family residence.

**5. NEW HEARINGS** None.

**6. ROUTINE AND OTHER MATTERS**

**A. GENERAL PLAN WORKSHOP #5**

Planning Director Pendoley introduced the General Plan Workshop #5, which concerns flood plan management and other safety hazards. These chapters meet the

requirements for Safety Elements in the Government Code, and they focus on improving management of hazards, rather than implementing more standards.

Mr. Pendoley addressed the three flood plain management goals, which include updating the Storm Drain Master Plan, for which there will be Council hearings. The Chapter also takes into account sea level rise, and ensures that flood management is included in the CIP budget. Mr. Pendoley also briefly addressed FEMA maps and the Flood Control Board.

Mr. Pendoley continued with discussion of the second goal (for which the standard will be the 100 year flood plain), which would be to reduce flood-related hazards. This would include the requirement to raise dwellings in the flood plain if the value of the project exceeds 50% of the dwelling's value. There will also be innovative techniques for drainage control, including natural drainage retention, and the principal focus of flood management will be on the San Clemente Creek.

Mr. Pendoley noted that the third goal is community awareness, for which there will be guidance manual.

Mr. Pendoley went on to explain Chapter 8 of the Draft Plan. He also introduced Fire Chief Bob Fox, who was present to address fire hazard issues. Mr. Pendoley discussed the first of the three goals, which is the reduction of fire hazards. This would include fire safety construction practices, such as continued emphasis on landscape management and vegetation abatement, and private property safety management, which includes fire sprinklers and the use of smoke detectors.

The second goal is emergency response capability. Mr. Pendoley noted that the Town has a high response capability that will be continued under the General Plan. This includes the continuation of the CERT program and also working with MERA on a countywide radio system.

Mr. Pendoley addressed the third goal, which addresses issues that were not included in the last General Plan, such as recognizing hillside paths as means of escape, and improved emergency vehicle access.

Mr. Pendoley noted that there will be a noise element in the General Plan, which includes Highway 101 and the avoidance of sound walls as mitigation methods.

Mr. Pendoley discussed geologic hazards, noting that the statement on policy has been improved and that a policy will be created that could deny development on slide-prone properties that cannot be mitigated. The Plan recommends that geotechnical measures are added to design guidelines.

Chief Fox noted that the Fire Code is enforced throughout town; that chipper days are held, and an ongoing plan exists to clear ridges when funds are available. County crews clear the worst areas in winter, and the Town works with PG&E to remove prolific trees. If the Wildland Urban Interface Code (WUI) is adopted, more prolific trees can be removed.

Commissioner Schwartz and Chief Fox discussed emergency vehicle access on Christmas Tree Hill, and State assistance in times of emergency. Chief Fox said that the State is investing in fire equipment and that mutual aid is available between counties. He noted that Corte Madera may adopt the WUI code, or a similar Code, which he discussed further. Chief Fox said that staff will recommend to the Town Council that the same high fire area map be used for both the Building Code and WUI Code.

David Kunhardt, Christmas Tree Hill Dweller, said he would encourage the Town to adopt the Code, and be bolder in encouraging residents to remove trees. He referred to a particularly hazardous tree and noted that many places are overgrown on Redwood Avenue and Morningside Drive.

Michael Lappert, Mayor, and Chief Fox discussed the new Code, which would require homeowners to remove certain trees as a condition of approval for a substantial remodel.

In response to Commissioner Schwartz, Mr. Pendoley said that the Town is acting on violations relating to overgrown branches and sidewalks which are tripping hazards.

Bob Bundy, 89 Golden Hind Passage, said that an evacuation plan is more important should fires occur that are similar to those that occurred in Oakland in 1989.

David Kunhardt suggested that Get Ready 94925 should be more widely advertised to spread the message of self-sufficiency.

Chief Fox discussed shelters. He noted that public schools must be responsible for students by State Law, and must not rely on Town facilities.

Discussions turned towards noise, when Commissioner Schwartz suggested that the use of electric vehicles should be encouraged by Ordinance, and Bob Bundy suggested that Highway 101 be paved by Caltrans in a noise-resistant material. Mr. Lappert drew attention to a TAM meeting that is to be held on March 8, 2008.

Planning Director Pendoley said that the final version of the Environmental Impact Report is awaited and that public meetings will be held once it has been reviewed by staff.

Bob Bundy and Mr. Pendoley discussed FEMA's flood control rules. Mr. Pendoley said that it is possible to raise a house without exceeding height limits.

Mr. Pendoley and Chair Mace discussed permeable materials and drainage. Mr. Pendoley noted that ABAG and BCDC are sponsoring a conference on sea level rise on April 20, 2008.

In response to Mr. Kunhardt, Mr. Pendoley said that climate change and sea level rise are addressed in the Environmental Impact Report.

Commissioner Schwartz and Harry Schriebman, 1 Cay Passage, discussed liquefaction.

## **B. REPORTS AND ANNOUNCEMENTS**

### **i. Commissioners**

Planning Director Pendoley discussed the mechanical equipment on top of P.F. Changs. A mechanical engineer has determined that a drop of 3 feet could be achieved, which staff believes is a reasonable solution.

Chair Mace said that he recalls the Planning Commission did not agree to internally lit signs at Chevron.

Chair Mace and Mr. Pendoley discussed Robert's Rule.

### **ii. Director**

Planning Director Pendoley confirmed attendance at Town Council Meetings.

## **C. MINUTES**

### **i. Planning Commission minutes of February 12, 2008**

The minutes of February 12, 2008 were moved, seconded and approved.

## **7. ADJOURNMENT**

The meeting was adjourned at 9.50pm.