

**FINAL MINUTES
REGULAR PLANNING COMMISSION MEETING
JANUARY 22, 2008
CORTE MADERA TOWN HALL
CORTE MADERA**

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

STAFF

PRESENT: Robert Pendoley, Planning Director/Assistant Town Manager
Dan Bell, Senior Planner
Larisa Roznowski, Associate Planner
Joanne O'Hehir, Minute Recorder

1. OPENING

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

All Commissioners were present with the exception of Commissioner Pagnillo.

2. PUBLIC COMMENT None.

3. CONSENT CALENDAR None.

4. CONTINUED HEARINGS None.

5. NEW HEARINGS

- A. CASA BUENA DRIVE AT MEADOWSWEET DRIVE (APN 033-031-65), TENTATIVE PARCEL MAP APPLICATION NO. 03-001 and ENVIRONMENTAL ASSESSMENT NO. 03-001, RILEY TRUST (OWNER).**

To allow a three-parcel residential subdivision of an existing vacant parcel. (Zoning: R-1-A Low-Density Residential District) (Planner: Dan Bell)

Senior Planner Dan Bell introduced the staff report for which he used a slide presentation. He noted that the proposed 3-lot subdivision conforms to the General Plan and Zoning Ordinance, in addition to the Housing Element. All three lots exceed the minimum lot size of 20,000 sq. ft., and discussions tonight will focus on the tentative parcel map application and environmental assessment application, not the specific design or construction of future single-family dwellings for the sites.

Mr. Bell said that an Initial Study, undertaken by Consultant Amy Skewes-Cox, whom he introduced, found that the Tentative Parcel Map would not have a significant adverse impact on the environment. Thus, an Environmental Impact Report was not deemed necessary, and staff recommends that the Mitigated Negative Declaration be adopted.

Mr. Bell discussed the configuration of the lots, and he addressed utilities and access rights of the properties in relation to the private streets. An ad-hoc agreement exists amongst neighboring properties with regard to road maintenance for Meadow Valley Road, Pepperwood Lane, and Fawn Lane. He noted that the Town cannot mandate participation and does not have the authority to insist on a binding private roadway maintenance agreement as part of this subdivision.

Mr. Bell continued with discussions on the easements, and he noted that a new water line extension would be needed to serve Lot 1, in addition to a fire hydrant. MMWD (Marin Municipal Water District) stated that water lines would be extended from Casa Buena Drive. He also used slides to show how the views of the neighbor at 3 Pepperwood Lane could be affected by potential development of a single-family residence.

In conclusion, this project meets the objectives of the Town's General Plan and Zoning Ordinance, and staff recommends adoption of the Tentative Parcel Map, in addition to the shared driveway between Lots 2 and 3. However, discussion should take place if it is felt that the building envelope for Lot 1 should be moved at this stage, rather than at the time of Design Review. Staff further recommends the adoption of the Mitigated Negative Declaration, in addition to approval of the three-lot Tentative Parcel Map.

Commissioner Schwartz and staff discussed the enforcement of mitigation measures, the shared driveway for Lots 2 and 3, and story poles. Commissioner Esteb expressed concern that the house could be exposed if trees should be removed or died. Ms. Skewes-Cox acknowledged that this was a possibility but that the problem did not concern tonight's discussions.

In response to Commissioner Mace, Planning Director Pendoley noted that the repositioning of the building envelope for Lot 1 could be specified as part of the Tentative Parcel Map. Mr. Pendoley discussed Chair Mace's concerns regarding the shared driveway.

Marty Zwick, project architect, said that they believe they have established the best locations for the building envelopes, on the flattest parts of the site away from the highway. Furthermore, the dwellings should be sufficiently set back that the houses would not be highly visible if the trees were no longer in existence. Mr. Zwick discussed access to the properties, and the story poles.

Mr. Monemzadah, 75 Meadow Valley Road, said that the road and drainage conditions are not adequate for Lot 1. If a new driveway is built, the owners should be required to upgrade the access road.

Mary Steil, 4 Pepperwood Lane, is concerned that the drainage conditions are not adequate and that flooding would result. She would also like to be assured that the road will be overlaid when the housing projects have been completed.

Robert Holtz, 8 Pepperwood, is concerned that the Town is unable to influence road agreements and believes that new owners should need to enter into a maintenance agreement, unless the Town takes over maintenance. Mr. Holtz is further concerned that there are no details of construction staging and excavation that will impact the road.

Ron Martyn, 9 Fawn Lane, believes that the new hydrant will not be located in the best place to serve the greater neighborhood.

Bobbie Kibler, 3 Pepperwood, is concerned that the new dwelling on Lot 1 will affect her views, and she would like agreement to be reached, tonight, on moving the building envelope. She is further concerned about the sewer line and drainage. Ms. Kibler believes that construction should occur during the non-nesting season, and that construction hours should be limited.

The occupant of 1123 Meadowsweet is concerned about soil erosion and traffic, and said that the road is too narrow and that traffic will increase with the new development. Furthermore, view impacts and construction impacts concern her, and she wishes to know which trees are slated for removal.

Mardo Sarkissian, 1091 Meadowsweet Drive, is in agreement with the previous speaker. The traffic will increase and he is concerned that the shared driveway will encourage people to park on the street. He further believes that more trees are necessary, not fewer.

Mr. Zwick is in agreement with Ms. Kibler and noted that her views could be blocked if a line of trees were planted along the side property line as a mitigation.

In response to Commissioner Schwartz, Planning Director Pendoley said that the easements are private contracts that run with the land and to which the new developments will be party. There are circumstances in which the Government could impose conditions, but in this instance the Town has no right to insist on a maintenance contract.

In further response to Commissioner Schwartz, Mr. Pendoley said that conditions to improve the roads and drainage could be imposed, but the Town is unable to insist that the developer corrects drainage problems on other lots. Furthermore, there will be a

standard condition of approval at time of Design Review that the road must be fixed if it is damaged by construction vehicles.

Mr. Pendoley said that the Fire Department agrees with Mr. Martyn that the fire hydrant could be better located, and he suggested that the neighbors contact the Fire Department should they wish for additional hydrants to be installed. The developer is only responsible for serving the subject property.

In response to Commissioner Schwartz, Mr. Pendoley said that a geological report will be produced at the design review stage to ascertain soil conditions and that drainage and sewer issues will also be addressed at that time.

Commissioner Schwartz and staff discussed language to ensure views from Ms. Kibler's property are not hindered, and it was noted that the placement of trees will be discussed at design review.

In response to Commissioner Esteb, Mr. Pendoley said that a road maintenance agreement does not exist but that a utility and access easement exists along Meadow Valley and Pepperwood to which Lot 1 is party to.

In further response to Commissioner Esteb, Mr. Zwick said that a sewer line does not exist at present and that its location can be determined at a later stage.

Planner Bell confirmed that restrictions on construction during nesting season can be applied, which is discussed in the Environmental Initial Study and Mitigated Negative Declaration Report.

General discussion amongst Commissioners commenced regarding the shared driveway on Meadowsweet and the possibility of widening the street to provide additional on-street parking. Staff and Commissioners also discussed the building envelopes, and Commissioner Esteb believes that the setback on the west side of Lot 1 should be increased to aid Ms. Kibler. After further discussion with Mr. Zwick, it was agreed that the building envelope for Lot 1 would be increased an additional 10' and the driveway would remain in its current location.

In response to a member of the audience, Mr. Pendoley discussed residents' rights to use easements.

MOTION: Moved by Schwartz, second Esteb, and unanimously passed to direct staff to prepare the Final Resolution for Tentative Parcel Map Application No. 03-001 and Environmental Assessment No. 03-001 to allow a three-parcel residential sub-division, for the next meeting, with the attached conditions:
A) That a shared driveway be retained for Lots 2 and 3;

- B) The building envelope on Lot 1 be moved to establish an additional 10' setback at the west side of the property;
- C) That the Meadowsweet Drive roadway be widened to provide a parallel parking space;
- D) That the intent of the removal or planting of trees be in the interests of the views from 3 Pepperwood Lane;

B. 6 MEADOW RIDGE DRIVE, DESIGN REVIEW APPLICATION NO. 07-047, MOHAMMAD AND AZADEH BEHNAM (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)

Associate Planner Larisa Roznowski introduced the staff report, for which she used a slide presentation. She noted that variances are requested because the maximum allowed lot coverage and the front and rear setbacks are being exceeded. Ms. Roznowski explained that the addition's massing has been reduced by stepping back the addition and designing a ridgeline that is lower than the existing house. Furthermore, the design is compatible with the neighborhood due to an articulated façade. Staff believes that the project will not significantly affect the views, sunlight or privacy of the neighboring properties because the addition is adequately set back, and existing fencing vegetation screens much of the addition from the neighbor to the north. However, she addressed a concern of a view impact to the neighboring property at 8 Meadow Ridge from an upstairs side window, and concluded that the project would not significantly and adversely affect this neighbor's views, sunlight, or privacy.

Ms. Roznowski discussed the variances for lot coverage, noting that other homes in the R-1-A neighborhood exceed lot coverage, and thus the granting of the variances should not be deemed a special privilege. Also, the proposed floor area ratio (FAR) is not the highest in the neighborhood, and a FAR variance is not required because the project was deemed complete before the FAR ordinance went into effect.

Staff concludes that the project is an attractive addition to the neighborhood; is adequately sited away from neighboring properties, and it does not cast a shadow on other properties. Furthermore, the proposed lot coverage and setback variances are consistent with other homes in the area and staff recommends approval.

Commissioner Mace and staff discussed a past project at the neighboring property at 6 Meadow Ridge.

Maureen Jochum, Project Architect, discussed the design of the new addition and the reasons it is compatible with the neighborhood. The main objective is to add a bathroom and bedroom, and they have tried to design a sensible addition, which has the approval of the Architectural Review Committee.

Mike Benham, applicant, described in more detail why their design is compatible with the neighborhood, and he noted that their back yard is not useable.

Azadeh Benham, applicant, said that they have one of the few 3-bedroom houses in the area and that they wish to add another bedroom and bathroom and improve the function of their home on the main level. They feel they have addressed the objections of their neighbor at 6 Meadow Ridge.

Stan Gray, 6 Meadow Ridge, said that they will feel the impact from their home; that their light and view of the Bay from the window of their upstairs multi-use room will be affected. He used a slide presentation to show how much of their view will be blocked, and said that they did all in their power to mitigate the concerns of their neighbors when they built their addition. Mr. Gray expressed further concern regarding the Architectural Review Committee's procedures.

Mike Gallow, 49 Madera Del Presidio, a former Board Member of the Homeowner's Association, discussed the role of the Association's Board of Directors meeting and said that procedures might not have been followed in this instance, and that he requests a delay in making a decision on this project.

Mike Behnam provided a letter from the management office of the Board of Directors of the Home Owner's Association, and explained how his neighbors' views might not be as impacted as they maintain. He noted that the main views from their home will not be impacted.

Joshua Green, 2 Meadow Ridge, former Board Member, described the process, and he said that the project was posted in the correct manner.

Tim Harrington, 7 Meadow Ridge, former Board Member, said that the addition is tasteful and appropriate for the neighborhood. He believes that the process has been followed, noting that the Board approved the project on appeal.

Chair Mace and Commissioner Esteb announced that they had had a professional relationship with Mr. Gray in the past involving either purchasing his service of preparing surveys in the past or referring clients to him.

In response to Commissioner Schwartz, Planning Director Pendoley explained that the Town is not party to the process of the Homeowners Association or Architectural Review Committee. Applicants are advised to have the Homeowners Association approve their projects first before the Town makes a decision at Zoning Administration or Planning Commission level. However, the Town must proceed without a recommendation from the Homeowners Association if the applicant chooses to move forward without the Association's input.

Chair Mace said that it was necessary to focus entirely on design review, and Commissioner Esteb said that the addition is well-scaled and in proportion to the neighborhood. Commissioner Esteb supports the variances, but has issues with the blocking of the neighbor's sky view.

Commissioner Schwartz noted that any kind of addition in the proposed location will cause some kind of view blockage.

Chair Mace said he had visited both sites, and noted that the applicants have few places on which to add a bedroom and bathroom. He believes the addition looks too large from the front with little articulation.

Commissioner Schwartz noted that the massing is not dissimilar to other homes in the area, and Planning Director Pendoley said that the story poles do not show the stepping back at the front corners of the upper level addition.

Commissioner Esteb said that the main issue was the view, and following discussion amongst Commissioners, it was generally agreed that the height of the addition needed to be reduced.

MOTION: Moved by Schwartz, second Esteb, and unanimously passed, to continue Design Review Application No. 07-047, to construct 714 sq. ft. in additions to a single-family residence to the meeting in 30 days time.

6. ROUTINE AND OTHER MATTERS

A. NONE

B. REPORTS AND ANNOUNCEMENTS

i. Commissioners

Chair Mace said that the Council meeting he had attended was very short.

Discussion amongst staff and Commissioners took place regarding site visits.

In response to Commissioner Schwartz, Planning Director Pendoley said he would prepare a report on exterior lighting at Town Center.

ii. Director

Planning Director Pendoley said that staff did not like a proposal put forward for the screening of mechanical equipment above P.F. Changs, and that a meeting will be arranged with representatives from the chain and their architects.

Mr. Pendoley confirmed meeting attendance.

C. MINUTES

i. Planning Commission minutes of January 8, 2008

MOTION: Moved by Schwartz, second Esteb and unanimously passed to approve the minutes of January 8, 2008.

MOTION: Moved by Esteb, second Schwartz, and unanimously approved to adjourn the meeting at 11pm.