

**MINUTES
REGULAR PLANNING COMMISSION MEETING
FEBRUARY 12, 2019
CORTE MADERA TOWN HALL
CORTE MADERA**

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

STAFF PRESENT: Adam Wolff, Planning Director
Phil Boyle, 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

2. PUBLIC COMMENT - None

3. PRESENTATIONS

A. OVERVIEW OF CLIMATE ADAPTATION PLAN – Presentation provided by Peter Brown, Public Works Director

Planning Director Wolff discussed an error in the title, which he corrected, and he introduced Public Works Director Peter Brown, who presented an overview of the Climate Adaptation Plan.

Mr. Brown discussed the Main purpose of the Climate Adaptation Plan (CAP), which is to enable the Town to become a resilient community.

Mr. Brown introduced Leslie Regan, whom he said has been contracted by the Town as a project manager for the plan.

Ms. Regan introduced the consultants and she discussed the document they would be drafting, which she said should provide the Town with a plan to become more resilient and climate-ready. She noted that there is a requirement to study and evaluate the Town's current goals, address mitigation measures and to manage the risk of climate

change. Ms. Regan said they would be seeking feedback from the commissioners, Town Council Members and the public, in addition to relying on scientific analysis, that should result in recommendations for capital improvement projects and strategies that could be implemented for the next 30 years or more.

Mr. Brown noted that the Town has matched a grant from Caltrans to produce the CAP, which he said should be reviewed and updated every 5 years. He discussed the issues that will be included in the document, including sea level rise, flooding and wild fire, and noted that cost estimates are such that the Town, Caltrans and the shopping centers, for example, might be asked to collaborate to protect Hwy 101 from flooding, for example.

Mr. Brown acknowledged that sea level rise and flooding would be the Town's greatest impacts, noting that sea level rise projections have increased. He noted that it is possible residential neighborhoods could be lost at some point in the future, which he discussed in relation to different adaptation strategies that could be employed.

Mr. Brown clarified the meaning of a 10-foot sea level rise and confirmed his opinion that the Town will be impacted if there is a rise of 5 feet or 6 feet in response to Chair Chase.

Ms. Regan discussed the timeline for public workshops and the formation of a Resiliency Climate Advisory Committee.

Commissioner Bundy discussed a flood protection study that the Town commissioned in 1995 that he thought Ms. Regan would find useful.

Commissioner Bandel and Mr. Brown discussed the projected impacts of sea level rise, and Mr. Brown noted that 1/3 of residential zones are in the flood zone. He said that tides have been higher than anticipated.

Commissioner Bundy commented on the flood prevention work the Town has implemented over an approximately 30-year period, and Mr. Wolff discussed the importance of prioritizing further projects. Mr. Brown stated that the Planning Commission would review the draft plan at a public hearing.

Commissioner Bandel and Ms. Regan discussed potential significant changes that might be necessary, such as the way homes are built.

Chair Chase opened the public comment period.

Jan Keizer, 172 Prince Royal Drive, asked how the Town measured prospective increases in water level. In response, Mr. Brown stated that the Bay Conservation and Development Commission (BCDC) provided the data the Town has used for analysis.

Chair Chase closed the public comment period.

4. **CONSENT CALENDAR** – None

4. **CONTINUED HEARINGS** – None

6. NEW HEARINGS

A. 159 PRINCE ROYAL DRIVE - 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. (Planning Director Adam Wolff)

Commissioner Bandel recused herself because she lives within 500 feet of 158 Prince Royal Drive and Planning Director Wolff presented the staff report.

Mr. Wolff provided an overview of the evening's discussions. He said the Planning Commission must ascertain if the applicants have met the conditions of approval in the final document approved by the Town Council that denied an appeal to the design review application in 2017. Mr. Wolff also explained that a Town-approved arborist needed to approve a final landscape plan for the Planning Commissioners to review and confirm that the findings were met.

Mr. Wolff provided background information on the design review and appeal processes. He noted that the applicant subsequently applied for and received ministerial approval for an accessory dwelling unit.

Mr. Wolff discussed the landscape plan that was submitted by the applicants in November 2018 that proposed the removal of the majority of trees. He said the Town-hired arborist suggested significant modifications to the plan, and that the final draft has been included in the commissioners' packets.

Mr. Wolff explained that it is the commissioners' task to review the landscape plan and ascertain if the findings in the resolution by the Town Council have been met. He discussed staff's recommendation that the commissioners should be concerned only with the conditions of approval that are relevant to the landscaping.

Mr. Wolff stated that a draft resolution has been included in the documents if the commissioners felt able to confirm the findings of approval could be met.

Vice-Chair Metcalfe and Mr. Wolff discussed conditions of approval that relate to the permits for the main house and accessory dwelling unit. Mr. Wolff confirmed the applications are separate and would be reviewed by staff to ensure compliance with the approved sets of plans. He also confirmed that the landscaping plan relating to the ADU was approved at the ministerial level.

Vice-Chair Metcalfe and Mr. Wolff discussed enforcement of the conditions of approval for the landscape plans. Mr. Wolff said there is a required vegetative management plan, in addition to the need for the property owner to provide a report after 10 years, which he discussed.

Kent Julin, Consultant Arborist, discussed the proposed landscape plan. Mr. Julin stated that it seemed reasonable to remove 24 flammable Monterey pine trees in various states of decline, and plant new trees further down the hill away from the dwellings. He discussed the variety of trees proposed, including olive trees, and stated that there was insufficient space to support the usual recommendation of a 1:1 replacement.

Mr. Julin discussed trees that could reach a potential height of 40 feet, but that he felt the site was insufficiently fertile to ensure sufficient growth to obstruct neighbors' views. He also discussed current trees that would need to be pruned, and the vegetative management plan, which he noted would not provide screening.

In response to Chair Chase, Mr. Wolff confirmed gray water system requirements would not be triggered by the main house remodel.

Mr. Julin addressed Commissioner Lee's concerns about soil instability in relation to the removal of many Monterey pine trees. He said there is no sign of instability and that sufficient ground cover is proposed.

In response to Commissioner Bundy, Mr. Julin said he was not responsible for the decision to remove trees that Commissioner Bundy thought appeared to be healthy. Mr. Julin confirmed that he had not been required to evaluate the cypress trees near a retaining wall, noting that the uphill neighbor favors the trees for their screening properties. Mr. Wolff stated that the conditions of approval require a consultation by the arborist to review the landscaping in the future and that they could make further recommendations for pruning or replacement.

In response to Chair Chase, Mr. Julin said he had not received a soils report, and Mr. Wolff said a geotechnical report existed for the borings on the lower portion of the property. Mr. Wolff noted that structural plans have not been submitted at this stage.

In response to Commissioner Lee, Mr. Julin confirmed that tree roots extend beyond the drip line.

Chair Chase and Mr. Julin discussed flammability of tree species, and Mr. Julin confirmed that grass seed could be planted for slope stabilization. Mr. Wolff confirmed an erosion control plan would be part of the permit application.

Chair Chase opened the public comment period.

Margaret Bandel, 180 Prince Royal Drive, discussed her concern that the number of trees that will be required would be much fewer than stipulated in the conditions of

approval and that the purpose of the trees would be to screen the addition. Ms. Bandel also discussed her concern that the applications were being considered separately. She said all the construction proposals and landscaping plans should be considered under a single application to ascertain the impact of the entire development on the neighborhood.

Phyllis Galanis, 215 Prince Royal Drive, discussed her concerns with hillside instability and the possibility of the roots of Podocarpus invading neighboring properties and affecting retaining walls. Ms. Galanis also discussed her agreement that the various projects should be considered under a single application, and that she does not believe there is sufficient information for a determination to be made. Furthermore, Ms. Galanis stated that soil instability is unknown given the absence of a soils report.

Tamila Faridgoo, 163 Prince Royal Drive, said the removal of the cypress trees between her property and the applicant's property would result in her yard sinking. Ms. Faridgoo suggested the trees should be trimmed, and she discussed her concern that two new trees would block her view.

Jan Keizer, 172 Prince Royal Drive, discussed the requirement for a sprinkler system for the ADU and the possible need for a different water meter.

Kim Baez, 233 Prince Royal Drive, discussed parking problems in relation to ADUs and the need for retaining walls on some properties. Mr. Baez noted that the technology for retaining walls has improved.

Joel Hernandez, property owner, discussed the importance of his property being stable, and he confirmed that the number of new trees proposed were reduced on the recommendation of the Fire Marshal and Mr. Julin.

In response to Vice-Chair Metcalfe, Mr. Hernandez stated that they intend building the ADU before starting work on the main house. Vice-Chair Metcalfe discussed a preference for a soils report to be made part of the conditions of approval.

In response to Commissioner Bundy, Mr. Hernandez said he did not recall a specific conversation with his landscape architect wherein a decision was made to remove fully developed trees, besides the pine trees.

Chair Chase suggested Gracilius would provide better screening on the west side of the property for the neighbor. In response, Mr. Hernandez said the location for the Gracilius was chosen to screen the mass of their house from the lower part of Constitution Drive.

In response to Chair Chase, Mr. Hernandez confirmed they would irrigate the landscape as needed and that drought-tolerant plants have been chosen.

Chair Chase expressed disappointment that a fully developed plan, with a soils report and structural plans, was not submitted with the application. Chair Chase said that the

effects of the retaining walls on the landscape plan remained unknown, which he discussed in relation to the conditions of approval. He also expressed dissatisfaction with the absence of the applicant's landscape architect and the inability to discuss installation of the landscaping on a slope and stabilization.

Chair Chase closed the public comment period.

In response to Commissioner Bundy, Mr. Wolff discussed a an easement that is dedicated to the Town on Constitution Drive that would effect access to ADUs on other lots, but not at 159 Prince Royal Drive. Commissioner Bundy said he believed the landscaping would eventually mature and be acceptable.

Commissioner Lee discussed other ways of screening a dwelling besides landscaping. He also discussed the difficulties he would have in supporting the findings relating to unsightly grading of the hillside and adequate buffering for the retaining walls, noting that inadequate information about the retaining walls, and how they might be screened, has been provided.

In response, Mr. Wolff noted that Commissioner Lee's question relating to the trees is valid because it relates to the landscape plan that is entirely new. He discussed the need to understand the changes that have occurred relating only to landscaping since the Town Council and Planning Commission approved the resolutions.

Vice-Chair Metcalfe discussed her concern relating to the grading and retaining walls, which she said could affect the landscape plan that the commissioners are being asked to evaluate. Vice-Chair Metcalfe also discussed the need for a soils report.

Chair Chase discussed the need for site sections showing the final grade, a gray water system and information on how the retaining walls would be screened, such as ficus.

Mr. Wolff and the commissioners discussed the findings relating to screening. Mr. Wolff said that the findings attempted to achieve the desired landscape plan, but that it should be acknowledged it might not have been possible based on the arborist's report.

Chair Chase discussed the actions the commissioners could take and stated his preference for a continuance with a request to the applicant to revise the plans. Commissioner Bundy discussed the reasons he could support the landscape plan as submitted and acknowledged that engineering work would be needed to implement the landscape plan, which he said would be handled at the Building Permit stage.

Chair Chase stated that the landscape plan is inadequate, and Commissioner Lee said that he has heard some of the commissioners, councilmembers and the public voice safety concerns about the site.

Chair Chase noted that the sidewalk was unclear on the plans, which he discussed with Mr. Wolff. He also discussed information he would request from the applicants, with which Commissioner Lee and Vice-Chair Metcalfe were in agreement.

Chair Chase provided staff with a draft revised plan showing what the commissioners requested.

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Lee to continue the hearing on the 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, with the following revisions:

1. Three site sections as demonstrated on the plan submitted to staff: One north-south, two east-west;
2. A fully developed landscaping plan from the retaining walls to the sidewalk;
3. A description of all the understory and surface plants between the plantings shown on the plan;
4. Details of tree planting and two additional trees, one on the west side and one on the north side.

AYES: Metcalfe, Bundy Chase, Lee

NOES: None

RECUSED: Bandel

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

The commissioners reconvened at 10:00 p.m., including Commissioner Bandel. A decision was made to continue the remaining items to the next meeting.

7. BUSINESS ITEMS – None

8. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

i. Commissioners

ii. Planning Director

iii. Tentative Agenda Items for February 26, 2019 Planning Commission Meeting

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

