

**MINUTES
REGULAR PLANNING COMMISSION MEETING
FEBRUARY 26, 2019
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS PRESENT: Chair Peter Chase
Vice-Chair Phyllis Metcalfe
Commissioner Bob Bundy

COMMISSIONERS ABSENT: Commissioner Margaret Bandel
Commissioner Charles Lee

STAFF PRESENT: Adam Wolff, Planning Director
Judith Propp, Assistant Town Attorney
Milan Nevajda, Consultant
Christine Gaspar, Consultant

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 with the exception of Commissioners Bandel and Lee.

2. PUBLIC COMMENT - None

3. CONSENT CALENDAR – None

4. CONTINUED HEARINGS – None

5. NEW HEARINGS

A. THE RESIDENCES AT PRESERVE RESIDENTIAL SUBDIVISION AT ROBIN DRIVE, APN 038-011-21 – Public hearing to consider a recommendation to the Corte Madera Town Council regarding a Mitigated Negative Declaration (MND) prepared pursuant to the California Environmental Quality Act (CEQA) and applications for: 1) a Zoning Map Amendment to replace the Hillside Land Capacity Overlay Zoning district with a Planned Development Overlay Zoning district; 2) a Preliminary Plan and Precise Plan for the development of 16 single-family homes and 8 accessory dwelling units (ADUs); 3) A Tentative Subdivision Map to subdivide the property into 19 lots, including private open space and street; and 4) Design Review, including landscaping, tree removal, and site

improvements. (Planning Director Adam Wolff and Contract Planner Milan Nevajda)

Planning Director Wolff provided an overview of the evening's discussions. Mr. Wolff introduced Contract Planner Milan Nevajda, CEQA Consultant Christine Gaspar, Public Works Director Peter Brown, and Fire Marshall Ruben Martin, whom he said would address the commission on various aspects of the project.

Mr. Wolff discussed the documents that have been provided since the packet was completed, which he noted has been made available to the public and included additional public comments.

The commissioners confirmed individually that they had visited the site.

Mr. Wolff discussed the applicant's public outreach following the July 12, 2016 study session, which he said included meetings with public agencies that were involved with the project. Mr. Wolff confirmed that staff has also engaged with these agencies and that the project has been reviewed for completeness. In conclusion, Mr. Wolff discussed the four resolutions in the packet that he said the commissioners might consider and he confirmed that staff could support the proposed project.

Mr. Nevajda presented the staff report. He discussed the lower and upper portions of the lot and its position in relation to the neighborhood, noting the existence of open space to the north and west of the property. Mr. Nevajda discussed zoning, noting that the upper area is zoned R1C, a low-density residential designation, while the lower area is zoned R1, which he explained consisted primarily of single-family residences. He stated that the entire site has an overlay district, Hillside Land Capacity Overlay Zoning District (HLC), which applies to parcels with a slope of more than 10 percent.

Mr. Nevajda explained the implications of the property being identified in the Housing Element, including the need to add accessory dwelling units for at least 50 percent of the market rate units. He noted that the site is also identified as one of four high potential housing opportunity sites in the Housing Element, which he discussed in relation to the Town's Regional Housing Needs Allocation (RHNA).

Mr. Nevajda discussed the very high fire risk areas and the different habitat areas on the site, and the need to remove invasive species.

Mr. Nevajda noted that the proposed plan on the lower portion has not changed significantly since the study session, with the exception of the relocation of a single family home. He discussed comments made by the commissioners and members of the public that have been addressed, which included traffic impact mitigations and energy conservation features, such as gray water management, and view and environmental impacts of the single family home on the upper parcel. Mr. Nevajda discussed the request for a waiver of the owner-occupier requirements of the ADUs for reasons related to the development of rental properties.

In response to comments received after the study session, Mr. Nevajda explained that the single family home was moved to a lower parcel to eliminate impacts to the upper parcel area, while the cluster of homes was maintained on the lower portion to avoid sensitive habitats. He stated that the other dwellings were designed to interact with the sloped area.

Mr. Nevajda summarized the proposed project, which he said consisted of 16 developed single-family lots, 8 of which will have ADUs. He stated that 3 further lots will be recorded on the sub-division map as open space, which he noted would be a condition of approval. Mr. Nevajda discussed the parking proposal, and other conditions that included the provision of moderate income housing in relation to the ADUs. He also discussed the 3 types of design for the proposed dwellings, the proposed materials and design features. He noted that the dwellings and design would be configured so that the inhabitants could enjoy primary views, with window treatments to protect the privacy of property owners below. Mr. Nevajda also discussed two conditions relating to moving the dwellings on lots 6 and 7 closer to the road, and the provision of more articulation to the garage design on properties that have prominent garages.

Mr. Nevajda provided an overview of the landscaping design for the bottom portion, including 8 lampposts along the private road and the various planting areas, which he stated are discussed in the staff report. He then introduced Public Works Director Peter Brown to discuss the intersection at Robin Drive and Paradise Drive and improvements to Paradise Drive.

Mr. Brown addressed the need to improve the curb line and site distances at the interchange for Robin Drive and Paradise Drive and he discussed a future Compete Streets improvement project along Paradise Drive.

In response to Commissioner Bundy, Mr. Brown stated that the concept plan for Paradise Drive did not include flashing signage to warn drivers that they were approaching an area with schools, but that road narrowing and other improvements would slow traffic.

In response to Chair Chase, Mr. Brown discussed funding partners for the improvements. Mr. Wolff discussed the specific improvements that would benefit from a financial contribution from the applicant, which he noted would be required for CEQA mitigation purposes. He confirmed the improvements to that section would need to be undertaken before project completion.

Christine Gaspar discussed the CEQA document, and explained that mitigation measures reduced the environmental impacts to less than significant. Ms. Gaspar discussed the environmental protection actions, and noted that the most significant measures to reduce impacts concerned the biological aspects of the site, in addition to construction noise mitigation measures. She discussed modifications made to mitigations relating to the wetlands based on the comments received from members of

the public and agencies, including improved plant restoration. Ms. Gaspar confirmed that impacts to oak woodlands and the wetlands would be less than significant with the proposed mitigation measures.

Mr. Wolff discussed the decision to adopt a habitat replacement ratio that required a higher ratio than oak woodland habitat, and noted that an additional 1.04 acres of undisturbed landscaping would be developed as oak woodland habitat.

In response to Commissioner Bundy, Ms. Gaspar confirmed that sudden oak death affected some oak species, which would be removed, and that more resilient oak species, such as blue oak, would be replanted.

In response to Vice-Chair Metcalfe, Fire Marshal Martin Ruben discussed the need to balance the requirement for new landscaping and protect structures from fire risk. Mr. Ruben said that the Fire Department required a vegetative management plan; that he has recommended the removal of pyroglyphic species of tree, and that the applicant must provide 100 – 150 feet of defensible space around structures.

In response to Commissioner Bundy, Mr. Martin discussed the reasons why they consider roof sprinklers to be ineffective and he said the building code requires exterior wildfire protection.

Mr. Martin and Chair Chase discussed the defensible space area around the structures in relation to the Wildland-Urban Interface Code. Mr. Martin said they are not recommending removal of vegetation on the upper portion of the property because it is not considered to have an impact on buildings. Mr. Wolff noted that the invasive species, such as broom, would be removed on the upper parcel as part the CEQA process.

Mr. Martin noted that the vegetative management plan continues in perpetuity and that the Fire Department makes regular visits.

Chair Chase and Ms. Gaspar discussed the monitoring mitigation measure relating to a biological vegetation management plan requested by Audubon Society. They discussed the existence of star tulip on the lower parcel.

Mr. Wolff confirmed there is an area on the property that is defined as wetland, where the applicant has taken care not to locate buildings.

Mr. Nevadja discussed the 6 entitlements requested by the applicant, including changing the HLC Zoning district with a Planned Development Overlay Zoning district, which would allow the clustered development. He confirmed that additional density would not be increased, and he discussed the need for the Planned Development, which included allowing for adjustments to be made to the R1 zoning development standards to allow development of the site.

Mr. Nevadja discussed the modifications to the development standards, including the lot width at the front setback. He stated that the applicant has tried to minimize the amount of deviation from the development standards and that the height, FAR, lot coverage and lot size would remain within the zoning requirements.

Mr. Nevadja discussed the ADUs in relation to the requirements in the Housing Element, and said that staff concluded that they would be affordable by design and add diversity to the Town's housing stock. He also discussed the conditions have been included to ensure the units are made available to the kind of households that were anticipated by the Housing Element.

Mr. Nevadja discussed comments received by members of the public, including privacy issues, loss of trees on lot 16, and the reasons staff believed the impacts are less than significant.

Mr. Nevadja went on to discuss General Plan consistency, and confirmed staff could make the findings to support the application. He said they included the stipulation in the Housing Element that the project successfully implemented the Development Program for the site and that it was well designed and compatible with the neighborhood. Mr. Nevadja also discussed staff's support for the findings under the Zoning Amendment, Planned Development, and the Preliminary Plan. He confirmed that staff could also make the findings for the Tentative Map Subdivision and Design Review findings.

In response to Vice-Chair Metcalfe, Counselor Propp explained that the applicant has volunteered a targeted marketing program towards a certain kind of employee. Mr. Wolff discussed the reasons staff did not consider it advisable to restrict rental levels. He said the Town did not currently deed restrict other ADUs and that they would not wish to discourage applications.

Chair Chase announced a 7-minute break at 8:38 p.m.

Patti Schwayder, Senior Vice-President at AIMCO, introduced her team and provided background information on the property at The Preserve. Ms. Schwayder explained how the proposed project meets the requirements of the Housing Element, and she discussed the changes they have made since the previous presentation, which included an open space easement and the development of a marketing strategy for ADUs.

Ms. Schwayder confirmed the ADUs would have a lower price point because they have a single bedroom and she discussed how their marketing team will target workforce employees to try and meet the Town's affordability requirements.

Rich Hawthorne, Senior Vice-President at AIMCO, discussed the response to questions and concerns received during the outreach period. Mr. Hawthorne stated the following: The site had sufficient parking to contain vehicles; no rear yard fences would be installed; the water course would be maintained in its present location; that density concerns on Paradise Drive had been addressed; the Ring Mountain Trail would be

maintained; a construction management plan would ensure neighbors were not impacted during construction.

Mr. Hawthorne discussed the site and the reasons for requesting a change from the R1 Zoning District to a Proposed Development with an Overlay. He noted that the largest proposed dwelling would be two-thirds of the maximum size allowed.

Derek Ullian, Vice-President at AIMCO, discussed the lower portion of the site, including the vegetative screening and architectural style of the dwellings. Mr. Ullian discussed an alternative design that would save a further 6 trees, the views from a neighboring property on Cibrian Drive, and the setbacks for the properties that adjoin Tiburon. He also discussed a change to a wood façade in the rear of the dwellings on lots 8, 9 and 10 to ensure more effective blending with the landscape.

Mr. Ullian addressed the sustainable aspects of the project, including the preservation of open space, and he summarized the benefits of the project, which included the provision of housing and the donation of \$250,000 to the Robin Drive improvement project. He presented a short video that visualized the completed project.

In response to Vice-Chair Metcalfe, Ms. Schwayder confirmed they would do all that was legally possible to target local employees, teachers and first responders.

In response to Commissioner Bundy, Bruce Fenton, Project Civil Engineer, discussed drainage options from the property to the Bay and the storm water management plan. Mr. Fenton confirmed they would meet the Bay Area Storm Water Management requirements.

Mr. Ullian discussed the placement of the photovoltaic panels on the roofs in response to Commissioner Bundy.

In response to Chair Chase, Mr. Hawthorne addressed overflow parking. He stated that they manage vehicle ownership and noted that they are able to dictate the number of vehicles allowed because the properties are rental units. Mr. Nevadja noted that the conditions of approval stated that garages must not be used for storage space.

Chair Chase opened the public comment period.

Annette Harris, 15 Cibrian Drive, stated that a dividing line between a community or a neighborhood does not exist, and she provided renderings of the view from their home. Ms. Harris asked the commissioners to continue the project for further review.

Jim Malott, architect, discussed the impacts of the design on the uphill neighbors, which included white reflective roofs and solar paneling, and he said the colors were too light to blend into the landscape. Mr. Malott stated that the proposed units would be too large and too high and that the trees will block the view of Mt. Tamalpais from 15

Cibrian and other properties. He also stated that the exterior lighting should be shielded more effectively, and that the parcel should not be subdivided if it will remain unsold.

Ron Guelden, 101 Taylor Road, discussed the provision of a walkway through the property to allow residents on Cibrian Drive to walk to Paradise Drive. Mr. Guelden commented on the southern portion of the lower area vegetation and praised the future Paradise Drive multi-use pathway. He also discussed his concern should the property be sold that related to ensuring the open space continued in perpetuity.

Marc Loupe, 15 Cibrian Drive, requested that construction start no earlier than 8 a.m. and he stated that he supported Mr. Malott's comments. Mr. Loupe requested a deed restriction on the property to ensure it remains a rental property for at least 10 years.

Stacy Holland, Paradise Drive, suggested certain workers, such as teachers, are charged a percentage of the normal rent. Ms. Holland asked the applicant to widen the roadway by Robin Drive to improve driving conditions.

Riley Hurd, AIMCO's attorney, discussed their intention to ensure the height of the new landscaping would be maintained below the level of the apartments in the distance. Mr. Hurd noted that they are not requesting height variances, and that the rear yard setbacks are larger than necessary under the Housing Element because the dwellings have been located further down the hill. He explained the reasons they were unable to provide a path from Cibrian to Paradise Drive, and said the parcel needs to be subdivided under the Zoning code. He also commented on Tiburon's view guidelines and confirmed that AIMCO does not buy property in order to sell and that they have done all that is required to respond to the comments received.

In response to Vice-Chair Metcalfe, Mr. Hurd confirmed that the trail leading to the open space will be well-defined. He discussed the difference between private and public open space.

In response to Commissioner Bundy, Mr. Hurd said they chose a design of photovoltaic system that would have the least impact, and he noted that the system is a requirement under California law.

In response to Chair Chase, Mr. Hurd discussed the reasons that deed restrictions would not be necessary in order to prevent the applicant selling the lots individually. He also stated that the rental income from the ADUs should not be deed restricted because it is not a standard practice in the Town and the rents would be lower because of the size of the units.

Stacy Holland stated that there was no reason for the ADUs to remain without deed-restricted rental income levels simply because it is not standard practice in the town.

Marc Loupe asked that their concerns were taken into consideration and stated that they had seen the renderings for the first time tonight.

Jim Malott stated that the proposed project would fill two-thirds of his clients' view with dwellings, whereas buildings currently fill one third of their view. Mr. Malott stated that the color change he requested would be simple and have a huge impact on his clients' visibility.

In response to public comment relating to the proposed colors, Mr. Ullian stated that the orange color of the current dwellings would not be repeated and that the gray, natural wood and off-white stucco colored materials that are presented on the color board will be more subtle than the renderings portray.

In response to Vice-Chair Metcalfe, Mr. Wolff discussed a needlegrass habitat area that would be unsuitable for tree plantation. He noted that the biologist would monitor the area for plantation as part of the environmental conditions of approval.

Mr. Nevadja noted that conditions of approval exist that relate to the transfer of property in the future, which he said addressed the owner-occupancy waiver for the ADUs.

Annette Harris requested the applicants return to the commission with new drawings relating to new commitments.

Chair Chase closed the public comment period and Mr. Wolff reminded the commissioners that should they choose to approve the project, they would be making a recommendation to the Town Council.

In response to Commissioner Bundy and Chair Chase, Mr. Wolff discussed the problems of monitoring tree heights a long way into the future.

At 10:00 p.m., Vice-Chair Metcalfe made a motion, seconded by Commissioner Bundy, and unanimously carried to continue the hearing to 10:30 p.m.

Chair Chase and Counselor Propp discussed how the alternative site plan could be incorporated into the conditions of approval, and Mr. Wolff suggested that the commissioners would want to review modifications to the plans that might be necessary.

Mr. Nevadja discussed the construction hours with the commissioners and noted that the start time of 7 a.m. during the week is consistent with the codes for both the Towns of Corte Madera and Tiburon.

Vice-Chair Metcalfe confirmed she could support the findings relating to Resolution No. 19-007, with additional conditions relating to tree trimming to avoid impacting the views of neighbors; that the concept plan should be developed before being reviewed by the Town Council; and that construction times should be adapted so as not to interfere with school traffic.

Commissioner Bundy stated that he could support the project with the additional conditions suggested by Vice-Chair Metcalfe; that the proposed colors blend with the

landscaping, and that he recognizes the photovoltaic system is required and the design minimizes impact. Commissioner Bundy stated that the ADUs will be helpful to the community and he discussed the reasons he would not support restricting rental levels.

Chair Chase stated that AIMCO has not made any shortage of effort to reach out to the community; that the project is well defined and that the plans are comprehensive and responsibly developed. Chair Chase said that AIMCO's contribution to the Town's housing stock is important, and he confirmed that a path up the hillside would not be appropriate. Chair Chase confirmed he could make all the findings for all four of the resolutions.

MOTION: Motioned by Commissioner Bundy, seconded by Vice-Chair Metcalfe, to approve Resolution No. 19-007, approving a recommendation to the Town of Corte Madera Town Council for approval of a Resolution certifying an Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Residences at Preserve subdivision application submitted by Aimco Robin Drive L.C. for a Zoning Amendment, Planned Development, Preliminary Plan, Precise Plan, Tentative Map, and Design Review to subdivide the property into 19 lots with a private access road and construct 16 single-family units with 8 accessory dwelling units, and associated landscaping, tree removal, and site improvements at the base of Robin Drive (APN 038-011-21).

AYES: Metcalfe, Bundy, Chase
NOES: None

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bundy, to approve Resolution No. 19-008, approving a recommendation to the Town of Corte Madera Town Council to approve an Ordinance adopting a Zoning Amendment to rezone the project site to the Planned Development Overlay District for the Residences at Preserve subdivision application submitted by Aimco Robin Drive L.C. enabling a Planned Development, Preliminary Plan, Precise Plan, Tentative Map, and Design Review to subdivide the property into 19 lots with a private access road and construct 16 single-family units with 8 accessory dwelling units, and associated landscaping, tree removal, and site improvements at the base of Robin Drive (APN 038-011-21).

AYES: Metcalfe, Bundy, Chase
NOES: None

MOTION: Motioned by Commissioner Bundy, seconded by Vice-Chair Metcalfe, to approve Resolution No. 19-009, approving a recommendation to the Town of Corte Madera Town Council to approve a Planned Development, Preliminary Plan, and Tentative Subdivision Map for the Residences at Preserve subdivision application submitted by Aimco Robin Drive L.C. to subdivide the property into 19 lots with a private access road and to construct 16 single-family units with 8 accessory dwelling units and associated landscaping, tree removal, and site improvements at the base of Robin Drive (APN 038-011-21), including all the conditions of approval in Attachment 22.

AYES: Metcalfe, Bundy, Chase

NOES: None

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bundy, to approve Resolution No. 19-010, approving a recommendation to the Town of Corte Madera Town Council to approve a Precise Plan and Design Review to construct 16 single-family units with 8 accessory dwelling units and associated landscaping, tree removal, and site improvements at the base of Robin Drive (APN 038-011-21), with the condition that trees are trimmed to a height that does not block the views of neighbors on Cibrian Drive, and includes the conditions of approval in Attachment 22.

AYES: Metcalfe, Bundy, Chase

NOES: None

Due to the lateness of the hour, the remaining items were continued to the meeting of March 12, 2019.

6. BUSINESS ITEMS – None

7. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

i. Commissioners

ii. Planning Director

iii. Tentative Agenda Items for the Thursday, February 28, 2019 Special Planning Commission Meeting

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

A. 78 GRANADA DRIVE – DESIGN REVIEW FOR A RESIDENTIAL ADDITION AND REMODEL TO AN EXISTING TWO STORY DWELLING AT 78 GRANADA DRIVE

B. 360 CORTE MADERA AVENUE – DESIGN REVIEW AND VARIANCE FOR CONVERSION OF AN EXISTING GARAGE TO

LIVING SPACE AND ADDITION OF TWO CAR GARAGE IN THE FRONT AND SIDE SETBACKS.

C. 38 LAKESIDE DRIVE – DESIGN REVIEW FOR A SECOND STORY ADDITION.

iv. Future Agenda Items

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

B. MINUTES

Minutes for the January 22, 2019 and February 12, 2019 Planning Commission meetings will be reviewed at the February 28, 2019 Special Planning Commission meeting.

9. ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:30 p.m.