

**FINAL MINUTES  
REGULAR PLANNING COMMISSION MEETING  
APRIL 28, 2009  
CORTE MADERA TOWN HALL  
CORTE MADERA**

**COMMISSIONERS**

**PRESENT:**

Chair Bruce Mace  
Commissioner Patrick Pagnillo  
Commissioner Peter Schwartz  
Commissioner Sloan Bailey  
Commissioner Richard Esteb

**STAFF**

**PRESENT:**

Robert Pendoley, Planning Director  
Dan Bell, Senior Planner  
Nancy Salcedo, Minute Recorder

**1. OPENING**

**A. Call to Order**

**B. Pledge of Allegiance**

**C. Roll Call**

All the Commissioners were present.

**2. PUBLIC COMMENT:** None

**3. CONSENT CALENDAR:** None

**4. CONTINUED HEARINGS:**

- A. 127 GROVE AVENUE, TENTATIVE PARCEL MAP APPLICATION NO. 07-001 and ENVIRONMENTAL ASSESSMENT NO. 08-002, WEBER TRUST (OWNER)-** To reconfigure and subdivide two existing residential lots to create a three-parcel residential subdivision. (Zoning: R-1 Medium Density Residential District) (Planner: Dan Bell)

On January 13, 2009, the Planning Commission heard a proposal to reconfigure two parcels into four parcels. The item was continued for redesign and to sponsor a

neighborhood meeting. The applicant's proposal at the neighborhood meeting on February 11, 2009 included a reduced number of parcels created from four to three. The existing single family home with maid's quarters on Parcel 1 would remain; the existing cottage would be demolished. Parcel 1 would retain exclusive with driveway access to Corte Madera Avenue and to Grove Avenue. There would be two new driveway cuts on Grove Avenue for Parcels 2 and 3. Both parcels would include a two-car garage and two-car apron. Two on-street parking spaces would be constructed in front of Parcel 2. Also as part of this configuration, the applicants are proposing flaring the Grove Avenue driveway at Parcel 1 to act as a hammerhead turn around resulting in private property used for public turn-around.

At the neighborhood meeting, neighbors were generally in support of the reduction from four to three parcels, but some had concerns with adding any additional traffic on Grove Avenue. Some neighbors preferred that the existing Grove Avenue cul-de-sac be expanded, rather than having the entrance to Parcel 1 driveway function as the dedicated turn-around. After the neighborhood meeting, Bonnie Frank proposed an alternative hammer-head design the end of the cul-de-sac, utilizing 750 sq ft from applicant's property and a portion of Ms Frank's property, which the applicants agreed to review.

Senior Planner Bell explained that the applicant had reviewed the Frank/Bear cul-de-sac proposal, but had submitted for Planning Commission review the same proposal as was submitted at the February 11, 2009 Neighborhood Meeting. He added that both the Fire Department and the Department of Public Works had reviewed both hammer-head turn-around options and found that either one would be appropriate.

The proposed Tentative Parcel Map reconfigures and subdivides two existing residential parcels into three. The existing 3,700 sq. ft. residence at 127 Grove Avenue would remain on Parcel 1. Two vacant parcels would be created for future residential development. The minimum lot size is 7,500 sq. ft. in the Zoning District, and each of the three parcels would meet or exceed the 7,500 sq. ft. lot area requirement. The proposed three parcels would primarily be surrounded by single-family residences on parcels similar or smaller in size. A survey of single-family parcels fronting Grove Avenue shows a 7410 sq. ft. mean lot size, and a 5,720 sq. ft. median lot size.

He showed slides of the front pillars located at the driveway that would be removed at 127 Grove Avenue to create the hammerhead, and of the site of Ms. Frank's design for a hammer-head at the end of the cul-de-sac.

He concluded that late this afternoon staff received 3 letters from neighbors at 116 Grove Avenue, 27 Grove Avenue and 24 Grove Avenue in opposition to the proposal. He recommended that the Commission reopen the public hearing.

Commissioner Schwartz asked for clarification regarding the no parking policy on one side of street, and whether the wrought iron fence area is the location of the proposed off-street parking area, which was affirmed. He noted ultra hazardous conditions for turning around with cars parked on the side of the street. Senior Planner Bell explained that the Fire Department and Department of Public Works said the flared driveway was of adequate size and parking across Grove Avenue from the driveway could continue.

Scott Hochstrasser, planning consultant for applicant said he would like to clarify the information that was misrepresented in the neighbor's letters. He said that the applicants have modified the project as suggested by Commission at last hearing. He said they reduced the number of lots with two existing, and three proposed, and looked carefully at driveway flaring and related issues raised by neighbors. He said the applicants had offered to give up frontage on Parcel 2 for off-street parking. He said the Bonnie Frank hammer-head design was not adequate. They were expecting a proposal for a conforming cul-de-sac at the end of Grove Avenue. A conforming design would require the property of 4 different neighbors. He said the applicants had expected everyone to contribute, but instead they got an odd-shaped hammer-head design posing clear advantages to the Bear/Frank property, but no obvious public benefit. He said the public use of private property there raises significant issues for the Town to consider, such as creation of a public street, which would not meet Town requirements, but would be a Town liability.

He said using a template for fire truck turn-around at the flared driveway at Parcel 1 requires a three-point turn. The Frank proposal requires a 5-point turn. The Frank proposal does not include on-street parking, which he had heard as a goal at the previous Planning Commission meeting.

Mr. Hochstrasser said that Mr. Lynch's letter states that the revised proposal doesn't represent any of the neighbor's concerns, which he said was incorrect. He concluded that there is no new evidence in the record that would suggest the need for an EIR, as there is one less lot proposed, and two on-street parking spaces and a hammer-head turnaround at the flared driveway to Parcel 1.

Lee Oberkamper, Civil Engineer for the applicant added that the Public hammer-head turn-around at Parcel 1 would be on private property with no required Town maintenance. A turn-around at the end of the street would require maintenance, and

that the Webers do not have the ability to provide the turn-around here as it is not on their property. There would be additional difficulties with the turn-around at the end of the street, as it would extend into Parcel 3 and create additional setback constraints.

He said that Parcels 2 and 3 could be accessed off of the driveway that serves Parcel 1, but his view is that this would not be in the interest of maintaining the estate quality for Parcel 1, and that Parcels 2 and 3 should be accessed consistently with other lots in neighborhood directly onto Grove Avenue.

Allen Bear of 145 and 116 Grove Avenue said that he and his wife are in the real estate business and are supportive of development, but that good planning is important. He said he was happy to have the neighborhood meeting, but that input from neighbors was effectively ignored at the meeting, and that no changes resulted from the neighborhood meeting. There is not enough room in the case for a normal cul-de-sac, but that the lots are large. He said the original plan was to have all houses access through the main driveway. (Note: Parcels 2 and 4 in the initial proposal were to access directly onto Grove Avenue.) But now they are proposing two additional driveways with a total of four households with access onto Grove Avenue. (Note: The existing house with maid's quarters would access to Corte Madera Avenue and Grove Avenue; Parcels 2 and 3 would access to Grove Avenue.) He proposed the main house access onto Corte Madera Avenue only. He said the traffic issue would be mitigated with the neighborhood approach proposed, rather than one that did not take their view into account.

Commissioner Schwartz asked for clarification whether the proposed configuration would limit the access to Parcel 1 from Corte Madera Avenue, which Mr. Baer affirmed for emergence vehicles.

Tom Matthew of 20 Grove Avenue read his letter, which said he was glad to see that the applicant had reduced the number of proposed parcels, but that he and his wife are concerned about density and traffic all accessing Grove Avenue, worsened with the main house rented as two residences. He said there was not an adequate traffic analysis, and that he would like to see further traffic analysis as well as a section on the inadequate turn-around. He concluded that it is common practice on the street to have one car back up if two cars approach each other.

Suzanne Nordrum of 21 Grove Avenue said that the street is already at capacity and that that issue has not been addressed. She said regarding the easement of the turn-around that she pays taxes to the Town, and doesn't have a problem with those funds

being used for this purpose. She concluded that it doesn't seem fair to put all the burden of this proposal onto Grove Avenue.

Richard Narlock of 24 Grove Avenue said he agreed with the other neighbor comments. He said this proposal is very little changed from the original. There were three houses proposed originally, and there are still three houses proposed on Grove Avenue. (Note: Both the initial proposal and the current proposal allowed Parcel 1 to access Grove Avenue.) He said there is a tremendous problem with traffic, which is at critical mass. Three more large houses will result in a Christmas Tree Hill-like situation. (Note: The existing cottage would be demolished and a new home on Parcel 2 and Parcel 3 would be proposed.) He said people go to end of street to turn around, and that the turn-around would be better at the end of the street, which is something all of the neighbors want. He said the remark that the Frank proposal is for their own benefit is not true, and that all the neighbors are behind the Frank proposal. Regarding storm runoff, the proposal would result in a lot of hardscape, which needs to be thought about. He concluded that the architecture has not yet been addressed.

Attorney Gary Ragghianti, speaking on behalf of applicants, said that the Town has no right to seek 100% approval for any proposal and that the neighbors don't have right to ask for that. He said that all of the review by all of the experts and public employees with professional opinions had netted no concern. He proposed that if this proposal might result in a dangerous condition, one of the experts would have noted it. He requested that the Commission guide decisions by the evidence in the record.

Chairman Mace asked Mr. Hochstrasser for any rebuttal, which he declined.

Commissioner Esteb asked how the Town would require maintenance of a hammer-head. Senior Planner Bell said that would be done with an easement maintained by a private owner while the public would have access.

Chairman Mace asked Mr. Oberkamper where the driveway to Parcel 2 might be positioned. Mr. Oberkamper explained it would be just northerly of the two proposed on-street parking spaces.

Commissioner Esteb said he is a proponent of people being able to develop their property. There are currently two new residences proposed on Grove Avenue and that this proposal would result in no change, if the existing residence at 127 Grove Avenue only accessed via Corte Madera Avenue. He said the access to Parcel 1 should not be on Grove Avenue and that this would eliminate all traffic concerns and allow them to develop.

Commissioner Pagnillo asked about traffic generated. Planning Director Pendoley said 10 trips per household is the standard, resulting in 40 trips with the maid's quarters. Commissioner Pagnillo said that Commissioner Esteb's concept would reduce that to 20 trips, and that the water running off could be cured with drainage improvements. He said the design proposed in front of them was the one the Commission should consider and decide on that. He said he favors Commissioner Esteb's idea restricting access to Corte Madera Avenue for Parcel 1 and could approve the project as it stands.

Commissioner Bailey said he also agrees with retaining access to Corte Madera Avenue for Parcel 1. He added that he was surprised the Commission was not presented with the hammerhead idea as discussed at the last hearing, and agreed that the Commission cannot review anything other than what is in front of them.

Commissioner Schwartz said he had reviewed the material and comments from the past meeting, and saw that the applicant has addressed some of the issues. He noted that there is traffic pressure on the street, and that damage is occurring now. He said that a No Through Street sign would prevent people coming up the street accidentally. Turn-around signage at the flared driveway would promote the success of a turn-around at 127 Grove Avenue. He explained for the neighbors that the Commission is not reviewing design yet, and that those requirements and issues get addressed at the Design Review stage. He said he doesn't want the neighbors to think that the Commission is not hearing their concerns. He said he had rethought concerns about Corte Madera Avenue access for Parcel 1, and that this might help. He added he would like to hear more discussion on the fire trucks removing barriers.

Chairman Mace said he noted the 2-car garage and two-car apron from the meeting notes. He asked whether there could be a future split of the property. Planning Director Pendoley said it could be proposed. Senior Planner Bell added that topography would make further subdivision harder.

Chairman Mace said that while the hammerhead proposal works, the Bonnie Frank cul-de-sac option would require some serious grading. The volume of cars on Grove Avenue already greatly concerns him. Noting that there are 2 lots existing and that the proposal is asking for 1 new lot, and to allow access on Grove Avenue with a driveway to Parcel 1 with a bump or curb. He asked what potential the Commission had for instigating access on the existing driveway.

Planning Director Pendoley said the Commission could require the applicant to propose new lot lines, modify the leg of the driveway and extend the north side of Parcels 2 and 3 and connect them, and put in a driveway to accomplish the solution with property

lines, or physical a barrier. He said it would be more appropriate to ask the applicant to come back with a proposal to address the issue so the Commission doesn't end up designing the solution.

Chairman Mace said he considered the architectural estate quality of Parcel 1 important. He concluded that the neighbor's concerns were important, and that none of Mr. Raghianti's professionals live on Grove Avenue. He said he was in favor of limiting the access to Parcel 1 especially since the house has a maid's quarters, and that he had no problems with Parcel 2 and 3, but that he likes the additional parking.

Commissioner Schwartz asked for clarification regarding the Department of Public Works not desiring access from Corte Madera Avenue. Senior Planner Bell said the Department of Public Works' initial response to the original proposal with 4 parcels had been to avoid any access onto Corte Madera Avenue. They later agreed that Parcel 1 could continue to use the existing driveway to Corte Madera Avenue.

Commissioner Schwartz said that accessing Parcel 2 and 3 off of a common driveway would allow development such as garages up behind the houses, which adds more usable space.

Commissioner Esteb reiterated that the property line for Parcel 1 needs to be straight, should only have access from Corte Madera Avenue, and the hammer-head driveway should provide access to both Parcels 2 and 3.

Commissioner Schwartz asked if this would become a property line, and if so, what tools were available to the owner. Senior Planner Bell said this is the critical question, and that an important part of proposal is to run this by the Fire Department again.

Planning Director Pendoley suggested that if the Commission favors confining Parcel 1 access to Corte Madera Avenue, to say so and turn it back to applicant, as the proposal must be run back through the Fire Department.

Chairman Mace asked if the Town had issued one-way fire access gate keys, which was affirmed as an option.

Senior Planner Bell asked the Commission for feedback about hammerhead options and the on-street parking proposal.

Commissioner Schwartz said there was a misperception regarding parked cars on street or completely off street. Senior Planner Bell said that according to the Fire Department,

this is only a 40-foot right of way. Paved area may be only 25'. With parking on both sides, the street must have at least 12' clear remaining.

Mr. Oberkamper added that the existing sheet has a width of 24 feet from face-of-curb to face-of-curb. The street would be widened to 32 feet with an 8' parking lane added in front of Parcel 2, resulting in 16 feet clear with cars parked on both sides.

Chairman Mace said he thought off-street parking is beneficial, and would like to see a third off-street parking spot. He summarized the Commission feedback, which included no hammerhead at end of Grove Avenue, limit property access of Parcel 1 to Corte Madera Avenue only, and maintain fire protection distances.

Commissioner Schwartz asked to add a signage package for the flared driveway turn-around.

Planning Director Pendoley asked about a preference of continuing the item to a date certain. For continuance to a date certain, he recommended 6 weeks for turn around time. The item was continued to the June 9, 2009 hearing.

## **5. NEW HEARINGS**

### **A. NONE**

## **6. ROUTINE AND OTHER MATTERS**

### **A. CRATE & BARREL EXTERIOR LIGHTING**

Senior Planner Bell presented the summary of the proposal. He explained that the Commission had requested to review shades of white for the exterior, which had been done at a previous hearing, and to insure that necessary lighting does not spill. The applicant had provided examples of lighting for the Commissions on site review to select appropriate lighting intensity. He asked the Commission for their observations.

Commissioner Esteb said he is fine with the lighting.

Commissioner Bailey said he is also fine with the lighting.

Commissioner Schwartz said he is fine with the lighting at Crate & Barrel, but is bugged by the Barnes and Noble lighting. He said it is supposed to meet dark sky requirements

(nothing vertical, plus shielded), but instead they are bright, and a hazard at night to drivers. He added that the glare dwarfed lighting at Crate & Barrel.

Senior Planner Bell will research the approval and compliance of the lighting.

Commissioner Pagnillo agreed that the glare was painfully obvious, and that he was in favor of the lighting at Crate & Barrel.

## **B. REPORTS AND ANNOUNCEMENTS**

**i. Commissioners:** Commissioner Bailey went to the Council meeting and reported that the General Plan and EIR were each adopted, and that Audubon and the Sierra Club complimented the Town in addressing their concerns.

### **ii. Director**

**C. MINUTES:** Planning Commission Meeting Minutes of April 14, 2009.  
Motioned, seconded and approved.

**7. ADJOURNMENT:** The meeting was adjourned at 9 p.m. The next Planning Commission Regular Meeting is to be May 12, 2009.