



Office of County Counsel
MEMORANDUM

Date: December 3, 2004
To: Board of Supervisors
From: Alan L. Seltzer, Chief Assistant
Re: Facilitation Meeting For Appeal of
Foxen-Alamos Tentative Parcel Map
Case No: 03TPM-00000-00016/TPM 14, 637

The facilitation process has resulted in a revised project being proposed by staff for your Board's approval that will resolve this dispute in a manner acceptable to both the applicant and appellants. This memorandum describes the facilitation process and result.

On November 19, 2004, a facilitation meeting took place in the above referenced appeal. Applicant Gregory Collison and Appellants Vicki Johnson, Eric Bratt and Mary Prilepine participated in the meeting. Brian Tetley, P&D planner, also participated.

The meeting commenced with Eric Bratt speaking for Appellants. Appellants are property owners who live adjacent to the proposed subdivision in a cul-de-sac block off of Foxen Road (Coiner Street). Mr. Bratt summarized the three main points set forth in Appellants' September 23, 2004, appeal letter. Mr. Bratt stated Appellants were willing to accept a lot split that resulted in two parcels, and that they opposed the "modification" approved by the Zoning Administrator that would allow three parcels to result from this subdivision. Appellants also requested that access to the proposed subdivision be from the south side of the property, and not on the northern property line, adjacent to their back yards.

Because no resolution was identified at the meeting, the parties requested that this facilitation memorandum not report the discussion of the appeal points, but rather allow the parties to make their own presentations to your Board. However, the parties agreed that this report should describe the various concepts discussed and considered at the meeting in an attempt to resolve this dispute.

First, appellants proposed a two-lot subdivision with no height restriction, but with a condition requiring story poles before land use permits for single-family residences could be permitted.

The parties then discussed a three-lot subdivision with height restrictions prohibiting or limiting second stories.

Finally, as a separate matter, the parties discussed reorienting road access to the southern property line of the subdivision. The parties agreed that a southern driveway would be more in line with Hill Street, and would visually present as a street extension rather than as an alley. Mr. Collison stated that he was willing to have the project revised so that the parcel map would reflect common road access on the south of the parcel. Thus, while the parties were unable to resolve the principal question of the number of lots, the parties agreed that the applicant and staff should at least revise the parcel map to reflect this change in the location of the access road.

The meeting allowed the parties to have a thorough discussion of their positions and assisted the parties focus on issues related to a three lot as opposed to two parcel subdivision. The parties were encouraged to call County Counsel if they desired to meet again.

After the weekend, appellants called County Counsel to suggest a compromise under which there would be a three-lot subdivision with a one-story height limitation, with access reoriented to the southern property line. Because there is no one story height standard applicable to this zone district, the parties discussed with P&D concepts for limiting height. Ultimately, the parties agreed that the map should be subject to a condition limiting the height of structures to an average of 22 feet, with a 26-foot maximum peak height, and that any attic, storage or loft space would not have windows facing the northern property line adjacent to appellants' properties. P&D staff will revise the Project Description (Condition #1) to incorporate this agreement.

It is anticipated that the appellants will agree to the revised project on the record before your Board at the December 14 hearing and that this revised project resolves all of their appeal issues. Upon appellants' agreement, the applicant has indicated he will accept the revised project. I am sorry I will not be able to attend the meeting. The parties were very courteous and constructive in their communications.

Best Wishes and Happy Holidays to all.