

**MARIN COUNTY PLANNING COMMISSION HEARING MINUTES**

**June 21, 2004**

**Marin County Civic Center, Room #328 - San Rafael, California**

*Commissioners Present:* Allan Berland, Chairman  
Steve Thompson, Vice Chairman  
Hank Barner  
Don Dickenson  
Randy Greenberg  
Wade Holland  
Jo Julin

*Commissioners Absent:* None

*Staff Present:* Alex Hinds, Agency Director  
Brian C. Crawford, Deputy Director of Planning Services  
Michele Rodriguez, Principal Planner  
Christine Gimmler, Senior Planner  
Tim Haddad, Environmental Planning Coordinator  
James Raives, Senior Open Space Planner  
Eric Steger, Department of Public Works  
Curtis Havel, Planner  
Kristin Drumm, Senior Planner  
Jessica Woods, Recording Secretary

*Minutes Approved on:* **July 6, 2004**

Convened at 1:08 p.m.  
Adjourned at 6:30 p.m.  
Reconvened at 7:03 p.m.  
Adjourned at 9:00 p.m.

1. ROUTINE TRANSACTIONS

- a. Incorporate Staff Reports into Minutes

M/s, Holland/Barner, to incorporate the staff reports into the Minutes. Motion passed 7/0.

- b. Continuances - None

- c. Approval of Minutes – May 10th and May 17th, 2004.

M/s, Holland/Julin, to approve the Minutes of May 10<sup>th</sup>, 2004 as amended. Motion passed 7/0.

M/s, Holland/Barner, to approve the Minutes of May 17th, 2004 as amended. Motion passed 6/0 (Chairman Berland abstained).

2. COMMUNICATIONS

The Commission acknowledged several pieces of correspondence for their review.

3. DIRECTOR'S ORAL REPORT

- a. Update on Board of Supervisors Actions

June 15<sup>th</sup> - Continuing consideration on Ghazi Design Review application

July 13<sup>th</sup> - County Counsel report on mediation process

August 24<sup>th</sup> - Babcock Appeal hearing

- b. Report on On-Going/Pending Development Projects- None

- c. Report on County methodology for calculating transportation impact fees

Brian Crawford, Deputy Director, provided information to the Commission in regard to how the County calculates transportation impact fees and recommended that the discussion be continued to July 12th in order for Bruce Corcoran to be in attendance. The Commission agreed.

4. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER)

There were no public comments.

5. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

Update on Planning Commission Actions

June 28th – Special Meeting Countywide Plan Update  
Code Enforcement Inspection Procedures

July 6th – Special Meeting Countywide Plan Update

July 12<sup>th</sup> – Public Workshop on the Residential Design Guidelines  
Bolin Coastal Permit

Countywide Plan Update

July 19<sup>th</sup> – Special Meeting Countywide Plan Update

July 26<sup>th</sup> – Angle Design Review  
– Moritz Coastal Permit  
– Higgins Design Review

August 9<sup>th</sup> – Lot Line Adjustment

August 23<sup>rd</sup> – San Rafael Rock Quarry Rezoning Request

## 6. RATIFICATION OF RESOLUTION: BABCOCK DESIGN REVIEW

Ratification of resolution denying the Babcock Design Review application proposing to demolish an existing 4,220 square foot residence and garage, and a 468 square foot pool house and construct a new 7,616 square foot residence with a 3,017 square foot underground garage and a 533 square foot pool/guest house on the 1.37 acre property. The residence would attain a maximum height of 27.5 feet above grade. The guesthouse would attain a maximum height of 15 feet above grade. The proposal also includes the construction of a 15-foot by 75-foot in-ground swimming pool. The proposed project would result in a total floor area ratio of approximately 17 percent on the 60,000 square foot property. The subject property is located at **110 Crown Road, Kentfield** and is further identified as **Assessor's Parcel 075-161-01 and -02**.

Christine Gimmler, Senior Planner, presented a revised Resolution denying the Babcock Design Review application.

The Commission provided staff with a few suggestions and modifications in regard to the Resolution denying the Babcock Design Review application.

Commissioner Holland recommended denying the Babcock Design Review application on the basis of height alone. Commissioner Dickenson suggested strengthening the last sentence of Finding E to address his concerns.

Commissioner Greenberg stated that cumulative impacts would present a strong argument and believed all findings should be listed. Commissioner Julin concurred.

*M/s, Berland/Dickenson, to approve the Resolution denying the Babcock Design Review application as amended. Motion passed 7/0.*

Chairman Berland requested that when the Commission reviews design review applications that staff provide a chart indicating the square-footages of the dwellings and the garages within a 600-foot area in order to determine whether an application fits in with the immediate neighborhood. Agency Director Hinds responded in the affirmative.

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC 04-004

A RESOLUTION DENYING THE BABCOCK DESIGN REVIEW  
110 CROWN ROAD, KENTFIELD  
ASSESSOR'S PARCEL 075-161-01 & -02

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**SECTION I: FINDINGS**

- I. WHEREAS the applicant, Mark Becker, on behalf of the owners, Jim and Cheryl Babcock, has submitted a proposal to demolish an existing 4,220 square foot residence and garage, and a 468 square foot pool house and construct a new 7,616 square foot residence, a 3,017 square foot underground garage, and a 533 square foot pool/guest house on the 1.37 acre property. The residence would attain a maximum height of 27.5 feet above grade and maintain the following setbacks to corresponding property lines: approximately 100 feet from the southern front property line along Crown Road, 40 feet from the nearest side property line, and 40 feet from northern rear property line. The pool house would attain a maximum height of 15 feet above grade, and would be located approximately 48 feet from the nearest portion of the northern rear property line. The proposal also includes the construction of a 15-foot by 75-foot in-ground swimming pool. The proposed project would result in a total floor area ratio of approximately 17 percent on the 60,000 square foot property. The buildings would be finished in medium brown stucco with dark green standing seam roofing. The subject property is located at **110 Crown Road, Kentfield** and is further identified as **Assessor's Parcel 075-161-01 and -02.**
  
- II. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on June 7, 2004 to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project. Pursuant to the Planning Commission's adoption of a motion of intent to deny the Design Review application, staff prepared a resolution for consideration by the Planning Commission on June 21, 2004.
  
- III. WHEREAS, the Marin County Planning Commission finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3, of the CEQA Guidelines because it entails the construction of a single-family residence with no potentially significant impacts to the environment.
  
- IV. WHEREAS, the Marin County Planning Commission finds that the proposed project is not consistent with the Marin Countywide Plan and the Kent Woodlands Land Use Policy Report based on the following factors.
  - A. The proposed project would not be consistent with the Countywide Plan's Built Environment and Visual Qualities and Views Policies (EQ 3.8 and EQ 3.11) or the Visual Resources policy of the Land Use Policy Report (CD1.6) because the two-story residence would be sited on a visually prominent ridgeline above Phoenix Lake and would result in adverse visual affects to the surrounding area.
  
  - B. The proposed project would not be consistent with Countywide Plan's Excavation, Grading and Filling policy (EQ 3.16) because the 1,323 cubic yards of proposed grading (including 1,005 cubic yards of excavations required to construct the below-grade garage) would be excessive for an already developed parcel.

- C. The proposed project would not be consistent with the Compatible Design policy of the Land Use Policy Report (CD 1.3) because the scale of the development would exceed the scale of development in the immediately surrounding area with respect to the size.
- D. The proposed project would not be consistent with the Infill Development policy of the Land Use Policy Report (CD 1.4) because the proposed replacement of a one-story residence with a two-story home would substantially increase the visibility of the building from off-site locations.
- E. The proposed project would not be consistent with the Hillside Building Design policy of the Land Use Policy Report (CD 1.7) because the residence would be oriented in a manner that presents the long side of the building to the exposed view from Phoenix Lake (to the west) and the Kent Woodlands community (to the east).
- V. WHEREAS, the Marin County Planning Commission finds that the proposed project is not consistent with the following mandatory findings for approval of a Design Review pursuant to Marin County Code Section 22.42.060.

**A. The proposed development will properly and adequately perform or satisfy its functional requirements without being unsightly or creating incompatibility/disharmony with its locale and surrounding neighborhood;**

The proposed project would be incompatible with its surroundings because it would entail the construction of a residence that would substantially exceed the average size of other nearby residences. An analysis comparing the size of the proposed residence with the size of the 22 existing homes on parcels within 600 feet of the subject property indicates that the proposed development (including the proposed 3,017 square foot underground garage) would be more than three times the size of surrounding development.

	DEVELOPMENT SIZE (including garage)
<b>Neighborhood Range</b>	1,472 – 6,336 square feet
<b>Neighborhood Average</b>	3,508 square feet
<b>Neighborhood Median</b>	3,432 square feet
<b>PROPOSED PROJECT</b>	11,166 square feet

**B. The proposed development will not impair, or substantially interfere with, the development, use, or enjoyment of other property in the vicinity, including, but not limited to, light, air, privacy and views, or the orderly development of the neighborhood as a whole, including public lands and rights-of-way;**

Due to the size and orientation of the subject property, the proposed project would not substantially interfere with the light, air, privacy, and views of surrounding residences in the vicinity. However, the subject property is located on a ridge, which is visually prominent from Phoenix Lake. Therefore, the proposed two-story structure would impact the public viewshed as seen from open space lands surrounding the lake.

**C. The proposed development will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;**

The proposed project may impair or inhibit the future investment in the vicinity by introducing development that is inconsistent with the community character of Kent Woodlands as was discussed in Findings A and B.

**D. The proposed development will be properly and adequately landscaped with maximum retention of trees and other natural features and will conserve non-renewable energy and natural resources;**

The proposed project has been designed to minimize removal of existing vegetation and would incorporate landscaping that would eventually screen the development from the surrounding area. In addition, the proposed project would be consistent with the County's requirements for energy efficiency and policies regarding green building.

**E. The proposed development will be in compliance with the design and location characteristics listed in Chapter 22.16 (Planned District Development Standards);**

Planned District development standards contained in Chapter 22.16 specify that construction should be sited to maintain setbacks of 300 feet horizontally and 100 feet vertically from visually prominent ridgelines, unless no other suitable locations are available on the site. Where the size or topography of a property does not allow placement of a structure in compliance with these setbacks, such as on the subject property, development should be placed in locations that are the least visible from adjacent properties and view corridors, and shall be limited to a height of 18 feet unless it can be determined that such a limit is not necessary to minimize the visibility of the structure. Although the proposed project would be located in the same general location as the existing residence on the subject property, the proposed two-story structure would attain a maximum height of 27.5 feet above grade, approximately 12 feet higher than the existing one-story residence. In addition, the proposed residence is substantially larger than the existing residence on the property, thus increasing the visibility of development on the ridgeline as viewed from public open space areas surrounding the Phoenix Lake area. Given the visual prominence of the subject property from Phoenix Lake and surrounding public open space areas, the 18-foot height limit specified in Chapter 22.16 would be effective in reducing the visibility of the structure over the current proposal. Accordingly, the project, as proposed, would not comply with the height standards contained in Chapter 22.16 and, therefore, must be denied.

**F. The proposed development will minimize or eliminate adverse physical or visual effects, which might otherwise result from unplanned or inappropriate development, design or placement. Adverse effects include those produced by the design and location characteristics of the following:**

*1. The area, heights, mass, materials, and scale of buildings and structures;*

As discussed in Findings A, B, and E above, the scale, mass, and height of the proposed development would not be compatible with the character of the surrounding community.

*2. Drainage systems and appurtenant structures;*

The proposed development would be consistent with the County requirements regarding drainage and erosion control.

*3. Cut and fill or the reforming of the natural terrain, and appurtenant structures (e.g., retaining walls and bulkheads);*

As discussed in Finding B above, the proposed project would result in excessive grading and excavation on an already developed site.

4. *Areas, paths and rights-of-way for the containment, movement or general circulation of animals, conveyances, persons, vehicles, and watercraft; and*

**The proposed project would be consistent with County requirements regarding rights-of-way and circulation, as verified by the Department of Public Works.**

5. *Will not result in the elimination of significant sun and light exposure, views, vistas, and privacy to adjacent properties;*

As discussed in Finding B and E above, the proposed project would adversely affect the existing views of the Phoenix Lake viewshed as viewed from major public open spaces and trails along the lake.

**G. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.**

The proposed project would be consistent with the County's requirements for energy efficiency and policies regarding green building.

**H. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations, are compatible with the existing and future land uses in the vicinity, and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The proposed construction of a new single family residence on an infill lot in a residential neighborhood would be consistent with the uses permitted under the applicable Countywide Plan land use designation and the governing single family residential zoning. However, based on Findings A, B, E, and F noted above, the project would not be consistent with Countywide Plan and zoning regulations related to size, height, ridgeline development, and grading.

**SECTION II: APPEAL RIGHTS**

NOW, THEREFORE BE IT RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and a \$675.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on the tenth calendar day following the date of the action from which the appeal is taken.

**SECTION III: VOTE**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 21st day of June 2004, by the following vote to wit (7-0):

AYES: Berland, Thompson, Barner, Dickenson, Greenberg, Holland, Julin

NOES:

ABSENT:

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ALLAN BERLAND, CHAIRMAN  
MARIN COUNTY PLANNING COMMISSION

Attest:

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Jessica Woods  
Recording Secretary

## 7. **DRAFT ENVIRONMENTAL IMPACT REPORT: CASCADE CANYON AND WHITE HILL OPEN SPACE PRESERVES LAND MANAGEMENT PLAN**

The Marin County Open Space District (District) has prepared a draft Management Plan (Plan) for the Cascade Canyon and White Hill Open Space Preserves (Preserves). The Cascade Canyon Open Space Preserve consists of approximately 497 acres located west of the Town of Fairfax, Marin County. The White Hill Open Space Preserve abuts the north edge of the Cascade Canyon Preserve and consists of approximately 390 acres. The draft Plan contains the following components: 1) a Biodiversity Management Program; 2) a Fire Management Program; 3) an Access Program; 4) a Trails Program; 5) a Use Program; 6) a Sign and Information Program; 7) an Enforcement Program; 8) a Monitoring Program; and 9) an Implementation Program.

Tim Haddad, Environmental Planning Coordinator, noted that the Senior Planner from the Open Space District would present a brief overview of the project. He explained when the Environmental Consultant arrives he would provide a brief summary of the principal findings of the EIR. He noted that the Parks, Open Space, and Cultural Commission would also conduct a hearing on the Draft EIR. He explained that once the EIR is completed with a response to comments, the Planning Commission's recommendations for certification of the EIR would be made to the Board of Supervisors and they would have final action on certification of the EIR and consideration of the merits of the Management Plan for approval or disapproval. He then recommended that the Commission open the public hearing on the DEIR.

James Raives, Senior Open Space Planner, provided the Commission with a brief presentation that included the following:

- Draft EIR
- Cascade Canyon Open Space preserve
  - 457 acres
  - West of the Town of Fairfax
- White Hill Open Space Preserve
  - 390 acres
  - Sir Francis Drake Blvd.
- Plan Goals
  - Preserve and enhance natural and historic scenic resources
  - Maintain and enhance public use
  - Reduce the threat of wildfires
  - Minimize impacts on surrounding communities
- Plan Elements
- Plan Issues
- Draft EIR Elements
- Alternatives
- Environmentally Superior Alternative
- Preferred Alternative
- Significant Impacts
- Schedule

The hearing was opened to the public.

Linda Novy, Fairfax resident, expressed concern for the impact on the surroundings due to increased traffic from hikers, dog walkers and bicyclists. Her main concern is that the plans are very generalized and desired a baseline of the resources. Also, she noticed a huge growth of exotics and the maps did not depict the invasive exotics, which should be addressed. In general, she supports the trail closure recommendations. She believed dogs off-leash is a major issue and must be addressed in the DEIR and recommended an education program

in that regard. She appreciated the fire mitigations and supported creating a defensible space around developed areas. She added that the fuel load is so great in the open space areas that it deserves consideration. She hoped a more formal and systematic approach to restore and protect the area could be created through this plan. She further supported the use of signage in order to avoid user conflicts.

Jean Berensmeier, representing Marin Conservation League, submitted a letter to the Commission outlining their suggestions, comments and recommendations for the Commission's consideration in regard to the DEIR. She also noted that additional correspondence would be provided to the Commission before July 9th, 2004.

Leonard Charles, Environmental Consultant, discussed the primary concerns from the local community. He explained that the Plan was developed to address concerns relating to vegetation, wildlife, recreational use and fire hazards, which included various fuel reduction zones established with the Fire Department. He added that the EIR reviewed the impacts of the two new trail segments and found the impacts to be significant and mitigations were provided in that regard. The EIR reviewed a number of alternatives to the Plan as proposed and found the environmentally superior alternative is to implement the Plan without the two new trail segments, because the trails would increase the amount of use with potential impacts.

In response to Commissioner Julin's concerns, Mr. Haddad responded that a depiction of the bridge would be provided in the final EIR.

In response to Commissioner Julin's comments regarding specific mitigation for parking, Environmental Consultant Charles agreed to address her concerns in the final EIR.

Commissioner Holland noted that the significant adverse impacts of using controlled burns to remove chaparral cannot be mitigated, and therefore a statement of overriding considerations would likely be required. However, the letter in the Staff Report from County Fire Chief Ken Massucco recommends that instead of controlled burns, the chaparral be mechanically cut and piled in windrows for burning outside the fire season. Commissioner Holland suggested that this alternative must also be reviewed in the EIR.

The hearing was closed to the public.

Commissioner Dickenson believed the following issues should be addressed in the final EIR in order to allow for informed decision making on the Plan: cross-references should be included in the text as it relates to the map in regard to the Split Rock Trail; include a regional perspective in terms of nearby large public ownerships; assumptions should be tested about the accuracy of capacities in regard to vehicles parking in turnouts along Sir Francis Drake; the location of the Ridge Trail should be shown; and trails that continue outside property lines should be shown as well.

Commissioner Greenberg expressed concern about prescribed burns, and felt other approaches should be explored in order to maintain the current habitat. She recommended a field survey to understand the presence of slides, which must be weighed against the value of burning which could result in significant erosion and sediment deposit in streams. She believed restoration of the watershed should be addressed as well. She agreed that there is no baseline inventory or surveys, which is needed to assess the situation. She recommended modifying the language on page 34 under E-3 regarding bicycle use. She further requested that the parking capacities be re-evaluated.

Commissioner Barner provided staff with written comments in regard to the DEIR that addressed his concerns, modifications and suggestions for their consideration.

Commissioner Julin pointed out that Sir Francis Drake is heavily used by bikers, which is extremely dangerous and the turnout parking must be addressed in the EIR. She also felt it would be beneficial to the reader if more detail was provided in relation to trail improvements.

Commissioner Thompson discussed capacity analysis and use determination for sensitive areas and pointed out that the most important part of this process is to protect the resource and neighbors. He urged that the use determination area be expanded in order to understand a reasonable capacity. He also believed the County would be better off with quality rather than quantity in regard to trails.

Commissioner Holland noted that the significant adverse impacts of using controlled burns to remove chaparral cannot be mitigated, and therefore a statement of overriding considerations would likely be required. However, the letter in the Staff Report from County Fire Chief Ken Massucco recommends that instead of controlled burns, the chaparral be mechanically cut and piled in windrows for burning outside the fire season. Commissioner Holland suggested that this alternative must also be reviewed in the EIR.

Environmental Planning Coordinator Haddad appreciated the Commission's very thoughtful and thorough comments and announced that the public review period would close on July 9th, 2004, and explained that all written comments must be submitted within the review period deadline. A written response would be provided in the final EIR to all comments received today in writing up to the end of the review period. Before the final EIR is completed and brought back to the Commission for review and recommendation on its adequacy for certification following completion of the final EIR, it would be sent around under the local process for a two-week period for additional comments on the adequacy of their response to comments. The Draft EIR would be sent to the Parks and Open Space Commission to provide an opportunity to make their comments orally on the draft and take any additional testimony desired.

*Chairman Berland announced at 3:46 p.m. that the Commission would take a ten-minute recess and then reconvene with the next agenda item.*

## 8. DESIGN REVIEW: MURRAY

Application to consider a proposal to construct a two-story, 1,899 square foot single-family residence and a 480 square foot detached garage on an approximately 19,400 square foot, vacant parcel in Woodacre. As proposed, the dwelling would have a maximum height of 33 feet and the detached garage would have a maximum height of 15 feet. The dwelling would maintain the following minimum setbacks from corresponding property lines: 39 feet from the northeasterly front property line (along Redwood Drive); 31 feet from the northwesterly side property line; 42 feet from the southeasterly side property line; and 62 feet from the southwesterly property line. The detached garage would maintain setbacks of 3 feet from the northeasterly front property line, 46 feet from the northwesterly property line, 58 feet from the southeast property line, 11 feet from the east elevation of the proposed dwelling, and 62 feet from the top of bank of a tributary creek across Redwood Drive. Proposed building materials include dark gray/green composition shingle roofing and natural weathering wood shingle siding. Also proposed is construction of a new on-site sewage disposal system to serve the new residence. The subject property is located at **192 Redwood Drive, Woodacre**, and is further identified as **Assessor's Parcel 172-151-39**.

Curtis Havel, Planner, summarized the staff report and recommended that the Commission adopt the Resolution denying the Murray Design Review application due to the inability to make the findings for Design Review contained in Marin County Code Section 22.42.060. Although the project is consistent with the development standards of the governing R-1: B-3 zoning district, the project is inconsistent with Countywide Plan policies regarding the Stream Conservation Area (SCA) and visual qualities.

Planner Havel provided the Commission with a site plan and a landscape plan for their review in order to provide the Commission with a better understanding of the project. The Commission took a few minutes to review the plans provided by staff.

In response to Commissioner Dickenson's questions regarding the proposed drainage, Planner Havel responded that the Department of Public Works staff did review the project and approved the drainage plans. Eric Steger, Department of Public Works, noted that, if the Commission has a question about drainage being properly designed, staff could require that drainage plans be provided prior to issuance of a building permit in order to review what is being proposed in more detail. The drainage plans could include information regarding how the drainage flows along Redwood Drive as well as how water in the swale that runs through the center of the homesite will be redirected.

Ray Zerbe, architect, provided the Commission with an overview of site constraints that affect the project including leach field, setbacks, height, lot slope and a proposed easement. He believed it is best to position the home parallel to the contour lines. He did not desire to build in the basement area because of dampness and the lack of sunlight, which would not be conducive to healthy living. He believed the house is quite appealing from public view. Mr. Zerbe felt that e-siting the house is not a real advantage because the understory area would always be damp, and the location of a garage under the house would be difficult due to the steepness of the slope.

Scott Whitney, contractor, discussed the height and pointed out that under Section 22.20.060 the height may be increased without variance approval by a maximum of 10 feet when side setbacks of 15 feet or greater are provided, as is the case with this project. Mr. Whitney indicated re-siting the house was non feasible due to the steepness of the slope, location of the septic system, and SCA. He explained that by keeping the garage separate from the house the amount of driveway is reduced. Mr. Whitney requested a continuance on this matter in order to have additional time to prepare a response to issues raised in the staff report.

The hearing was opened to the public.

Marla Dell, adjacent property owner, voiced her support of the Murray Design Review and noted that Mr. Murray did grant her an easement when she purchased her house, but additional easement space is needed due to the fact she has a very steep driveway. She indicated her preference to have the proposed house further away from her with trees in order maintain privacy between her and the applicant.

The hearing was closed to the public.

In response to Commissioner Barner, Mr. Whitney responded that the septic permit had been renewed.

In response to Chairman Berland's concerns, Deputy Director Crawford pointed out that in order for a permit to be issued for an existing parcel it should be determined that the parcel falls entirely into the SCA or would result in greater impacts if the project was constructed outside of the SCA. Staff added that Policy EQ-2.6 entitles other land uses in the SCA. Staff added that the third bullet item describes existing parcels where it can be conclusively demonstrated that development on any other part of the parcel would have a more adverse effect on water quality as well as other environmental impacts.

Commissioner Dickenson agreed with staff's recommendation. He pointed out that the true impacts of this project are not adequately described and the design implications of this house are significant. He cannot make the findings to approve this proposed setback in a SCA and it appeared there had been no attempt to minimize the impact on the SCA. He believed the design of the home is very imposing because of the three-story box character. He added that design modifications are needed, such as lowering the roof over the living room to break up the mass and reduce the visual impacts. He expressed concern for the drainage, which was not well thought out. He further added that he is prepared to make a motion approving the draft resolution as prepared by staff to deny the design review application.

Commissioner Thompson suggested modifying the plans by moving the building a few feet down the hill so the back corner of the building would be out of the realm of the 30-inch fir tree and conserve the 10-inch bay tree. He noted that the garage could be rotated to meet the house so that it is further away from the street and the home could be redesigned in such a manner to have four staggered levels in order to reduce the height of the building.

Commissioner Barner pointed out that the necessary analysis has not been provided and suggested that the Commission either deny the project or continue the application in order for the applicant to work on the design.

Chairman Berland noted that the applicant has a legal right to build a home. He believed that moving the home in a northwesterly direction would require more grading and more tree removal. as would locating the garage underneath the house. It is possible that additional excavation and removal of more trees may have a greater impact on the SCA. He then asked the applicant if he desired the Commission to continue the matter in order to address the Commission's concerns by working with staff or should the Commission deny the project and uphold staff's recommendation. Mr. Zerbe and Mr. Whitney desired a continuance on this matter in order to address the Commission's concerns.

Commissioner Thompson asked staff if there is some flexibility in regard to the SCA setback. He also expressed concern for the control of water into the stream. Agency Director Hinds responded that locating the project within the SCA would make the project more vulnerable to challenge. Staff encouraged exploration of design alternatives, along with incorporation of design features that incorporate best management practices to address issues raised by the Commission's staff. Staff further recommended being as flexible as possible and approach the matter as a partnership. Staff further believed alternatives should be explored in more detail to provide a solid answer to the Commission.

Commissioner Greenberg expressed concern regarding: 1) tree removal with respect to the location of the leach field, 2) drainage issues, and 3) apparent mass and bulk as it relates to visual impacts.

Commissioner Barner suggested that the applicant rethink the notion of a cathedral ceiling.

Commissioner Julin requested that plans be evaluated for the provision of adequate defensible space consistent with the draft ordinance being developed by Steve Jensen and others.

Matthew Murray, applicant, agreed to a continuance, but requested that the matter come back before the Commission in a timely fashion. Agency Director Hinds indicated August 9th was the soonest the item could return to the Commission.

M/s, Thompson/Barner, to continue the Murray Design Review application to the August 9th, 2004 Planning Commission meeting. Motion passed 7/0.

## 9. DRAFT MARIN COUNTYWIDE PLAN

### Public hearing on the Draft Countywide Plan

The hearing was opened to the public.

Priscilla Bull, representing Marin Conservation League, briefly discussed Community Facilities and noted that the League would submit written comments as soon as possible providing specific recommendations. She added that the limited discussion suggests a lack of attention to this critical resource area as to what the proposed policies and programs would achieve. She explained that if the County is to achieve the overarching goal of sustainability that the Board has set, they must change the underlying model by which the planning process has historically addressed critical resource issues such as water, energy and materials that contribute to the waste stream.

Margaret Zegart, southern Marin resident, expressed concern for any expansion of the heliport in regard to noise. She believed future passenger rail service could generate noise and should be discussed and suggested providing different models for train and bus noise on Figure 3-32. She also suggested considering the concept of transit noise. She discussed the ordinances that limits construction activities on holidays and weekends and pointed out that “*time of day*” is very important in relation to noise impacts. She commented on the LAFCO’s sphere of influence and many individuals in her area disagreed with being annexed to Mill Valley. She then discussed the Chart on 3-14, which did not depict lakes and lagoons and suggested including bays as well and felt the section should be called “*Waterways*.” She believed an extra diamond should be included on page 3-166 regarding passenger rail services. She stated that when the concept of mixed-use is combined with a shopping center there would be a quieter community. She also pointed out that golf courses are not included and suggested investigating the Presidio in regard to their model. She further stated that the contour of the land should be considered as well.

Margaret Jones, Belvedere resident, expressed concern about comments in the Plan in regard to rail service and the document should indicate that there would be train noise for 3 minutes versus vehicle noise for 30 minutes, so it is a trade off that should be noted. She further discussed safe use of graywater and encouraged soccer fields in the County being located next to sewage treatment plants.

Agency Director Hinds pointed out that the Transportation section supports regional transit initiatives and promotes rail service.

The hearing was closed to the public.

*Chairman Berland announced at 6:30 p.m. that the Commission would recess for a dinner break and then reconvene with staff’s presentation on Noise and Community Facilities sections.*

Michele Rodriguez, Principal Planner, provided the Commission with a presentation related to Noise that included the following for the Commission’s consideration:

- Key Trends
- Key Noise Issues:
  - Should alternatives to sound walls be promoted to reduce noise impacts, especially along Highway 101?
  - Should a noise ordinance be adopted which limits construction activity on holidays and weekends?
- Goal NO-1: Protection from excessive noise
  - Policies
  - Implementing programs

Commissioner Barner believed alternatives to sound walls should be spelled out with examples in the document.

Commissioner Dickenson discussed page 3-166 related to local airport noise and believed a Master Plan was approved to increase capacity in relation to Gness Field and asked staff to investigate. He also stated that sound walls should be avoided, but when sound walls are necessary the best design should be used. Agency Director Hinds agreed. Staff added that historically in Southern Marin sound walls had been avoided.

Commissioner Julin believed a policy should be in place regarding jet skis. Agency Director Hinds agreed to investigate. Chairman Berland suggested adding a paragraph related to off-road vehicles as well.

Commissioner Thompson recommended adding a policy related to leaf blowers. Agency Director Hinds responded in the affirmative.

Commissioner Thompson recommended adding a policy relating to use of residential construction equipment. Commissioner Greenberg desired a policy that allowed homeowners to work on the weekend, but not at the expense of the neighbors. Agency Director Hinds responded that the program in place would provide the framework as well as provide consideration for homeowners that perform their own work.

Chairman Berland discussed helicopters and asked staff to add the noise level of low flying helicopters and leaf blowers to Chart 3-32 as well as a helicopter safety analysis. Agency Director Hinds responded in the affirmative.

Commissioner Greenberg commented on Map 3-14 relating to noise contours and pointed out that the 65 LDN is similar to the County and City boundary and recommended that it be differentiated. She discussed Figure 3-33 on page 3-165 in regard to the color grading and suggested using patterns to better differentiate the colors. She also felt the maximum levels are very loud and expressed concern that the title of the Table on page 3-172 might set standards that the Commission did not desire and requested that the Table be clarified. Principal Planner Rodriquez agreed to revisit the land use type as well as acceptable maximum levels.

Commissioner Barner pointed out that mitigation measures could create additional problems such as health hazards and believed mitigation measures should be evaluated.

In response to Commissioner Dickenson's comments related to San Rafael Rock Quarry and truck traffic exceeding the limit for residential, Principal Planner Rodriquez responded that staff must research the accuracy of the source as well as the methodology used. Commissioner Greenberg believed the Tables provided are suspect and should be investigated. Staff agreed.

Kristin Drumm, Planner, provided the Commission with a presentation related to Community Facilities for the Commission's consideration that included the following:

- Key Trends
- Key Community Facilities Issues:
  - Should the requirement that new development pay for the full cost of all infrastructure apply to below market rate housing?
  - Should even more aggressive water conservation measures be passed, such as "zero net impact?"
  - Should safe graywater use be evaluated and encouraged?
  - Should even more aggressive recycling, resource recovery, and composting strategies be pursued?
- Goal CF-1: Adequate public facilities

- Policies
- Implementing programs
- Goal CF-3: Safe processing of wastewater and solid waste
  - Policies
  - Implementing programs
- Goal CF-4: Decreased exposure to hazardous materials
  - Policies
  - Implementing programs
- Goal CF-5: Minimization of telecommunications facilities and related impacts
  - Policies
  - Implementing programs

Commissioner Barner discussed the background and requested that the section be rewritten in order to specifically acknowledge the role Special Districts play in the County. Agency Director Hinds responded in the affirmative.

Commissioner Barner believed it is imperative to discuss the extent of remaining capacity and alternate sites for the Redwood Waste Facility. He also expressed concern for the availability of water.

Commissioner Holland commented on page 3-181 regarding Figure 3-39 and pointed out that it made no sense and should state, “*pounds per resident.*” Planner Drumm responded that it is pounds per person per day. The Commission suggested footnoting the demolition of “*Hamilton*” for a better understanding of the increased waste in 1998. Staff agreed.

Commissioner Dickenson discussed CF-5.1 and believed it is an impossible standard to meet. Principal Planner Rodriguez responded that the purpose of the policy was to better document the telecommunication facilities and require co-location. Agency Director Hinds recommended refining the language in both policies.

Commissioner Barner expressed concern for the term “*facilities and services*” being used interchangeably. Commissioner Holland concurred. He then suggested changing the chapter title to “*Community Services.*” Agency Director Hinds expressed a preference for “*Public Services,*” and agreed to review the heading because a lot of public services are provided in the Socio-economic section.

Commissioner Thompson believed CF-1.b should discuss Special Districts and recommended deleting the reference to cities and rezoning and state, “*LAFCO formation of Special Districts.*” Agency Director Hinds responded in the affirmative. Staff also noted that the septic and water section would be addressed in a more detailed manner.

Commissioner Dickenson believed it made sense to prezone lands in the urban services area.

Commissioner Dickenson stated that from a policy standpoint they should address the water use for both per capita water use and total water use because the implications are significant. Agency Director Hinds agreed.

Commissioner Thompson desired policy making at the Water District level and policy about water use relative to the Planning Department. Agency Director Hinds responded that Planning Department has more responsibility for new development and the Water District has responsibility for existing customers in regard to pricing, assistance and retrofits and they should work together to achieve the goal. Staff added that water should not be an excuse to not provide the amount of affordable housing needed in the County. Commissioner Dickenson suggested if the Commission desired to be aggressive to have a policy that addressed “*no net increase.*”

Commissioner Holland pointed out that the major issue is outdoor landscape watering.

Commissioner Barner stated that technology has improved and that information should be publicized. He strongly supported safe graywater use for irrigation purposes. Agency Director Hinds responded that environmental health individuals are hesitant about graywater use. However, there is new technology to use graywater through drip irrigation.

Chairman Berland believed a survey should be conducted of the amount of homes that have drip irrigation systems and some sort of drip irrigation requirement be considered at the time of sale of a house in order to maintain the landscaping.

Commissioner Dickenson stated that if the Commission is serious about sustainability they have no choice but to adopt a policy indicating “*no net increase*” in existing water use in the County.

*Chairman Berland adjourned the meeting at 9:00 p.m. and continued discussion on Community Facilities to the next Planning Commission hearing on June 28, 2004 at 1:00 p.m.*