

**MARIN COUNTY PLANNING COMMISSION MINUTES**  
**JUNE 2, 2003**  
**Marin County Civic Center, Room #328 - San Rafael, California**

*Commissioners Present:* Allan Berland  
Ross Herbertson  
Don Dickenson  
Jo Julin  
Hank Barner  
Steve Thompson

*Commissioners Absent:* Ray Buddie

*Staff Present:* Brian C. Crawford, Deputy Director of Planning Services  
Alicia Giudice, Planner  
Alexandra Morales, Planning Commission Secretary  
Michelle Reed, Recording Secretary  
  
Eric Steger, DPW  
David Zaltsman, County Counsel

*Minutes Approved on:* **JUNE 9, 2003**

Convened at 1:00 p.m.  
Adjourned at 2:28 p.m.  
Reconvened at 2:38 p.m.  
Readjourned at 4:00 p.m.

1. ROUTINE TRANSACTIONS:

- a. M/s Julin/Berland, and passed unanimously of those present, to incorporate Staff Report into Minutes. Motion passed 6/0 (Commissioner Buddie not present).
- b. Continuances: None.

2. COMMUNICATIONS

The Commission acknowledged additional correspondence regarding the Fitzgerald Design Review

3. DIRECTOR'S ORAL REPORT

- a. Report on Progress of Sustainability Programs

Dawn Weisz, Long Range Sustainability Planner, presented a progress report on sustainability programs staff is currently working on with regards to energy conservation/efficiency, green building, public education, and climate protection. She then provided copies of public information brochures currently available, and concluded by summarizing the goals for 2003-2004.

Staff answered Commissioners' questions regarding similar sustainable programs throughout the Bay Area and information available.

- c. Report on On-Going Development Projects

Staff provided the Commission the following information: 1) the Nick's Cove project has been appealed to the California Coastal Commission; 2) the Hansen/Brubaker project has been withdrawn; 3) the Strawberry View Ordinance is expected to come back to the Commission in the fall; 4) the Weber Tidelands Permit has been appealed to the Coastal Commission; and 5) a workshop on the Development Code will be held on June 9, 2003.

4. TIME FOR PUBLIC EXPRESSION ON ITEMS NOT ON TODAY'S AGENDA

5. DESIGN REVIEW: FITZGERALD

Continued hearing to consider a Design Review application proposing to construct a new, 2,508 square-foot, single-family residence with a 545 square foot attached garage on a vacant lot. The proposed residence would have a maximum height of approximately 25.5 feet above grade. A 12-foot high retaining wall would be located within 3 feet of the southeasterly property line. Pursuant to Marin County Code Section 22.82.025, Design Review is required for the development of this lot because it is substandard in size (less than 50% of that required by the governing R-1:B-4 zoning district regulations). The subject property is located at **50 Bayview Drive, San Rafael**, and is further identified as **Assessor's Parcel 186-132-20**.

Commissioner Dickenson stated that even though he was not on the Planning Commission when this matter was originally heard, he was present at the meeting and has read all background information. Therefore, he can adequately make a decision on the project.

Alicia Giudice, Planner, summarized the background history of the project and additional information submitted in response to the Commission's direction at the previous hearing. Based on information received subsequent to the preparation of staff's supplemental memorandum, she recommended that this matter either be continued or denied without prejudice in order for staff to process a Certificate of Compliance (COC) to determine the legality of the lot.

Staff and Commissioners held a lengthy discussion regarding the survey conducted by J.L. Engineering, the process and rationale for conducting a COC, the original grant deed and creation of the lot, minimum lot size requirements, the process for conducting a survey, and sight distance of the driveway.

The hearing was opened to public testimony.

Concerned residents Eilene Morris, Gordon Morris, Barbara Saxby, Susan Lynn, Rene and Lori Sommer, Don Saxby, Alan Schaevitz, and Frank Guerrini commented in opposition of the project as proposed based on the following: 1) the legality of the lot is questionable; 2) the house is too big for the lot; 3) traffic safety, especially meeting county codes regarding stopping distances versus sight lines to the driveway; and 4) inadequate water supply.

Richard Bicardo, property owner, specifically requested a continuance to allow him the opportunity to file a COC.

Jay Halberg, J.L. Engineering representing Mr. Bicardo and Mr. Fitzgerald, clarified that the project was designed based on the Single Holding Form prepared by the County on April of 2001 and much discussion had taken since. He expressed concerns about the negative comments that have been received to date and the ramifications this would have on the project when a final decision is reached.

The hearing was closed the public testimony.

Planning staff and County Counsel further clarified issues regarding the original creation of the lot, the COC process, and filing of a Notice of Violation.

After taking into consideration the information presented, and expressing individual comments and concerns, the Commission agreed to continue this matter to the regular meeting of September 22, 2003 and direct the applicant to file for a COC within two weeks. If the COC is not filed within two weeks, the Director will cause to be filed a Tentative Notice of Violation for the property based upon the title information submitted in connection with this hearing. There was a clear consensus that consideration of the merits of the Design Review application should be deferred until the COC or the Notice of Violation process has been sufficiently completed.

M/s Dickenson/Thompson, and passed unanimously of those present, to continue this matter to the hearing of September 22, 2003, as consented to by the property owner. The property owner has the opportunity to file a COC within two weeks from this hearing date without the recordation of a Tentative Notice of Violation. The Planning

Commission also directed staff to file a Tentative Notice of Violation if a COC is not filed within two weeks from this hearing date. Motion passed 6/0 (Commissioner Buddie not present)

6. MINUTES

M/s Berland/Julin, and passed unanimously of those present, to approve the Minutes of April 21, 2003 as revised. Motion passed 6/0 (Commissioner Buddie not present).

M/s Dickenson/Julin and passed unanimously of those present, to approve the Minutes of May 5, 2003 as revised. Motion passed 6/0 (Commissioner Buddie not present).

7. UPDATE ON BOARD OF SUPERVISORS ACTIONS

None.

8. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

June 9, 2003

Development Code Meeting  
Second Unit Ordinance Workshop

June 16, 2003

Shaw Variance, Use Permit, Lot Line Adjustment, and Design Review Clearance Appeal (Kentfield)  
Elliott Appeal of the Ravizza Design Review (Mill Valley)

July 14, 2003

July 21, 2003 (cancelled)

July 28, 2003 (rescheduled date for July 21<sup>st</sup> meeting)

9. RECEPTION

A reception was held for Patty Garbarino to acknowledge her distinguished service on the Marin County Planning Commission.