

MARIN COUNTY PLANNING COMMISSION MINUTES
JULY 7, 2003
Marin County Civic Center, Room #328 - San Rafael, California

Commissioners Present: Ray Buddie (Out for items #1-5)
Allan Berland
Ross Herbertson
Don Dickenson
Jo Julin
Hank Barner
Steve Thompson (Out for items #1-3)

Commissioners Absent:

Staff Present: Alex Hinds, Agency Director
Brian C. Crawford, Deputy Director of Planning Services
Michele Rodriguez, Principal Planner
Dan Dawson, Senior Planner
Larisa Rosnowski, Planning Aide
Alexandra Morales, Planning Commission Secretary

Minutes Approved on: **JULY 14, 2003**

Convened at 1:00 p.m.
Adjourned at 6:40 p.m.

1. ROUTINE TRANSACTIONS:

- a. M/s Barner/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 proposed Second Unit Ordinance from the Stinson Beach Village Association, Environmental Action Committee, and Strawberry Design Review Board, as well as a newspaper article regarding the pending Fireside Housing project.

3. DIRECTOR'S ORAL REPORT

- a. Countywide Plan Alternatives

Dan Dawson, Senior Planner, summarized the four Countywide Plan scenarios analyzed with regards to economic vitality, environmental protection, housing and transportation, and explained how each of the alternatives was developed. Additionally, he highlighted some of the desired outcomes for each of the scenarios.

Staff clarified issues regarding buildout statistics, ecological footprint, key indicators, agricultural uses, infill densities, potential housing densities at the St. Vincent's Silveira and San Rafael Rock Quarry properties, and development along Tomales Bay Shoreline.

Margaret Zegart commented on the Economic Vitality and Housing scenarios suggesting that: 1) wetlands are marked for preservation; and 2) affordability.

- b. Report on On-Going Development Projects

A field trip to the Fireside Housing site was scheduled for Thursday, July 3, 2003 at 3:00 p.m. at which time Chair Herbertson and Commissioners Julin and Thompson will be attending.

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

5. WITHDRAWAL OF THE VARIANCE/DESIGN REVIEW CLEARANCE APPEAL: SPARKS

Acceptance of the withdrawal of the Hart Appeal (on behalf of Jeanne Sparks) of the Deputy Zoning Administrator's approval of the Jeanne Sparks Variance and Design Review Clearance proposing to legalize 1,120.5 square feet of additional living area and 236 square feet of garage area to an existing 2,065 square foot single-family residence with an attached 450 square-foot garage. The subject property is located at 227 Richardson Drive, Mill Valley, and is further identified as **Assessor's Parcel 043-171-11**.

M/s Julin/Berland, and passed unanimously of those present, to accept withdrawal of the Sparks Variance/Design Review Clearance appeal. Motion passed 6/0 (Commissioner Buddie not present).

6. TITLE 22 AMENDMENT: SECOND DWELLING UNIT ORDINANCE

Hearing to consider recommending adoption of proposed revisions to the Marin County Zoning Ordinance to implement new provisions of State law related to the regulation and permit process for second dwelling units for unincorporated properties in Marin County. Generally, the new state law requires local agencies to consider applications for second dwelling units through a ministerial process based on compliance with objective criteria, without discretionary review or a public hearing (Government Code Section 658852.2). Amendments to the County Zoning regulations are proposed to implement the mandatory state law requirements. The Planning Commission will consider recommending that the Marin County Board of Supervisors adopt these code amendments.

Christine Gimmler, project planner, summarized the background history and explained the proposed revisions to the proposed second unit ordinance as set forth in Attachment 1 to staff's memorandum with regards to location, minimum parcel size, maximum second unit size, Design Review, public noticing, and environmental review.

Staff responded to Commissioner's questions regarding location of second units in unincorporated areas of San Rafael, the Design Review process for second units, exemptions for discretionary approvals, compliance with Title 24 regarding safe passage of emergency vehicles, and accessory improvements for second units within Streamside Conservation Areas.

The hearing was opened to public testimony.

Interested parties and community representatives Margaret Kettunen Zegart (concerned resident), Rebecca Watkin (concerned resident), Wiebke Buxbaum (Pt. Reyes Village Association), Roger Hurt (Stinson Beach Village Association), Wade Holland (Inverness Association), Ron Marinoff (Lucas Valley HOA), Gordon Bennett (Sierra Club Marin), and Cela O'Connor (Bolinás resident) commented on the following issues:

- Exempting second units in the Tamalpais Planning Area from Design Review or the Slope Ordinance, even if located within an existing structure.
- Allowing second units in the Kentfield and Sleepy Hollow areas.
- Coastal Permit requirements for second units in the coastal areas.
- Appropriateness of second units larger than 750 square feet.
- The lack of due process, consistency with the Stinson Beach Community Plan, and consistency with existing Stinson Beach County Water District septic and water regulations.
- Design Review Exemptions for the conversion of preexisting detached structures within the SCA.
- Inadequate time for review and comment on this matter.
- The Design Review Exemption process for second units in planned districts.
- Subjecting second units in the Lucas Valley area to existing Eichler design standards.
- Ensuring that second units comply with the fire residential sprinkler ordinance in the Lucas Valley area.
- Passing the savings of second units approved through the ministerial process on to renters.
- Recordation of deed restrictions for units approved through the ministerial process in order to ensure affordability.
- Public hearings for second units, particularly those located in coastal zone areas.
- Expanding SCAs provisions in the ordinance to include wetland buffers.
- Requiring Design Review for any accessory improvements necessary for second units within SCAs.

The hearing was closed to public testimony.

Staff responded to individual issues raised above. After taking into consideration all information presented, and expressing individual comments and concerns, the majority of the Commissioners agreed on the following:

- Design Review should be required for improvements for units that result in site disturbance within SCAs.
- Clarify Coastal Permit requirements for second units in coastal areas.

- Capping the maximum size of second units at 750 square feet.
- Expanding provisions related to SCAs to include wetland buffers.
- Allowing second units in the Greenbrae/Kentfield and Sleepy Hollow areas ministerially within existing buildings if no additional bedrooms are added. If bedrooms are added or the building is expanded, second units could be allowed through the Design Review process if located within half a mile from public transportation.

M/s Buddie/Julin, and passed unanimously, to continue this matter to August 5, 2003, in order to allow staff to prepare a revised Ordinance. Motion passed 7/0

7. COASTAL PERMIT/DESIGN REVIEW: DANIEL QUALLS AND ANNA TOM APPEAL OF THE AGENCY DIRECTOR'S DENIAL

Hearing to consider the **Daniel Qualls and Anna Tom appeal of the Agency Director's denial of the Qualls/Tom, Coastal Permit/Design Review** application proposing to construct a 2,080 square foot single-family residence with an excavated parking pad and other associated site improvements on a 20,839 square foot parcel. The roof of the residence would attain a maximum height of 23.5 feet above finished grade. The appellants assert that the proposed project would not result in unreasonable adverse view impacts to the surrounding area. The subject property is located at **60 Seacape Drive, Muir Beach**, and is further identified as **Assessor's Parcel 199-281-03**.

Jeremy Tejirian, project planner, summarized the merits of the proposed project, the basis for the appeal, and the responses to the issues raised in the appeal as set forth in the staff report.

Phil Smith, Chief of Environmental Health Services, summarized the background history of the septic system permitting process. He then responded to questions regarding flexibility regarding the location of the septic system.

The hearing was opened to public testimony.

Gary Giacomini, applicants' attorney, noted that while the proposed design of the residence is somewhat different from the adjacent residences, it would enhance the neighborhood. He also stated that the importance of the trail is minimal because it is not heavily used.

Anna Tom and Dan Qualls, applicants, commented on the careful planning that went into designing the proposed residence, which carefully took into consideration the protection of views from the public trail.

Jerry Kler, applicants'/appellants' architect, commented on the topography of the property, as well as neighboring properties. Additionally, he made a comparison of the proposed design of the residence to neighboring residences, noting that there was little or no similarity between designs. He concluded by responding to Commissioners' questions regarding the ability to move the residence further away from the trail, and colors and materials.

Concerned residents Steve Shaffer, George Lindholdt, Edward J. Hyman, Kathy Sword, Coleen Curry, Paul Brunner, and Ellen Mettler commented in support of the appeal based on the following: 1) denying the project based on the proposed design would be inappropriate given the architectural diversity throughout the area; 2) the proposed size and location of the house would have minimal view impacts; 3) the proposed 23.5-foot height is lower than average in the area; 4) when the subdivision was created, it was known that there would be some visual impacts to the trail; 5) the applicants have been very sensitive to the area and the neighbors, and 6) given the topography of the property, moving the house further towards the road would raise safety issues for children in the front yard.

Adjacent neighbor Alexandra Lake commented in opposition of the proposed project based on visual, septic, and property value concerns, as well as the fact that a septic permit was issued based on erroneous information. She then presented photographs taken to and from her property, and concluded by responding to Commissioners' questions regarding her basis for opposition.

The hearing was closed to public testimony.

Staff clarified issues regarding the trail, accuracy of story poles, setback requirements, and accuracy of the context map submitted by the applicants/appellants, and possible relocation of the residence further down the hill.

Armando Alegria, Environmental Health Specialist, explained in detail the review process for issuing the septic permit.

After taking into consideration the information presented, and expressing individual comments and concerns, it was the sense of the majority of the Commission that although redesign and relocation of the residence might be of some benefit, not much would be gained. Therefore, it was the sense of the majority of the Commission that modifying the design and/or relocating the home would not achieve great benefits.

M/s Buddie/Berland, to make a motion of intent to grant the Anna Tom and Dan Qualls Appeal to approve the Tom/Qualls Coastal Permit/Design Review and continue this matter to the hearing of July 14, 2003 to allow staff to prepare a Resolution. Motion passed 6/1 (Commissioner Julin voted against the motion).

Commissioner Julin voted against the motion because she supported the staff's recommendation to deny the appeal and requested preparation of an alternative that would bring the proposed project into conformance with policies of the applicable planning documents as suggested by staff.

8. APPROVAL OF MINUTES –JUNE 9, 2003, MEETINGS

9. UPDATE ON BOARD OF SUPERVISORS ACTIONS

June 24, 2003: Development Code adopted; Dickens Master Plan

July 15, 2003: Tobias Variance Appeal; Construction & Demolition Ordinance

July 24, 2003: Budget Hearings

July 29, 2003: Fireside Housing Master Plan

10. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

July 14, 2003: Fireside Housing Master Plan/Precise Development Plan (Tam Valley); Ratification of Resolution for Tom/Qualls Coastal Permit/Design Review (Muir Beach)

July 28, 2003: Hicks Mountain Master Plan/Development Plan (Nicasio); Redwood Draft EIR (Novato); Presentation on LAFCO Sphere of Influence Study