

**MARIN COUNTY PLANNING COMMISSION MINUTES  
AUGUST 4, 2003  
Marin County Civic Center, Room 328 - San Rafael**

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

*Commissioners Absent:* Ray Buddie

*Staff Present:* Alex Hinds, Agency Director  
Brian C. Crawford, Deputy Director of Planning Services  
Christine Gimmler, Senior Planner  
Jeremy Tejrjian, Planner  
Louise Rapoport, Recording Secretary  
Joyce Evans, Recording Secretary

*Minutes Approved on:* **August 18, 2003 (All Items, except #6 – Resolution ratified only)**  
**September 22, 2003 (Item #6 – Oronzi Appeal of the Raabe Design Review)**

Convened at 1:10 p.m.  
Adjourned at 6:15 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 was not present).
- b. Continuances - None

## 2. COMMUNICATIONS

The Commission acknowledged receipt of additional correspondence regarding the Proposed Draft Development Code Amendments Related to Second Dwelling Units and the Marilyn Oronzi appeal of the Agency Director's approval of the Rabbe Design Review

Commissioner Barner informed the Commission that he had received a call from Richard Rubin and Gary Giacomini.

Commissioner Berland informed the Commission that he had called Anne Petersen about the second unit ordinance and also a call from Supervisor Hal Brown regarding the Raabe Design Review. Supervisor Brown asked for a site visit, which Commissioner Berland conducted.

## 3. DIRECTOR'S ORAL REPORT

- a. Agency Director, Alex Hinds, spoke about the progress on the Countywide Plan Update.

The State Housing Community and Development department had granted approval of the Housing Element.

A review of several alternatives for the Countywide Plan will be provided at the next Planning Commission meeting in a workshop type format. The alternatives were prepared with input from a variety of community groups reflecting various perspectives – environmental preservation, affordable housing, transportation choice, and economic vitality.

- b. Report on On-Going/Pending Development Projects

The Board of Supervisors approved the Fireside project unanimously and appreciated the additions made by the Planning Commission. The Board added a few additional minor requirements to the project in their approval, including consultation with the Federated Indians on preparation of the treatment plant and additional analysis of the pedestrian crosswalk by a traffic engineer with an expertise in pedestrian circulation issues.

Staff reported that the Development Code was approved by the Board of Supervisors. Copies of the document will be available by the end of the month.

The Oakview project will probably be heard by the Planning Commission this Fall. The project sponsor has made some changes to the plan, which will necessitate revisions to the traffic study.

Commissioner Berland asked about the status of the Vierra Ranch (Moritz) proposal. Staff informed the Commission that this project has been continued for an extended time period at the request of the applicant.

In response to Commissioner Dickenson, staff noted that the Hansen/Brubaker proposal had been withdrawn at the request of the applicant following the Coastal Commission staff's issuance of report that was critical of the project.

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

Johnathan Frieman submitted a request to the Planning Commission to consider revocation of the San Rafael Rock Quarry's Use Permit. Mr. Frieman stated that it is appropriate for the Planning Commission to conduct hearings on the revocation of the Use Permit. He stated that the County has not followed its own ordinances for the past two years. The ordinance states that anyone that conducts an operation that adversely affects the health and welfare of those living in the affected area can have their Use Permit revoked by the Planning Commission. Mr. Frieman urged the Planning Commission to hold hearings as soon as possible.

Commissioner Berland asked about the results of the County's lawsuit. Mr. Frieman stated that the court has not rendered a decision in this matter. Commissioner Berland asked whether the Planning Commission would be precluded from taking an action on the Use Permit if the court determined that the property is used in accordance with the quarry's entitlements. Mr. Frieman responded that Judge Vernon Smith stated the Planning Commission has the power to address this issue at an administrative level. Commissioner Berland requested staff to report back to the Planning Commission on this matter. Commissioner Dickenson stated that he attended the trial and the judge asked why the County had not acted on revoking the Use Permit in pursuit of abatement of a public nuisance. He also stated that the closing arguments are scheduled for October 30 and that the court decision may not involve a decision on the Use Permit but the reclamation plan.

Commissioner Herbertson received the written communication from Mr. Frieman and asked staff to review the report and to respond.

Agency Director Hinds stated that this item is subject to a lawsuit as well as an ongoing code enforcement action. The decision was made by the Board of Supervisors to have the issues addressed through the legal process and not a revocation procedure. To change this strategy will require direction from the Board of Supervisors. He will report back to the Commission on this matter. Commissioner Ross asked for an assessment of options available to the Planning Commission.

## 5. TITLE 22 AMENDMENT: SECOND DWELLING UNIT ORDINANCE

Continued 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, Senior Planner, reviewed the key issues in the draft development code amendments relating to second dwelling units, including applicability of the lot-slope requirements, and maximum permitted second unit size, as set forth in staff's memorandum of July 25, 2003. She also clarified Coastal Permitting requirements related to second unit applications and described a number of minor clarifications and corrections to the proposed language that were recommended by the Commission, as well as members of the public. Finally, staff summarized the contents of several letters regarding the second unit ordinance received from the Sleepy Hollow Homeowner's Association, the Inverness Association, the Stinson Beach Village Association, and Cela O'Connor.

In response to the Stinson Beach Village Association's concern regarding detached second units, staff proposed modifying the ordinance to allow detached second units in Stinson Beach only on lots of one acre or more and only subject to Design Review. Staff also corrected a statement in the memorandum to clarify that community plans in coastal areas are not certified by the Coastal Commission.

In response to issues raised in the Point Reyes Village Association letter, staff clarified that the 540 square foot garage area and 250 square foot detached accessory structure area exemptions contained in the definition of floor area apply only once for each property, and proposed utilizing the term "habitable floor area" when referring to the 750 square foot size limit for second units. Staff also concurred with the Village Association's suggestions to modify Subsection B.4 (Procedure for neighborhood inclusion) to reflect the direction of current State law.

In response to questions from Commissioners Herbertson and Berland, staff reviewed the issues related to second units that would trigger a Design Review process, and proposed modifying Subsection G.1.b to clarify what rules apply to properties in the Kentfield/Greenbrae, Kent Woodlands and Sleepy Hollow areas that are further than 1/2 -mile from a transit route. Staff also explained that the adopted findings for the existing second unit ordinance do not contain specific references to individual communities, in response to a question from Commissioner Barner. Commissioner Thompson expressed support for simplifying the ordinance and for flexible design standards for second units, which consider the characteristics of a particular lot. In response to a discussion regarding the relationship between second unit size and affordability, Director Hinds noted that in Marin County, surveys indicate that approximately half of second units are rented at affordable rates, and that staff does not support allowing larger second units unless they are restricted to affordable levels. Staff concurred with suggestions from Commissioners to clarify which second unit standards could not be waived or modified through Design Review (such as maximum unit size, adequacy of sanitary and water service, etc)

Commissioner Herbertson opened the meeting to public comment.

Interested parties and community representatives Dave Fahrner (President of the Marin Association of Realtors), Anne Petersen (Kentfield Planning Advisory Board), Wade Holland (Inverness Association), Wiebke Buxbaum (Point Reyes Station Village Association), Ken Fox (Tomales Bay Association), Roger Hurt (Stinson Beach Village Association), Gordon Bennett (Sierra Club), Connie Berto (Sleepy Hollow Homeowners Association), and Cela O'Connor (Bolin resident) commented on the following issues:

- Providing a countywide amnesty program for second units, similar to Novato, San Rafael, and Mill Valley.
- Providing a better definition of what constitutes a parking space for a second unit.
- Modifying the "distance to transit" criteria from 1/2-mile to 1/4-mile in Kentfield/Greenbrae/Sleepy Hollow and clarifying how it is measured.

- Limiting the amount of garage and storage space that may be allowed in association with a second unit, regardless of zoning.
- Recommending that the Board of Supervisors direct County Counsel to challenge the legality of the new State law.
- Requiring public hearings for second units outside the coastal zone.
- Requiring architectural review for existing units proposed to be legalized.
- Clarifying that one of the primary purposes of the second unit ordinance should be “affordable housing”.
- Maintaining a prohibition on second units in Sleepy Hollow due to traffic, water supply, and rural road conditions.
- Strengthening provisions related to stream protection.

The hearing was closed to public testimony.

In response to additional questions from the Commission, staff clarified the following issues:

- Parking spaces assigned to a second unit must be independently accessible and in addition to parking required for the primary residence.
- The 540 square foot garage area and 250 square foot accessory building exemption from floor area calculations apply only one time for each property.
- Regardless of zoning, a second unit shall not exceed 750 square feet of habitable area under any circumstances.
- The “distance to transit” criteria would be measured in a direct line from the nearest transit route (rather than bus stop) to the property.
- The term “cubical contents” is used rather than “floor area” because it would include unimproved understory or attic spaces, which could be converted to living area without expanding the building.

After taking into consideration the information presented, and expressing individual comments and concerns, the majority of the Commissioners agreed on the following:

- The “distance from transit” standard should be reduced from ½-mile to ¼-mile.
- The purpose of the second unit ordinance should include providing affordable housing opportunities.
- The maximum second unit size should remain 750 square feet.
- The minimum lot size requirements of the lot-slope ordinance should continue to apply unless the unit is created within an existing building.
- Subsection H should be reworded to clarify which criteria may be varied from through Design Review.
- References to the UBC should be replaced with “current adopted building codes of Marin County”.

M/s Berland/Julin to submit recommendations to changes to the ordinance to the Board of Supervisors as revised with clarification in the minutes. Motion passed unanimously (6/0) Commissioner Buddie not present.

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC03-017

A RESOLUTION RECOMMENDING THAT  
THE MARIN COUNTY BOARD OF SUPERVISORS ADOPT WITH REVISIONS  
SECTION 22.32.140 OF THE MARIN COUNTY DEVELOPMENT CODE

\* \* \* \* \*

- I. WHEREAS, on January 12, 1982, the Marin County Board of Supervisors adopted Ordinance 2681, which established Chapter 22.98 of Code allowing the registration or legalization of existing second units and the development of new second units through a discretionary Use Permit process. The provisions of Chapter 22.98 were subsequently amended in 1987, through the adoption of Ordinance 2935; and
- II. WHEREAS, on September 29, 2002, the first major revision to the State second dwelling unit statute, Government Code Section 65852.2, was signed into law by the Governor. The revisions were intended to simplify the approval process for second units by requiring that any application for a second dwelling unit received after July 1, 2003, be considered through a ministerial process, without discretionary review, public notice, or public hearing; and
- III. WHEREAS, in May 2003, Marin County prepared amendments to Section 22.32.140 of the Draft Development Code to implement new provisions of State law related to the permit process and regulations for second dwelling units; and
- IV. WHEREAS, the proposed revisions to the Development Code related to second dwelling units are consistent with the housing goals, policies and programs of the Marin Countywide Plan and would help Marin County meet its rental housing needs objectives as specified in the Housing Element of the Countywide Plan by providing a uniform process for the legalization of existing second dwelling units and the construction of new second dwelling units throughout the County, with the exception of those communities that are impacted by severe traffic congestion for which no traffic mitigation process has been established, where restrictions on the construction of new second units would be imposed to lessen additional traffic impacts; and
- V. WHEREAS, on June 9, 2003, the Marin County Planning Commission conducted a public workshop to review proposed revisions to Section 22.32.140 of the Draft Development Code and to solicit public comment on the document, and
- VI. WHEREAS, on June 24, 2003, the Marin County Board of Supervisors approved Ordinance 3380 adopting the Marin County Development Code updating Title 22 (Zoning), Title 20 (Subdivision), Title 11 (Moorage and Occupancy of Vessels) and Title 19 ((Building-Floating Homes) of the Marin County Code; and
- VII. WHEREAS, on July 7, 2003, and August 4, 2003, the Marin County Planning Commission conducted public hearings on revisions to Section 22.32.140 of the Development Code related to second dwelling units that were prepared as a result of the aforementioned public workshop; and
- VIII. WHEREAS, other minor revisions of an editorial or technical nature have been deferred as an administrative function, for the purpose of efficiency, to be addressed by staff of the Community Development Agency; and
- IX. WHEREAS, the proposed revisions to Section 22.32.140 of Marin County Code are Statutorily Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15282(i) of the CEQA Guidelines which exempts the adoption of ordinance revisions to comply with Government Code Section 65852.2 (AB 1866); and

NOW, THEN LET IT BE RESOLVED that the Marin County Planning Commission recommends that the Marin County Board of Supervisors adopt the amendments to Section 22.32.140 of the Development Code contained in exhibit "A" of this Resolution.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the County of Marin, State of California, on the 4th day of August 2003, by the following vote to-wit:

AYES: Barner, Berland, Dickenson, Herbertson, Julin, Thompson

NOES:

ABSENT: Buddie

---

ROSS HERBERTSON, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

---

Louise Rapoport  
Recording Secretary

6. DESIGN REVIEW: MARILYN ORONZI APPEAL OF THE AGENCY DIRECTOR'S APPROVAL OF THE RAABE DESIGN REVIEW

JT

Hearing to consider the Marilyn Oronzi Appeal of the Agency Director's approval of the Raabe Design Review proposing to demolish an existing single-family residence and associated accessory structures and construct a new 9,648 square foot residence and attached garage, a 336 square foot detached accessory structure, and associated site amenities. The proposed residence would attain a maximum height of 29 feet above existing grade and 36 feet above finished grade, and the detached accessory structure would attain a maximum height of 19.5 feet above existing grade. The exterior walls of the proposed residence would maintain the following minimum setbacks: 45.25 feet from the southeastern front property line; 51 feet from the northeastern side property line; 136.25 feet from the southwestern side property; and 129.5 feet from the northwestern rear property line. The appellant asserts that the development would result in adverse visual and privacy affects to her property, and that the size, mass, bulk, siting, cut and fill, disturbance to landscaping and looming nature of the project, as approved, all operate contrary to the mandatory findings for Design Review approval. Zoning for the subject property is RSP-1.0 (Residential, Single-Family, Planned, one unit per acre maximum density). The subject property is located at **135 South Ridgewood Road, Kentfield**, and is further identified as **Assessor's Parcel 075-031-10**.

Commissioner Herbertson opened the meeting and allowed the applicants team to present first.

The applicant's team included Stan Camiccia, Gary Giacomini and Judy Davidoff.

Jeremy Tejirian, Planner, presented the appeal of the approval of the Raabe Design Review. The project consists of constructing a 7,677 square foot residence with an attached 1,971 square foot garage in addition to the construction of a pool, pool house and various site amenities. The key issues are community character and visual affects. Staff presented a location map, aerial photographs showing the applicant's and the appellant's properties, a site landscape plan, a roof plan and elevation drawings from all directions. He presented a graph showing the size and proportion of land area, living area and FAR. Staff also exhibited photos of the front of the property showing a temporary fence that would be replace with a stucco wall; drainage swale; views from appellant's property to the project site and a photo-simulation of the project with and without future landscaping. Staff recommended denial of the Oronzi appeal of the CDA's conditional approval of the Raabe Design Review and approved the project because it would be compatible with the character of the community and would not result in adverse visual affects to the surrounding area.

Meeting open to public testimony.

Appellant's team of Marilyn Oronzi, Paul Hartman, and John Sharp spoke to the issue.

John Sharp presented blown up photos of the view of the project from Oronzi's property, in which he stated demonstrated a clear view from eye level from the Oronzi's property. The graphic showed the before and after of the site plan and the house looking from above, as it exists now, with the distance, landscaping and changes made to date on the project. The appeal is based on the design review findings, especially disharmony with locale and surroundings at Oronzi's property, retention of trees and natural material. Additional landscaping will be installed but there are issues with using that for mitigation. The driveway and garage will have 870 cubic yards of material excavated on Oronzi's side of property. A general observation, the applicant orients their views towards the west and Oronzi is oriented towards the west. The applicants' garage has been placed at the east of the property. Zoning code height requirements are okay, but three stories will impact the view from Oronzi's house. The heart of the problem is the slope down the hill – 75% of house extends down the slope and will have an impact on the Oronzi property.

Paul Hartman, architect for Oronzi, pointed out that the main living area primarily orients to the west, directly opposite to proposed development. Three elements: 1) location- move the development farther away from the Oronzi property; 2) floor elevation – proposed driveway lowered 13 feet – same elevation of the Oronzi house; which buries half of garage into the hillside.



Jim Bradanini, landscape architect for Ms. Oronzi, stated that there are four items that he wanted to present: 1) ability to achieve immediate screening of proposed building; 2) diminished area left over that is being left to provide this mitigation; 3) questionable practice of using landscape as mitigation; and 4) appropriateness of types of proposed plants. The proposed driveway diminishes the area that the applicant has to provide that screening. The slope also complicates the ability to plant trees.

Marilyn Oronzi said the reason she bought her house 29 years ago was for the view. She states that the new project will destroy the ambiance, tranquility, and the environment of the area. She feels this project will impact the value of her property, including the improvements she has just completed. She stated that the design should accommodate the natural landscape. She requested that the project be reviewed further and to work with the Raabe family. She requested that Condition 10, regarding the window added in the kitchen area, be removed.

Bruce Raabe, property owner, stated that significant changes to the project have been made. He feels his home is an asset to the community. He showed an aerial photo of the site. He also mentioned that neighbors Rhodes, Zilberg, Homrighausen, Breuner, Gumm and Smith all support the project. He stated that the Orzoni property is 187 feet closest to their property and 25 trees have already been planted. He also stated that there is 1-acre of land between their homes.

Stan Camiccia, architect and applicant, presented visuals of project site. Commissioner Julin asked about the elevations and color of the proposed stucco fence. Mr. Camiccia stated that all walls will be stucco and vines will grow over the fence. The length of the fence varies from 62 feet in one area, to 32 feet in another, and 28 feet in another area.

Arlene Dinges, planning consultant representing the Kent Woodlands POA, stated that the calculations the staff had made on their graphs were not as she had calculated, and that the floor area ratio should be corrected to be 12 percent.

Lee Windheim of Kent Woodlands, made three points: 1) the project conflicts with POA policy of not allowing new construction that will reduce seclusion and views of existing residents; therefore, the Architectural Review Committee cannot approve this proposal; 2) Agency Director Hinds supported community based planning, since the Architectural Committee did not vote to support this construction, the commission should not support it 3) this construction does not give accordance to the overall county plan statement that is one of sustainability. Houses this large will use an inordinate amount of energy.

Barry Evergettis, Kent Woodlands POA, agreed with Lee Windheim's statements. He wanted to clarify that Mr. Raabe's letter stating that he had the support of their association was not true. Two of the Architectural Review Committee members voted for the project and two against it. He witnessed the cutting down of trees without a permit. A few weeks later he observed that they had clear-cut the property. Excavation of the site would change the existing topography and he would like the house reduced in size.

Basia Crane, Kent Woodlands property owner, is concerned about the invasion of privacy for the Oronzi property. The location of the original house was set back and the new home is set closer to the Oronzi property. The placement of the driveways would create a light spill from those cars parking in the garage. A precedent would be set for three story homes in the Woodlands if the project were approved, destroying the feeling of Kent Woodlands. Jeffrey Morris had to leave so she read his statement. They have asked for time to mitigate the unpermitted fence and the removal of trees before the approval of the proposed building.

Joan Blum agrees with things that have been said on Oronzi's behalf and feels that the applicant, after Raabe's request was turned down by the POA, went to the County to get their project approved.

Commissioner Julin asked if staff could explain the role of the Kent Woodlands POA. Staff clarified that some properties in Kent Woodlands are covered by CC&R's and are thus subject to control of the POA; however, the Raabe property is not subject to the CC&Rs. In keeping with long-standing administrative practice, this project was referred to the POA for review and comment, and after the most recent vote, there was a deadlock by the Architectural Review Committee. The POA indicated that they did not want to reschedule the project before their committee for further review, and requested that the County issue a decision on the project based on their response to the transmittal.

Agency Director Hinds elaborated by stating that the Kent Woodlands POA has a detailed land use plan and their own professional planner, and that staff takes their recommendations seriously before making decisions or recommendations on projects.

Judy Hunt spoke in opposition of the project.

Matt Kursh, neighbor spoke in favor of the project. He feels that the Raabe's have designed the house by carefully planning the style and look of the home. He does not feel that the members of the Kent Woodlands POA should be making negative comments on the project. He supports the Raabe's project. He feels the Raabe's are very responsive to their view and have made some changes to accommodate them. He read a letter from Arlene Dinges, representing the Kent Woodlands POA, expressing support or lack of objections to certain aspects of the project. He passed out photo's showing the distance of the project from the neighbors and from his home.

Rick and Carolyn Moran spoke regarding the Kent Woodlands POA meeting in November of 2002. They asked about the large houses that were turned down by the POA and passed by the County. He noted that many of the existing homes are approximately 2,500 square feet and several homes are now before the County that are 9,000 square feet, another one is 15,000 square feet and will impact the views, privacy and seclusion of their neighbors. The POA is trying to come up with guidelines regarding the size of future homes, which would be approximately 6,000 square feet. He asked that the County not let any of the large homes get by while the guidelines are being worked on.

Commissioner Julin asked how the County would withhold making decisions on applications without enacting an emergency ordinance. Mr. Moran responded that he would like the County to listen to the community and not approve a project that the POA has turned down.

Liz Dakin spoke about her concerns of the sustainability of such a large house. She feels the County needs to look more closely before approving these large homes.

Nancy Kent Danielson spoke regarding concerns with privacy and environmental beauty.

Ann Homrighausen spoke regarding concerns with the size of the project and noise. They are not supportive of the project, contrary to the statement made by the Raabe's. The plan is much too big for the site. House does occupy a larger part of the site than is projected, due to the unusable portion of the site.

Mary Gilardi spoke regarding concerns with the size of the project, views, and privacy. A hillside that was once covered with vegetation now requires major excavation for the house itself and the garages. She hopes that a compromise can be made.

The public testimony portion of the hearing was closed.

Commissioner Thompson asked if the architect was present at the meeting where the vote was taken.

Lyndsay Harriman coordinates the Architecture Review Committee and stated that the Kent Woodlands POA is an integral organization but this has been a controversial project. There was no stamp of approval or disapproval. Her personal feelings are that you will hear more from Kent Woodlands in the future regarding this type of building.

The public testimony was re-opened.

Judy Davidoff, representing the applicant, stated that the Kent Woodlands POA did write a letter with recommendations that were followed.

The public testimony of the hearing was closed.

Commissioner Barner asked if the median home size in was taken into consideration in analyzing the average sizes of the homes in the area, in addition to or rather than the mean or average size, which gives a different picture of the community character.

Commissioner Berland noted that the houses in the immediate area are substantially smaller. This house is too large for the neighborhood and he cannot make the findings of consistency with the community plan and can't make a number of findings to support approval of the design review. He would, therefore, not approve the project.

Commissioner Barner stated that after a site visit to the Oronzi property, he could not see other homes in the area through the vegetation. He would like to see the project not disturb the views and privacy of existing neighbors. The landscaping will take many years to reach the level illustrated in the diagram. A house of this size will create problems because of its size. This is a very large house for the area and will not be in keeping with community character.

Commissioner Julin spoke regarding the Kent Woodlands Land Use Policy Report and her reasons to support the appeal. The appellant would be greatly impacted, but the community needs to have the policies respected too. She concurs with the points made by Commissioners Berland and Barner. The project does not comply with the Land Use Policy Report with respect to the size and scale of the project, location of the garage, fence material, and frontage of the property on a narrow lane that would not blend in with other homes. The project needs to be redesigned with a lower building height and smaller size. For those reasons, she would vote to support the appeal.

Commissioner Dickenson pointed out that the mass of the project is being moved closer to the neighbor's property. The site is an open grassy knoll and will have an impact on other property owners. The trees would not provide screening during the winter because many of the trees on the appellant's property are deciduous. A great deal of water will be needed to support the landscaping to hide the house. He would also support the appeal.

Commissioner Thompson is reluctant to support the appeal. However, of 52 sites surveyed by staff, four sites have larger lot areas with smaller FAR's. He also noted that 1,728 cubic yards of dirt is being moved with 846 yards being off-loaded. That is 141 truckloads leaving the property. He feels that the houses in Kent Woodlands are separated by substantial distances and would like to see the design reworked.

Commissioner Herbertson summarized the issues noted from the other Commissioners, which are largely the scale, privacy and visual impacts. He asked the Kent Woodlands POA to help guide the County through the process of implementing the Land Use Policy Report. No committee members objected to the size of the house at the May meeting. None of the eleven conditions of approval recommended by the POA were brought up today as issues. We need a more specific Community Plan from Kent Woodlands. The June 18<sup>th</sup> meeting with the POA is not the reason that the appeal is being upheld. The applicant has spent a great deal of time at meetings and we need clearer guidelines to avoid excessive delays. The resolution before us will not uphold the appeal and a new resolution will be needed for new findings.

The Commissioners did not reject the proposal based on its architectural style.

Commissioner Julin feels that the inconsistency with the stucco property line wall was a problem.

Commissioner Thompson stated that he had not seen a color palette.

Staff will draw up a resolution to vote on at the next meeting.

Staff suggested that a revised resolution be drafted reflecting the Planning Commissions comments on the merits of the project, and that a motion of intent to uphold the appeal and deny the Design Review proposal be voted on subject to ratifying the final resolution at the August 18, 2003 hearing.

M/s Julin/Dickenson, and passed unanimously of those present, to move the intent to uphold the appeal and deny the Raabe Design Review application. Motion passed 6/0 (Commissioner Buddie not present).

Commissioner Berland requested that specific findings for Design Review be called out in the revised resolution. Item was continued to the meeting of August 18, 2003.

Commissioner Barner noted that September 6<sup>th</sup> was the last date for action.

7. APPROVAL OF MINUTES – NO MINUTES READY TO APPROVE

8. UPDATE ON BOARD OF SUPERVISORS ACTIONS

None.

9. FUTURE AGENDA DISCUSSION ITEMS

August 18, 2003

Report on Countywide Plan alternatives

Continued hearing on the Redwood Landfill Draft Environmental Impact Report

September 8, 2003

Follow-up on Countywide plan alternatives

September 22, 2003

Strawberry View Control Ordinance

Parks and Open Space hearing on the Draft Environmental Impact Report for the Cascade Canyon/White Hill open space and trails project

Strawberry Village shopping center Design Review for remodel and expansion of the shopping center

Marin City Church of God Rezoning and Tentative Map

Continued item – Fitzgerald Design Review for construction of a new single-family residence in the Bayside Acres area of San Rafael.