

MARIN COUNTY PLANNING COMMISSION MINUTES
August 18, 2003
Marin County Civic Center, Room #328 - San Rafael, California

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

Commissioners Absent: None

Staff Present: Alex Hinds, Agency Director
Michele Rodriguez, Principal Planner
Dan Dawson, Senior Planner
Sandra Berger, Recording Secretary
Joyce Evans, Recording Secretary

MINUTES APPROVED: SEPTEMBER 8, 2003

Convened at 1:00 p.m.
Adjourned at 6:45 p.m.

1. ROUTINE TRANSACTIONS:

- a. M/S Barner/Julin, and passed unanimously, to incorporate Staff Report into Minutes. Motion passed 7/0.
- b. Continuances: None.

2. COMMUNICATIONS

- The Commissioners agreed to sign a “get well” card for Alexandra Morales.
- Commissioner Buddie informed the Commission that he visited the Redwood Sanitary Landfill site.

3. DIRECTOR'S ORAL REPORT

Countywide Plan Alternatives:

Dan Dawson, Senior Planner, made a presentation on several alternatives for the Countywide Plan. Staff met separately with four constituency groups for their vision of Marin's future. The alternatives were prepared with input from a variety of community groups reflecting various perspectives – environmental preservation, housing/social equity, transportation choice, and economic vitality. His report presented the vision, key concepts and outcomes.

The next steps are: 1) analyze the impact of each of the scenarios; 2) formation of Preferred Alternative using the best ideas from each of the scenarios; 3) hold public hearings on the Preferred Alternative recommendations; and 4) draft of countywide plan policy language incorporating the Preferred Alternative philosophy.

In response to Commissioners' questions regarding the scenarios, staff stated that another presentation would be made at a future date.

Concerned residents and community representatives Priscilla Bull (Marin Conservation League), Wade Holland (Inverness Association), Gordon Bennett (Sierra Club), Kathleen Phelps (Santa Venetia Neighborhood Association), Dave Coury (Lifehouse Agency), Jean Arnold (resident), Robert Farnham (Bel Marin Keys resident), David Schonbrunn (Transdef), Judy Binsacca (League of Women Voters), Kyle Keilman (San Rafael resident), Roger Roberts (San Rafael resident), Cela O'Connor (wildlife advocate and West Marin resident), Jerri Romm (San Anselmo resident), Marisa Hoke (Novato resident), Tom Heinman (Vice President San Rafael Chamber of Commerce), Rocky Breasey (Marin Center for Independent Living) expressed the following comments:

- Increased mixed use development and low income and special needs housing should be provided.
- An increase in population will increase traffic, health, quality of life, etc. issues.
- The analysis should take regional planning into consideration.
- Staff should provide a written statement regarding the process for revising the Countywide Plan.
- The lack of market rate housing will result in increased traffic problems.
- Since traffic and pollution will increase, plans should be viewed cumulatively.
- Focus on legalizing non-conforming units.
- The relation between water use and population density should be analyzed.
- Effects on water pollution, wildlife habitat, and transportation should be carefully considered.
- Environmental preservation effects should be analyzed.
- Increased affordable housing and transportation solutions should be explored.

Margaret Jones (League of Women Voters) and Dave Coury (Lifehouse Agency) submitted their comments in writing.

Commissioners Dickenson and Herbertson asked a number of specific questions.

Chair Herbertson thanked staff for their excellent work on this project.

4. OPEN TIME FOR PUBLIC EXPRESSION

5. RATIFICATION OF RESOLUTION: RECOMMENDING APPROVAL OF SECOND DWELLING UNIT ORDINANCE WITH REVISIONS (TITLE 22 AMENDMENT)

Meeting to adopt resolution of proposed revisions to 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 objected 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 final draft, which highlighted the revisions made by the Commission at their August 4, 2003 meeting.

Concerned citizens and community representatives Gordon Bennett (Sierra Club), Wade Holland (Inverness Association) and Cela O'Connor (Bollinas resident) commented on the draft resolution recommending additional revisions.

Chair Herbertson noted that minor revisions which clarify the ordinance without changing it substantively could be made by staff when the ordinance goes to the Board of Supervisors for final adoption.

M/s Julin/Berland, and passed unanimously, to ratify the revised resolution reflecting the Commission's intent to recommend adoption of the Second Unit Ordinance on August 4, 2003. Motion passed 7/0.

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC03-022

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

* * * * *

SECTION I: FINDINGS

- 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

SECTION II: ACTION

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.

SECTION III: VOTE

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the County of Marin, State of California, on the 8th day of August 2003, by the following vote to-wit:

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

NOES:

ABSENT:

ROSS HERBERTSON, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Sandra Berger
Recording Secretary

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

Meeting to adopt a resolution upholding the Marilyn Oronzi Appeal of the Community Development Agency'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 subject property is located at 135 South Ridgewood Road, Kentfield, and is further identified as Assessor's Parcel 075-031-10.

For clarification purposes, Commission Dickenson suggested further revisions to Findings VII(B) and VII(C).

The Commission also accepted John Sharp's suggested revision to Finding V.

M/s Dickenson/Thompson, and passed unanimously, to ratify the resolution sustaining the Oronzi appeal of the Agency Director's approval of the Raabe Design Review based on the findings. Motion passed 7/0.

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC03-023

A RESOLUTION UPHOLDING THE ORONZI APPEAL AND DENYING
THE RAABE DESIGN REVIEW
ASSESSOR'S PARCEL 075-031-10
135 SOUTH RIDGEWOOD ROAD, KENTFIELD

SECTION I: FINDINGS

- I. WHEREAS, the applicant, Stan Camiccia, on behalf of the owners, Bruce and Theresa Raabe, is requesting Design Review approval 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 line; and 129.5 feet from the northwestern rear property line. The proposed project would result in a floor area ratio of 12.6 percent on the 77,943 square foot property. The residence would be a Mediterranean style home with earthtone exterior materials. The subject property is located at **135 South Ridgewood Road, Kentfield** and is further identified as **Assessor's Parcel 075-031-10**.
- II. WHEREAS, the Marin County Community Development Agency Director conditionally approved the proposed project on June 27, 2003.
- III. WHEREAS, on July 8, 2003, the appellant, Marilyn Oronzi, submitted a timely Petition for Appeal of the Community Development Agency Director's conditional approval of the Raabe Design Review, asserting that the size, mass, bulk, siting, grading, disturbance to landscaping and looming nature of the development do not meet the mandatory findings for Design Review approval.
- IV. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on August 4, 2003 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 uphold the appeal and to deny the Design Review application, staff prepared a resolution for consideration by the Planning Commission on August 18, 2003.
- V. WHEREAS, the Marin County Planning Commission finds that the basis for the appeal and evidence presented at the hearing supporting the Oronzi appeal provide sufficient justification for overturning the Community Development Agency Director's conditional approval of the Raabe Design Review because the proposed project would not be consistent with the policies contained in the Marin Countywide Plan and the Kent Woodlands Land Use Policy Report, and the mandatory findings required for Design Review approval. As further discussed in the findings below, the proposed project would result in substantial adverse effects to the appellant's property and the surrounding area because it would not be compatible with the character of the local community.

- VI. 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.
- VII. 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) because the design of the development would result in adverse visual affects to the surrounding area and would not be compatible with the character of the local community.
 - B. The proposed project would not be consistent with Countywide Plan's Excavation, Grading, and Filling policy (EQ 3.16) because the 1,728 cubic yards of excavated material, much of which is required because the proposed garage and basement level is excavated almost entirely below grade, would be excessive.
 - C. The proposed project would not be consistent with the Preservation of Natural Characteristics policy of the Land Use Policy Report (CD 1.2) because the proposed area for residence, grading, retaining walls, and on-site circulation would result in excessive site disturbance.
 - D. 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 significantly exceed the scale of development in the surrounding area with respect to the height, size, and visibility of the residence and garage.
 - E. The proposed project would not be consistent with the Infill Development policy of the Land Use Policy Report (CD 1.4) because the development would entail significant alterations to existing undeveloped areas on the site that would substantially increase the visibility of the development from the surrounding area.
 - F. The proposed project would not be consistent with the Hillside Building Design policy of the Land Use Policy Report (CD 1.7) because the garage would not be oriented towards or located in close proximity to South Ridgewood Road and would rely on a driveway descending the slope adjacent to the neighboring property.
- VIII. 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 22.82.040.

- A. It is consistent with the countywide plan and any applicable community plan and local coastal program;

Based on the findings contained in Finding VII above, the project is inconsistent with the Marin Countywide Plan and the Kent Woodlands Land Use Policy Report.

- B. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;

The proposed project would create a disharmony with its surroundings because it would entail the construction of a residence that would substantially exceed the average size of other residences in the general area and would appear massive in comparison to the residences on adjacent properties.

Staff conducted an analysis comparing the size of the subject property with the median size of the properties within 600 feet of the subject property and the proposed living area for the residence with the

median living area of the residences within 600 feet of the subject property. The sample includes 56 developed properties. The results of the analysis summarized below indicate that the proposed development, without including the proposed garage, would substantially exceed the living areas on the surrounding properties.

	LAND AREA	LIVING AREA (does not include garages)
NEIGHBORHOOD MEDIAN	36,400 square feet	3,051 square feet
SUBJECT PROPERTY	77,943 square feet	7,677 square feet
PERCENTAGE OVER MEDIAN	53%	60.3%

- C. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;

The proposed project would interfere with the enjoyment of the appellant’s property because it would result in adverse visual and privacy effects to the appellant’s indoor and outdoor living areas. These adverse effects would result from relocating the development on the subject property from its current location closer to the appellant’s property and creating a three-story façade oriented towards the appellant’s primary viewshed. Further, the design of the driveway would increase the noise and glare impacts associated with vehicles. The proposed landscaping would not provide adequate screening of the project because the majority of the mature trees between the residences are deciduous.

- D. It 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 would not adversely affect investment in the surrounding area because the development would be located entirely on the subject property.

- E. It will be properly and adequately landscaped with maximum retention of trees and other natural material;

The proposed project would incorporate landscaping that would eventually screen the development from the surrounding area. However, due to Sudden Oak Death Syndrome, it was necessary for the applicant to remove many of the trees on the subject property prior to the initiation of the application process. This increased the exposure of the building site to the surrounding area. The reforestation of the property with healthy specimens would take a substantial period of time before adequate screening of the building site could be achieved. Further, the hardscape landscaping proposed includes retaining walls and terracing that reform the natural topography and increase the visibility of the outdoor areas on the site.

- F. It will minimize or eliminate adverse physical or visual effects, which might otherwise result from unplanned or inappropriate development, design, or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:

1. The scale, mass, height, area and materials of buildings and structures,

As discussed in findings A., B., and C. 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 structures appurtenant thereto such as retaining walls and bulkheads,

As discussed in finding A. above, the proposed project would reform the natural topography and result in excessive grading and excavation.

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

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

5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;

As discussed in finding C. above, the proposed project would adversely affect the views and privacy enjoyed from the appellant's property.

- G. It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.

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

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 fifth working 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 18th day of August 2003, by the following vote to wit:

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

NOES:

ABSENT:

ABSTAIN: Buddie

ROSS HERBERTSON, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Sandra Berger
Recording Secretary

7. DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT: REDWOOD LANDFILL, INC. REVISED SOLID WASTE FACILITIES PERMIT

Continued hearing to receive testimony on the Draft Subsequent Environmental Impact Report for the Redwood Landfill, Inc. Revised Solid Waste Facilities Permit. Redwood Landfill, Inc. a wholly owned subsidiary of USA Waste of California, in association with Waste Management, Inc., has applied to the Marin County Environmental Health Services Department for a Revised Solid Waste Facilities Permit (SWFP) for continuation and expansion of a 380-acre landfill on a 420-acre site near Novato, California. Since issuance of the 1995 SWFP, certain changes to the operation and facility have been implemented, and new changes are proposed in connection with the Revised SWFP, including sludge management practices, alternative daily cover, increase composting volume, leachate management, increase waste receipts, traffic, design capacity, waste classification, landfill life, gas control, and waste containment units reclassified as Class II for receipt of some semi-hazardous wastes. The Redwood Landfill property, accessed by private road from State Highway 101, is approximately 600 acres in size and consists of a 180-acre northern area and a 420-acre southern area. Waste disposal activities are dedicated to the 420-acre southern area. Redwood Landfill is the principal landfill serving Marin County and is located on the east side of State Highway 101, 4 miles north of the City of Novato and 7 miles southeast of Petaluma in Marin County, and is further identified as Assessor's Parcel 125-160-13.

The hearing was open to public testimony.

Concerned residents and community representatives Don Levin, Richard Levy, Ph.D., Rosario Carr-Cassanova, Ph.D. Jack Watson, John Tantilla, Wesley Jefrem, Jack Watson, Robert Koch, Keil Keilman, Nancy Spencer, William Rothman, Martin Lawler (San Giacomo Vineyards), Carol Dillon-Knutsen, Barbara Salzman (Marin Audubon), David Wallace, and Lee Ann Witter commented on the foul odor of the landfill, toxicity, increased traffic vehicles, and the need for a time extension in order to further analyze the Environmental Impact Report.

Richard Levy, Ph.D., Jana Haehl (Marin Conservation League), Christopher Gilkerson, Jack Watson, Robert Koch submitted their comments in writing.

Glenn Roycroft, Engineer for Redwood Landfill, stated that the proposal would reduce the amount of sludge each day from about 1,000 tons to approximately 550 tons, and would increase traffic from approximately 415 vehicles to 1,000 vehicles per day. However, expansion would not take place until after a bridge across Highway 101 has been constructed. Construction of the bridge is expected to begin in 2004 and will be fully funded by Redwood Landfill. The waste accepted would grow from 550 cubic tons per day to 1,700 tons per day and would take place on the slopes within the perimeter of the existing facility. However, either the height or footprint of the mound would change. The proposed expansion would delay the need of a new dump in the county for about 10 to 20 years. The landfill would also increase its recycling and composting activities with the expansion. Mr. Roycroft concluded by stating that the company was withdrawing its proposal to add a semi-hazardous waste dumpsite.

The Commission requested that additional information and clarification be added to the EIR to further address the following: 1) impacts of traffic on Highway 101; 2) amount of landfill waste increase; 3) the actual life span of the landfill; 4) environmental impacts of the increase of the landfill as related to air pollution and agriculture (including surrounding communities, ie. Sonoma, etc.); 5) clarification of the actual capacity of the landfill (there is a discrepancy of the statistical numbers reported in the EIR); 6) Department of Transportation comments; 7) ongoing activities on the property that go beyond the current permit; and 8) receipt of waste from other Bay Area locations.

Cynthia Barnard, Environmental Health Services, explained the Bay Area Air Quality District's involvement in the permitting process.

Tim Haddad, Environmental Planning Coordinator, stated that a press release would be published explaining the rest of the planning review process. He concluded by commenting on the environmental review process stating that the Final EIR will include responses to all comments received.

Agency Director Hinds reiterated the fact that no expansion will take place until the flyover is built. However, staff's view of necessary requirements for the landfill include less sludge, more recycling, no hazardous waste disposal, capturing of methane gas, onsite emergency generator from captured gas, and full review of the EIR prior to any public hearings being held.

In response to Commissioner Buddie, Dan Sicular (consultant EIR project manager) stated that settlement and an analysis for waste removal would be addressed by geotechnical experts Treadwell and Rollo, who were not present at this hearing.

Commissioner Dickenson asked to review the comments received from the City of Novato and have a clearer explanation of all of the uses of the landfill property and what impact those uses might have on adjacent marsh.

Commissioner Julin asked for additional information regarding Redwood Landfill since it was a regional facility. However, staff indicated that said information should not be considered in making a decision on this particular matter.

Commissioner Thompson indicated that he would be submitting his comments in writing.

M/s Barner/Julin, and passed unanimous, to extend public comment period to October 14, 2003 and continue the public hearing to September 22, 2003. Motion passed 7/0.

8. APPROVAL OF MINUTES –AUGUST 4TH, 2003 MEETING

M/s Berland/Julin, to approve the minutes of August 4, 2003 as modified, with the exception of Item #8 – Oronzi Appeal of the Raabe Design Review. Motion passed 6/0/1 (Commissioner Buddie abstained).

9. UPDATE ON BOARD OF SUPERVISORS ACTIONS

Nothing to report

10. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

Nothing to report.