

MARIN COUNTY PLANNING COMMISSION AGENDA
Marin County Civic Center, Room 328 - San Rafael
REGULAR – December 8, 2003

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- 10:30 A.M. 1. ROUTINE TRANSACTIONS
a. Incorporate Staff Reports into Minutes
b. Continuances
2. COMMUNICATIONS
3. DIRECTOR'S ORAL REPORT
a. Status report on Countywide Plan Update
4. OPEN TIME FOR PUBLIC EXPRESSION, LIMITED TO THREE MINUTES PER SPEAKER

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- 11:00 A.M. 5. DESIGN REVIEW AMENDMENT: PAPPAS TKL

Hearing to consider a Design Review Amendment proposing to modify the design of a new single-family residence and accessory improvements originally approved in 2000 as follows: (1) increasing the width and length of the house by 12 and 32 feet respectively, thereby increasing the overall size from 4,811 square feet to 6,399 square feet; (2) increasing the height of the residence from 26 feet to 26.85 feet; (3) lowering the residence on the hillside property and shifting it closer to Fawn Drive, resulting in a reduced setback from the Fawn Drive easement from 82 feet to 58 feet; and (4) increasing the size of a detached garage from 1,152 square feet to 1,320 square feet. The project also includes proposed changes to the site grading including creation of an 80-foot by 40-foot play area above the detached garage and retention of some of the excavated earth material on-site by backfilling the slope in front of, and below the residence. The subject property is located at **465 Fawn Drive, San Anselmo** and is further identified as **Assessor's Parcel 177-071-07**.

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- 12:30 P.M. LUNCH (CDA Conference Room - #308)

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- 1:30 P.M. 6. DESIGN REVIEW/CERTIFICATE OF COMPLIANCE: FITZGERALD AMG

Continued hearing to consider a Design Review application and Certificate of Compliance 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**.

(This item was continued from the hearings of February 10, March 24, and May 19, 2003, and November 3, 2003.)

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- 3:00 P.M. B R E A K
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3:15 P.M. 7. ORDINANCE: VIEW AND SUNLIGHT OBSTRUCTION FROM TREES IN THE STRAWBERRY COMMUNITY OF UNINCORPORATED MILL VALLEY

Hearing to consider recommending to the Board of Supervisors the adoption of an ordinance that would establish a process to preserve and restore views or sunlight which may have been unreasonably obstructed by tree growth. In general, this process would establish the right of persons to preserve and seek restoration of private views or sunlight that existed since they purchased their property, prohibit the unreasonable obstruction of such views or sunlight, establish criteria for determining unreasonable obstruction or views or sunlight, describe possible restorative actions and guidelines concerning such actions, and establish a tiered process for resolution of obstruction disputes. The dispute resolution process may include initial reconciliation, mediation, tree claim preparation, binding arbitration, and litigation. Other ordinance options to be considered include restoration of views that existed prior to the current property ownership, and consideration of tree benefits to property owners and the community. The draft ordinance would apply only to the unincorporated Strawberry Community generally bounded by Highway 101 to the west, the Corte Madera Town limits to the north, the Town of Tiburon limits to the east, and Richardson Bay to the south.

- 8. APPROVAL OF MINUTES
- 9. 2004 PLANNING COMMISSION CALENDAR
- 10. UPDATE ON BOARD OF SUPERVISORS ACTIONS
- 11. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

I PLANNING COMMISSION VOTING REQUIREMENTS

A. For the following action, four (4) affirmative votes from the Planning Commission membership must be cast.

- 1. Adopt recommendation to adopt or amend a general community specific plan, or
- 2. Adopt a recommendation on zoning text or zoning district amendments.
- 3. Reverse or modify a previous decision of the Director or Hearing Officer for Zoning Code or Subdivision Code matters.

B. Any other action by the Planning Commission requires a majority or quorum (for a minimum of three affirmative votes).

II. GUIDELINES FOR TIME LIMITS ON PRESENTATION AND PUBLIC TESTIMONY

The Planning Commission's general meeting procedure and time limit guidelines are as follows:

- A. Planning Division staff report 5-10 minutes
- B. Planning Commission questions to staff
- C. Appellant's presentation (applies only if public hearing is required to act on a valid appeal) 10 minutes maximum
- D. Applicant's presentation 10 minutes maximum
- E. Public Testimony (depending on the number of speakers) 3-5 minutes each
(Written testimony is greatly appreciated [10 copies], and should be received as far in advance of the public hearing date as possible. Please send written testimony to the Marin County Community Development Agency - Planning Division, 3501 Civic Center Drive, Room 308, San Rafael, California 94903. *When written testimony is presented, it is not necessary to read the entire text into the minutes; it will automatically become a part of the record.*)
- F. Close public hearing
(When public hearing is closed, no further discussion between applicant, public and Commission is appropriate unless the majority of the Commission agrees to hear new information only.)

III. OPEN TIME FOR PUBLIC EXPRESSION

Testimony regarding projects or plans not scheduled on the agenda will not be considered a part of the administrative record.

IV. NOTICE REGARDING BUS SERVICE

The Marin County Civic Center is served by Golden Gate Transit Bus Routes 1, 23, and 39 with connections to other routes at Third and Hetherton Streets in San Rafael. For more information call (415) 453-2100.

NOTE: ALL PLANNING COMMISSION MEETINGS ARE TAPE RECORDED.

**** (Visit our website at "<http://www.co.marin.ca.us/depts/BS/main/brdscomm/mcbds/plngcom.cfm>.") ****