

MARIN COUNTY PLANNING COMMISSION HEARING MINUTES
September 13, 2004
Marin County Civic Center, Room #328 - San Rafael, California

Commissioners Present: Allan Berland, Chairman
Steve Thompson, Vice Chairman
Hank Barner
Don Dickenson
Randy Greenberg
Wade Holland
Jo Julin

Commissioners Absent: None

Staff Present: Alex Hinds, Director, Community Development Agency
Thomas Lai, Principal Planner
Christine Gimmler, Senior Planner
Curtis Havel, Planner
Dan Hillmer, County Consultant, Draft Single-Family Residential Guidelines
Eric Steger, Public Works Department
Anna Camaraota, Assistant Planner
Jessica Woods, Recording Secretary

Minutes Approved on: **September 27, 2004**

Convened at 12:08 p.m.
Adjourned at 7:28 p.m.

1. ROUTINE TRANSACTIONS:

- a. *M/s, Holland/Barner, and passed unanimously, to incorporate the staff reports into the Minutes. Motion passed 7/0*
- b. Continuances: Items 6A and 6B

M/s, Greenberg/Julin, and passed unanimously, to continue Antonioli's Draft Negative Declaration of Environmental Impact and Lot Line Adjustment and Precise Development Plan to a date uncertain. Motion passed 7/0.

- c. Minutes: April 5, 2004; April 16, 2004; July 12, 2004; July 19, 2004; August 2, 2004; August 16, 2004; and August 23, 2004.

M/s, Holland/Julin, to approve the April 5, 2004 Minutes as amended. Motion passed 6/0 (Commissioner Greenberg abstained).

M/s, Holland/Julin, to approve the April 16, 2004 Minutes as amended. Motion passed 6/0 (Commissioner Greenberg abstained).

M/s, Holland/Thompson, and passed unanimously, to approve the July 12, 2004 Minutes as amended. Motion passed 7/0.

M/s, Holland/Thompson, and passed unanimously, to approve the July 19, 2004 Minutes as amended. Motion passed 7/0.

M/s, Thompson/Julin, to approve the August 2, 2004 Minutes as amended. Motion passed 6/0 (Commissioner Holland abstained).

M/s, Thompson/Julin, to approve the August 16, 2004 Minutes as amended. Motion passed 5/0 (Commissioner Holland and Commissioner Dickenson abstained).

M/s, Holland/Thompson to approve the August 23, 2004 Minutes as amended. Motion passed 6/0 (Commissioner Julin abstained).

2. COMMUNICATIONS – None

3. Director's Oral Report

- a. Update on Board of Supervisors Actions - None
- b. Report on On-Going/Pending Development Projects - None

Commissioner Julin recommended reconvening the recent Planning Commission workshop to discuss an appeal of the Planning Commission's decision on a project in Kent Woodlands (Babcock Design Review) to the Board of Supervisors. This involved a case where the Commission did not accept staff's recommendation to approve the project, but the Board subsequently overturned the Commission's decision and approved the project. She also recommended that staff provide the tape of the Board's hearing on this item to those Commissioners who were not in attendance at the Board's hearing. Alex Hinds, Agency Director, responded in the affirmative. Staff had been requested by several Board members to provide a transparent record to them of the recommendation as well as a list of alternatives, so if there were a difference between the original recommendation by staff and the Commission, the Board would have the option to consider all possible actions.

The Commission and staff agreed to continue discussion of this matter at the forthcoming workshop on September 27th, 2004 at 11:30 a.m.

4 OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER)

None

5. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

September 27, 2004

- Lamar Design Review Appeal (Kent Woodlands)
- Murray Design Review (Woodacre)
- Ferguson Coastal Permit/Design Review Appeal (Inverness)
- San Rafael Rock Quarry Rezone, Master Plan

October 11, 2004

- Armstrong Garden Center Appeal (Mill Valley)
- Moran Design Review Appeal (Kent Woodlands)
- Kirkos Minor Design Review/Tidelands Permit (San Rafael)
- Pon Tree Removal Permit Appeal (Fairfax)

October 25, 2004

- Salwen Coastal Permit (Bollinas)
- Amendment to Pt. Reyes Affordable Homes Local Coastal Program, Master Plan, Coastal Permit (Pt. Reyes Station)
- Sorocco Environmental Assessment (Tiburon)
- Daniels Design Review (San Anselmo)

November 15, 2004

- Mortiz Coastal Permit, Use Permit, Design Review (Bollinas)

6A. DRAFT NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT: ANTONIOLI

6B. LOT LINE ADJUSTMENT AND PRECISE DEVELOPMENT PLAN: ANTONIOLI JT

Proposal to reconfigure four of the five existing contiguous lots, which comprise the Lands of Antonioli, in order to create two building sites adjacent to Crest Road in Novato. The property is currently developed with a single-family residence and accessory structures that would remain on a fifth lot. The plans show building envelopes for each lot, but detailed information is only provided for Lots 4 and 7 because these are contemplated for development in the near future. The reconfiguration would result in lots that range in size from 1.01 acres to 10.32 acres. The residence proposed for Lot 4 would take access from the driveway leading from Crest Road to the existing residence, and the residence proposed for Lot 7 would take access directly from Crest Road. The building envelopes for the proposed residences are approximately 5,000 square feet each, and both residences would be developed with on-site septic systems outside the building envelopes. The proposed project would include offering a 5-foot wide strip of land adjacent to Crest Road for dedication to the County, and encumbering 6 acres of land with open space easements that would protect these areas from future development in perpetuity. The existing and proposed lot areas are summarized in the table below, along with the coverage percentage of the proposed building envelopes in comparison to the areas of their lots. (The lot numbers in this description conform to the lot numbers that appear in the Title Report for the subject property.) The Antonioli Lot Line Adjustment and Precise Development Plan site is located at **235 Crest Road in Novato**, and is further identified as **Assessor's Parcels 143-370-02, -03, -06, -07, -38, and 143-183-01**.

Prior to taking action for approval of the Antonioli Project the Marin County Planning Commission will consider the adoption of a Negative Declaration of Environmental Impact for the project.

M/s, Greenberg/Julin, and passed unanimously, to continue the Antonioli Draft Negative Declaration of Environmental Impact and Lot Line Adjustment and Precise Development Plan to a date uncertain. Motion passed 7/0.

Workshop to consider a Draft Single Family Residential Design Guidelines manual (Design Guidelines) to establish clear and comprehensive design recommendations for single-family residential development located within the unincorporated communities of Marin. The Design Guidelines are especially relevant to development proposals that are subject to the County's Design Review process by supplementing and reinforcing the findings and criteria used by the County to issue decisions on Design Review applications. The document includes general guidelines that apply to all single-family residential development as well as additional guidelines that apply to hillside areas. The Design Guidelines also incorporate current regulations from the Countywide Plan and Development Code (Zoning Ordinance) that apply to special environmental areas. The Design Guidelines are intended to provide project applicants with direction in designing single-family residential projects that reflect the County's design objectives. They should also provide local design review boards and County decision makers with an improved set of tools for evaluating Design Review applications and other discretionary permit requests proposing single-family development in the unincorporated county.

(This item was rescheduled from the hearing of July 12, 2004.)

Agency Director Hinds provided the Commission with a PowerPoint presentation on the Draft Single-Family Residential Design Guidelines for the Commission's consideration that included the following:

- Purpose of Workshop
- Background
- Purpose of Proposed Guidelines
- General Guidelines
 - Grading and Drainage Practices
 - Building Envelopes and Relationships between Properties
 - Driveway and Parking Design
 - Reduction of Building Bulk
- Hillside Guidelines
 - Hillside Grading and Drainage
 - Hillside Street Layout, Driveway and Parking Design
 - Hillside Architectural Character
 - Planting Design For Hillside Development
- Guidelines for Special Environmental Areas
 - Scenic Ridgeline Areas
 - Hillside Drainage Swales
 - Resource Conservation Areas
- Technical Appendices
- Future Implementation

Agency Director Hinds summarized the staff report and recommended that the Commission: 1) review the proposed Draft Single-Family Residential Design Guidelines; 2) allow public input on the document; and 3) provide staff with comments regarding the content, organization and principles of the Draft Design Guidelines.

Dan Hillmer, architect, explained that he and staff worked with a Technical Advisory Committee that included members of several neighborhood organizations as well as the Sierra Club and the Audubon Society in preparing the Draft Single-Family Residential Design Guidelines. He noted that the Committee members shared concerns regarding the character and pace of development in Marin County and tried to focus on the major problems with project review. He then discussed future implementation as follows:

- Refine Design Review threshold to consider:
 - Site topography
 - Predominant neighborhood house size;
- Limit three-dimensional development envelope;

- Consider neighborhood context (range of home sizes);
- Limit impervious surface coverage;
- Expand definition of building area; and
- Develop community-based design guidelines

Chairman Berland commended Mr. Hillmer on the document and indicated that the guidelines would be helpful in improving the design character of new development in Marin County.

Several Technical Advisory Committee members were in attendance to be recognized and answer any questions from the Commission. Chairman Berland thanked all volunteers for their participation.

Commissioner Barner expressed concern for the photographs in the document because, in his view, almost all the pictures depicted undesirable conditions relative to fire safety and vegetation management. He also expressed concern for the introductory statement and believed house size must be addressed. He requested that a section be included that addressed remodels and teardowns. He further added that this document must be refined for individual neighborhoods.

Mr. Hillmer suggested using a drawing that focused on the issue itself as opposed to a photograph.

Agency Director Hinds indicated that he prefers the use of photographs to illustrate concepts where possible, but acknowledged that the photographs could be improved. Staff agreed to work to obtain photographs that better illustrate the issues and to consider a blend of photographs and illustrations.

The hearing was opened to the public.

Barry Evergettis, Member, Technical Advisory Committee, commended County staff for a job well done and felt that the guidelines would result in better projects. He further added that the Kent Woodlands POA Architectural Rules have been updated and submitted to staff for review.

Margaret Zegart, Mill Valley resident, provided the Commission with her suggestions, comments and modifications in written form in regard to the Draft Single-Family Residential Design Guidelines for their consideration. She then read a letter into the record on behalf of Chris Nelson who was unable to attend the meeting.

Ruth Beckner, San Rafael resident, expressed concern regarding landscaping on a neighbor's property that is blocking her views and requested guidance from the Commission. Chairman Berland responded that the County does not have a view ordinance and suggested that the best course of action is to discuss the matter with her neighbor directly.

The public hearing was closed.

I. Introduction

Commissioner Dickenson noted that the document refers to both residential development design guidelines and single-family design guidelines, and requested that staff review the document and make the necessary changes in order for the focus to be on single-family lots. Agency Director Hinds agreed.

Mr. Hillmer requested that the Commission better define the word, "*projects.*" Commissioner Barner recommended deleting the word, "*projects.*"

Mr. Hillmer also recommended defining multi lots and multifamily.

Commissioner Thompson discussed the first sentence of Section B on page 1 and recommended replacing the word "new" with "all" when referring to single-family development

Agency Director Hinds suggested replacing the first sentence under “Realizing Community Design Objectives in Marin County” to state, “*During the past decade residential remodels and new construction have significantly changed the character of many of the County’s communities.*”

Mr. Hillmer encouraged language that would not set a precedent, for example, stating, “*The community is unhappy with the residential character of the neighborhoods.*” He then recommended either striking the information or developing different language.

Commissioner Barner believed the “Introduction” section must be rewritten in order to identify communities located in the unincorporated areas. Mr. Hillmer agreed to add the word, “*unincorporated.*”

Commissioner Barner also desired that the document reflect the historic diversity of development in the unincorporated areas and encourage variety in architectural design, landscaping and character.

Commissioner Greenberg agreed with the tone of the “Introduction” section, indicating that it gave applicants a clear indication of what issues are of concern to the community.

Commissioner Dickenson stated that good design is very subjective and he believed there is division on the Commission, but agreed that a diversity of development patterns exists in the County. He felt it is important to state what it is the Commission desired and what should be preserved.

Chairman Berland believed the first paragraph is very negative and indicated that the guidelines should reflect the character of different parts of the community.

Agency Director Hinds hoped the Commission would agree that there are some basic architectural principles that are generally a good idea within the context of the community. Staff added that the idea was not to cap creativity. Also, staff explained that Mr. Hillmer prepared the Design Guidelines for the City of San Rafael, and staff felt that by using the same architect, the County could promote consistency between other towns and cities.

Mr. Hillmer added that this work reflects the Committee recommendations and it is important to balance what they understood staff’s goals to be, as well as convey the Committee’s interests to the Commission. He explained that it is the Commission’s turn to enhance the document before it is forwarded to the Board. He further noted that individuals are asking for more consistency, so that all parties could work more efficiently.

Commissioner Holland believed the first paragraph states a good rationale as to why the guidelines were developed and desired the Commission to move the discussion along.

Commissioner Dickenson supported the idea of having design guidelines, but he felt it would be very shortsighted to think that this document would solve all their problems. He agreed that this document would be a tool that would lead to better design.

Commissioner Thompson noted that community character is an overriding issue, so character is the key element and that should be included within the “Introduction” section. Chairman Berland concurred.

Chairman Berland questioned what would happen if a particular guideline could not be met.

Agency Director Hinds stated that standards and guidelines should generally be followed. However, under a discretionary process, an individual has the right to ask for or propose another option.

Commissioner Greenberg discussed paragraph “C” on page 3 in regard to recommendations for new standards and desired consensus from the Commission in that regard. Commissioner Holland agreed. Agency Director Hinds noted that thresholds should be reviewed, but deferred that discussion to a later date when the Deputy Director is in attendance.

Commissioner Thompson supported the use of slope thresholds, too.

Commissioner Dickenson believed there should be a discussion about what non-conformities are being created. He further supported a significant expansion of the type of projects that would be subject to discretionary review.

II. Guidelines Applicable to Single Family Residential Development Projects

Mr. Hillmer recommended that the Commission make corrections to their copy of the document and then forward their suggestions and comments to staff rather than discussing page-by-page. Commissioner Julin agreed. Mr. Hillmer noted that after receiving all comments, staff would review and make the necessary modifications and leave for further discussion those areas of the document where individual Commissioners may have differing viewpoints.

Commissioner Barner believed certain items must be discussed such as nightscape lighting, and non-pyrophitic landscaping as well as remodels.

Commissioner Thompson asked staff if small steeply sloping sites would be considered a “special environmental area”. Agency Director Hinds directed the Commission to page 107 in regard to scenic ridgeline and hillside areas. Staff noted that small subdivisions were addressed, but there is not a special section. Mr. Hillmer responded that the intent is that all the guidelines would apply to this type of situation. He agreed to add a case study example if the Commission so desired.

Chairman Berland believed public policy considerations must be discussed as well as what occurs when design review is triggered.

Agency Director Hinds recommended moving on to the next item due to the late hour.

Commissioner Greenberg recommended that the Commissioners submit their comments and corrections to staff and if there are no conflicting opinions, they should be included in the document. However, if there are conflicting opinions they should be forwarded to the Commission for discussion. She then recommended imposing a deadline for submitting comments and suggestions. Agency Director Hinds recommended October 11th, 2004 as being the deadline for submitting comments to staff. The Commission agreed.

Chairman Berland announced at 3:00 p.m. that the Commission would take a short recess and then reconvene with the next agenda item.

Proposal to construct a 308 square-foot detached equipment shed, in-ground swimming pool/spa, and approximately 4,380 square feet of additions to an existing single-family residence, resulting in an adjusted floor area of 6,513 square feet on a 65,000 square foot property. The subject property is located at **26 Unionstone Drive, San Rafael**, and is further identified as **Assessor's Parcel 164-354-05**.

Anna Camaraota, Assistant Planner, summarized the staff report and recommended that the Commission review the administrative draft; conduct a public hearing, and continue the Gobar Design Review to the November 15, 2004 Planning Commission meeting for design changes.

Staff then discussed staff's recommended modifications for the Commission's review, including reducing the overall size of the residence and either removing or relocating the equipment shed.

In response to Commissioner Barner's question about the age of the present house, staff responded that the house was built in 1961.

In response to Commissioner Barner's question about whether toxic waste potential would be addressed, staff responded that a condition of approval could be imposed to require the applicant to submit evidence that all requirements for handling asbestos, lead, and other hazardous materials would be met in conjunction with the demolition of the residence.

In response to Commissioner Greenberg's question regarding the length of the main ridgeline of the house, Commissioner Thompson responded that it is 65 feet long.

Commissioner Dickenson clarified that the recommendation is to step the entire second story back, on both the front and end elevations. The Commission and staff agreed.

In response to Chairman Berland's question about whether there is a diagram of the existing accessory structure, staff responded that the only change is to reduce the height to 15 feet.

The hearing was opened to the public.

Franklin Gobar, applicant, explained to the Commission that they moved in about six years ago and it has been their intent to conduct a major overhaul because it is an ideal location to raise a family. They have been involved with the schools and community and desired to remain in the community for years to come. They desired to alter the appearance because the property has a great deal of potential. They spent a great deal of time on the design as well as made several alterations to the design for privacy, glare and concerns of the neighbors. He then submitted a signed petition to the Commission with several neighbors in support of the project as well as a map depicting his home and the areas where neighbors opposed to the project reside. He pointed out that the shed in question would not be converted into a living facility. He added that there are V-ditches that were installed in the 1950s and the Department of Public Works visited the site and determined that they are adequate. He also did not believe there would be additional traffic impacts to the neighborhood from this project. He noted that most of the addition would be behind the pepperwood and oak trees, so the idea is that from a street level the majority of the addition would not be seen. He desires four garage stalls, including a workshop area and a place for his work truck. He further stated that he is open to some modifications, but desired to keep some of the architectural features as well as the third garage stall.

Commissioner Holland asked Mr. Gobar if the concrete pad was recently installed. Mr. Gobar responded that the concrete pad was installed a couple of years ago for a basketball area for his children. Commissioner Holland asked Mr. Gobar if he intended to pave the driveway to the storage shed. Mr. Gobar responded that he desired gravel. Commissioner Holland asked Mr. Gobar how amenable he would be to losing some of the space on the second floor. Mr. Gobar responded that he is not very amenable to that suggestion, but would be amenable to reducing the ridgeline by using hipped roofs.

Bill Cantua, Marinwood resident, expressed concern for the runoff in regard to flooding and believed his property value had diminished due to the location of the shed and would be further diminished with the addition being proposed. He further requested that the shed be removed from the property.

Carol Gamper, San Rafael resident, read a letter into the record outlining her concerns and suggestions, which she submitted to the Commission for their review.

Barbara Layton, Gobar neighbor, expressed concern for the location of the equipment shed and concurred with the staff recommendation of removing or relocating the shed.

The public hearing was closed.

Commissioner Dickenson asked staff if Public Works reviewed the drainage facilities. Eric Steger, Department of Public Works, responded that Public Works visited the site and pulled out the improvement plans for the subdivision from 1979 and the drainage facilities were designed for a larger subdivision and it appeared to be sized adequately. He further noted that maintenance of the facilities is the responsibility of the property owner.

Commissioner Dickenson visited the site and believed the lot is appropriate for a larger house. In general, he supported staff's recommendation of the items listed, but did not believe it is necessary to eliminate the third garage bay. He supported stepping the second level of the house back along the front façade reducing the prominence of the entry feature and noted that a hipped roof would reduce mass and should be explored. He further desired the storage shed to be removed in its entirety.

Commissioner Julin concurred with Commissioner Dickenson's comments about the storage shed being removed. She then discussed community character and compatibility and she did not believe a considerably larger lot would justify a larger house. She felt this structure is too large for the neighborhood and recommended a 3,000 to 3,500-square-foot maximum home size.

Commissioner Greenberg agreed that the storage shed must be removed and that the pad not be used for recreational uses. She expressed concern for the area having many impervious surfaces. In general, she did not find the FAR information useful to make a determination in regard to this large lot. She discussed the entry feature and desired the roofline broken up and requested a new redesign in that regard. She also expressed concern for the size of the house in terms of the neighborhood, and suggested reducing the size of the home to around 4,000 to 4,500 square feet.

Commissioner Holland agreed that the equipment shed must be removed and requested that the pad be removed as well. He discussed the front entry and believed the entire entry should be redesigned. He had no objection to the size of the house on this lot or the third garage bay. He hoped the applicant would come back to address the roofline and ridgeline, but felt that the proposed stepbacks on the side and rear of the second floor need not be as deep as shown on the PowerPoint presentation.

Commissioner Barner agreed to the removal of the shed as well as the retention of the third garage bay. He then recommended reducing the visual impact of the house. He added that the home did not appear to be out of character with the larger homes of the area, but expressed concern for the mass. He also believed certain issues could be mitigated by conditions of approval.

Commissioner Thompson believed this development is suffering from the fact that the existing house is located in its current position. He also agreed that the third garage bay could remain and that the shed be removed. He asked the applicant to come back with a house that expresses itself in a two-tiered component in order to break up the house as well as setback the second floor. He also recommended that the applicant maintain the ranch style in the area. He further recommended that the applicant reduce the size of the home and he desired a veranda entrance.

Chairman Berland agreed that the shed should be removed because it was built without a permit and it violates the privacy of the neighbors. He agreed with the idea of a third garage as well. He also agreed with Commissioner Julin's comments that a large lot did not always deserve a larger home and recommended that the home be compatible with the neighborhood on Unionstone Drive. He then recommended a 3,500 to 4,000-square-foot home.

Mr. Gobar agreed to come back on November 15th with revisions to the plan.

Chairman Berland asked for a motion.

M/s, Dickenson/Greenberg, and passed unanimously, to continue the public hearing on the Gobar Design Review application to the November 15, 2004 Planning Commission meeting to allow the applicant to revise the plans to address the concerns expressed by the Commissioners. Motion passed 7/0.

Chairman Berland announced at 4:49 p.m. that the Commission would take a short recess and then reconvene with the next agenda item.

Proposal to construct a new, two-story, 4,169 square foot single-family residence with an attached 404 square foot garage on an approximately 43,560 square foot parcel in Kentfield. As proposed, the dwelling would have a maximum height of 30 feet above finished grade and would maintain the following approximate setbacks from the following corresponding property lines: 41 feet from the southerly front property line, 41 feet from the easterly side property line, 56 feet from the northerly rear property line, and 33.5 feet from the westerly side access easement. Also proposed is the construction of a new pool, patio and lawn area to the east of the proposed residence. The appellant sets forth the following bases of appeal: (1) the residence is not consistent or compatible with the community character and will result in visual impacts due to its size and height; (2) the project will result in excessive site disturbance and grading; (3) the hours of construction should prohibit work on weekends; and (4) additional information on drainage improvements, landscaping, and the extent of the modifications required in the Community Development Agency's decision should be provided. The subject property is located at **20 Geary Avenue, Kentfield**, and is further identified as **Assessor's Parcel 071-121-42**.

Curtis Havel, Planner, summarized the staff report and recommended that the Commission review the administrative record; conduct a public hearing; and move to adopt the attached resolution: (1) denying the Noble Appeal; and (2) sustain the Community Development Agency's conditional approval of the Millstein Design Review application.

Staff provided a PowerPoint presentation to the Commission noting the major changes to the project and providing an overview of the project's merits.

In response to Commissioner Barner's question regarding the stone walls, staff responded that the applicant would utilize a colors and materials palette that would reflect the darker stone on Toussin.

In response to Commissioner Dickenson's question regarding the side yard area shown on the site plan, staff responded that the conditions of approval would require a retaining wall not to exceed 5 feet in height on the downhill side of the yard area that would provide opportunities for fill.

In response to Commissioner Greenberg's question regarding the color of the driveway, staff responded that the color has not been discussed.

In response to Commissioner Greenberg's comments regarding an undeveloped lot to the south, staff responded that Assessor's Parcel 071-121-40 is a vacant lot that recently received design review approval for a single-family residence.

Staff then provided the Commission with the color board that was submitted by the applicant for their review.

In response to Commissioner Greenberg's question regarding story poles, staff responded that the applicant attempted to erect story poles, but encountered difficulties in doing so due to the steep slope and dense vegetation.

In response to Chairman Berland's question about the side yard, staff responded that the proposal did not reflect a reduced side yard area.

In response to Chairman Berland's question in regard to the history of this matter with the Commission, why was this application handled administratively, staff responded that in working with the applicant and community over the last year, several community meetings were held trying to reach a solution and a certain amount of progress was made. Staff added that because the applicant followed the direction of staff, the application was processed administratively.

Chairman Berland believed that when a project application appeal is handled by the Commission, it should be brought back to the Commission for further review. Commissioner Julin suggested establishing a method to track applications in that regard. Staff agreed unless minor revisions were involved.

Commissioner Julin asked staff to review defensible space around the proposed house and she asked for more native vegetation on-site as opposed to olive trees. She also believed smaller box trees are healthier rather than planting larger specimens to shield the neighbors. Planner Havel responded that conditions of approval call for a revised landscape plan, which would be reviewed and approved by the Kentfield Fire Department in regard to defensible space. Staff also noted that the applicant is willing to plant oaks rather than olive trees.

Commissioner Barner is not satisfied with a landscape plan in lieu of a Fuels Management Program because that is a very heavily wooded lot.

The hearing was opened to the public.

Jim Noble, appellant, expressed concern regarding the mass and size of this project as well as the compatibility with the existing neighborhood. He also expressed concern for 45% to 50% of the lot being disturbed. He further believed staff's analysis should take into account the existing neighborhood.

Christopher Lyden, concerned resident, commended staff for being available for questions and comments. He added that even at the reduced size it is still not compatible with the neighborhood. He pointed out that there is no parking on Altimira Avenue and expressed concern for fire and safety hazards. He reiterated to the Commission that after all the revisions the Commission is still left with a project that would not fit in the existing character of the neighborhood. He stated that without story poles there is no documentation as to how this site would fit in with respect to Geary Avenue. He stated that there is no sense in terms of scale and without story poles it is impossible to view. He discussed the extreme slope, which is the key factor in the decision-making process. He pointed out that there is mention of site management in regard to excavation and factors associated with this project, but they are not integrated into the report. He further noted that this is not a quality developer, which is a very painful process for the community and that is a factor that should be taken into account.

In response to Chairman Berland's question regarding construction vehicle traffic, staff responded that, to their knowledge, there is no prohibition on the use of Toussin Avenue for purposes of construction vehicle access and circulation. Mr. Lyden agreed with the idea of construction vehicles using Toussin Avenue to access the site.

Mark Millstein, applicant, explained that hillside design guidelines were incorporated into the design of the dwelling. He pointed out that he received Kentfield Plan Advisory Board approval and both neighbors that share property lines with this property have not objected to the development. He pointed out the subject property is located in a transitional area and that Altimira Avenue neighbors are not affected by the proposed development. He then provided revised photo simulations for the Commission's consideration as requested by staff. He further noted that the house was sited in its current location on the property in an effort to minimize grading by utilizing a more level portion of the property.

Louise Miller, Geary Avenue resident, thanked staff and the Commission for all their hard work. She explained that staff and the neighbors tried to work as a group in order to ensure the best possible development on that lot. The neighbors are interested in preserving the community character. She then discussed the side yard and believed a tremendous amount of grading would be required. She pointed out that this is a hillside lot, and that a 25-foot wide lawn area is not consistent with hillside development standards. She expressed concern regarding drainage and site disturbance. She noted that the drainage runs along Geary Avenue and in the past they have had problems with flooding and desired drainage to be improved. She noted that this proposed home would impact the privacy of the homes on Altimira. She further recommended that Jim Noble be refunded his appeal funds due to the fact that there are still several pending problems with respect to the proposed project.

Mr. Millstein noted that he has worked closely with staff and complied with all staff's requests and asked the Commission take this into account.

The public hearing was closed.

In response to Commissioner Dickenson's question regarding the lawn area, Planner Havel responded that the calculation of 2,500 square feet for the yard area is an approximation.

In response to Commissioner Thompson's question in regard to verifying the excavation and off haul, Planner Havel responded that the applicant provided staff with a communication from Irv Schwartz the day of this hearing indicating there would be 2,100 cubic yards of excavation, and 300 cubic yards of fill.

Commissioner Julin expressed concern for the site disturbance area including the driveway, retaining walls, yard area and steep slope. She believed the house size should be reduced. She also stated that the mass of the house and disturbance is unacceptable in her view and she is not able to approve the project as it currently exists and could not support staff's recommendation.

Commissioner Thompson stated that even in the reduction of volume of material removed from the site, every square-foot requires a nine vertical foot cut, so this entire house could have been buried. He expressed concern for 30 vertical feet of walls over the yard and he also cannot support staff's recommendation.

Commissioner Greenberg requested story poles in order to assess impacts. She requested that story poles be erected, even if it requires the marking of trees on-site to delineate the footprint and height of the proposed dwelling. She stated that the size of the side yard is excessive. She discussed the Kentfield Planning Advisory Board's approval includes discussion regarding the color of the driveway. She further indicated that the driveway should be colored to minimize visual impacts of the driveway. She added that additional trees would be saved if the area of the side yard were decreased. She expressed concern for the Fire Department's requirements for clearing vegetation, and wondered how many trees must be removed to meet the requirement for defensible space and the impacts in that regard to the visual impacts of the house. She added that the trim colors seem light and reflective and the colored retaining walls also seem very light and bright and if the house is to disappear, she recommended darker colors. She also expressed concern for the configuration of the driveway at the bottom because of the safety hazard and alternative designs should be explored. She further noted that she could not support staff's recommendations.

Commissioner Barner agreed that the lot had and still has problems and wondered whether it is a buildable lot. He also found the amount of site disturbance unacceptable. He also expressed concern regarding the configuration of the driveway in that one can only turn right when exiting the driveway and you can't make a left turn from Geary into the driveway and thus all construction traffic must use Altimira rather than Toussin to get to the site. He believed the entire problem with the house is the second story along with the massiveness of the retaining wall that leaves him unsatisfied in terms of the adequacy of the project.

Commissioner Holland urged that consideration be given to developing the vehicular access from Toussin Avenue, even it that means breaching the wall on Toussin Avenue.

Commissioner Dickenson agreed that this is an extremely steep slope and development would require retaining walls and grading, but he did not believe the design is appropriate with this lot and he is not prepared to support the project as it exists.

Chairman Berland believed the site disturbance is the key factor in his view. He recommended reducing the side yard. He also expressed concern for the driveway configuration and recommended using Toussin Avenue for access. He agreed that the colors must be darker. He further noted that he could not support staff's recommendation.

Commissioner Greenberg believed ingress and egress to the property from Toussin Avenue should be explored.

Chairman Berland asked for a motion.

M/s, Julin/Thompson, and passed unanimously, to sustain the Noble Appeal and deny the Millstein Design Review application.

The Commission directed staff to return with a denial resolution for adoption at the September 27th, 2004 Planning Commission meeting to ratify the Commission's actions.

Mr. Millstein and Mr. Noble agreed to continue this matter to the September 27th, 2004 Planning Commission meeting in order for staff to draft a resolution for denial.

Chairman Berland adjourned the Planning Commission meeting at 7:28 p.m.