Marin County Planning Commission
Regular Meeting
Monday, October 23, 2017, 1:00 P.M.

ROLL CALL The meeting was called to order by Chair John Eller at 01:00 p.m.

Present at Roll Call: Margot Biehle; Don Dickenson; John Eller; David Paoli; Peter Theran.

CDA Staff present: Acting Principal Planner Curtis Havel, Senior Environmental Health Specialist David McMullen, Planner Megan Alton, Assistant Planner Evelyn Garcia, and Planning Commission Secretary Ana Hilda Mosher.

DPW Staff Present: Associate Civil Engineer Jason Wong.

1. INITIAL TRANSACTIONS

a. Minutes – September 11, 2017

M/s Don Dickenson - Peter Theran to approve the minutes of the meeting of September 11, 2017 as submitted.

Vote: Motion carried 5-0
AYES: Margot Biehle; Don Dickenson; John Eller; David Paoli; Peter Theran.
ABSENT: Margaret Curran; Christina L. Desser.
Vote: Motion carried 5-0

b. Communications

Commissioner Dickenson said that on October 17, 2017, CDA Assistant Director Tom Lai received an email from Bruce Corcoran, a resident of Strawberry asking whether Commissioners Eller, Curran and Dickenson would be participating in the October 30, 2017 Seminary Hearing. Commissioner Dickenson explained that he contacted the Fair Political Practices Commission (FPPC) seeking an informal determination whether his participation in the hearing would constitute a conflict of interest as he was the County staff planner on the original Seminary Master Plan in 1984. The FPPC representative he spoke with determined his participation in review of the North Coast Land Holdings extension request and appeal would not be a conflict of interest because his involvement with the property was a third of a century ago, he does not have any financial interest or participation with the current owners or consultants, and he lives several miles away from the property. Therefore, Commissioner Dickenson indicated he would participate in the meetings related to the Seminary property.

Commissioner John Eller said that he also spoke with the Fair Political Practices Commission and confirmed that there is no conflict of interest based on his property location and his familiarity with the property. Commissioner Eller expects to participate

in the October 30, 2017 meeting and any other meetings related to the Seminary property.

Commissioner Theran said he spoke with Mr. Gallagher when he visited the property last Saturday, but they did not discuss anything about the project.

2. DIRECTOR'S REPORT

a. Preliminary Agenda Discussion Items

Acting Principal Planner Curtis Havel provided an update on future Planning Commission agenda items.

b. Approve 2018 Planning Commission Hearing Calendar

M/s Don Dickenson - Margot Biehle to approve the 2018 Planning Commission Hearing Calendar.

Vote: Motion carried 5-0
AYES: Margot Biehle; Don Dickenson; John Eller; David Paoli; Peter Theran.
ABSENT: Margaret Curran; Christina L. Desser.

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

No one addressed the Commission.

4. DEIXLER APPEAL OF THE GALLAGHER FAMILY LLC COASTAL PERMIT AND USE PERMIT

Planner Megan Alton presented the staff report and recommended that the Planning Commission review the administrative record, conduct a public hearing, and sustain the Deputy Zoning Administrator's denial of the Gallagher Family LLC Coastal Permit and Use Permit.

CDA staff (from both the Planning and Environmental Health Services Divisions) answered questions from the Commission and provided additional clarification.

Public testimony was opened and the following people spoke:

Representing the applicant: Avarm Deixler.

The Commission discussed and commented on the project merits.

M/s Margot Biehle - Peter Theran sustaining the Deixler appeal of the Deputy Zoning's Administrator's denial of the Gallagher Family LLC Coastal Permit and Use Permit and approving the Gallagher Family LLC Coastal Permit and Use Permit incorporating the following conditions of approval:

1. The applicant shall provide the following information prior to the commencement of the approved activities on the property:

a. Provide a water delivery schedule to the Environmental Health Services Division
b. Provide an annual report to the Environmental Health Services Division attesting to an adequate quantity and quality of water accommodating the approved project
c. Provide written clarification from the Regional Water Quality Control Board that the 2,500-gallon holding tank for processed wastewater needs no further approvals from the Regional Water Quality Control Board and/or the Environmental Health Services Division

2. The applicant shall successfully demonstrate that the existing unpermitted septic system can adequately accommodate the waste loads consistent with a Class IV system as verified by Environmental Health Services Staff

3. The project is approved with the following operating conditions:

a. Production is limited to no more than 3,000 cases of wine annually;
b. Wine tasting is not allowed on site;
c. Retail sale of wine is not allowed on site; and,
d. One employee is permitted to assist with production and associated activities.

Vote: Motion carried 4-1
AYES: Margot Biehle; John Eller; David Paoli; Peter Theran.
NOES: Don Dickenson.
ABSENT: Margaret Curran; Christina L. Desser.

The decision is appealable to the Marin County Board of Supervisors until 4:00 P.M. on October 31, 2017.

The Commission recessed at 2:23 P.M. and reconvened at 2:33 P.M. with five members present as indicated.

5. FOX/TSANG APPEAL OF THE TSANG DESIGN REVIEW AND VARIANCE

Assistant Planner Evelyn Garcia presented the staff report recommending that the Planning Commission review the administrative record, conduct a public hearing, deny the appeal, and sustain the Administrative Decision denying the Tsang Design Review and Variance.

CDA and DPW staff answered questions from the Commission and provided additional clarification.

Public testimony was opened and the following people spoke:

Representing the applicant: Architect Ron Kappe; Paul Fox.

CDA staff and applicant's architect answered questions from the Commission and provided additional clarification.

The Commission discussed and commented on the project merits.

M/s Margot Biehle - Don Dickenson to deny the Fox/Tsang Appeal of the Tsang Design Review and sustain the Community Development Agency's administrative decision denying the Tsang Design Review and Variance.

Vote: Motion carried 5-0
AYES: Margot Biehle; Don Dickenson; John Eller; David Paoli; Peter Theran.
ABSENT: Margaret Curran; Christina L. Desser.

The decision is appealable to the Marin County Board of Supervisors until 4:00 P.M. on November 6, 2017.

The meeting was adjourned at 3:17 P.M.

The Next Planning Commission meeting is scheduled for October 30, 2017, at 1:00 PM.

Webcast Timestamps
00:00:02 – Initial Transactions
00:00:44 - Communications
00:05:48 - Director's Report
00:09:14 - Open Time for Public Expression
00:09:37 - Deixler Appeal of the Gallagher Family LLC Coastal Permit and Use Permit
00:14:20 - Commissioners' Questions
00:35:20 - Public Testimony
00:45:19 - Commissioners' Questions and Comments
01:03:59 - Motion
01:23:47 - Vote
01:31:10 - Fox/Tsang Appeal of the Tsang Design Review and Variance
01:39:13 - Commissioners' Questions
01:42:03 - Public Testimony
01:55:31 - Commissioners' Questions and Comments
02:12:08 - Motion
02:12:20 - Vote
02 12:53 - Adjourned