



COMMUNITY DEVELOPMENT AGENCY

October 24, 2023

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Honorable Board of Supervisors
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SUBJECT: Sarafian and Friedman appeal of the Planning Commission's approval of the Brian Johnson Coastal Permit application for a new single-family residence on a vacant lot at 21 Calle Del Onda, Stinson Beach

Dear Supervisors,

Building and Safety
Environmental Health Services
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

RECOMMENDATION: Conduct a public hearing, adopt resolutions to deny the Sarafian and Friedman appeal and affirm the Planning Commission's approval of the Brian Johnson Trust Coastal Permit and Subsequent Mitigated Negative Declaration.

SUMMARY: On February 16, 2021, the Planning Division received a Coastal Permit application requesting approval to construct a new, 1,563 square-foot single family residence with a 288 square-foot detached garage, a new septic system, decks and landscape improvements on the vacant lot in Stinson Beach. This iteration of the project was submitted following a previous Coastal Permit application submitted in March of 2016 for a larger 2,454 square-foot residence which was ultimately withdrawn due to merits comments received from staff and the California Coastal Commission. The project as proposed per the February 16, 2021 submittal was deemed complete on July 7, 2021.

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On July 13, 2021, the Board of Supervisors voted to activate the certified Local Coastal Program (LCP) Amendments, which amended all portions of Marin County's LCP with the exception of chapters related to environmental hazards. The environmental hazards sections from the original versions of the LCP, certified by the Coastal Commission in 1980 (Unit I) and in 1981 (Unit II) and the Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L apply to this development.

On November 22, 2021, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the above-mentioned project proposal. The Marin County Planning Commission took public testimony and continued the hearing with a request for staff to conduct additional environmental review and to conduct a takings analysis on the siting of the residence due to its location in an environmentally sensitive habitat area, specifically coastal dunes.

Subsequent to the initial Planning Commission hearing, the applicant revised the project and reduced the proposed size of the residence to 1,296 square feet, removed the proposed garage, and reduced appurtenant decks and other landscape areas. This revised project scope was then subject to environmental review in which a Supplemental Environmental Review was prepared, resulting in a Subsequent Mitigated Negative Declaration (SER/SMND) publicly circulated on January 9, 2023.

On July 31, 2023, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the project and environmental review. The project materials presented to the Commission included a takings analysis that was conducted due to the project's inconsistencies with LCP policies related to environmentally sensitive habitat protection and floodplain risks. By a vote of three ayes and three noes, the Planning Commission denied the SER/SMND. The Planning Commission then voted to continue the hearing to August 14, 2023 in order to further consider the project merits.

On August 14, 2023, the Planning Commission held a duly noticed public hearing to take public testimony and consider the project. During the hearing, staff discussed with the Planning Commission that pursuant to the Planning Commission Bylaws, ratified by the Board of Supervisors on December 9, 2008, the Planning Commission may reconsider a decision by following the procedural steps set forth in the adopted Planning Commission protocols. The Planning Commission followed those steps and continued the hearing to August 28, 2023.

On August 28, 2023, the Planning Commission held a duly noticed public hearing and adopted the SER/SMND and approved the project.

The Planning Commission's decision on August 28, 2023 was subsequently jointly appealed on August 29, 2023 by Elizabeth Brekhus, on behalf of neighboring property owners identified as the Sarafians, and Jack Siedman, on behalf of a neighboring property owner identified as Robert Friedman. The bases of appeals have been summarized into the following categories: (1) AO Flood Zone Moratorium; (2) FEMA VE Floodplain Base Flood Elevation; (3) California Coastal Act, Sea Level Rise Hazards, Shoreline Protection, and Impact to Neighboring Properties; (4) Dune and Sandy Habitat Protection; (5) Denying the permit does not result in a constitutional takings; (6) the project was approved without an approved septic system; and (7) the Planning Commission's authority to reconsider or approve the project.

Responses to these points are set out in the attached recommended Board of Supervisors resolutions (Attachments 1 and 2). In conclusion, the appellants have not presented any substantial evidence or new information that would invalidate or change the Planning Commission's decision to approve the project and adopt the SER/SMND.

EQUITY IMPACT: The proposal entails the construction of a single-family residence to be located entirely within private property and would not impact programs or services vital to communities of color, underserved populations and/or immigrant communities.

FISCAL IMPACT: None.

REVIEWED BY:

<input type="checkbox"/> County Administrator	<input type="checkbox"/> N/A
<input type="checkbox"/> Department of Finance	<input type="checkbox"/> N/A
<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
<input type="checkbox"/> Human Resources	<input type="checkbox"/> N/A

SIGNATURES:



Sabrina Cardoza
Senior Planner



Sarah Jones
CDA Director

Attachments

1. Recommended CEQA Resolution
2. Recommended Resolution
3. Petition of Appeal, received on August 29, 2023
4. Adopted Planning Commission Resolutions PC 23-019 and PC 23-020
5. Link to County Initiated Subsequent Mitigated Negative Declaration:
https://www.marincounty.org/-/media/files/departments/cd/planning/environmental-impact/johnson-trust-coastal-permit/johnson-trust-ser_mnd-010923.pdf?la=en
6. Link to County Initiated CEQA Response to Comments:
<https://www.marincounty.org/-/media/files/departments/cd/planning/environmental-impact/johnson-trust-coastal-permit/rtc-for-johnson-trust-ser-ismnd.pdf?la=en>
7. Link to Stinson Beach County Water District Initiated Initial Study/Mitigated Negative Declaration: https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/projects/brianjohnsontrust_p3049_cp_sb/p3049_initial-study.pdf?la=en
8. Memorandum, Response to Issues Raised in the Petition for Appeal, prepared by Sicular Environmental Consulting and Natural Lands Management dated October 13, 2023
9. Planning Commission Bylaws
10. Planning Commission Staff Report and Supplemental Memos
11. Correspondence Received on the Project to Date
12. Exhibit A – Project Plans