

**MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY**  
**M E M O R A N D U M**

**TO:** Johanna Patri, DZA Hearing Officer  
**FROM:** Veronica Corella-Pearson, Planner  
**RE:** Lippman Coastal Permit and Design Review (CP 05-7, DR 05-13, SU 08-19)  
**DATE:** September 14, 2010

At the last hearing on the date of August 12, 2010, the project was continued to the hearing date of September 16<sup>th</sup> so that staff could review the Biological Conditions report prepared by Ibis Environmental Inc., received by staff on September 15<sup>th</sup>. Staff was also directed to provide the applicant with a letter detailing all items needed for staff to recommend approval of the project and avoid preparation of an Initial Study. Attached is the letter that was sent to Mr. Lippman on August 18<sup>th</sup>.

After review of the report prepared by Ibis Environmental Inc., staff determined that that it adequately states that the project would not impact Point Reyes Mountain Beaver or the Red legged frog. Yet, the report does not directly state that there are no wetlands on the property that may meet the Army Corps of Engineers or the Coastal Commissions definition of a wetland. Therefore, staff is unable to determine that the project does not have the potential to result in significant environmental impacts and to Categorically Exempt the project from the California Environmental Quality Act.

In addition, Mr. Lippman has not provided staff with any written documentation that the existing well proposed for domestic water use is legal non-conforming. The Code Enforcement staff has provided Planning with a copy of a Code Enforcement Hearing Decision that states that no permits had been issued for the operation of a domestic water system and all existing wells are in violation of Marin County Code Section 24.04.235I.

Further, the applicant has been notified that they have exhausted all permit fees. At the time of application Fee Ordinance 3496 was in place, and under Ordinance 3496 the Planning Division is allowed "the right to charge actual cost (at a rate of \$120 per hour) on large complex, unusual and/or time consuming projects in order to ensure that the fee will cover the actual cost of service." The letter dated August 18<sup>th</sup> requested \$2,738 to cover 80.1 hours of staff time. To date these fees have not been submitted and staff continues to expend time that is un-recoupable.

Therefore, based on the above presented facts, staff recommends that the Deputy Zoning Administrator approve the attached recommended Resolution of denial based on the applicant's inability to provide the necessary items to conduct an environmental review. Pursuant to CEQA Section 15109, staff is recommending denial of the application due to the owner causing an unreasonable delay in conducting environmental review of the project.

**Attachments:**

1. Resolution recommending denial of the Lippman Design Review and Coastal Permit
2. County to Tom Lippman, letter dated August 18, 2010
3. DZA Memo, dated August 5, 2010
4. DZA Memo, dated December 10, 2009

5. County to Tom Lippman, letter dated February 12, 2010
6. County to Tom Lippman, email dated March 23, 2010
7. Stillwater Sciences to County, email dated May 3, 2010

Cc: David Nicholson, DPW  
Berenice Davidson, DPW  
Debbie Poiani, Code Enforcement  
Janet Mullin, EHS  
Scott Callow, EHS  
Tim Haddad, CDA  
Rachael Warner, CDA  
Michael Merry  
Paul Rampel  
Elizabeth Barnet  
Bridger Mitchell  
Sim Van der Ryn  
Vivian Mazur  
Jeff Wilson  
Peter Shack  
Stuart Kutchins  
Katherine Mitchell  
George Wagner