



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE PLANNING COMMISSION

**ENVIRONMENTAL ASSESSMENT
FOR
SOROKKO PROPERTY, NOVATO**

Item No: 7

Applicant: N/A

Owners: Serge and Tatiana Sorokko

Property Location: 3820 Paradise Drive Tiburon APN # 039-302-01

Hearing Date: October 25, 2004

Staff Coordination: Tim Haddad, Environmental Planning Coordinator
Ben Berto, Principal Planner

RECOMMENDATION: Conduct public hearing

APPEAL PERIOD: N/A

LAST DATE FOR ACTION: N/A

BACKGROUND:

ENVIRONMENTAL ASSESSMENT REQUIREMENT

Prior to filing an application for undeveloped, agricultural or redevelopment lands located within the combining Bayfront Conservation zoning district, an Environmental Assessment (EA) is required to be prepared pursuant to Marin County Code Chapter 22.50. An EA is a preliminary evaluation of site resources, conditions, and plan policy considerations that affect site development. It is intended to provide the property owner and public

agencies with a clear understanding of existing constraints and opportunities to guide preparation of future site development plans and assist in public agency review of such plans. An EA is not an environmental document required by the California Environmental Quality Act, (CEQA). However, an EA may serve as a detailed "environmental setting" section for an Initial Study, Negative Declaration, or Environmental Impact Report that may be prepared in compliance with CEQA following the filing of development applications. The EA is required to include a composite constraints and opportunities map with a map delineation of the portions of the property that are constrained from development and the appropriate portions that may be suitable for development based upon the conclusion and recommendations of the EA.

The use of an EA is intended to provide the highest degree of environmental protection while permitting reasonable development in or adjacent to sensitive land and water areas consistent with other goals, objectives, and policies expressed or contained within the Marin Countywide Plan.

ENVIRONMENTAL ASSESSMENT PROCESS

An EA is initiated by written request of the property owner to the Environmental Coordinator and is prepared by a qualified consultant selected and retained by the County, at the property owner's expense. Upon completion of the EA by the consultant it is distributed for public review for a minimum 30-day review period. During the public review period, the County Planning Commission conducts a public hearing to receive comments on the EA. Following the close of the public review period, any necessary responses to comments are prepared and changes are made to the EA document, if required. The Final EA document as revised is returned to the Planning Commission for approval and adoption as adequate and complete pursuant to Marin County Code Title 22, Section 22.50.020 and Marin County Environmental Review Guidelines. Following approval of the EA, the Community Development Agency can accept an application for development of the property. It is expected that the application will reflect the findings and conclusions outlined in the approved EA. It is important to note that if the project proposal does not reflect the findings and conclusions of the EA, processing and consideration for approval of the development application may be adversely affected due to potential Countywide Plan inconsistencies and/or will likely require preparation of an EIR pursuant to CEQA before the specific development application could be considered by the Planning Commission. A development application may also require an EIR, irrespective of the extent to which it reflects the recommendation of the EA if the project would result in one or more potentially significant environmental effects.

SUMMARY OF THE SOROKKO PROPERTY ENVIRONMENTAL ASSESSMENT:

PROPERTY SITE AND SURROUNDINGS

The 19±-acre project site is located on the north side of the Tiburon Peninsula, about four miles from the Highway 101/Paradise Drive/Tamalpais Drive interchange. The property is currently zoned RSP-0.5 (1 unit per 2 acres with a Bayfront Conservation Zone overlay) and designated in the Countywide Plan as SF3, Single Family Residential (1 unit per 1-5 acres).

The irregular shaped property is on a steep, wooded slope located between Paradise Drive and San Francisco Bay. The property is currently outside the Town of Tiburon corporate boundary, but is contiguous to that boundary within San Francisco Bay, where the tidal parcel portion of the site meets Town corporate limits.

Surrounding land uses include large-parcel residential development on the north and south sides of the property (i.e., between Paradise Drive and San Francisco Bay). Further north is the Seafirth residential development with homes on smaller parcels.

South of the southeast corner of the property and across Paradise Drive is an area of private open space. Other lands west of Paradise Drive are vacant lands within the jurisdiction of either the County of Marin or the Town of Tiburon.

Paradise Beach County Park is located on the north side of Paradise Drive about 0.75 miles east of the site. Further east, San Francisco State University's Romberg Center, an education and research facility, is located on Paradise Drive.

The site consists of steep slopes with some flatter ridges and a flatter area adjacent to the Bay. The site is undeveloped except for an existing paved driveway that intersects Paradise Drive at the north end of the site and traverses the east side of the site for about 750 feet, and an unpaved access road that leads from a driveway off Paradise Drive to near the southeast end of the property.

PROPERTY DEVELOPMENT HISTORY

In 2001, the property owners submitted a development application to the Town of Tiburon requesting; 1) approval of a rezoning to a Residential Planned Development (RPD) district, RPD-0.26 units per acre, 2) approval of a Precise Development Plan for five parcels, and 3) annexation of the approximately 19-acre site (Assessor's Parcel No. 39-022-10) to the Town of Tiburon and Sanitary District #5.

The Town required the preparation of an EIR for the proposed project. Leonard Charles and Associates (the consultant subsequently chosen to prepare the EA) was contracted by the Town to prepare the EIR. In 2003, an Administrative Draft EIR was nearing completion when the property owners withdrew the project application from the Town, stating their intention to develop the site within the jurisdiction of the County and not request annexation to the Town and Sanitary District #5. The property owners subsequently requested preparation of an EA by the County, as required in order to file an application for development.

FINDINGS AND CONCLUSIONS

The EA presents conclusions regarding site resources, existing environmental conditions, and plan policy constraints, and delineates areas that could potentially be considered for development. The EA also establishes a potential range of, and specific regulations for, development of the site.

The EA notes that the most important physical constraints on any future development of the Sorokko property are several landslides which would need to be avoided or stabilized; a biologically-constrained area for developing an on-site leachfield disposal area and other constraints to leachfield development and use; a coast live oak woodland that could be significantly impacted by landslide repair and leachfield development; and significant visual resources that could be impacted by site development. Other site resources/constraints include steep slopes that may require substantial grading and contain erodible soils; three small populations of special-status species of plants; habitat used by nesting birds; and a Native American shellmound located on site.

The EA indicates that adequate vehicle access can be provided to the site. Future development of the site is also not expected to have significant effects on traffic, air quality, noise, police services, or schools. To provide adequate fire protection, a new water line would need to be extended to the site, and homes may need to be limited in size consistent with the available fireflow and be designed to meet other fire department requirements. The EA also notes that development of the site with on-site septic systems rather than connection to Sanitary District #5 might frustrate that District's plans to provide a collection system serving areas to the south and west.

The EA notes that a future development plan would need to minimize impacts to site resources and address site constraints in order to be consistent with *Marin Countywide Plan* policies that emphasize habitat protection and restoration in the BFC. Pertinent BFC policies include the need to minimize earth disturbance, soil erosion, and water pollution. Other policies encourage public access to and use of the shoreline; protection of views, particularly of the Bay; protection of species diversity, trees, and wildlife corridors; and protection of cultural resources. The EA further notes that future development would need to be consistent with the Countywide Plan designation as Single Family Residential 1 unit to 1-5 acres and the existing zoning which allows 1 unit per 2 acres; stating that given site constraints, a development master plan proposing the maximum 7 units allowed by zoning would prove difficult.

The EA notes that although the Tiburon General Plan does not govern the site unless it were annexed to the Town, the site does contain a secondary ridge that the Town of Tiburon has mapped as a significant ridgeline, and the Town Plan seeks to protect such ridges from development. The *Paradise Drive Visioning Plan* also recommends restricting development on prominent subridges and further recommends that new development should be served by public sewer. The EA notes that LAFCO policies would require annexation of the property to the Town of Tiburon if the site was annexed into and served by Sanitary District #5, however, LAFCO can potentially defer annexation to the Town if the applicant requests.

RECOMMENDATION:

The Draft EA was distributed to interested parties and public notice was provided for this Planning Commission hearing to receive testimony on the Draft document. The public notice also provided for a 30-day public review and comment period that began on October 4, 2004 and will end on November 4, 2004.

Staff recommends that after presentation by the EA consultant of a brief summary of the principal findings of the EA, that the Commission open the public hearing to public comment. At the conclusion of all public testimony, staff recommends that the Planning Commission:

1. Close the public hearing on the Draft EA;
2. Discuss any issues regarding the EA that are of primary concern to the Commissioners and provide direction to Staff and the EA consultant on any additional items which should be addressed in the Final EA; and
3. Direct Staff and the consultant to proceed with preparation of a Final EA based upon comments received at this Draft EA hearing and prior to the close of the public review and comment period.

Attachments: 1. Sorokko Property Draft EA