



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE PLANNING COMMISSION

**FINAL ENVIRONMENTAL ASSESSMENT
AND RESPONSE TO COMMENTS
FOR
THE SOROKKO PROPERTY TIBURON**

Item No: 8 **Hearing Date:** April 25, 2005
Applicant: N/A **Owners:** Serge and Tatiana Sorokko
Property Location: 3820 Paradise Drive Tiburon
APN # 039-302-01
Staff Coordination: Tim Haddad, Environmental Planning Coordinator
Ben Berto, Principal Planner

RECOMMENDATION: Approve and Adopt Final Environmental Assessment
APPEAL PERIOD: 5 days to Board of Supervisors
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. Environmental review of the development application is required pursuant to CEQA before the project can be considered by the Planning Commission. It is expected that the application will reflect the findings and conclusions outlined in the approved EA. If the project proposal does not reflect the findings and conclusions of the EA, the scope of CEQA environmental review required for the project will likely be significantly increased. 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 approximately 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.

EA FINDINGS

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.

PUBLIC REVIEW AND COMPLETION OF FINAL EA:

The draft EA was completed for the Sorokko Property in September 2004 and circulated for public review and comment for 30 days which closed on November 4, 2004. The Planning Commission conducted a public hearing on October 25, 2004 to receive comments on the Draft EA. Following the close of the public review period, a final EA was prepared to include written responses to all of the comments received during the review period and public hearing and changes, additions and clarifications to the text of the EA necessary to reflect comments and responses. The changes to the EA in the Final EA text are denoted by strikethroughs for deletions and underlining for added text.

In response to comments by Planning Commissioners and others, the Final EA now includes Figures 16 and 17 mapping easements on the property showing feasible access driveway grades. Figure 7 now shows the extent of landslides on site and off site in the vicinity. These issues are further discussed in the Final EA text. It is concluded that driveway access can be feasibly constructed consistent with County standards as confirmed by DPW engineers.

A supplemental geotechnical report was prepared to address the effects of off site land sliding and is included as Appendix D. The report generally concludes that off site landslides do not significantly constrain site development and will not require off site repair or improvements. Depending on site development proposals, some buttress or deflection wall improvements or setbacks may be needed on site for off site land slides.

Physical site constraints of the site are now shown on Figure 23 and clarified in the Final EA text. Approximately 5 acre of the 19 acre site are vegetated with oak woodlands. Leachfield or sewer service for site development is significantly constrained by on site trees. On site storm drains need to be upgraded or replaced by an on site retention facility, but do not significantly constrain development of the site (but may constrain development within the watershed). The Final EA identifies safety hazard constraints on Paradise Drive, requiring cumulative analysis for a development application. The EA concludes that water and sewer service can be made available to serve the site. Information has been added to section 3.14.1 of the Final EA to identify average home and lot sizes for properties near the Sorokko property.

RECOMMENDATION:

The Final EA and Response to Comments was distributed to interested parties and public notice was provided for the Planning Commission hearing to consider approval and adoption of the Final EA.

Staff recommends that after presentation by the EA consultant of a brief summary of the Final EA, that the Commission conduct the public hearing to consider approval of the Final EA, close the hearing and take action on the attached draft resolution finding the Sorokko Property Final EA adequate and complete pursuant to Marin County Code 22.50 and Marin County Environmental Review Guidelines to allow the Community Development Agency to accept an application for development of the property.

- Attachments:
1. Draft Planning Commission Resolution for the Sorokko Final EA
 2. Sorokko Property Final EA and Response to Comments

DRAFT

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ADOPTING THE ENVIRONMENTAL ASSESSMENT FOR THE SOROKKO PROPERTY IN TIBURON

SECTION I: FINDINGS

- 1. WHEREAS, 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 and processed pursuant to the provisions of the Marin County Environmental Review Guidelines.
2. WHEREAS, in July 2003, Mr. William McLaughlin of the McLaughlin Development Group, acting as a representative on behalf of Serge and Tatiana Sorokko, owners of an approximate 19 acre property located at 3820 Paradise Drive, Tiburon, (APN 039-302-01), submitted a request to the Marin County Community Development Agency (CDA) to prepare an EA for the property utilizing Leonard Charles and Associates, environmental consultant, pursuant to Marin County Code and County Environmental Review Guidelines. Leonard Charles completed a draft EA and submitted it to the CDA in September 2004.
3. WHEREAS, on September 4, 2004 the draft EA was distributed to members of the Planning Commission and the Board of Supervisors, Federal, State and local agencies and special districts, surrounding property owners and other known interested parties to commence a 30-day period ending November 4, 2004, for public review and comment on the adequacy of the EA. A Notice of Availability of the EA, including the public review period and date of public hearing by the Marin County Planning Commission to receive comments on the EA was published in a general circulation newspaper.
4. WHEREAS, on October 25, 2004 the Marin County Planning Commission conducted a public hearing to receive testimony on the adequacy of the EA as adequate and in compliance with the Marin County Code, Title 22, Section 22.50.020 and County Environmental Review Guidelines. A Staff Report on the EA was provided to the Commission together with the administrative record, EA documents, and all written comments received prior to the public hearing. Oral and written comments were presented at the hearing.
5. WHEREAS, following the close of the EA public review period on November 4, 2004, the environmental consultant prepared responses to comments and revised the EA to reflect responses in a Final EA. On April 15, 2005 the Final EA and Response to Comments was distributed to members of the Planning Commission and Board of Supervisors, Federal, State

and local agencies and special districts, commentors on the Draft EA, surrounding property owners and other interested parties. A notice of Availability of the Final EA and the date of public hearing by the Marin County Planning Commission to consider approval and adoption of the Final EA was published in a general circulation newspaper.

6. WHEREAS, on April 25, 2005 the Marin County Planning Commission conducted a public hearing to receive testimony on the adequacy of the Final EA for approval and adoption in compliance with Marin County Code, Title 22, Section 22.50.020 and County Environmental Review Guidelines. A staff report on the Final EA was provided to the Commission together with the administrative record and Final EA documents. Comments were presented at the hearing.
7. WHEREAS, the Marin County Planning Commission has reviewed and considered the information in the Final EA, administrative record, staff report, and comments and responses on the Final EA, for adequacy and compliance with the County Code, Title 22, Section 22.50.020 and County Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Marin County Planning Commission makes the following findings:

1. Notice of the Planning Commission hearing on the EA was given as required by law and the hearings were conducted pursuant to the County Code, Title 22, Section 22.50.020 and County Environmental Review Guidelines.
2. All individuals, groups, and agencies desiring to comment on the EA were given the opportunity to submit written comments.
3. All comments raised during the public review period of the EA and the public hearings conducted by the Planning Commission were responded to adequately.
4. No new or substantial changes to the Final EA are proposed. Only minor technical changes were required to make the Final EA adequate and the changes/additions to the EA do not raise important new issues.
5. The Planning Commission was presented with all of the information in the administrative record, testimony, and EA documents, and has reviewed and considered this information.
6. The EA has been completed in compliance with the intent and requirement of the County Code, Title 22, Section 22.50.020 and County Environmental Review Guidelines.

NOW THEN, LET IT BE FURTHER RESOLVED, that the Marin County Planning Commission approves and adopts the Sorokko Property Final Environmental Assessment as adequate in compliance with the requirements of the County Code, Title 22, Section 22.50.020 and County Environmental

Review Guidelines for preparation and processing of Environmental Assessments. A development application which should reflect the findings and conclusions of the Final EA can now be submitted to the Marin County Community Development Agency for processing.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the County of Marin, State of California, on the 25th day of April, 2005, by the following vote to-wit:

AYES:

NOES:

ABSENT:

STEVE THOMPSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Kim Shine
Recording Secretary