



October 8, 2018

TO: Marin County Planning Commission

SUBJECT: Appeal of Project ID: 11-0417
Assessor's Parcel: 168-034-14
Project Address: 21 Barranca Road, Lagunitas
Project Name: Tarigo Design Review (DR 12-42) and Second Unit (SU 12-6)
Draft Initial Study

Dear Planning Commissioners,

Following the previous Planning Commission meeting on August 27, 2018, the applicant for the Tarigo project has submitted additional information clarifying the lot coverages with regards to the driveway, and impervious calculations, and including more information about the TuffTrack, pervious paving system for the driveway. Based on the information provided by the applicant, the initial study has been updated to reflect the following: the proposed project would reduce the baseline lot coverage of 6,118 square feet (which includes the pre-existing bridge) by 1,698 square feet, resulting in a proposed lot coverage of 4,420 square feet. Mitigation Measure 1.B.1 no longer includes references to the driveway and the previously characterized impervious surface calculations.

Subsequent to receiving the updated information from the applicant, the Department of Public Works (DPW) staff submitted a thirteenth, revised Inter-Office Memorandum with one additional comment regarding the process for retroactive permits for projects built without permits vs. new projects requesting permit approval. The comment stated, "DPW does not treat retroactive permit applications differently, the baseline for the proposed bridge is the old bridge. Had this application come in to replace the bridge, the applicant would have been told to design the abutments outside of the channel beyond the top of bank and to bring the creek banks to a natural condition. CSW/ST2 are reputable, respected professionals; it is DPW's opinion that the bridge as it was constructed without permits would not have been approved had they come in with an application."

Code Clarification:

Marin County Code (MCC) Section 24.04.520(d) - Hydrologic and hydraulic design states, "Open channel systems shall be designed to carry the one hundred-year flow with a minimum freeboard equal to the velocity head. Bridges and utility crossings which span open channel waterways shall have a minimum clearance of two feet between soffit and the one hundred-year flow elevation."

If an applicant requests an exception to the requirements in this section, the project must qualify for an exception as outlined in MCC Section 24.15- Exceptions. In this case, DPW found that the

project did not qualify for an exception due to the fact that the unpermitted bridge did not qualify as a special circumstance. Therefore, per MCC 24.20.010, "Where the provisions of this title require a discretionary action and responsibility for this action is not specified in this title, then the board, commission, or administrative person designated by the director to act on the application shall have that discretionary responsibility." As such, should the Planning Commission choose to override DPW's decision on denying the exception, there is a provision in the Code to allow this action.

ATTACHMENTS:

1. Track-changed pages from the Initial Study modifying Mitigation Measure 1.B.1
2. Modified Exhibit B
3. Inter-Office Memorandum from DPW dated September 19, 2018
4. Documents submitted by applicant at the Planning Commission Hearing on August 27, 2018
5. Two emails received from applicant with attachments dated August 31, 2018
6. Email and letter attachment from applicant, received on September 4, 2018
7. Two emails received by Ana Hilda Mosher; forwarded to Planning staff on September 5, 2018 (with attachments).
8. Email correspondence from the applicant received September 25, 2018
9. Email correspondence sent to Lorenzo Cordova dated September 27, 2018
10. Email correspondence from the applicant received on October 1, 2018