

COMMUNITY DEVELOPMENT AGENCY

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DIRECTOR

July 28, 2015

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Marin County Board of Supervisors
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SUBJECT: Turtle Island Restoration Network (TIRN, aka SPAWN) appeal of the Planning Commission's approval of the Saban Variance, Design Review, and Mitigated Negative Declaration

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

www.marincounty.org/cda

Dear Supervisors,

RECOMMENDATION:

Deny the Turtle Island Restoration Network's appeal and sustain the Planning Commission's approval of the Saban Variance, Design Review and Mitigated Negative Declaration.

SUMMARY:

Israel Saban partially demolished a residence and constructed a bridge without permits across a tributary of Lagunitas Creek on the property at 100 Lagunitas Road in Lagunitas. In response to a Code Enforcement action, Mr. Saban submitted a Variance and Design Review application in 2011. Design Review is required to build a new residence and to reconstruct the bridge because the property is bisected by a tributary to Lagunitas Creek, which supports anadromous fish. Mr. Saban has requested Variance approval to build the house partially encroaching into the rear yard setback, which is farther from the stream than the zoning would normally allow.

Processing the application was substantially delayed due to a court ordered moratorium placed on development in the San Geronimo Valley. However, once the moratorium was lifted, Planning staff prepared an Initial Study (attachment 7) and determined that the project qualifies for a Mitigated Declaration of Environmental Impact. This determination was based on environmental studies, including a biological study (attachment 8) and on the owner's willingness to undertake actions that would lead to a better stream condition and riparian habitat than currently exists.

The Turtle Island Restoration Network (TIRN) appealed the administrative approval of the project to the Planning Commission. On April 27, 2015, the Planning Commission denied the appeal and approved the project with an additional requirement to remove a hardscape patio that was proposed within the Stream Conservation Area. TIRN subsequently appealed the Planning Commission's approval to your Board, asserting that the project is not consistent with the 1994 Countywide Plan policies regarding Stream Conservation Areas and that a Mitigated

Negative Declaration should not be granted for the project. Evidence and responses to these assertions are presented in the attached documents for your Board's review.

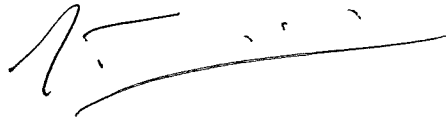
FISCAL/STAFFING IMPACT:

None.

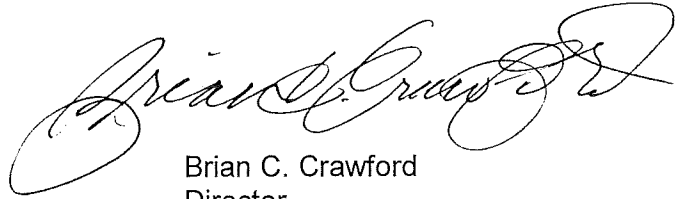
REVIEWED BY:

- | | |
|--|------------------------------|
| <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 |

SIGNATURE:



Jeremy Tejirian
Planning Manager



Brian C. Crawford
Director

Attachments:

1. Mitigated Negative Declaration Resolution
2. Project approval Resolution
3. Project plans
4. TIRN Petition for Appeal and supporting documents
5. Marin County Fire comments on appeal, received 6-2-15
6. Marin County Department of Public Works comments on appeal, received 6-3-15
7. CEQA Initial Study
8. Project Biological Assessment, received 6-17-14
9. Staff report to the Planning Commission with attachments, hearing date 4-13-15
10. Staff memo to Planning Commission, dated 4-9-15 and 4-20-15
11. Minutes of the Planning Commission hearing held on 4-13-15
12. TIRN letter with supporting documents to the Planning Commission, received 4-23-15
13. Planning Commission Resolutions approving a Mitigated Negative Declaration and approving the project, adopted 4-27-15
14. Minutes of the Planning Commission hearing held on 4-27-15