August 23, 2016

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Turtle Island Restoration Network (TIRN, aka SPAWN) appeal of the Planning Commission’s approval of the Murray Design Review and Mitigated Negative Declaration of Environmental Impact
192 Redwood Drive, Woodacre
Assessor’s Parcel 172-151-39

Dear Supervisors,

RECOMMENDATION:

On July 11, 2016, the Planning Commission voted unanimously to approve the Murray Design Review and adopt the Mitigated Negative Declaration of Environmental Impact to build an approximately 1,900 square foot single family residence and 460 square foot attached garage on a vacant infill lot. On behalf of the Planning Commission, staff recommends the Board deny the appeal filed by the Turtle Island Restoration Network and sustain the Planning Commission’s approval of the Murray Design Review and adoption of the Mitigated Negative Declaration.

SUMMARY:

The 14,410 square foot vacant property is located along the southwesterly side of Redwood Drive in Woodacre, approximately 1,400 feet southeast of Park Street. Woodacre Creek (a tributary to San Geronimo Creek and an anadromous fish creek) is located across Redwood Drive, approximately 51 feet from the closest property corner. The property is accessed via Redwood Drive and is considered an infill lot as the neighborhood was created by historic subdivision maps, is governed by a conventional zoning district and exhibits relatively uniform single-family residential development along both sides of Redwood Drive. The property slopes steeply upward from Redwood Drive with an approximately 40% slope.

The project was first presented to the Planning Commission in 2004 with a recommendation for denial. The Planning Commission recommended design revisions to bring the project into greater compliance with the San Geronimo Valley Community Plan and the Marin Countywide Plan.

The applicant submitted project revisions in the latter part of 2005 and an Initial Study/Mitigated Negative Declaration was drafted and circulated for the project in March of 2006. The project returned to the Planning Commission on April 24, 2006. Four days prior to the public hearing, information was provided to staff that Redwood Drive was failing due to geotechnical instability. The Department of Public Works reviewed the information and recommended that the item be continued so the
applicant could provide additional information regarding drainage and geotechnical stability as it related to the project site. The Planning Commission continued the project to a date uncertain to allow the applicant to address issues related to geotechnical stability, runoff and potential environmental impacts.

Since the Planning Commission hearing of April 24, 2006, staff met with the project applicant a number of times to discuss and clarify the issues raised by the Commission. Despite the efforts of the applicant and staff, the project has been stalled from making progress and beset by a series of events that were outside the control of the applicant and staff.

In February of 2008, the Marin County Board of Supervisors adopted Ordinance 3515 which established a moratorium on all development within the Stream Conservation Area (SCA) in the San Geronimo Valley. This ordinance was extended for one additional year through February 2010. No progress was made on the project during this time.

During the winter storms of 2011, a landslide occurred along Redwood Drive adjacent to the subject property. The Department of Public Works conducted the necessary repairs and finished work in 2012.

In September of 2012, the Marin County Superior Court issued an injunction for development in San Geronimo Valley. The injunction was later lifted by the State Appellate Court in October of 2014 after the Appellate Court found the Superior Court had no authority to include an injunction in its judgment. The Appellate Court also ruled that while the 2007 Countywide Plan (CWP) and associated Environmental Impact Report are invalid for the San Geronimo Valley, the 1994 CWP remains in effect. Therefore, the 1994 CWP is the applicable general plan for this project.

The applicant submitted information in 2015 responding to issues raised in the April 2006 Planning Commission hearing. The documentation includes a Hydrology Study and Drainage Analysis prepared by Questa Engineering Corporation, a Biological Analysis prepared by WRA Environmental Consultants, a Geotechnical feasibility report prepared by Robert Settgast, and a letter from Miller Pacific Engineering Group related to construction observation and testing for the Redwood Drive landslide stabilization. No changes were proposed to the project.

The supplemental materials provided by the applicant indicate that the project will not have a significant or cumulatively considerable impact on drainage or runoff, that the project is feasible from a geotechnical standpoint and will not impact the stability of the roadway, and that the project would continue to avoid potential significant impacts to plant and animal species as the site conditions have not changed since the circulation of the Initial Study/Mitigated Negative Declaration. Further, pursuant to State CEQA Guidelines Section 15073.5, recirculation of the Initial Study/Mitigated Negative Declaration is not required.

The Turtle Island Restoration Network (TIRN) appealed the Planning Commission’s approval to your Board, asserting that: (1) the project is not consistent with Stream Conservation Area (SCA) policies contained in the 1994 Marin Countywide Plan; (2) adequate public notice and participation was not provided for the project; (3) the project is not feasible from a geotechnical standpoint; (4) the project does not contain specific mitigations for Steelhead Trout or Coho Saimon; and (5) the project would
cause additional runoff that results in significant cumulative impacts to the creek and surrounding vicinity. Responses to these points are set out in the attached Board of Supervisors Resolution (see Attachment 1).

In summary, the Planning Commission and staff have not been presented with any substantial evidence or new information that would invalidate or change the conclusions of the Mitigated Negative Declaration or overturn the Planning Commission's determination, and maintains that the Planning Commission correctly followed the procedures of CEQA, and made proper findings for approval of the project based on the Countywide Plan and Development Code.

FISCAL/STAFFING IMPACT:
None.

REVIEWED BY:
[ ] Department of Finance    [X] N/A
[X] County Counsel           [ ] N/A
[ ] Human Resources          [X] N/A

SIGNATURE:

Curtis Havel
Senior Planner

Brian C. Crawford
Director

Attachments:

1. Recommended Resolution Denying the Turtle Island Restoration Network Appeal and Approving the Murray Design Review
2. Recommended Resolution Adopting the Mitigated Negative Declaration of Environmental Impact for the Murray Design Review
3. Project plans
5. CEQA Initial Study
6. Staff report to the Planning Commission with attachments, hearing date July 11, 2016
7. Staff memo to Planning Commission, July 7, 2016
8. Turtle Island Restoration Network letter to the Planning Commission, received July 11, 2016
9. Letter from Deborah Krupp to the Planning Commission, received July 11, 2016
10. Planning Commission Resolutions adopting a Mitigated Negative Declaration and approving the project, July 11, 2016