



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

June 24, 2008

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

SUBJECT: Robertson Appeal of the Marin County Planning Commission's Denial of the Robertson Design Reviews 05-48 through 05-50 and Lot Line Adjustment 05-10
338, 350, and 360 Arroyo Road, Lagunitas
Assessor's Parcels 168-031-11, -12, and -13

Dear Supervisors:

RECOMMENDATION:

On March 26, 2007, the Planning Commission denied the Robertson Design Reviews and Lot Line Adjustment application for the construction of three single-family residences and appurtenant improvements. On behalf of the Planning Commission, staff recommends that the Board deny the appeal filed by Thomas Robertson and deny the project.

BACKGROUND SUMMARY:

Thomas Robertson, project sponsor and property owner, originally submitted an application to adjust the lot lines between three legal lots of record, and to construct a single-family residence and appurtenant improvements on each of the lots (for a total of three homes). The Marin County Planning Commission denied his application based on the project's incompatibility with the surrounding community character and excessive site disturbance, and because development was not clustered in one portion of the site. In response to the Planning Commission's action, the project sponsor filed an appeal and submitted additional project mitigations that include elimination of the existing middle lot and corresponding proposed single-family residence from the plans, deletion of all detached accessory structures from the plans, and reduction of the size of the two remaining residences.

The Robertson Appeal was initially considered by the Board in June of 2007, at which time the Board requested additional information related to drainage, access, and water availability, and continued the appeal to a future date. In January 2008, Thomas Robertson submitted the following additional documents in support of the appeal: (1) letter from Thomas Robertson and Jody Jahn proposing the use of a pervious concrete material along the proposed driveway/roadway surfaces; (2) documentation describing the proposed pervious concrete material and its suitability for the project; (3) analysis of the Total Impervious Area and Effective Impervious Area of the Arroyo Creek Sub-Watershed; (4) a Hydrological Impact Analysis of the Proposed Domestic Water Supply Wells for 338, 350 and 360 Arroyo Road, Lagunitas, California; (5) correspondence from Marin Municipal Water District; and (6) a summary of articles and reports submitted by the Salmon Protection and Watershed Network. In consideration of this information and to ensure compliance with the California Environmental Quality Act, the Board continued the Robertson appeal and directed staff to incorporate new information submitted by the applicant into the Robertson Initial Study and Negative Declaration and to re-circulate the Negative Declaration for public review.

APPEAL AND PROJECT DESCRIPTION:

The Robertson Appeal asserts that the Planning Commission's denial of the project did not adequately consider findings that: (1) the proposed project is consistent with the Marin Countywide Plan, San Geronimo Valley Community Plan, and Marin County Development Code; and (2) technical reports were prepared by qualified professionals with conclusions based on factual data verifying that the project will not result in significant impacts to the environment. In response to the issues identified by the Planning Commission as bases for the denial, Mr. Robertson proposed modifications to the project listed below.

- Eliminating the existing middle lot and corresponding proposed single-family residence from the plans
- Deleting all detached accessory structures from the plans and reducing the size of the two remaining residences.
- Offers of dedication of trail easement, open space agreement, and stream conservation area agreement
- Permeable concrete surfaces for the proposed driveway
- Deletion of retaining walls along those portions of the driveway within the Stream Conservation Area (SCA)
- Relocation of all septic system leach fields outside of the SCA
- Use of a culverted design instead of concrete bridge caps over the two driveway creek crossings.

The modifications incorporated in Mr. Robertson's appeal are in furtherance of the conclusions reached in the Negative Declaration and are considered implementation of mitigations contained within the Negative Declaration.

ANALYSIS:

1. The appeal asserts that the project is consistent with the Marin Countywide Plan, the San Geronimo Valley Community Plan, and the Marin County Development Code.

The Planning Commission found that the project was inconsistent with the Marin Countywide Plan, the San Geronimo Valley Community Plan, and the Marin County Development Code because the project is incompatible with the community character due to the size of the proposed residences which would be substantially larger than the average home size of 1,679 square feet, the project would result in excessive amounts of site disturbance with respect to grading and tree removal (including 700 cubic yards of grading and removal of 45 trees), and the residences are not clustered in one portion of the site.

2. The appeal asserts that technical reports were prepared by qualified professionals basing the conclusions on factual data verifying that the project will not result in significant impacts to the environment.

This basis of appeal is not directly germane to the Planning Commission's decision since the Planning Commission did not cite potential environmental impacts as a basis for the denial. Instead, the Planning Commission found that the project was categorically exempt from the requirements of the California Environmental Quality Act (Section 15270) and therefore did not take action on the proposed Negative Declaration. It is important to note that the Initial Study and Negative Declaration have been revised to incorporate modifications proposed by Mr. Robertson in response to concerns raised by members of the public and the Planning Commission, and re-circulated to provide opportunity for public review and comment.

3. The appeal introduces proposed modifications including elimination of the existing middle lot and corresponding proposed single-family residence from the plans, deletion of all detached accessory structures from the plans, and reduction of the size of the two remaining residences.

The proposed modifications would result in one fewer home, smaller home sizes, and reduction in grading and tree removal as shown in the table below and should be considered by the Board in the deliberation of the merits of the appeal.

	<i>Lot A</i>	<i>Lot B</i>	<i>Lot C</i>	<i>Grading</i>	<i>Tree Removal</i>	<i>Impermeable Surfaces</i>
<i>Previous</i>	2,894 ft ²	3,636 ft ²	3,710 ft ²	700 cu yds	45 trees	19,200 ft ²
<i>Current</i>	2,186 ft ²	0 ft ²	3,045 ft ²	300 cu yds	24 trees	13,200 ft ²
<i>Difference</i>	<708 ft ² >	<3,636 ft ² >	<665 ft ² >	<400 cu yds>	<21 trees>	<6,000 ft ² >

ALTERNATIVE CONSIDERATIONS:

A Negative Declaration of Environmental Impact has been re-circulated for the revised project which incorporates the modifications proposed by Thomas Robertson. The most recent information provided by Mr. Robertson is consistent with the analysis conducted within the Initial Study and would implement mitigations contained within the Negative Declaration.

The project applicant has submitted project modifications that respond to the concerns raised by members of the public and the bases of denial presented by the Planning Commission. The most recently submitted project modifications would further the mitigations reached within the Negative Declaration of Environmental Impact because the introduction of a permeable concrete driveway would further reduce the amount of runoff from the project, and the project would be consistent with the requirements of the Stream Conservation Moratorium (Ordinance 3482).

In conclusion, should your Board find that project revisions have resulted in a superior, more approvable project, your Board may wish to adopt a resolution for a Negative Declaration of Environmental Impact, and a resolution sustaining the Robertson Appeal and conditionally approving the project.

Respectfully submitted,

Reviewed by:

Curtis Havel
Senior Planner

Brian Crawford
Assistant Director

Attachments:

1. Resolution recommending denial of the Robertson Appeal and sustaining the Planning Commission's denial by denying the Robertson Design Reviews and Lot Line Adjustment application
2. Robertson Petition for Appeal
3. Resolution adopting a Negative Declaration of Environmental Impact for the Robertson Design Reviews and Lot Line Adjustment
4. Resolution sustaining the Robertson Appeal and approving the Robertson Design Reviews and Lot Line Adjustment
5. Robertson Initial Study and Negative Declaration
6. Location Map
7. Project Plans
8. Letter from Questa Engineering Corporation, June 17, 2008
9. Correspondence received in response to the Robertson Negative Declaration and Initial Study circulated March 24, 2008, and May 3, 2008

Note: The Board of Supervisors is in receipt of the Planning Commission staff report and attachments, technical reports, and subsequent correspondence as distributed in the Board letters of January 15, 2008, December 12, 2007, October 31, 2007, August 14, 2007, June 12, 2007, June 11, 2007, and June 5, 2007.