MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Lansill Family 2012 Trust Design Review

<table>
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<tr>
<th>Decision:</th>
<th>Denied</th>
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<tr>
<td>Date:</td>
<td>December 19, 2022</td>
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<tr>
<th>Project ID No:</th>
<th>P3781</th>
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<tbody>
<tr>
<td>Applicant(s):</td>
<td>AJ Reyes, Gold Rush Energy Solutions</td>
</tr>
<tr>
<td>Owner(s):</td>
<td>Lansil Family 2012 Trust</td>
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<tr>
<td>Assessor’s Parcel No(s):</td>
<td>143-550-12</td>
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<tr>
<td>Property Address:</td>
<td>15 Saddle Wood Dr., Novato</td>
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<tr>
<td>Project Planner:</td>
<td>Joshua Bertain</td>
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<td>(415) 473-3171</td>
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<td><a href="mailto:jbertain@marincounty.org">jbertain@marincounty.org</a></td>
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Signature: Joshua Bertain

Countywide Plan Designation: RVL (Very Low Density Residential), SF3 (Rural/Residential)
Community Plan Area: Not applicable
Zoning District: RSP (Residential Single Family Planned)
Environmental Determination: CEQA Guidelines section 15303, Class 3

PROJECT SUMMARY

The applicant requests Design Review approval to legalize a backup generator located in the front yard of a developed property in an unincorporated area of Novato. The proposed generator would not result in a change to the property’s floor area ratio. The proposed generator would reach a maximum height of 2 feet, 5 inches above the surrounding grade and the generator would have the following setbacks: 5 feet, 7 inches from the western front property line; 125 feet, 6 inches from the southern side property line; 49 feet, 1 inch from the northern side property line; and more than 100 feet from the eastern rear property line.

Design Review approval is required pursuant to Section 22.42.020.A of the Marin County Development Code because the property is located in a planned zoning district and the structure’s location on the property does not conform to the applicable exemption from Design Review.

COUNTYWIDE PLAN CONSISTENCY

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:
A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees.

B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.

C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.

D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.

E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.

F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.

G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.

H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.

I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Design Review (Marin County Code Section 22.42.060)

The project is inconsistent with the mandatory findings for Design Review approval for the reasons discussed below.

A. The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and 22.32.168 (Tidelands), as well as any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.
There are no standards provided in Chapter 22.14 that apply to the project and the development would not occur within a tidelands area. The project’s consistency with the standards and guidelines most pertinent to the subject property is discussed below.

SITE PREPARATION: Development Standards J.1 through J.6; Design Guidelines A-1.2 through A-1.4

The applicant proposes to legalize an existing backup generator on a property developed with a single-family residence and associated site improvements. The site does not contain and is not adjacent to creeks or streams and the project did not result in the removal of trees. The installation of the generator required a minimal amount of grade because the site has an average slope of 11.13 percent, and the generator is located on a level portion of the site near the western front property line.

BUILDING LOCATION: Development Standards D.1 through D.4; Design Guidelines D-1.6

The property is not located on or near a visually prominent ridgeline and it is also not located within a Ridge and Upland Greenbelt (RUG) area.

PROJECT DESIGN: Development Standard I.1 and I.2; Design Guideline D-1.7

The generator reaches a maximum height of 2 feet, 5 inches above the surrounding grade, and is well below the 16-foot height limit allowed for accessory structures. The generator is located on a small foundation pad and contained within a generator enclosure painted in a standard bisque, off-white color. While the color does not blend in with the natural environment, the generator is screened by an existing fence and mature vegetation.

MASS AND BULK: Design Guidelines D-1.1 through D-1.5

The structure is small in scale and is designed to not stand out prominently as evidenced by its height, size, and overall low profile.

EXTERIOR LIGHTING: Development Standard G; Design Guideline C-1.11

The project does not entail any exterior lighting.

LANDSCAPING AND VEGETATION REMOVAL: Development Standard F; Design Guideline A-1.1

The subject property is currently developed, landscaped, and the project does not propose the removal or installation of any additional landscaping.

ACCESS: Development standard C; Design Guidelines A-1.5

Access to the property would continue to be provided by way of Saddle Wood Dr., a County maintained roadway, and the project would not create a new road, driveway, or another point of access that is not already established. Conformance with this finding will be ensured during the building permit process.

NEIGHBORHOOD COMPATABILITY: Design Guidelines B-1.1, C-1.1 through C-1.3, C-1.7
The subject property is zoned RSP (Residential Single Family Planned), a planned zoning district. Unlike conventional zoning districts, planned zoning districts do not have prescribed setback requirements because setbacks are determined through the Master Plan, Precise Development Plan, or the Design Review process.

Development on the subject property and in the surrounding neighborhood is subject to the standards and conditions of the Rush Creek Estates Master Plan approved by the Board of Supervisors of the County of Marin on September 29, 1992. The Rush Creek Estates Master Plan established a building envelope with the following setbacks on the subject property: 20 feet from the western front property line; 20 feet from the northern side property line; 40 feet from the southern side property line; and more than 50 feet from the eastern rear property line. Condition 6.g of the Rush Creek Estates Master Plan states that accessory structures and uses proposed outside of the established building envelopes “shall not be permitted.”

The project is inconsistent with this finding and condition 6.g of the Rush Creek Estates Master Plan because the project includes a backup generator that is setback 5 feet, 7 inches from the western front property line when a minimum setback of 20 feet is required.

B. The proposed development provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the community.

The project includes a backup generator that maintains a 5-foot, 7-inch setback from the front property line. A development setback of 5 feet, 7 inches from the western front property line is inconsistent with the minimum 20-foot setback established by the Rush Creek Estates Master Plan as shown upon that certain map entitled, “Map of Rush Creek Phase 2”, filed for record on July 14, 1997, in Volume 21 of Maps at Page 61 of Marin County Records.

C. The proposed development results in site layout and design that will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties.

The subject backup generator would not eliminate sun or light exposure, result in light pollution or glare, and would not eliminate primary views, vistas, or privacy because the generator reaches a maximum height of 2 feet, 5 inches above the surrounding grade, and is screened behind an existing fence and existing vegetation.

D. The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.

The proposed development does not encroach into any streets or pathways and does not detract from the appeal of the streetscape.

E. The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

The generator maintains adequate separation between buildings on neighboring properties, but the generator’s location is inconsistent with the building envelope and associated development setbacks established by the Rush Creek Estates Master Plan.
ACTION

The project described in the “Project Summary” section above, is hereby denied by the Marin County Planning Division.

RIGHT TO APPEAL

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (December 30, 2022).

cc: {Via email to County departments and Design Review Board}
CDA – Assistant Director
CDA – Planning Manager
DPW – Land Development
North Marin Water District
Novato Sanitary District
Novato Fire Protection District