

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION DENYING THE SULLIVAN ET AL. APPEAL  
AND APPROVING THE SASAN SITE PLAN REVIEW  
187 Sacramento Avenue, San Anselmo  
Assessor’s Parcels: 177-172-10 AND -20

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SECTION I: FINDINGS

1. **WHEREAS**, Casey Clement, on behalf of the owners, Tim and Beth Sasan, has submitted a Site Plan Review application to construct a new residence on a vacant lot in San Anselmo. The development would result in a lot coverage of 21.6 percent on the 56,163 square foot lot. The proposed building footprint would have the following setbacks: 154 feet, 2 inches from the southern front property line (30 feet, 11 inches from the Sacramento Avenue right-of-way); 10 feet from the eastern side property line; 161 feet, 10 inches from the western side property line (27 feet, 11.5 inches from the Sacramento Avenue right-of-way); 89 feet, 1.5 inches from the northern rear property line.

The project entails an approximately 136-foot extension of Sacramento Avenue that will transition to an approximately 185-foot driveway, which includes a fire truck turn around, to access the residence. Included in the driveway design is a staircase that would allow for public access across the undeveloped right-of-way that bisects the property. Grading includes 1,248 cubic yards of excavation, 1,104 cubic yards of fill, and 114 cubic yards of imported soil to accommodate development of the roadway extension, driveway, and residence.

Drainage will be collected and directed downhill to level spreaders, which are designed to distribute stormwater runoff across the slope below. All trees are proposed to remain, and new landscaping is proposed at the base of the fire truck turnaround retaining wall.

The property consists of two vacant Assessor’s Parcels, which together comprise a single legal lot of record, historically referred to as 187 Sacramento Avenue, San Anselmo and further identified as Assessor’s Parcels 177-172-10 and -20.

2. **WHEREAS**, on June 28, 2021, the Marin County Planning Division approved the project.

3. **WHEREAS**, on July 8, 2021, Brandon Sullivan et al. submitted a timely appeal of the Sasan Site Plan approval.

4. **WHEREAS**, on August 23, 2021, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the project.

5. **WHEREAS**, on August 23, 2021 the Marin County Planning Commission denied the appeal and approved the project.

6. **WHEREAS**, on September 2, 2021, Brandon Sullivan et al. submitted a timely appeal of the Planning Commission’s decision.

7. **WHEREAS**, on October 19, 2021, the Marin County Board of Supervisors held a duly noticed public hearing to take public testimony and consider the project.

8. **WHEREAS**, the bases of appeal are insufficient to overturn the Planning Commission's decision, for the reasons discussed below.

A. *The appellants assert the proposed project fails to meet Site Plan Review requirements, arguing that the development will result in significant environmental damage if it is not relocated to a site closer to the developed end of Sacramento Avenue, on a less steep and eroded area of the lot, and away from protected trees.*

Compliance with Site Plan Review requirements are outlined below, and the project is consistent with the intention of the Site Plan Review findings. The proposal is sited outside of the Stream Conservation Areas (SCAs), which encumber the northern and western portions of the property. Relocating the home lower on the site would be difficult given the fact that the neighbors opposed abandoning the right-of way, and also due to the SCA along the western portion of the site.

The appellants take issue with the western SCA in the bases of this appeal because it does not include an additional 50-foot buffer from the edge of the riparian habitat, yet they support relocating the home to a location within their preferred SCA buffer along the western stream. This argument is contrary to the County's goal of protecting environmental resources as required by the Countywide Plan and Development Code.

To date, no information has been provided as to how an alternative location, in keeping with the appellants' request, would be feasible given the site constraints (including the right-of-way, required yard setbacks, SCAs) and would not impact environmental resources.

B. *The appellants assert that significant environmental concerns have not been addressed. For example, they argue that options for reducing the extent of grading and impervious surfaces have not been adequately considered. They also argue that the project involves over 1,200 cubic yards of grading, an amount that exceeds the 1,000 cubic yards of grading they state was deemed excessive by the Board of Supervisors in 2018 under a previous application.*

The Planning Commission denied the previous Site Plan Review application from 2019 in part because the proposed earthwork was too high. In response, the applicants submitted a new project, that addressed the Commission's concerns, by reducing overall earthwork by 815 cubic yards. At their August 23, 2021 meeting, the Planning Commission did not raise concerns associated with the amount of grading, nor was it noted that the proposed earthwork would result in significant impacts to the environment.

While the grading quantity is 1,248 cubic yards, it entails a roadway extension in addition to typical earthwork required to develop a single-family residence and construction of vehicular access to the property. The earthwork is concentrated along the eastern portion of the property, retaining the natural features of the land to the greatest extent possible given the other constraints to development on the site. The driveway follows the natural contours of the site and the fire truck turnaround is sited as to not require extensive grading into the hillside.

Additional environmental concerns, associated with trees and stream resources, raised by the appellants are discussed below.

- C. *The appellants assert the project forces the house into close proximity to several protected trees and encroaches into tree protection zones. The appellants assert that the tree protection zones have been miscalculated at half the size they should be and are misrepresented on current site plans.*

There are two typical ways in which appropriate distance from a tree are determined: 1) locating development outside of the dripline/outermost circumference of the tree's canopy, or 2) establishing an assumed buffer distance of one foot diameter per each inch of trunk diameter at breast height.

The applicants provided plans that map the tree canopies of four trees in the project vicinity and demonstrate that proposed improvements are located outside of the tree canopies. As such, the plans for the proposed development are consistent with a common approach to avoid tree impacts.

- D. *The appellants assert that fire safety standards applicable in a Very High Fire Hazard Area, a Wildland Urban Interface, and a State Responsibility Area are being waived when they should not be and that alternatives which comply with Fire Standards were not considered as part of the project.*

The issue raised by the appellants relates to the location of the proposed fire truck turnaround. It was noted as part of the Planning Commission appeal that the fire truck turnaround must be located no less than 50 feet from the proposed residence. The proposal places the turnaround 80 feet from the residence.

However, Marin County Fire Department staff reviewed and accepted the location of the proposed fire truck turnaround. While Marin County Fire typically asks that fire truck turnarounds are located within 50 feet of the residence, there are times when exceptions can be made. In this case, Marin County Fire has accepted the location of the proposed turnaround and will not require it to be relocated. A response from Marin County Fire is included in Attachment 3.

Further, the project will be required to comply with all development standards of the Marin County Fire Department. Should any change to the plan result in a project that does not substantially conform to the project approval, the Planning Department would require the changes to be subject to a Site Plan Review amendment. This would provide staff the opportunity to analyze the proposed changes and allow the public to comment on the proposal as well.

- E. *The appellants assert that the impact of the proposal on the natural drainage and stream elements surrounding the property has not been adequately addressed, arguing that Planning staff based their recommendations solely on input from the applicants' biologists, allowing Stream Conservation Area policies to be manipulated, while ignoring input from a Certified Professional Wetland Scientist hired by neighboring property owners.*

The Planning Commission denied the 2019 Sasan Site Plan Review application because the Biological Site Assessment (BSA) prepared by LSA was believed to be inaccurate and did not effectively analyze stream resources in relation to the Countywide Plan policies. In response, the applicants contracted a new Biologist, Bernhard Warzecha of First Carbon Solutions, to review the LSA BSA and the proposed project as it relates to the Countywide Plan.

The BSA prepared by First Carbon Solutions concludes that the previous LSA BSA incorrectly identified the drainage course along the northern portion of the site which was not subject to the 50-foot SCA buffer area, and determined that in fact, this area is subject to the 50-foot SCA from top of bank. The BSA also concluded that the SCA was incorrectly applied to the creek that runs along the western portion of the site. Instead of requiring a 50-foot SCA from the edge of the riparian canopy, the new BSA maps a 50-foot SCA from the top of bank but encompasses the woody riparian habitat. Based on the updated and accurate BSA, the project is adequately set back from stream resources and riparian habitats.

As part of a previous application, reviewed by the Planning Commission in July 2020, neighbors asserted that the previous LSA BSA site constraints map manipulated the SCA to limit development to the proposed project location and prevented building the residence on the lower portion of the hillside. However, even though the updated constraints map addresses the concerns they previously raised, they still take issue with the BSA because the 50-foot SCA is not measured from the edge of the riparian habitat and instead is measured from the top of bank.

Neighbors hired WRA to conduct a peer review of the LSA BSA (included in Attachment 4). Consistent with the First Carbon Solutions BSA the WRA peer review concluded that the northern ephemeral stream is subject to the SCA policies. The WRA report also noted that the LSA BSA's recommended western setback from the edge of the riparian canopy was appropriate. However, the biologist from WRA was unable to trespass on private property and could not view the biological resources in this area. Therefore, the recommendation of the First Carbon Solutions report is based on better evidence because they had access to the project site.

While the neighbors may not agree with the First Carbon Solutions BSA, the report accurately evaluates the watercourses on site in relation to the Countywide Plan. Policy BIO-4.1 specifically states that in the City Centered Corridor (where this property is located):

For parcels between 2 and 0.5 acres in size, provide a minimum 50-foot development setback on each side of the top of bank.

Regardless of parcel size, an additional buffer may be required based on the results of a site assessment. A site assessment may be required to confirm the avoidance of woody riparian vegetation and to consider site constraints, presence of other sensitive biological resources, options for alternative mitigation, and determination of the precise setback. Site assessments will be required and conducted pursuant to Program BIO-4.g, Require Site Assessment.

Even though the previous BSA prepared by LSA recommended a 50-foot setback be taken from the edge of riparian habitat, it was not a requirement of the Countywide Plan and is not the established practice for all applications subject to SCA policies. The Planning Commission accepted the First Carbon Solutions BSA and did not raise issues with this document at their August 23, 2021 hearing.

- F. *The appellants assert a CEQA exemption is not applicable to this project, arguing that CEQA clearly delineates exceptions to exemptions, including unique circumstances and cumulative impact, which they argue are applicable to this development proposal.*

Neighbors expressed concerns that potential environmental impacts could result from the project. Therefore, commenters assert that the project does not qualify for a Categorical Exemption under Section 15303, Class 3 of the California Environmental Quality Act (CEQA).

The construction of a new single-family residence on a vacant, legal lot of record does not automatically constitute a potentially significant environmental impact. Section 15303 of the CEQA guidelines provides an exemption for the construction of up to three single-family residences in an urbanized area. The subject property is located in an urbanized area, as designated by the US Census maps, and is within the Marin Countywide Plan City Centered Corridor as identified in GIS maps on file with the Marin County Planning Division. Sewer and water services are available, and the project would build out the last lot that takes primary access from Sacramento Avenue. There are no sensitive plant or animal species located on the property indicated by the Natural Diversity Database maps prepared by the California Department of Fish and Wildlife.

Commenters note that the previous 2014 application to develop two residences and a roadway that served both residences, and any future residence at the lot currently under review, required an Initial Study based on comments made at a Planning Commission meeting on November 9, 2015. However, as noted by Rachel Reid, Environmental Planning Manager on November 9, 2015, the previous project required an Initial Study because the development of the paper street provided access to three properties, was considered growth-inducing, and did not only benefit the proposed project at that time.

The appellants also raised the fact that the proposed roadway extension has the ability to potentially serve three properties as well because the parcel at the end of Carmel Way contains a narrow connection to the roadway, which the owners believe allows them use of the roadway should they chose to develop the property. However, as noted above, the exemption allows up to three single-family residences to be developed in urbanized areas, in which these properties are located. Additionally, it is not clear that the owners of the vacant lot at the end of Carmel way would be able to develop a compliant driveway to access the property given its narrow dimensions and steep slope, in contrast to the Carmel Avenue 40-foot right-of-way that leads to a much wider portion of the undeveloped property.

The currently proposed project would not result in cumulatively considerable impacts because only one other vacant lot would be primarily served by the extension of the Sacramento Avenue right-of-way. As such, further environmental review is not required and the Categorical Exemption pursuant to CEQA Guidelines Section 15303, Class 3 is appropriate.

- G. *The appellants assert that the subject lot, consisting of two assessor parcels, should be merged with the adjacent parcel to the south, which is its own separate legal lot of record, to create a single legal lot of record.*

Marin County Code Section 22.92.020 (Requirements for Merger) indicates that a merger shall be required when two or more contiguous parcels or units of land, which are held by the same owner and do not meet certain standards outlined in Marin County Code Section 22.92.020.A.

The project site is owned by Tim and Beth Sasan and the adjacent property is owned by 187 Sacramento LLC. As such, the units of land are held by different owners and are not subject

to the requirements of a County initiated merger. Therefore, the County does not have the legal authority to require a merger.

At one time the properties were held under the same ownership, but in 2017 that changed. Included in the 2016 Design Review application project record is a recording from the March 3, 2018 Board of Supervisors meeting where merger requirements are discussed and staff confirmed that that requiring a merging of the two properties could be explored, but placing a condition of approval on the project requiring the parcels be merged would be questionable and possibly inconsistent with the Subdivision Map Act.

- H. *The appellants assert the applicants are proposing private development and use of the Sacramento Avenue public right-of-way even though it is prohibited by California law, detrimental to the neighborhood and community, contrary to Marin Countywide Plan objectives to preserve paper streets (TRL 1.5), and for the sole benefit of the applicants.*

The Sacramento Avenue road right-of-way currently extends through the middle of the subject property and is undeveloped. The project includes a proposal to extend the paved portion of Sacramento Avenue approximately 140 feet before the access transitions to private property. Access improvements are consistent with development allowed in the public right-of-way throughout the unincorporated areas of the County.

Commenters note that the development blocks public access across the paper street. In fact, developing Sacramento Avenue facilitates vehicular access. Additionally, the project includes a stairway that would allow for the passage of pedestrians along Sacramento Avenue and signage will be posted that notifies members of the public that the path is available for public use.

Further, it appears developing a vehicular roadway on the lower and steeper portion of the paper street would be infeasible given the topography of the site. Any new road must comply with certain slope and development standards established by the Department of Public Works and the Fire Department. At the current average slope of 44 degrees, a road leading to the bottom of the hillside could not be constructed in compliance with required roadway standards.

While development of a street within the paper street right-of-way for Sacramento Avenue would be difficult, the proposed improvements do not preclude future access improvements within the Sacramento Avenue right-of-way nor prohibit the public's use of either the developed or undeveloped portions of the Sacramento Avenue right-of-way.

- I. *The appellants assert technical reports provided by the applicants are out of date.*

The appellants note that the Arborist Report (from 2019), the Geotechnical Report (from 2015), and the Supplemental Geotechnical Memo (from 2019) are too old.

Regarding the Arborist Report, staff did not request an Arborist Report as part of the review of this project because the First Carbon Solutions BSA adequately addresses the issue of tree protection. Instead, the appellants noted that the BSA prepared by First Carbon Solutions, dated February 8, 2021, noted an Arborist Report. The appellants asked to see the report, staff requested the applicant to provide it, and they did. The appellants asked that the report be put on the website, so it was, but it did not have an impact or bearing on the project decision since it only describes the type and size of trees in the project vicinity.

As part of the current project, the First Carbon Solutions BSA contains an attachment that includes a recent survey, which contains updated tree sizes and maps the tree canopies.

As for the Geotechnical Report and Memo from Salem Howes, dated May 15, 2015 and August 12, 2019, the Department of Public Works (DPW) reviewed the proposal and evaluated these documents. The August 12, 2019 memo indicates a site visit was made and no changes to the geomorphology to the site were observed that would warrant revising the recommendations and conclusions in the Geotechnical Report, prepared by the same firm on May 15, 2015. The May 15 report concluded that the development of the residence and associated improvements would not negatively impact the stability of the hillside.

If DPW found that the information in the document was outdated, they would have requested updated information. This is consistent with their review of all Planning applications. However, they accepted the information provided in the report and recommended approval of the project. Further, more detailed information related to the site improvements may be required by DPW at the time of Building Permit submittal.

- J. *The appellants assert that following the Planning Commission hearing on a previous application in 2017, the appellants reached out to the applicants with a development proposal that entailed moving the building site in a southwesterly direction on the property, arguing that this would reduce impacts to the site and alleviate neighbors' concerns.*

The current application is evaluated as presented. The merits to the project are addressed in the following sections and speak directly to the appropriateness of the project's location in relation to existing site constraints, such as property shape, setback requirements, and environmental features (SCAs and existing trees).

The appellants provided the applicants with a proposal that placed the project within the required yard setbacks, partially located on an adjacent property, and within the SCA (measured from edge of riparian canopy) as proposed by their appellants' own biological assessment that was prepared by WRA BSA.

Given the site constraints, it does not appear that relocating the structure to a lower portion of the site is feasible.

Additionally, both the Planning Commission and the Board of Supervisors are responsible for analyzing the merits of the current proposal, not potential designs that neighbors would prefer. Based on the analysis of the current application, the project is consistent with the Countywide Plan, Marin County Code, and the Discretionary Development Standards as discussed in the following sections.

- K. *The appellants assert that planning staff failed to respond to legitimate concerns neighbors raised regarding merging the subject property with the neighboring property under Section 22.92.020 of the Marin County Development Code, which they argue allowed the County require a merger in 2017. They also argue that this section of the Development Code must be amended to clarify that any merger applies only if all parcels of a lot are included, regardless of whether or not they are developed.*

The Development Code requirements related to mergers are consistent with the State Subdivision Map Act, which is consistent with the property rights embedded in the US

Constitution; none of which allow a government agency to take all economically viable use of a property without just compensation. This decision relates solely to the current application and in no way predetermines County decisions on future applications or code amendments.

9. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because it would not result in potentially significant impacts to the environment.

10. **WHEREAS**, the project is consistent with the goals and policies of the Marin Countywide Plan 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.

11. **WHEREAS**, the project is consistent with the mandatory findings for Site Plan approval (Marin County Code Section 22.52.050).

**A. The development would be consistent with all the site development criteria established in the Discretionary Development Standards.**

The project's consistency with the standards most pertinent to the subject property is discussed below.

**BUILDING LOCATION:** Development Standards D.1 through D.4

The project site is an irregular configuration and bisected by a right-of-way. Per the Marin County Code Section 22.20.090.B:

...if an access easement or street right-of-way line extends into or through a yard setback, the measurement shall be taken from the nearest point of the easement right-of-way line, not the more distant property line.

Due to the configuration of the lot, the right-of-way across the property, required setbacks (25 feet from the front and rear property lines, 10 feet from the side property lines), the 50-foot SCA along the western and southern portions of the property, and preservation of a trees surrounding the building envelope, the development is limited to the proposed location.

The prominence of the development will be screened by the vegetation along the northern and western property lines as well as the trees that are to be maintained to both the west and east of the proposed location of the structure. No construction will occur within 300 feet horizontally or 100 vertically of a prominent ridgeline within a Ridge and Upland Greenbelt.

The development will be required to incorporate energy conservation improvements in compliance with Title 24 of the California Building Code.

Based on the location of the residence and site improvements, noise impacts on adjacent properties are not anticipated.

**SITE PREPARATION:** Development Standards J.1 through J.6

While the grading quantity is considerable, it entails a roadway extension in addition to typical earthwork required to develop a single-family residence and access to the property. The earthwork is concentrated along the eastern portion of the property, retaining the natural features of the land to the greatest extent. The driveway follows the natural contours of the site and the fire truck turnaround is sited as to not require extensive grading into the hillside.

The proposed earthwork is not required to develop flat planes or outdoor space for the homeowners.

Drainage improvements have been reviewed and approved by the Department of Public Works (DPW). Additional review of the proposed project to ensure consistency with DPW's development standards will be required at the time of Building Permit submittal. Impervious surfaces are limited to the driveway and residence, preserving a large majority of the site in its natural character.

No trees are proposed for removal as part of this application. The property is located within the Wildland Urban Interface and any development will be required to comply with the

Marin County Fire Department's standards. A geotechnical report was provided that entails specific recommendations for the proposed improvements which would not result in impacts to geologic hazard areas.

#### LANDSCAPING AND VEGETATION REMOVAL: Development Standard F

As noted above, no trees are proposed for removal.

The fire truck turnaround is supported by two stepped retaining walls. The lowest wall is sufficiently landscaped, minimizing the appearance of the development, but no landscaping is included between the two walls.

Section 22.26.040 indicates that landscaping should enhance the appearance by blending new structures into the context of an established community. To ensure that the fire truck turnaround is adequately landscaped, a condition of approval requiring plantings between the two walls shall be imposed on the project.

The plantings must not block/inhibit pedestrian access to the right-of-way and must be a native species to Marin.

#### ACCESS: Development Standard C

The extension of Sacramento Avenue as well as the driveway are required to comply with both the DPW's and the Marin County Fire Department's development standards. Given the site constraints, the driveway length is consistent with clustering requirements.

The road and driveway improvements would take advantage of the existing unimproved alignment of the Sacramento Street right-of-way. The applicants have incorporated a stairway into the project design that provides the public with unobstructed use of the right-of-way. A condition of approval is placed on the project that requires signage be installed that notifies members of the public that the path is available for public use.

**B. The development would be consistent with any applicable site development criteria for specific land uses provided in Chapter 22.32 or special purpose combining districts provided in Chapter 22.14 of this Development Code.**

The development does not include any uses outlined in Chapter 22.32 nor subject to special purpose combining district standards provided in Chapter 22.14.

**C. The development would employ best management practices for drainage and storm water management.**

Best management practices for drainage and stormwater management are required by Marin County Code and DPW. Drainage will be collected and directed downhill to level spreaders, which are designed to distribute stormwater runoff across the slope below.

**D. The development would hold ground disturbance to a minimum and every reasonable effort would be made to retain the natural features of the area, such as skyline and ridge tops, rolling land forms, knolls, significant native vegetation, trees, rock outcroppings, shorelines, streambeds and watercourses.**

Ground disturbance is limited to the development of the roadway, driveway, drainage improvements, and single-family residence. No grading outside the footprints of these improvements is proposed. Natural features of the area would be maintained, and no development is proposed on the lower half of the property due to the required SCA. No impacts to streambeds or watercourses would occur because the development would avoid the SCA.

**E. If substantial ground disturbance is entailed in the development, the site would be adequately landscaped with existing or proposed vegetation at project completion.**

Ground disturbance would be limited to the footprints of the improvements and the removal of significant vegetation would be avoided. As conditioned, the applicant will be required to show a landscape plan that demonstrates that native plantings would be placed between the retaining walls of the fire truck turnaround to screen the overall mass of the wall when viewed offsite.

**SECTION II: ACTION**

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Board of Supervisors and is subject to the conditions of project approval.

This decision is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and does not establish any vested rights. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

**SECTION III: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby approves the Sasan Site Plan Review subject to the conditions listed below.

**CDA-Planning Division**

1. This authorizes the construction of a new residence and related improvements on a vacant lot in San Anselmo. The development would result in a lot coverage of 21.6 percent on the 56,163 square foot lot. The building footprint would have the following setbacks: 154 feet, 2 inches from the southern front property line (30 feet, 11 inches from the Sacramento Avenue right-of-way); 10 feet from the eastern side property line; 161 feet, 10 inches from the western side property line (27 feet, 11.5 inches from the Sacramento Avenue right-of-way); 89 feet, 1.5 inches from the northern rear property line.

The project entails an approximately 136-foot extension of Sacramento Avenue that will transition to an approximately 185-foot driveway, which includes a fire truck turn around, to access the residence. Included in the driveway design is a staircase that would allow for public access across the undeveloped right-of-way that bisects the property. Grading includes 1,248

cubic yards of excavation, 1,104 cubic yards of fill, and 114 cubic yards of import to accommodate development of the roadway extension, driveway, and residence.

Drainage will be collected and directed downhill to level spreaders, which are designed to distribute stormwater runoff across the slope below. All protected trees will remain, and new landscaping will be placed at the base of the fire truck turnaround retaining wall.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "New Residence, 187 Sacramento Avenue," consisting of 6 sheets prepared by Polsky Perlstein Architects, received in final form on October 21, 2019, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:

- a. A landscape plan must be submitted that incorporates three, 24-inch box, native shrubs between the two retaining walls that support the fire truck turnaround.
  - b. Signage shall be installed by the public access staircase that notifies members of the public that the staircase, path, and driveway is available for public use.
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2021" with respect to all of the standard conditions of approval and the following special conditions: #6 which requires installation of temporary construction fencing around tree protection zones, #7 which requires written communication if encroachments into the tree protection zone occur during construction, #8 which requires the installation of temporary construction fencing installed at the edge of the stream conservation area, #9 which requires written communication if encroachments into the stream conservation area occur, #13, which requires the installation of required landscaping.

#### **SECTION IV: VESTING**

NOW THEREFORE, BE IT RESOLVED that unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval, shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

#### **SECTION V: VOTE**

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 19<sup>th</sup> day of October 2021, by the following vote to wit:

AYES: SUPERVISORS

NOES:

ABSENT:

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DENNIS RODONI, PRESIDENT  
MARIN COUNTY BOARD OF SUPERVISORS

ATTEST:

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Matthew H. Hymel  
Clerk of the Board of Supervisors