

**STAFF REPORT TO THE MARIN COUNTY
PLANNING COMMISSION
Brandon Sullivan et al Appeal of the Sasan Site Plan Review Approval**

Recommendation: Deny the appeal and sustain the Community Development Agency's action to approve the Sasan Site Plan Review

Hearing Date: August 23, 2021

Agenda Item: 4

Owner(s): Tim and Beth Sasan
Assessor's Parcel No(s): 177-172-10 and -20
Property Address: Vacant Parcel Historically Referred to as 187 Sacramento Avenue, San Anselmo

Project Planner: Kathleen Kilgariff
Signature: 

Countywide Plan Designation: SF5 (Single Family Residential, 2-4 lots per acre)
Community Plan Area: N/A
Zoning District: R1:B2 (Residential, Single Family, 10,000 square feet minimum lot size)
Environmental Determination: Categorically Exempt per Section 15303, Class 3

PROJECT SUMMARY

The applicant requests Site Plan Review approval to construct 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 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 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 trees are proposed to remain, and new landscaping is proposed at the base of the fire truck turnaround retaining wall.

Site Plan Review approval is required because the project entails development on a lot accessed by a paper street pursuant to Section 22.52.020.D of the Marin County Code.

PROJECT SETTING

Characteristics of the site and surrounding area are summarized below:

Lot Area: 56,163 square feet

Adjacent Land Uses: Single-Family Residential

Topography and Slope: Steep slope (approximately 40%)

Existing Vegetation: Native grassland and coast live oak woodland

Environmental Hazards: The property is located in a High to Very High Fire Risk zone and Wildland Urban Interface (WUI). In a 1998 publication by the U.S. Geological Survey, the area of the project site was characterized as having “mostly” landslides.

The project site is a vacant, steeply sloped, grassy open hillside with a fairly consistent slope profile of approximately 40%. The site is located at the terminus of the existing paved portion of Sacramento Avenue and is roughly bisected by the undeveloped Sacramento Avenue right of way.

There are two Stream Conservation Areas on the site, extending 50-feet from the edge of riparian habitat along the western and northern property lines. There is no presence of hydric soils on the site, indicating that there is no wetland present on the property.

The property is surrounded by residentially developed properties to the north, west and south, and vacant private property uphill to the east. The property is not contiguous with open space and is separated from Sorich Ranch Park and other public open spaces in the vicinity by private property.

BACKGROUND

The property owners and project applicants have been involved in various planning permit applications since 2013. Initially, the property owner filed for a Certificate of Compliance in 2013 to clarify the status of the property. The Certificate of Compliance verified that the subject property is one legal lot of record comprised of APNs 177-172-10 and 177-172-20 and does not include the undeveloped property adjacent to the property (APN 177-172-09).

An application for Design Review and Lot Line Adjustment was filed on May 22, 2014, which was coupled with a request for the Department of Public Works to abandon the portion of the Sacramento Avenue right-of-way that bisects the property. The application was considered by the Marin County Planning Commission in November of 2015 and was continued because the proposed Lot Line Adjustment was not categorically exempt from the California Environmental Quality Act (CEQA) due to the slope of the lot. The applicant subsequently withdrew the 2014 Design Review, Lot Line Adjustment, and roadway abandonment indicating they would redesign the project based on input from the community and the Planning Commission.

An application for Design Review and Tree Removal permit was filed on July 26, 2016. The project no longer included a Lot Line Adjustment or request to abandon the Sacramento Avenue right-of-way.

The 2016 application was a proposal to build an approximately 3,300 square foot single family residence and 640 square foot attached garage on a vacant hillside lot. The Board of Supervisors concluded that the project was not supportable (despite modifications made by the Marin County Planning Commission) because the siting and design of the proposed residence and appurtenant improvements (length of driveway and height of retaining walls) would result in development that is visually intrusive and would have required excessive site disturbance. However, the Board indicated that a future development proposal may be looked upon more favorably if the proposed project was sited and designed to lessen its visual intrusiveness, including but not limited to reducing its three-story appearance, using a design aesthetic more in keeping with the hillside setting that is not modern and angular, and more effectively articulating both horizontal and vertical planes. The application was ultimately denied by the Board of Supervisors on June 5, 2018. The Board's decision to deny the 2016 application was upheld by the Marin County Superior Court (decision issued January 22, 2020) and California Court of Appeal (decision issued June 10, 2021).

An application for Site Plan Review was filed on June 20, 2019. The 2019 application was for a proposal to build a new single-family residence, construct an extension of Sacramento Avenue and a new driveway to access the property, and a fire truck turnaround. Similar to the current proposal, the project did not include a request approval to abandon the right-of-way, remove trees, or develop a home exceeding 3,500 square feet or other improvements that would require Design Review. As a result, the architectural design of the residence was not subject to review. Instead, Site Plan Review provides the opportunity to review site plans for the location, arrangement, ground disturbance, and lot coverage of improvements to ensure that the proposal complies with the Countywide Plan policies and sound design principles.

The 2019 application was administratively approved and subsequently appealed to the Planning Commission. The Commission voted 4-3 to deny the project because the Biological Site Assessment did not effectively evaluate the potential stream resources in relation to the stream definitions outlined in the Countywide Plan (CWP) and the Commission requested a peer review of the BSA to determine its accuracy. Further, the Commission concluded the amount of earthwork was too high, given the constraints of the site, and indicated it was unclear whether the site would be adequately landscaped at the completion of the project.

The applicants then appealed the Commission's decision but withdrew their appeal prior to the Board of Supervisors hearing. As such, the Commission's denial was the final determination.

On March 12, 2021 the applicants submitted the current proposal, which is also a Site Plan Review application. Changes from the previous project include an 815 cubic yard reduction in grading quantity, removing a parking spot to minimize the size of the retaining wall necessary for the fire truck turnaround, proposing landscaping at the base of the fire truck turnaround, and constructing a staircase within the paper street to allow public access across the right of way, and increasing the setback from the development to the riparian areas on the property.

In addition, the applicant had a new Biological Site Assessment (BSA) prepared by First Carbon Solutions that evaluates the previous BSA prepared by LSA and maps site constraints based on the relevant official definitions related to streams and stream conservation areas. Additionally, since the time the previous project was deemed complete the Development Code was amended

to change the definition of Lot Area. Under the current definition, the lot area does not include the paper street, decreasing the calculation of lot area. The current project is further discussed in the following sections. The current application for Site Plan Review was filed on June 20, 2019. The proposed project does not include a request for approval to abandon the paper street, remove trees, or develop site improvements that would require Design Review. As a result, the overall appearance of the residence is not subject to Design Review. Instead, Site Plan Review provides the opportunity to review site plans for the arrangement and location of improvements to ensure that the proposal complies with the Countywide Plan, encouraging sound design principles and preservation of the natural beauty of the County.

Included in the application materials are the following reports:

- Biological Site Assessment, prepared First Carbon Solutions, dated February 8, 2021. This report supplements the previous BSA prepared by LSA. The report concludes that the LSA BSA was incorrect in its evaluation of the County's policies as it relates to stream resources and remapped the SCA buffer to include the mapped ephemeral stream along the northern property line. The report also reduces the previously recommended SCA buffer from the western stream to 50 feet from the top of bank, while avoiding development within the riparian habitat that is located along the stream course.
- Arborist Report, prepared by Kent R. Julin, Ph.D. of Arborscience, LLC, dated February 13, 2019, which evaluated the existing oak and buckeye trees near the proposed project.
- Geotechnical Design Memorandum, prepared by Salem Howes Associates Incorporated, dated August 12, 2019. This document includes a memorandum that 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.
- Preliminary Title Report, prepared by Old Republic Title Company, dated February 10, 2021. This report describes the legal boundaries of the property.

The project was reviewed by both the Department of Public Works, Land Development Division (DPW) and the Marin County Fire Department (MCFD). Staff received written responses from DPW and MCFD that outline specific requirements for building permit issuance (included in Attachment 4).

A notice was posted at the project site on March 26, 2021, identifying the applicants and describing the project and its location. A site visit was conducted on the same day the notice was posted to review existing conditions and the site staking, which was installed prior to the site visit. Upon deeming the project complete, a Notice and Referral was posted online on April 29, 2021, requesting any interested organizations or individuals to provide comments on the proposal and a postcard notice was mailed to properties within 300 feet of the property.

Several public comments were received in opposition of the proposed project, with objections related to the lot area, impacts to the Sacramento Avenue paper street, fire impacts, environmental impacts, and the stream conservation area (further discussed in Attachment 4).

Please note, a comment was incorrectly interpreted by staff and should be clarified for the project record. A neighbor noted that the site staking was located within the northern SCA boundary. It was incorrectly stated in the Administrative Decision that the comment indicated the site stakes were located in the northern stream area. To clarify, it does appear that the site stakes are misplaced, and Planning Division staff has asked the applicant to correct this prior to the Planning Commission hearing. Additionally, as part of the construction of this project, the foundation of the residence must be certified by a licensed land surveyor and a condition of approval will be imposed on the project that temporary fencing shall be installed at the edge of the SCA boundaries on the property until all construction activities are completed. This would ensure that the development conforms to the project plans and respects the SCA boundary.

The project was conditionally approved on June 28, 2021. An appeal was timely filed on July 28, 2021. The attached resolution contains a description of, and response to, the bases of appeal.

RECOMMENDATION

Staff recommends the Planning Commission review the administrative record, conduct a public hearing, and deny the Sullivan et al Appeal and sustain the Community Development Agency's decision conditionally approving the Sasan Site Plan Review, based on the findings and subject to the conditions contained in the attached resolution.

Attachments:

1. Recommended resolution
2. Marin County Uniformly Applied Conditions 2021
3. Petition of Appeal, Received July 8, 2021
4. Administrative Decision with Attachments
5. CEQA exemption
6. Biological Site Assessment, prepared by First Carbon Solutions, dated February 8, 2021
7. Biological Site Assessment, prepared by Kent R. Julin, Ph.D. of Arborscience, LLC, dated February 13, 2019
8. Geotechnical Design Memorandum, prepared by Salem Howes Associates Inc., dated August 12, 2019
9. Preliminary Title Report, prepared by Old Republic Title Company, dated February 10, 2021
10. Project plans

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

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

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 issued an administrative approval of the project.

3. **WHEREAS**, on July 8, 2021, Brandon Sullivan et al submitted a timely appeal of the Sasan Site Plan Review 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**, the bases of appeal are insufficient to overturn the Marin County Planning Division decision, for the reasons discussed below.

A. *The appellants assert that the impact of the proposed project on drainage and stream resources has not been adequately or consistently addressed. They further indicate that*

the Biological Site Assessment prepared by First Carbon Solutions, dated February 8, 2021 has been selectively applied to allow development in the proposed location, which ignores the recommendations provided by the previous Biological Site Assessment prepared by LSA and the BSA prepared by WRA, whom the appellants hired.

The BSA prepared by First Carbon Solutions concludes that the previous LSA BSA incorrectly indicated that the drainage course along the northern portion of the site 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 the 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.

A neighbor paid WRA to conduct a peer review of the LSA BSA (included in Attachment 3). 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 was unable to 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 neighboring 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 may have recommended a 50-foot setback 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.

- B. *The appellants assert that the project is inconsistent with the required findings for Site Plan Review approval, Discretionary Development Standards, fire safety requirements, and objectives of the Countywide Plan.*

Compliance with the required findings for Site Plan Review approval, Discretionary Development Standards, and objectives of the Countywide Plan are discussed in the findings of Sections 7 and 8 of this Resolution.

Regarding the fire safety requirements, the project was reviewed by the Marin County Fire Department, which provided comments to be incorporated into the project at the time of building permit submittal. The project will be required to comply with all development standards of the Marin County Fire Department. This is consistent with the Fire Department's review of planning applications.

- C. *The appellants assert that a CEQA Initial Study is required.*

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 currently proposed project would not result in cumulatively considerable impacts because only one other vacant lot would be 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.

- D. *The appellants assert that the project encroaches into the required SCA buffer.*

Both Sheets A1.0 and C-2 show the streams onsite, the top of bank and the 50-foot SCA buffer. The proposed residence is located outside the 50-foot SCA buffer.

Additionally, as part of the construction of this project, the foundation of the residence must be certified by a licensed land surveyor and a condition of approval will be imposed on the project that temporary fencing shall be installed at the edge of the SCA boundaries on the property until all construction activities are completed. This would ensure that the development conforms to the project plans and respects the SCA boundary.

- E. *The appellants assert Fire Truck Turnaround does not conform to Marin County Fire standards because it is more than 50 feet from the proposed residence. Since they assume a redesign would be required, it should be evaluated as part of this project.*

The Marin County Fire Department reviewed the proposed project and did not raise an issue with 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.

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.

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

MCC Section 22.92.020 – Requirements for Merger indicates that a merger shall be required when two or more parcels or units of land, which are held by the same owner and do not meet certain standards outlined in MCC 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 not subject to the requirements of a County initiated merger. Therefore, the County does not have the legal authority to require a merger.

The subject lot consists of two Assessor's Parcels and has a total lot area of 56,163 square feet. The westernmost Assessor's Parcel has an average slope of 44 percent and the eastern Assessor's Parcel has an average slope of 35 percent. MCC Section 22.82.050 outlines hillside subdivision requirements and indicates any property with a slope of 40 percent or greater must have a minimum lot area of 43,560 square feet and a slope of 35 percent must have a minimum lot area of 38,428 square feet. As such, it does not appear that there is enough land area between the two Assessor's Parcels to subdivide and develop a second residence on the subject lot.

While it is unlikely the subject lot could be developed with two residences, it does not preclude the development of the adjacent lot to the south (APN 177-172-09) since it is a separate legal lot of record under separate ownership.

- G. Visual impacts of the project and overall impacts on the neighborhood, environment, and quality of life.

Site Plan Review does not evaluate the visual impacts of the building architecture, only the arrangement and location of physical improvements. As indicated in the mandatory findings for Site Plan approval, the proposed location of the residence and other improvements is constrained by the slope, the location of the SCA, and the location of Sacramento. Given the constraints, the development is proposed in the most appropriate location on the site.

- H. *The appellants assert that the applicants are proposing private development 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. In addition, 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 that following the Planning Commission hearing 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. This would reduce impacts to the site and alleviate neighbors' concerns.*

The current application is evaluated as presented. The merits to the project are included 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 (SCA and existing trees).

The appellants provided the applicants with a proposal that placed the project within the required SCA buffer area. Per the CWP, exceptions to full compliance with the SCA may be allowed only if the proposed development outside of the SCA is either infeasible or would have greater impacts on water quality, wildlife habitat, other sensitive biological resources, or other environmental constraints than developing within the SCA.

As it does not appear that there are environmental benefits to locating the development within the SCA based on the BSA, relocating the structure to a lower portion of the site is not feasible.

Additionally, the Planning Commission is 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 CWP, MCC, and Discretionary Development Standards as discussed in the following sections.

6. **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.

7. **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.

8. **WHEREAS**, the project is consistent with the mandatory findings for Site Plan Review 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 MCC 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 Planning Commission and is subject to the conditions of project approval.

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 Planning Commission 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 firetruck 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: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. 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 (September 2, 2021).

SECTION VI: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 23rd day of August, 2021 by the following vote:

AYES: COMMISSIONERS

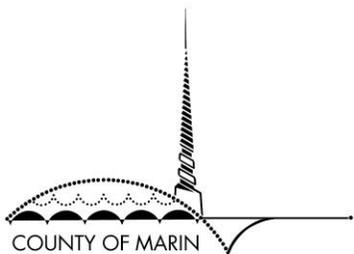
NOES:

ABSENT:

CHRISTINA DESSER, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Ana Hilda Mosher
Planning Commission Recording Secretary



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

2021

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

PC ATTACHMENT 2

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

JUL 08 2021

COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION**Appellants:**

Brandon and Melissa Sullivan, 42 Miwok Drive

Rick and Vicki Block, 46 Miwok Drive

Eric and Roseann Schneider, 53 Miwok Drive

John Herr and Robin McKillop, 54 Miwok Drive

Shaun Church, 62 Miwok Drive

Peter Pursley and Todd Barbee, 2 Carmel Way

Basis of this appeal:

The proposal and the subsequent decision to accept the application fail to adequately address significant ongoing concerns raised by neighboring property owners, the Planning Commission (June 12, 2017 hearing) and the Board of Supervisors (March 13, 2018, Resolution No. 2018-50). Our key concerns are as follows:

- The impact of the proposed project on the natural drainage and stream elements surrounding the property has not been adequately or consistently addressed. To date three biologists and The Friends of Corte Madera Creek have visited the site. Each individual has provided their professional opinion regarding creek classifications and Stream Conservation Area (SCA) setbacks. Despite all of that, planning staff has opted to cherry-pick the one opinion that best suits the needs of the applicant and promotes the current proposal without substantive, fact-based justification. This approach completely disregards the input provided by the other experts (one of which was actually hired by the applicant), both of which conclude that measuring the SCA from the riparian canopy, as originally required by planning staff, is appropriate. Contrary to what the applicants are claiming, measuring the SCA from the riparian canopy will not “effectively prohibit any development on the site” because the Countywide Plan allows exceptions to full SCA compliance in specific situations. Given the sensitive resources that abound in this area, we urge the Planning Commission to deny this application so a different location can be chosen that minimizes environmental impacts as required under Site Plan Review and the Countywide Plan.
- No substantive changes have been made to the proposal in order to improve conformance with applicable County policies and development regulations. The proposed project continues to fail to meet the basic criteria of Site Plan Review, several Discretionary Development Standards, fire safety requirements, and objectives of the Countywide Plan, resulting in unnecessarily significant impacts to the environment and surrounding

neighborhood. Among others, the project fails to locate and cluster the residence in the most accessible and least visually prominent portion of the site, as required by Development Code Section 22.16.030 D.1. Furthermore, the proposed grading is excessive. At over 1200 cubic yards, this amount of excavation was deemed unacceptable by the Board of Supervisors (Resolution No. 2018-50) and remains inconsistent with the Development Code Sections 22.52.050 and 22.16.030. Relocating the house to a site lower on the hillside, closer to the developed end of Sacramento Avenue would substantially increase conformance with the clustering requirement, while reducing the need for grading, impervious surfaces, crowding construction next to healthy native trees, and the visual impacts associated with the project.

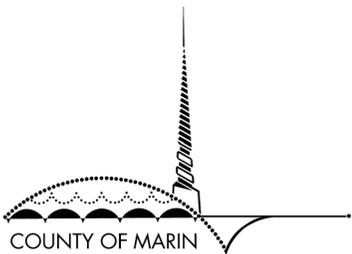
- A CEQA Initial Study should be required for this project. CEQA clearly delineates exceptions to exemptions, including unusual circumstances and cumulative impacts, which are both applicable to this development proposal. The Administrative Decision states that the 2002 Pedersen project, located adjacent to this site, was required to undergo an Initial Study because that project was growth inducing, while this project is not. However, the owner of the 5-acre lot (APN 177-220-24) adjacent to the project site submitted an email in 2014 to the Marin County Department of Public Works asserting her intention to preserve access to her parcel from Sacramento Avenue and to protect her ability to develop this lot in the future. Extension of Sacramento Avenue enables future development of not only the 5-acre lot but also the undeveloped lot adjacent to the current project site (APN 177-172-09). Therefore, as with the Pedersen project, the current proposal is growth inducing and warrants an Initial Study.
- As stated above the applicants have been allowed to dictate their own SCA in both the current and previous proposal. Based on the project plans and maps provided, the project is still encroaching on their own assigned SCA and the drip lines of protected trees. In fact, as stated on several occasions it is once again clear that the current site cannot support a development of this magnitude, as evidenced by this encroachment. Furthermore, because the SCA is “designated, precisely mapped, and officially adopted”, this project cannot be categorically exempt under CEQA in its current location, given the encroachment into the SCA.
- The currently proposed location of the fire truck turnaround is in violation of Marin County fire standards because it is not within 50 feet of the house.

Before this project is even considered for review, design plans should be required that accurately show where this massive and obtrusive structure will be located to comply with fire standards. It's likely that the applicant plans to relocate the fire truck turnaround closer to the majority of our homes, possibly on a steeper slope. It's impossible to consider options to minimize environmental impacts via Site Plan Review if design plans don't accurately show the location of major structures like this.

- The Development Code clearly recognizes that this entire property, consisting of two lots owned by the realtor applicant and her developer brother, is suitable for only one house. In 2017, the Planning Commission agreed and sought to limit development to one house by requesting a voluntary lot merger. Subsequently, the Board of Supervisors made the same request in 2018.
- The visual impact of this development is significant and is exacerbated by placing the home on the steepest, most exposed and remote corner of the property, in close proximity to a mapped stream in an area highly susceptible to erosion. In doing so, the home projects directly at the homes along Miwok Drive. Additionally the proposal includes a lengthy driveway and roadway extension, a massive, imposing fire truck turnaround and an extensive network of retaining walls, both uphill and downhill. This infrastructure cuts unimpeded along the steep, open grassy hillside, left completely exposed while severing a heavily trafficked wildlife corridor in the process. In total, the development imparts a significant negative impact on the neighborhood, environment and our quality of life.
- The applicants are proposing private development 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. Unlike the previous extension of Sacramento Ave in 2002, this project blocks at-grade access along the public right of way, precluding use by many and permanently altering the feel of our semi-rural neighborhood.
- Following the Planning Commission hearing in 2017, we reached out to the applicants with a development proposal that centered on moving the building site in a southwesterly direction on the property. This site would minimize, if not completely remove, all of the impediments associated with

the current location. Since then, the applicants have transferred title to the adjacent substandard lot (APN 177-172-09) in order to prevent a forced merger, manipulated Stream Conservation Area setbacks in an attempt at eliminating our proposed site for development, and overstated the lot area in an effort to clear the way for building a second house in the future. They have also sued the County twice, losing both times; including their complaint that neighbors' statements should not have weight in the decision-making process.

Therefore, in consideration of all the points we have raised, our neighborhood respectfully urges the Planning Commission to reject this proposal in its current form and requests that the applicant be directed to modify the project in order to minimize the impact to our community and the environment.



**MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Sasan Site Plan Review**

Decision: **Approved with Conditions**
Date: **June 28, 2021**

Project ID No:	3073	Applicant(s):	Casey Clement
		Owner(s):	Tim and Beth Sasan
		Assessor's Parcel No(s):	177-172-10 and -20
		Property Address:	Vacant Parcel Historically Referred to as 187 Sacramento Avenue
		Project Planner:	Kathleen Kilgariff 415.473.7173 kkilgariff@marincounty.org
		Signature:	<i>Kathleen Kilgariff</i>
Countywide Plan Designation:		SF5 (Single Family Residential, 2-4 lots per acre)	
Community Plan Area:		N/A	
Zoning District:		R1:B2 (Residential, Single Family, 10,000 square feet minimum lot size)	
Environmental Determination:		Categorically Exempt per Section 15303, Class 3	

PROJECT SUMMARY

The applicant requests Site Plan Review approval 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 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 trees are proposed to remain, and new landscaping is proposed at the base of the fire truck turnaround retaining wall.

Site Plan Review approval is required because the project entails development on a lot accessed by a paper street pursuant to Section 22.52.020.D of the Marin County Code.

BACKGROUND

The property owners and project applicants have been involved in various planning permit applications since 2013. Initially, the property owner filed for a Certificate of Compliance in 2013 to clarify the status of the property. The Certificate of Compliance verified that the subject property is one legal lot of record comprised of APNs 177-172-10 and 177-172-20 and does not include the undeveloped property adjacent to the property (APN 177-172-09).

An application for Design Review and Lot Line Adjustment was filed on May 22, 2014, which was coupled with a request for the Department of Public Works to abandon the portion of the Sacramento Avenue right-of-way that bisects the property. The application was considered by the Marin County Planning Commission in November of 2015 and was continued because the proposed Lot Line Adjustment was not categorically exempt from the California Environmental Quality Act (CEQA) due to the slope of the lot. The applicant subsequently withdrew the 2014 Design Review, Lot Line Adjustment, and roadway abandonment indicating they would redesign the project based on input from the community and the Planning Commission.

An application for Design Review and Tree Removal permit was filed on July 26, 2016. The project no longer included a Lot Line Adjustment or request to abandon the Sacramento Avenue right-of-way.

The 2016 application was a proposal to build an approximately 3,300 square foot single family residence and 640 square foot attached garage on a vacant hillside lot. The Board of Supervisors concluded that the project was not supportable (despite modifications made by the Marin County Planning Commission) because the siting and design of the proposed residence and appurtenant improvements (length of driveway and height of retaining walls) would result in development that is visually obtrusive and would require excessive site disturbance. However, the Board indicated that a future development proposal may be looked upon more favorably if the proposed project was sited and designed to lessen its visual obtrusiveness, including but not limited to reducing its three-story appearance, using a design aesthetic more in keeping with the hillside setting that is not modern and angular, and more effectively articulating both horizontal and vertical planes. The application was ultimately denied by the Board of Supervisors on June 5, 2018. The Board's decision to deny the 2016 application was upheld by the Marin County Superior Court (decision issued January 22, 2020) and California Court of Appeal (decision issued June 10, 2021).

An application for Site Plan Review was filed on June 20, 2019. The 2019 application was for a proposal to build a new single-family residence, construct an extension of Sacramento Avenue and a new driveway to access the property, and a fire truck turnaround. Similar to the current proposal, the project did not include a request approval to abandon the right-of-way, remove trees, or develop a home exceeding 3,500 square feet or other improvements that would require Design Review. As a result, the architectural design of the residence was not subject to review. Instead, Site Plan Review provides the opportunity to review site plans for the location, arrangement, ground disturbance, and lot coverage of improvements to ensure that the proposal complies with the Countywide Plan policies and sound design principles.

The 2019 application was administratively approved and subsequently appealed to the Planning Commission. The Commission voted 4-3 to deny the project because the Biological Site Assessment did not effectively evaluate the potential stream resources in relation to the stream definitions outlined in the Countywide Plan (CWP) and the Commission requested a peer review of the BSA to determine its accuracy. Further the Commission concluded the amount of earthwork was too high, given the constraints of the site, and indicated it was unclear whether the site would be adequately landscaped at the completion of the project.

The applicants then appealed the Commission's decision but withdrew their appeal prior to the Board of Supervisors hearing. As such, the Commission's denial was the final determination.

On March 12, 2021 the applicants submitted the current proposal, which is also a Site Plan Review application. Changes from the previous project include an 815 cubic yard reduction in grading quantity, removing a parking spot to minimize the size of the retaining wall necessary for the fire truck turnaround, proposing landscaping at the base of the fire truck turnaround, and constructing a stairwell within the paper street to allow public access across the right of way, and increasing the setback from the development to the riparian areas on the property.

In addition, the applicant had a new Biological Site Assessment prepared by First Carbon Solutions that evaluates the previous BSA prepared by LSA and maps site constraints based on the relevant official definitions related to streams and stream conservation areas. Additionally, since the time the previous project was deemed complete the Development Code was amended to change the definition of Lot Area. Under the current definition, the lot area does not include the paper street, decreasing the calculation of lot area. The current project is further discussed in the following sections.

PUBLIC COMMENT

Paper Street Improvements

The surrounding neighbors have expressed concerns that proposed improvements to the Sacramento Avenue road right-of-way will impact the public's ability to access open space, as well as access to the Sacramento Avenue road right-of-way.

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. However, the project includes a stairway that would allow for the passage of pedestrians and signage will be posted that notifies members of the public that the path is available for public use.

Further, commenters assert that the development of the right-of-way prevents egress for the property at 62 Miwok. However, 62 Miwok currently has access to Miwok Avenue through an easement across 56 Miwok's property. Further, it appears developing a 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 45 degree slope, a road leading to the bottom of the slope could not be constructed in compliance with required roadway standards.

Additionally, to access the right-of way the owners of 62 Miwok would need to remove trees and develop a bridge over the stream that separates the two properties.

While development of a street within the paper street 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.

In conclusion, the project would enable greater access to the Sacramento Avenue right-of-way and does not preclude the public's use or further development of the right-of-way.

Fire Impacts

Commenters noted that the proposal does not comply with the Fire Department's development standards.

The project was reviewed by the Marin County Fire Department, which provided comments to be addressed at the time of building permit review. This is consistent with the Fire Department's review of planning applications. The Fire Department does not require applicants to rebuild offsite roads if they do not meet current dimensions.

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.

Environmental Impacts

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 obtains 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.

Conversely, the current proposal is not growth inducing and only serves the proposed development. As such, further environmental review is not required and the Categorical Exemption pursuant to CEQA Guidelines Section 15303, Class 3 is appropriate.

Stream Conservation Area and Biological Site Assessment (BSA)

According to the County's GIS (geographic information systems) maps, the project site contains two ephemeral streams – one stream on the northern portion north of the property and one along the western property line that runs north to south across the subject property. Ephemeral streams are subject to stream conservation area policies if they support riparian vegetation for a length of 100 feet, or if they support a special-status species or a sensitive natural community.

Per the Countywide Plan Policy BIO-4.g, development applications are required to include, "...a site assessment prepared by a qualified professional where incursions into the SCA are proposed, or adverse impacts to riparian resources may otherwise occur." Therefore, as part of the previous Site Plan Review application, a site assessment was conducted by Eric Lichtwardt, Biologist for LSA, and a report dated October 17, 2019 was provided as part of the application.

The BSA prepared by LSA confirmed the stream along the western portion of the site was subject to the SCA policies but did not definitively conclude whether the mapped stream along the northern property line supports riparian habitat, which can be similar to the existing woodland habitat on the project site.

As such, the Planning Commission indicated that they would not be able to render a decision regarding the environmental effects of the project without a peer review of the BSA to determine the accuracy of the findings of the BSA prepared by Mr. Lichtwardt, which was within their right under the California Environmental Quality Act to ensure that the project would not impact environmental resources on the site.

As part of the current application, a new BSA was prepared by First Carbon Solutions dated February 8, 2021. Commenters have questioned the location of the Stream Conservation Area (SCA) and the validity of this BSA because the County did not hire the biologist.

The BSA prepared by First Carbon Solutions concludes that the previous LSA BSA incorrectly indicated that the drainage course along the northern portion of the site 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 setback from stream resources and riparian habitats.

The commenters noted 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.

A neighbor paid WRA to conduct a peer review of the LSA BSA (included in Attachment 3). 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

western setback from the edge of the riparian canopy was appropriate. However, the biologist from WRA was unable to trespass on private property and was unable to 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 site.

While the neighbors may not agree with the First Carbon Solutions BSA, staff found that 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.

Further, it appears that the applicants have confused the application of the SCA policy for the Coastal, Inland Rural, and Baylands corridors, which states:

For all parcels, provide a development setback on each side of the top of bank that is the greater of either (a) 50 feet landward from the outer edge of woody riparian vegetation associated with the stream or (b) 100 feet landward from the top of bank. An additional setback distance may be required based on the results of a site assessment. A sit 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. SCAs shall be measured as shown in Figure 2-2.

Even though the previous BSA prepared by LSA may have recommended a 50-foot setback 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.

Finally, commenters assert that the current site staking of the proposed residence demonstrates that the dwelling would be located in the northern stream and does not respect the 50-foot SCA. However, based on a site visit, review of the plans, and review of the photos provided by neighbors, it appears that the “stream” they note is a swale that was evaluated in relation to the CWP policies and does not support riparian habitat nor have hydric soil indicators. As concluded in the BSA from First Carbon Solutions, this swale is neither a stream nor a wetland and should the project be developed, a licensed surveyor would be required to certify that the location of the home to ensure that the development conforms to the plans and does not encroach into the SCA.

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 result in 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.

DEVELOPMENT CODE CONSISTENCY

Mandatory Findings for Site Plan Review (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 MCC 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.

Due to 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. 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.

ACTION

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it 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.

CONDITIONS OF PROJECT APPROVAL

CDA-Planning Division

1. This Site Plan Review approval authorizes the construction of 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 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 trees are proposed to remain, and new landscaping is proposed 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 5 sheets prepared by Polsky Perlstein Architects, received in final form on April 5, 2021, 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 firetruck 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.

VESTING

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.

RIGHT TO APPEAL

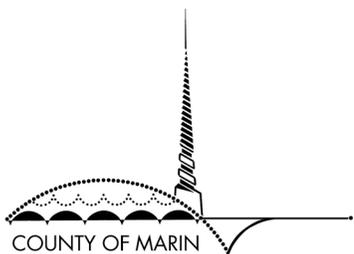
This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (July 8, 2021).

cc: *{Via email to County departments and Design Review Board}*

CDA – Assistant Director
CDA – Planning Manager
DPW – Land Development
Marin Municipal Water District
Ross Valley Sanitary District
Marin County Fire Department

Attachments:

1. Marin County Uniformly Applied Conditions 2020
2. Agency Correspondence
3. Public Comments
4. Applicant's Response to Public Comments



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

2021

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

INTER-OFFICE MEMORANDUM

DEPARTMENT OF PUBLIC WORKS

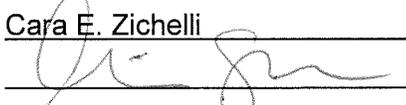
First Transmittal

DATE: March 30, 2021

DUE: March 30, 2021

TO: Kathleen Kilgariff

FROM: Cara E. Zichelli

APPROVED: 

RE: Sasan Site Plan Review P3073

ADDRESS: 187 Sacramento Avenue, San Anselmo

AP#: 177-172-20 and - 10

TYPE OF DOCUMENT

- DESIGN REVIEW
- LAND DIVISION
- USE PERMIT
- VARIANCE
- LOT LINE ADJUSTMENT
- COASTAL PERMIT
- ENVIRONMENTAL REV.
- OTHER:

Department of Public Works Land Use Division has reviewed this application for content and:

Comments Included (Inc.) or Attached (Att.) from other DPW Divisions:

- Find it **COMPLETE**
- Find it **INCOMPLETE**, please submit items listed below
- Find it **ACCEPTABLE** as presented
- Greater than 1-Acre site disturbance

- Traffic
- Flood Control
- Water Conservation
- Other: _____

Notes to Planning:

1. **Correct Map references:** Plan sheet C-2 labels the Sacramento Avenue right of way "Document #2014 RM84". It appears to be an incorrectly identified reference to Record of Survey 2014-84 (RS2014-84). **It is recommended that Planning add a condition the approval for Applicant to correct all map references and labels.**
2. **Fire Protection District review of the plans.** It is recommended that the Fire Protection District be included in the review of this applicaiton, specifically regarding the road/driveway turnaround design; hydrant placement; minimum water supply requirements (volume, pressure) for fire suppression; turning radii and turnarounds; and weight requirement for the design of the retaining walls supporting the driveway.

MERIT COMMENTS:

1. The project is accessed off a privately maintained section of Sacramento Avenue. Any work in the county maintained portion of Sacramento Avenue shall be located, constructed, operated, and maintained in the time, place and manner that causes the least interference with the public's use of the public right-of-way as determined by and approved by the Road Commissioner/Director of Public Works. The county maintained portion of Sacramento Avenue was recently paved, and this lower section is currently on the Open Excavations Moratorium List. Any cuts into the pavement on the County Maintained portion of Sacramento will require extensive pavement restoration. Additionally, MCC 24.04.016 indicates that if construction activity, equipment, vehicles and/or material delivery and storage cause damage to any existing facility (e.g., pavement, curb, gutter, sidewalk, landscaping) beyond normal wear and tear, as determined by the agency, then the permittee shall be responsible for the repair of same.
2. Per MCC 23.18.093 any construction contractor performing work in the county shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering a county storm drain system. In addition: all construction plans submitted to the county pursuant to any permit application shall consider the potential for erosion and sedimentation at the construction site and shall comply with county code

Sections 24.04.625 and 24.04.627.

Prior to Issuance of Building Permit:

1. **Provide a current geotechnical report.** NO REPORTS WERE SUBMITTED WITH THIS TRANSMITTAL, P3073. The following comment was offered during Site Plan Review P2522, and still applies: The "Stability Report" shall be prepared by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. The report must attest to the suitability and geological feasibility of constructing the extension of the road/shared driveway, placing the home in the proposed building site, and excavating for the retaining walls, and shall identify any drainage or soils problems that the design of the project must accommodate. The report shall also specifically comment on the condition of the drainage gully at the far end of the proposed house, and provide recommendations for construction over this feature. Report should also comment on the condition of the existing improvements along Sacramento Avenue, namely the drainage improvements, constructed driveway/road and retaining walls. Note that a 2015 geotechnical report was provided for a previous Planning application in 2016. The geotechnical engineer may provide a letter to update the 2015 findings, site conditions and recommendations for the proposed project.
2. **Geotechnical Review and Acceptance:** The plans must be reviewed and approved by the soils engineer. Certification shall be either by his/her stamp and original signature on the plans or by a stamped and signed letter. Certification shall reference plans reviewed, specifying site, structural, and drainage plans with date of drawings, and verify that plans address any recommendations previously offered.
3. **Parking:** Plot, label and dimension all on-site parking spaces, and dimension clear driveway widths. The spaces shall comply with the dimensional requirement of Marin County Code (MCC) 24.04.380(a) where by the minimum dimensions for head-in exterior parking spaces is 8.5 feet by 18 feet, and interior spaces shall be a minimum of 9 feet by 20 feet. **Spaces shall also comply with the slope requirements of MCC24.04.400 (should not be greater than 5% and shall not be greater than 8%). As proposed, plan provides two compliant parking spaces in the garage, which is the minimum required per MCC24.04.340.**
4. **Site Retaining Walls:**
 - a. Clarify the proposed heights for all site retaining walls. You will need to apply for a separate Building Permit for each site/driveway retaining wall 4 feet or greater in height, or for any wall that is subject to a surcharge such as a sloped backfill or vehicular load. The total height shall be measured from the bottom of the footing to the top of the wall. If any walls are structurally tied to the dwelling, indicate this on the plans, as these walls will not require a separate permit.
 - b. For each retaining wall, provide a cross sectional reference on the site plan which corresponds to a structural detail provided in the plan set.
 - c. Submit design calculations for the retaining walls which are 4 feet and greater in height, measured as described above in item a, or which are subject to a surcharge behind wall. Calculations shall be prepared, signed and stamped by the design engineer.
 - d. Add a note on the plans indicating that the Design Engineer shall inspect and certify in writing to DPW that each retaining wall was constructed per approved plan and field direction. Certification letters shall reference building permit number or numbers for specific work being certified, the address and the Assessor's Parcel Number (APN) for the project, and shall be signed and stamped by the certifying professional.
5. **Grading & Drainage Plans:** Provide a drainage and grading plan prepared by a licensed professional engineer or by a registered architect:
 - a. Plan shall provide existing and proposed topographic contours, or a sufficient number of spot elevations, to describe drainage patterns. The proposed project shall maintain existing drainage patterns.
 - b. Plan shall show and label all existing and proposed drainage features and improvements. Improvements may include down spouts, footing and foundation drains, area drains and catch basins, piping and out fall structures or means of dispersion. Note that CPC 1101.11.1 requires roof areas of buildings to be drained by roof drains and gutters. Note as well that

CPC 1101.5.6(2) indicates that the point of discharge shall not be less than 10 feet from the property line.

- c. Plan shall show surface drainage away from the new foundation in accordance with 2019CBC section 1804.4.
 - d. The plan shall also incorporate any recommendations from the Geotechnical Engineer.
 - e. The plan shall tabulate the existing and proposed areas of impervious surface for the property, and demonstrate that there will be no net increase in run of from the developed site compared to pre-existing development.
 - f. Plan shall show and label the limit of disturbance. Provide the total area to be disturbed and the proposed cut and fill earthwork volumes. Indicate to where off haul will be taken.
 - g. Indicate means of restoring all disturbed areas.
 - h. Add a note on the plans indicating that the Design Engineer/Architect shall certify to the County in writing upon the completion of work that all grading and drainage improvements were installed in accordance with the approved plans and field direction. Be aware that a DPW Engineer will need to inspect and accept work after receipt of certification letter. Certification letters shall reference building permit number or numbers for specific work being certified, the address of the property and the Assessor's Parcel Number (APN), and shall be signed and stamped by the certifying professional.
6. **Stormwater Control Plans:** Provide a Stormwater Control Plan as required by MCC 24.04.627 Permanent Stormwater Controls for New and Redevelopment. You may refer to the BASMAA Post Construction Manual which you can access at the County's website for post-construction stormwater management requirements, publications and resources at: <http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects?panelnum=2>. Direction for this project is in Appendix C of the BASMAA manual, Stormwater Control Plans for Small Projects / Single Family Homes. Provide completed Appendix C with the application and show run off reduction measures on plan.
7. **Erosion & Siltation Control Plan:**
- a. The applicant shall submit an Erosion & Siltation Control Plan (ESCP) as described in MCC24.04.625 as amended on May 19, 2015 through Ordinance 3631. You may refer to the Marin County Stormwater Pollution Prevention Program's website, <http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/during-construction> under the tab entitled "Erosion and Sediment Control Plans – with NEW REQUIREMENTS". The plan shall indicate means of access to areas of new excavation and construction, a stabilized construction entrance, the construction staging area, and means of restoring disturbed areas after construction activities have been completed.
 - b. The applicant or contractor shall also complete and submit the Erosion and Sediment Control Plan document (application) available at the link above.
8. **Utilities:** Provide a comprehensive utilities plan. Show the location of all existing utility service mains, including water, sanitary sewer, gas, electric, and telecommunications. Show the location of all proposed utility laterals from the new structures to existing service mains.
9. **Driveway Maintenance Agreement:** Provide a draft copy of the driveway/road maintenance agreement. Also, indicate if there is a driveway maintenance agreement for the other two developed lots on this privately maintained portion of Sacramento Avenue. If there is, provide a copy of that document, and indicate how it may need to be amended to include two additional residential home sites.
10. **Mailbox:** Show location of proposed mail box. Note that mailbox shall be on 4" by 4" wood post or other acceptable break-away material in accordance with United States Postal Service regulations.

END



Marin County Fire Dept

Occupancy: **Sasan Residence**
Occupancy ID: **P 177-172-20**
Address: **187 Sacramento AVE**
San Anselmo CA 94960

Inspection Type: **Plan Review**
Inspection Date: **5/5/2021** By: **Alber, Scott D (10003211)**
Time In: **11:12** Time Out: **00:00**
Authorized Date: **Not Authorized** By:

Form: MCFD Plan Review
Form

Inspection Description:

Based on the currently adopted California Building and Fire Codes, along with current Marin County Fire Department Standards.

Inspection Topics:

Planning/Building Division Review

Automatic Residential Fire Sprinkler System Is Required per NFPA 13D

An automatic residential fire sprinkler system is required to be installed in all new residences including garages conforming to NFPA Std. 13D, Fire Protection Standard #401, and as modified by the Fire Marshal. Plans and hydraulic calculations shall be submitted to the Fire Marshal for review prior to installation. If the residence is supplied by a public water supply, contact the local water purveyor (as applicable) should an upgrade for the domestic water meter be needed. Additional sizing may be required due to available pressures and fire flow. The above requirement may be waived provided the new and existing remodel and addition does not exceed 50% of the total existing floor area.

Status: Condition of Approval

Notes: See above. Deferred submittal to MCFD.

Fire Hydrants Installed, Tested and Operational.

Fire hydrants shall be installed in accordance with the applicable standard, tested and operational prior to framing.

Status: Condition of Approval

Notes: Provide location, flow/pressure information for nearest fire hydrant.

Fire Apparatus Turn Around Required

An approved fire apparatus turn around shall be designed and installed at the driveway end so as not to exceed 300 feet (150 feet in the Wildland-Urban Interface) from the street and shall be capable of accommodating MCFD apparatus. The turnaround shall be recorded, dedicated, and clearly delineated on the subdivision map as 'Dedicated Fire Apparatus Turnaround'.

Status: Condition of Approval

Notes: Turnaround grade was provided in one direction in the submittal. Verify that the grade is less than 8% in all directions for the turnaround.

Vegetation Management Plan - Fuels Management Plan Required.

An irrigated greenbelt Vegetation Management Plan (VMP) Fuels Management Plan conforming to the standards of the Marin County Fire Department shall be prepared and implemented at the site. The VMP-Fuels Management Plan shall conform to MCFD Standard #220. The plan shall be incorporated into the landscape plan for the project and submitted to the Fire Marshal for review prior to implementation. The plan shall be implemented prior to building final.

Status: Condition of Approval

Notes: See above. Deferred submittal to MCFD.

Project In A Wildland-Urban Interface Area.

This project is located in a wildland-urban interface area and must meet all applicable California Building Code requirements. See CBC Chapter 7A. These code provisions are enforced by Building & Safety.

Status: Condition of Approval

Notes: See above.

Additional Time Spent on Inspection:

Category	Start Date / Time	End Date / Time
Notes: No Additional time recorded		

Total Additional Time: 0 minutes

Inspection Time: 0 minutes

Total Time: 0 minutes

Summary:

Overall Result:

Inspector Notes:

Inspector:

Name: Alber , Scott D
Rank: Fire Marshal BC

From: [Shaun Church](#)
To: [Kilgariff, Kathleen](#)
Subject: Sasan Site Plan Review
Date: Friday, May 21, 2021 11:59:08 AM

Dear Kathleen

I am Shaun Church, owner of 62 Miwok Drive, the property closest to the proposed development at the Sasan site on Sacramento Avenue in San Anselmo. I would like to object to this planned development and I also support the objections of my neighbors.

1: Visual Impact

This development, like the previous plans, would be positioned insensitively. The location high on the slope means it would significantly, negatively and irretrievably damage the views of the neighbors and the beauty of the local area. The massive grading and large unattractive retaining walls of the very long driveway make the impact far worse. It would be an eyesore and would be visible not just from the nearby roads and properties, but also from the popular trails in the hills above.

The jarring, ugly development would negatively impact many residents and many visitors, and do so for generations to come. If approved, people would look at this property and ask **“How on earth, in the enlightened year of 2021, did the planning department and representatives of the county allow such a monstrosity? Why did they put the short-term, profit-maximizing interests of a property developer above the long-term interests of the environment and voters? How could they be so out of touch with the values of Marin?”**

2: Public Right of Way

The development would obstruct a public right of way, a road to my property. With heightened risk of fire, the potential to have an alternate means of exit from my property is even more important than before. Ceding this public right to a private developer is neither justified or necessary. To allow the property to impede the road violates a public right in order to increase a private profit.

3: Other Considerations

I also strongly support the other objections raised by my neighbors, such as the negative environmental impact and fire safety issues of the planned property.

I truly appreciate that your role and that of the Planning Department is a difficult one. You need to find a balance between the need for property development on the one hand, and maintaining the beauty of Marin and the well-being of its existing residents on the other. I believe that, as it stands, the planned development, once again, overly prioritizes private profit over public good. A better balance can be achieved.

The compelling alternative is to build a single property lower down the hill where it is

more out of sight and doesn't block the public right-of-way. And build it closer to the existing road, therefore requiring less new road and standing walls to be constructed. Please, why not do that instead?

Thank you for your consideration and hard work,

Best regards,

Shaun Church

Brandon M. Sullivan, Ph.D.
Melissa R. Sullivan, M.D.
42 Miwok Drive
San Anselmo, CA 94960
brmsullivan@gmail.com
415-624-6056

May 21, 2021

Kathleen Kilgariff
Planning Division
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

RE: Sasan Site Plan Review, P3073

Dear Ms. Kilgariff:

We are writing to express our concerns with the development proposal "Sasan Site Plan P3073" at Sacramento Avenue in San Anselmo, currently under your review. This proposal represents the third attempt by the applicants to site a home on the northern most corner of the property. In doing so, the applicants have once again submitted a nuanced version of the previous proposals, devoid of significant modifications. The applicants are forcing development on the steepest, most exposed and environmentally sensitive section of the site. To that end, the applicants continue to ignore considerable community input and several recommendations from the Marin County Planning Commission and Board of Supervisors. Finally, as with previous applications, the current proposal fails to meet the seminal development standards detailed in the Marin County Code (Title 22, Development Code: Site Plan Review and Discretionary Development Standards) and Marin Countywide Plan.

In summary, this application must be denied based on the following:

- The proposal fails to meet the requirements for Site Plan Review, including guidelines within the Marin Countywide Plan and Discretionary Development Standards.

- Several biological, environmental and geological factors associated with the property necessitate a truly comprehensive environmental review.
- Planning Staff cannot rely on the applicant's hired consultants. Staff should seek a truly independent expert to recommend a Stream Conservation Area that is appropriate for the stream elements throughout the property.
- The maps and plans provided by in the application are not consistent with the staking on the property. The applicant is encroaching on their own SCA and the protected trees.

Site Plan Review

As described in Development Code 22.52-Site Plan Review several findings must be made in order to meet the standards of approval. This application fails to meet these findings, including those listed separately under Discretionary Development Standards and addressed below.

22.52.050 D

“The development would hold ground disturbance to a minimum...”

The current site plan involves excessive grading and excavation at depths of over 15 feet and covering 0.3 acres of the property. A responsible design and proposal, siting the home closer to the current end of Sacramento Avenue would satisfy this guideline.

22.52.050 E

“...the site would be adequately landscaped with existing or proposed vegetation at project completion.”

The “landscape plan” included in this proposal entails 3-24” boxes. The excessive roadway extension, driveway and fire truck turnaround traverse the site over 300 linear feet with lengthy retaining walls that are duplicated in places to presumably support the infrastructure. Needless to say the applicant’s “landscape plan” is far from sufficient and unlikely to be maintained.

The property has natural vegetation along the western and northern boundaries. The current siting does not take advantage of this natural screening resource, unlike other homes in the area, including our home at 42 Miwok Drive. Again, a responsible design and proposal, siting the home closer to the current end of Sacramento Avenue and lower on the hillside would satisfy this guideline. Additionally, siting

lower on the property would allow screening of the retaining wall infrastructure, similarly to the homes just east of the current proposal.

Discretionary Development Standards

The site proposed in this application fails to meet several fundamental guidelines in the Discretionary Development Standards of the Development Code.

22.16.030 C.2 Driveways

“Driveway length shall be minimized...”

Due to the inappropriate siting of the residence the proposal includes over 300 feet of roadway and driveway extension. Siting the home closer to the currently paved portion of Sacramento Avenue would minimize the excessive driveway length significantly.

22.16.030 D.1 Clustering requirement

“Structures shall be clustered in the most accessible, least visually prominent, and most geologically stable portions of the site...”

“Clustering is especially important on open grassy hillsides...”

“The prominence of construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography.”

The proposal has failed to meet each of these descriptions and goals. The home is sited on the steepest, most remote location of the property (Attachment 1). Thus, the homes visual prominence and significant negative impact on the neighboring properties is exacerbated. Additionally the home faces directly into existing homes along Miwok.

A site at a lower elevation, oriented towards the Mt. Tamalpais view corridor, similarly to the existing homes on Sacramento Avenue, and closer to the current terminus of Sacramento Avenue would accomplish the clustering requirement standards.

22.16.030 D.2 Development near ridgelines

“...locations that are the least visible from adjacent properties and view corridors.”

As detailed above, the current site maximizes the developments visibility and completely disrupts neighboring view corridors. The development imposes significant negative impact on the neighbors' quality of life, which could be mitigated by responsible siting of the home.

22.16.030 J.1 Grading

"Grading shall be held to a minimum"

The grading and excavation associated with this project is obscene and unacceptable. Again, had the proposal chosen a different site on the property, grading would be minimized. The applicant contends that grading has been significantly reduced when compared to the last proposal. However, at nearly 1300 cubic yards, the excavation far exceeds any reasonable, thoughtful development proposal. Furthermore, this scale of earthwork is consistent with the previous 187 Sacramento LLC Design Review application from 2016, a degree of grading that was deemed excessive by the Board of Supervisors.

22.16.030 J.2 Drainage

"Impervious surfaces shall be minimized."

The applicant proposes to introduce nearly 12000 square feet of impervious surface. The rainwater runoff associated with coverage of this magnitude is beyond significant. Further, this runoff in combination with the steep slope (Attachment 1), inherent slope instability (Attachment 2) and proximity to streams will inevitably lead to considerable land erosion and property damage to neighbors further downstream.

22.16.030 J.3 Trees and vegetation

"...avoid tree removal, or changes or construction that would cause the death of existing trees, rare plant communities, and wildlife habitats."

The applicant is proposing to site the home amongst the few protected trees on the property and near a large heritage oak just across a property line. Despite assurances from the applicant, these trees will almost certainly be damaged during the course of construction.

The development plan severs wildlife corridors throughout the open hillside and encroaches on the riparian habitats associated with the northern stream elements.

22.16.030 J.5 Geological hazards

"Construction shall not be permitted on identified seismic or geological hazard areas such as on slides..."

The property does not meet the Development Code's slope stability standards, lying entirely within zone 4 (Attachment 2). Furthermore the proposed building site is on the steepest most susceptible corner of the property (Attachment 1).

Environmental Review

The scope of the proposed development, including both the residence and the lengthy extension of Sacramento Avenue, combined with the natural characteristics of the property, is extensive. Here are some of the key factors:

Development Scope:

- 300 feet of roadway/driveway extension across the steep hillside
- Extensive grading and excavation
- Impermeable surfaces of nearly 12000 square feet
- Lengthy network of retaining walls
- Siting the home amongst the only significant cluster of protected trees and near the largest network of drainage channels

Environmental constraints:

- Greater than 40% average slope throughout the property
- Fails to meet slope stability standards, entire property located within slope stability zone of 4 (Attachment 2)
- Mapped ephemeral and intermittent streams surrounding the property on 3 sides
- Identified native grasslands
- Riparian habitats and wildlife corridors
- Protected trees

Previous applications have been awarded a CEQA exemption. CEQA clearly delineates exceptions to exemptions, including unique circumstances and cumulative impact, which are applicable to this development proposal. Any one of the environmental factors listed is of significant concern. It is difficult to imagine another scenario were such a comparable accumulation of factors exists on a single property.

Stream Conservation Area

Following the Planning Commission hearing of July 20, 2020 we contacted Wetlands Research Associates (WRA) of San Rafael, to conduct an independent, expert

assessment of the streams on the property and review the applicant's initial bioassessment, produced by LSA Associates. In summary, the WRA report, submitted separately, provided a detailed description of the stream elements and recommended a Stream Conservation Area (SCA) of **50 feet from the edge of the riparian canopy** for both the western and northern streams. This SCA was consistent with the setback recommended by LSA Associates with regards to the western stream, while also acknowledging the significance of the upstream elements along the northern boundary that LSA Associates chose to disregard.

In the current proposal the applicant has once again been allowed to draw a SCA that accommodates their plans. In the previous application, a SCA of 50 feet from the riparian canopy edge was proposed along the western stream, although the extensive stream network on the northern boundary was completely ignored and disregarded. When questioned about the proposed SCA, the County planner informed us that as a general policy the Planning Division was requiring SCA's of 50 feet from the edge of the riparian canopy not from the top-of-bank (TOB). This policy was justified by guidance provided in the Marin Countywide Plan, BIO-4.1, which states, "Regardless of parcel size, an additional buffer may be required based on the results of a site assessment."

In the current proposal, the applicant now acknowledges both the mapped northern and western streams but has now conveniently reduced the SCA to 50 feet from TOB. This reversal of the SCA has been made in order to accommodate their development, in lieu of significant environmental concerns and it appears the Planning Division is willing to accept the change in order to placate the applicant.

Initially, First Carbon Solutions in Walnut Creek and based in Irvine seemed like an odd choice given the location of the project. Why did the applicant need to seek out a biologist from Walnut Creek? Eric Lichtwardt from LSA Associates prepared the original bioassessment for the applicant's last proposal. A quick Internet search reveals that the current biologist, Bernhard Warzecha, was in fact a Senior Biologist at LSA Associates prior to his relatively new position at First Carbon Solutions. Obviously we are not privy to the applicants' relationship with LSA Associates and Eric Lichtwardt. However, the original assessment provided by Mr. Lichtwardt was lacking and suspect at best. To now rely on a "second opinion" from the same firm is inadequate and unacceptable.

The Marin Countywide Plan, BIO-4.g Require Site Assessment, clearly advises, "Unless waived, **the qualified professional shall be hired by Marin County**. The site assessment shall be paid for by the applicant..." As witnessed in the previous application and outlined above, the applicant abused the privilege to seek out an independent expert. County Staff should follow the recommendations outlined in the Countywide Plan and hire a professional, capable of providing an independent and thorough assessment of the environmental constraints on the property.

Finally there is clearly a difference of opinion on the Stream Conservation Area. Moreover, the applicant seems bound to some relationship with LSA instead of seeking truly independent experts. The Planning Division should revisit the scope of the SCA as part of a broader assessment of the environmental constraints throughout the property.

Biological Constraints and Stakes

The applicant asserts that the current application provides additional survey information with regards to the mapped streams, SCA and protected trees. A detailed topographical map generated by BKF was provided as part of the initial document posted on the project's website (Attachment 3 and First Carbon Peer Review, Attachment A). Of note, BKF drew very distinct boundaries outside the streams and surrounding the protected trees labeled as "Limits of Survey" and dated accordingly. This appears to remove BKF from any controversies surrounding the SCA and the siting of the residence. Curiously this particular map has been subsequently removed from the latest version of the plans on the website.

Instead of relying on the BKF survey, the applicant appears to have taken the liberty of sketching their version of the protected tree drip lines, compare the attached topographical map from BKF to the "Site and Staking Plan, A1.0." Additionally despite the mapping stakes now on the hillside are within the canopies of the protected trees, among others: S33 (Attachment 4) and under the majestic oak just off site. As presented the development site is encroaching on the protected trees and the applicant has no intention of respecting and preserving them.

Several elements of the current application rely on the SCA recommended by First Carbon Solutions, specifically the map "Exhibit 1, Biological Constraints" in the Peer Review document. This map includes clear outlines of not only the streams and SCA, but also the inner unmapped drainage channel, labeled as "Non-Wetland Swale." Of note, the recommended SCA (red line) is clearly distinct and removed from this unmapped channel (light gray line). However, the applicant has not sited the home with respect to these clearly defined boundaries. As the attached photo illustrates, stakes S39, S40 and S41, based on the staking plan, are all within the unmapped channel (Attachment 5) and as such roughly 10-12 feet north of the recommended SCA.

In summary, the applicant has prioritized siting their desired development over respecting the true biological constraints on the property. This tactic is nothing new. Previous projects granted approval to the applicant, including the "Dominican Townhouses" at 1200 Irwin Street in San Rafael, 760 Bay Road in Mill Valley and the West Branch of the Berkeley Library, are a few examples. In each case the applicant agreed to specific plans only to subsequently modify the final development in a "build first, ask for forgiveness later" fashion. The final "Dominican Townhouses"

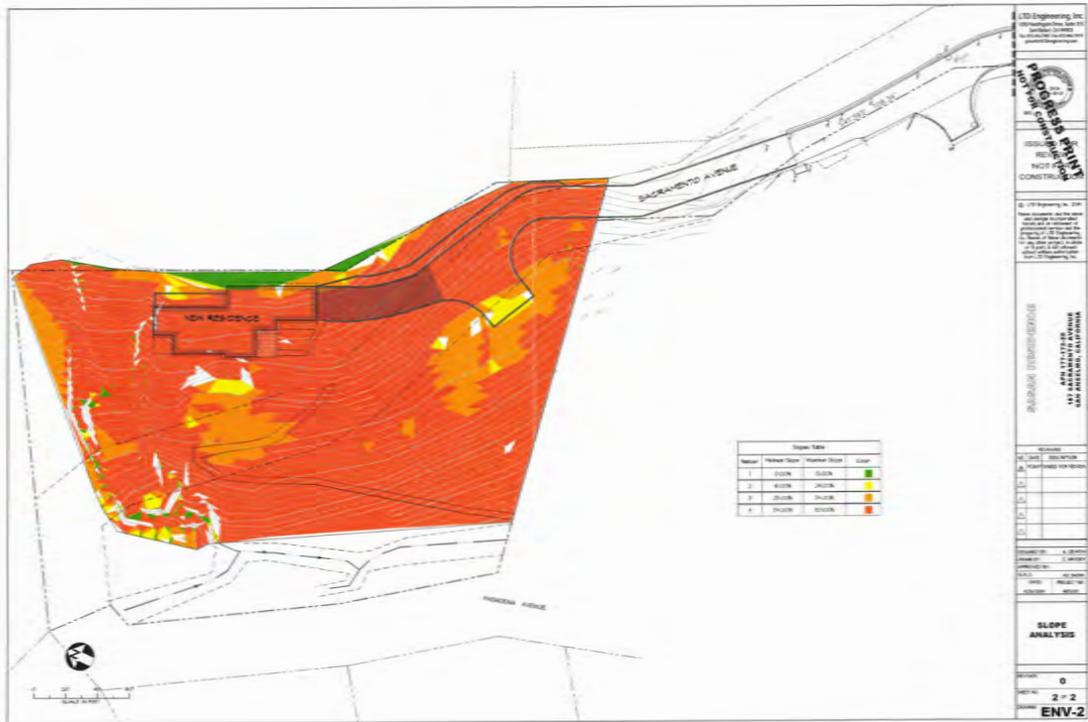
development included several design, material and color changes that were inconsistent with the approved plans. The applicant managed to kill a 70-foot redwood tree that was specifically highlighted for preservation as a centerpiece for the Berkeley Library. As noted above the plans are inconsistent with the actual footprint of the development as presented and already it is evident that the applicant is driving the narrative as they see fit.

In the interest of time, we are submitting these initial concerns regarding the application. These concerns are significant and the development proposed not only fails to meet the County's standards of responsible planning, it also poses a significant negative effect to our neighborhood's quality of life. The neighbors have repeatedly offered a compromise to the applicant, an alternative building site that mitigates nearly every concern raised by not only our group of neighbors but the Planning Commission and Board of Supervisors.

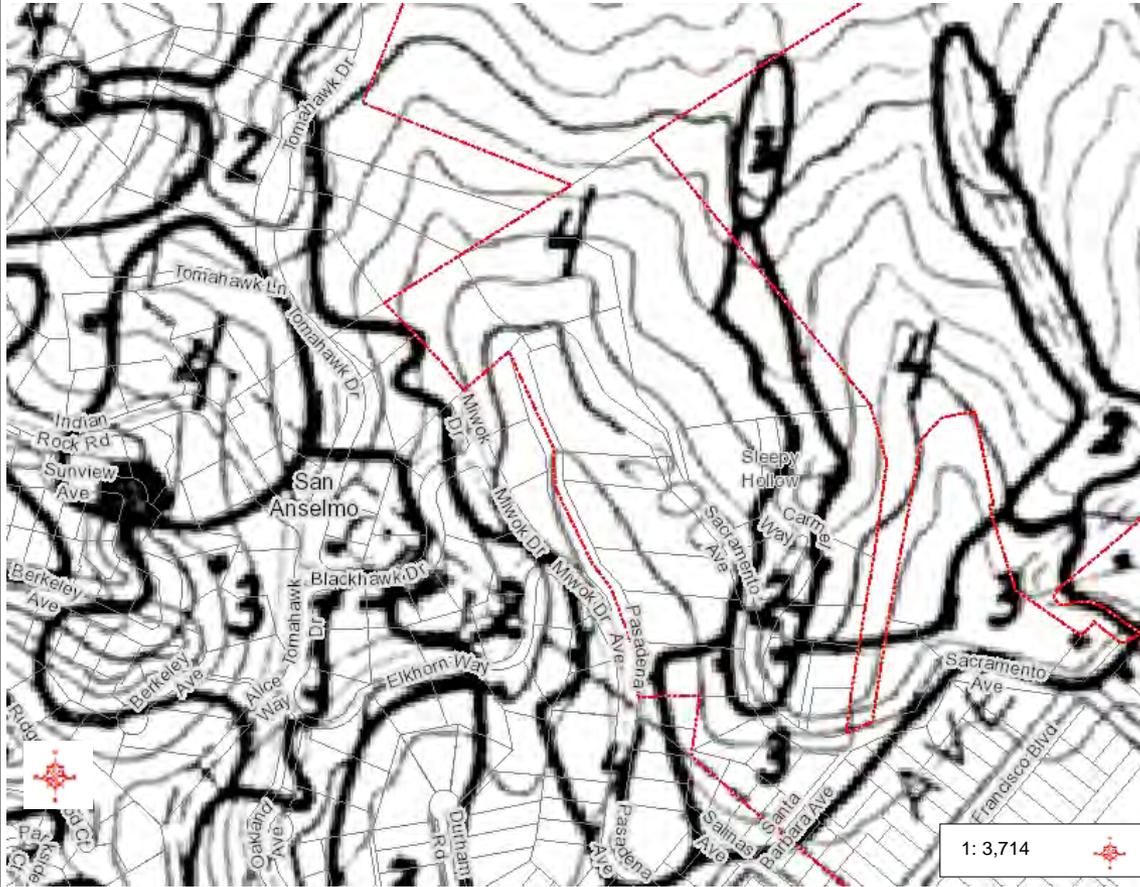
Thank you for your time and consideration.

Regards,

Brandon and Melissa Sullivan



Attachment 1



Legend

- Condominium Common Area
- Mobile Home Pad
- City
- Community
- Marin County Legal Boundary
- Other Bay Area County
- Ocean and Bay
- Address
- Parcel Secured
- CGS_slope_stability_12k
 - High : 254
 - Low : 0

Notes

0.1 0 0.06 0.1 Miles
 NAD_1983_HARN_StatePlane_California_III_FIPS_0403_Feet
 © Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT SURVEY ACCURATE



Attachment 4



Attachment 5

From: [Brandon Sullivan](#)
To: [Kilgariff, Kathleen](#)
Cc: [Brandon Sullivan](#); [John - ARS Herr](#); [R. McK](#)
Subject: Sasan Site Plan, additional documents
Date: Friday, May 21, 2021 12:47:22 PM
Attachments: [187 Sacramento Ave SA Stream Review.pdf](#)
[Map for WRA report Sullivan.pdf](#)
[Friends of CM Creek Letter.pdf](#)

Kathleen,

Please find attached 3 documents relevant to the current Sasan Site Plan Review:

1. Stream Review provided by biologist Phil Greer of Wetlands Research Associates in San Rafael
2. Map that I generated to accompany the stream review
3. Letter from the Friends of Corte Madera Creek

Have a good weekend,
Brandon



Brandon Sullivan
42 Miwok Drive
San Anselmo, 94960

October 22, 2020

Re: 187 Sacramento Ave, San Anselmo Stream Review

Mr. Sullivan,

This letter presents my review of the streams within and adjacent to the 187 Sacramento Avenue property (Property) composed of parcels APN 177-172-10 (Parcel 10) and APN 177-172-20 (Parcel 20) in unincorporated Marin County, California. The review focused on potential stream features along the northern boundary of the Property as assessed by LSA Associates in its Biological Site Assessment (BSA) dated October 17, 2019 and letter dated March 3, 2020 regarding the subject property. This review is based on a site visit conducted on September 30, 2020. This letter includes a description of site observations of jurisdictional features as viewed from outside the Property accessed from the public right of way easement extending northward from Sacramento Ave. It includes assessment of SCA development setbacks as well as a comparison of observation and conclusions regarding presence of and setbacks from jurisdictional streams presented in the LSA letters.

The Marin County Wide Plan (CWP) designates Stream Conservation Areas (SCAs) along perennial, intermittent, and ephemeral streams. An ephemeral stream is defined as a watercourse that carries only surface runoff and flows during and immediately after periods of precipitation. An intermittent stream is defined as a watercourse that is temporally intermittent or seasonal and that flows during the wet season, continues to flow after the period of precipitation, and ceases surface flow during at least part of the dry season. Intermittent streams are typically shown as a dashed blue line on USGS quadrangle maps. A perennial stream is a watercourse that flows throughout the year. Riparian vegetation is defined as vegetation associated with a watercourse and relying on the higher level of water provided by the watercourse. Riparian vegetation can include trees, shrubs, and/or herbaceous plants.

The CWP defines SCA development setback distance from streams based on the location within County-wide designated Environmental Corridors, parcel size and stream flow class and riparian vegetation abundance. An ephemeral stream is subject to the SCA policies if it: (a) supports riparian vegetation for a length of 100 feet or more, and/or (b) supports special-status species and/or a sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream. For those ephemeral streams that do not meet these criteria, a minimum 20-foot development setback should be required. The Property is located in the "City-centered Environmental Corridor". The combined area of the two parcels is approximately 1 acre. SCA development setback for parcels 0.5 to 2 acres within the City-centered corridor is a minimum 50 feet from 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.

Prior the site visit, I conducted a review of Marin County online database “Marin Maps” for the subject location focused on wetland, stream and National Wetland Inventory features. The county database depicts locations of streams generated remotely through GIS modeling of watershed accumulation areas. NWI features are also remotely analyzed using aerial photography. Considering remote methods used to map features in the Marin Maps database a site visit is warranted to determine potential jurisdictional status and seasonal flow characteristics of any drainage features.

The Marin Maps database depicts several ephemeral stream channels mapped within the western boundary of parcel APN 177-172-10 and the northern boundary of Parcel 10 and 20. Further downslope classification of the ephemeral stream feature is mapped as intermittent below 100 Pasadena Ave. The National Wetlands Inventory database depicts slightly fewer drainage features on the western and northern boundaries of the parcels with similar but not overlapping locations. The USGS San Rafael quadrangle topographic map does not depict stream features at this location.

Drainage 1.

The first feature encountered moving from south to north along the Sacramento Ave public right of way is a steep approximately 10 foot wide drainage in grassland near the northern boundary of the Property. The LSA BSA described this feature as a non-jurisdictional feature that lacked a bed and bank. The lower portion of this feature is mapped as an ephemeral stream by the County’s GIS model. The County database inaccurately depicts the upper portion of this feature as connecting to an ephemeral stream north. The feature lacked an ordinary high water mark, indicators of an active bed and bank and therefore cannot be classified as a stream under federal, state or County definitions. The swale does not contain a bed of actively moving sediment or any unvegetated areas indicating presence of flowing water under typical rainfall conditions. The feature is entirely vegetated with upland associated grass and other herbaceous species including wild oats (*Avena* sp.), Rattlesnake grass (*Briza maxima*), and brome fescue (*Festuca bromoides*) indicating this feature also does not meet wetland criteria.

Drainage 2.

The second feature encountered approximately 25 feet further north along Sacramento Ave parcel is a steep drainage channel with eroded bed and banks approximately 2 to 8 feet between ordinary high water marks (OHWM) and 10 to 12 at the Top of Bank (TOB). Marin Maps depicts an ephemeral stream in this vicinity however, the LSA BSA makes no mention of this feature. The bed was composed of angular cobble size (3 to 10 inch) rocks and uneroded native soil indicating active flow during typical rainfall conditions. Banks were steep to overhanging with exposed coast live oak (*Quercus agrifolia*) roots. The bed and bank characteristics qualify this drainage as a stream under California Department of Fish and Wildlife (CDFW) and County regulations. The steep topography, relatively small watershed, and vegetation indicate that stream flow is ephemeral in a typical rainfall year. Although the stream has an OHWM necessary to be considered jurisdictional, recent regulatory rule changes have excluded ephemeral streams from federal jurisdiction under the Clean Water Act.

Vegetation associated with the feature was composed entirely of upland (non-hydrophytic/wetland) species. The bed contained less than 5% cover of upland associated grass species such as hedgehog dogtail (*Cynosurus echinatus*) indicating lack of groundwater discharge or persistent soil moisture. The tree canopy associated with the stream was dominated by coast live oak. Additional shrubs and trees above the TOB included poison oak (*Toxicodendron diversilobum*), French broom (*Genista monspessulana*) and Oregon oak (*Quercus garryana*). The tree canopy associated with this ephemeral

stream should be considered riparian vegetation as defined in the CWP and consistent with the LSA BSA classification of the coast live oak woodland vegetation along the intermittent stream along the western property boundary. In aggregate there appears to be more than 100 feet of riparian vegetation along the ephemeral stream reach within and adjacent to the Property. Based on Marin CWP SCA guidelines the development setback from the top of bank of this ephemeral stream should be a minimum of 50 feet. Considering the steep slopes and erodible bed and banks of this stream a setback of 50 feet from the riparian canopy would be appropriate to protect stream and riparian resources.

Marin Maps indicates several ephemeral streams flowing into drainage 2 from the north. These drainages were observed to have similar channel form, ephemeral hydrology and riparian vegetation as drainage 2. These ephemeral streams would not be affected by the project and do not affect the location of the SCA within the Property.

Drainage 3.

Drainage 3 flows north to south along the western boundary of the Property. Marin Maps depicts this drainage as an ephemeral stream however the LSA BSA considers it an intermittent stream. Marin Maps indicates several ephemeral streams converging from the north of Parcel 10 to form Drainage 3. Drainage 2 flows into Drainage 3 approximately halfway along the western boundary. Drainage 3 has distinct bank and a scoured bed containing gravel size bed load that is approximately 6 to 9 feet between OHWMs and 12 to 18 at the TOB. The bed and bank characteristics qualify this drainage as a stream under California Department of Fish and Wildlife (CDFW) and County regulations. The relatively less steep channel bed relative to Drainage 2, larger watershed encompassing flow from several ephemeral streams indicate that stream flow is intermittent in a typical rainfall year. The intermittent hydrology in a typical rainfall year would make this stream jurisdictional under the Clean Water Act.

Vegetation associated with the feature was similar to that of Drainage 2 with the addition of several additional species indicating slightly wetter conditions along the banks including California bay (*Umbellularia californica*). The channel bed supported scattered individuals of soft rush (*Juncus effusus*) indicating intermittent flow. The tree canopy was continuous and should be considered riparian vegetation as defined in the CWP and consistent with the LSA BSA classification. Based on Marin CWP SCA guidelines the development setback from the top of bank of this intermittent stream should be 50 feet. The LSA BSA proposed a setback of 50 feet from the woody riparian canopy along the intermittent stream. This additional setback is consistent with CWP SCA guidelines and is appropriate to protect riparian resources.

In conclusion, this review of streams within and adjacent to the 187 Sacramento Ave property observed three drainage features that had the potential to affect the project. Drainage 1 is a steep approximately 10 foot wide drainage in grassland near the northern boundary of the property. Consistent with the LSA BSA, this feature lacked an ordinary high water mark, indicators of an active bed and bank and therefore cannot be classified as a stream under federal, state or County definitions. Drainage 2 is an ephemeral stream along the northern boundary of APM 177-172-20 that was not identified in the LSA BSA. Based on Marin CWP SCA guidelines the development setback from the top of bank of this ephemeral stream should be a minimum of 50 feet. Drainage 3 is an intermittent stream and associated riparian vegetation observed along the western boundary of APN 177-172-10 consistent with the LSA BSA. The 50 foot setback from the woody riparian canopy proposed in the LSA BSA is consistent with CWP SCA guidelines and is appropriate to protect riparian resources.

Please contact me at 415 497-0361 or greer@wra-ca.com if you have any questions regarding this review.

Sincerely,

A handwritten signature in blue ink that reads "Philip Greer". The signature is written in a cursive style with a large initial "P".

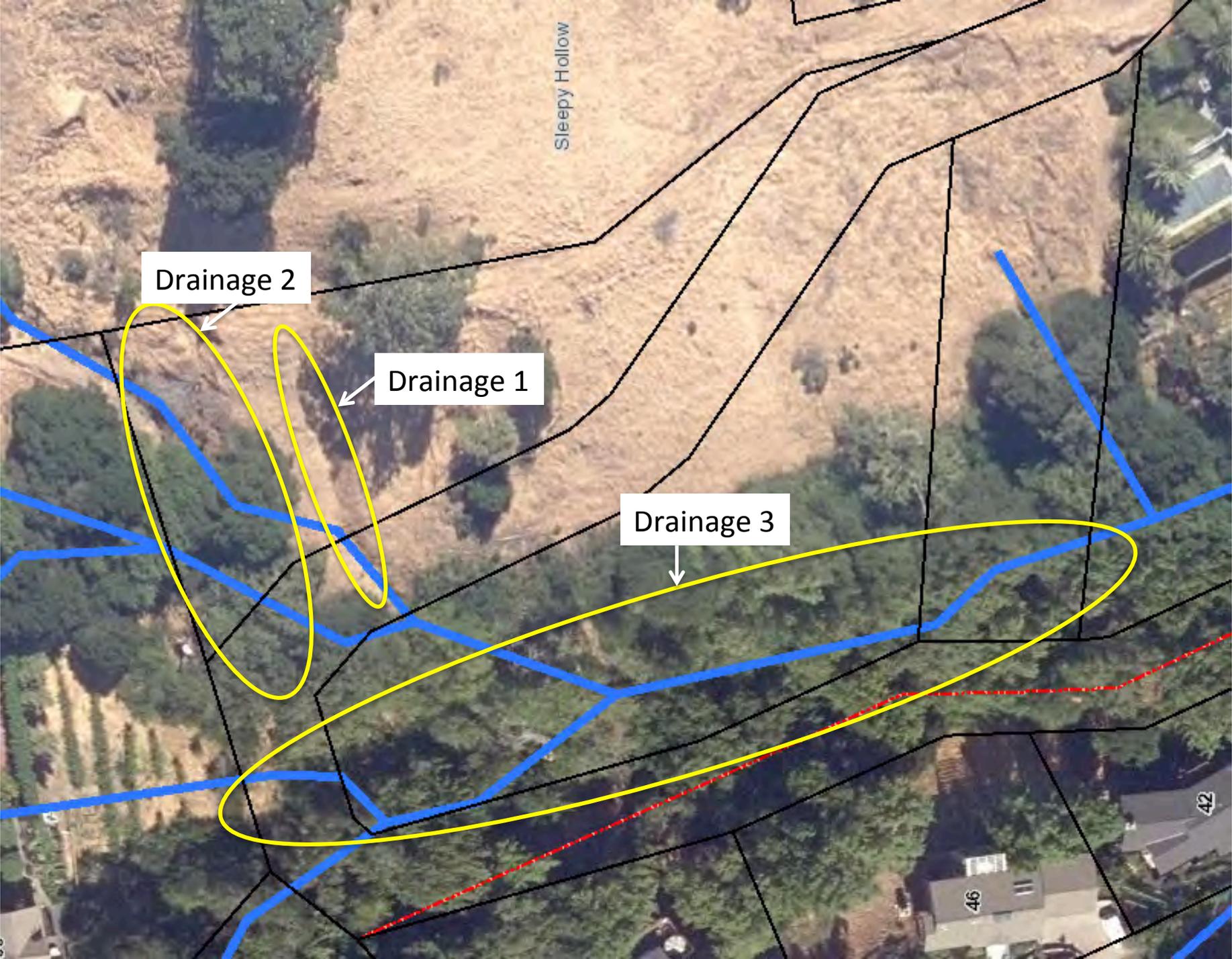
Philip Greer, MA PWS
Principal Biologist

Sleepy Hollow

Drainage 2

Drainage 1

Drainage 3





March 13, 2020

Marin County Planning Commission
3501 Civic Center Drive
San Rafael, CA 94903
Email: planningcommission@marincounty.org
Cc: Kathleen Kilgariff, Planner: kkilgariff@marincounty.org

Re: Brandon Sullivan *et al.* Appeal of the Sasan Site Plan Review
Approval (March 16, 2020 Planning Commission Agenda)

Dear Commissioners,

Friends of Corte Madera Creek Watershed is concerned about potential adverse impacts to the West Fork of Sorich Creek, which runs adjacent to the parcel proposed for development in this project. It is our understanding that LSA Associates performed a biological assessment of this site in 2019. Although the initial LSA report, dated 10/17/2019, made no mention of the waterways in the northern area of the property, supplemental LSA correspondence, dated 3/3/2020, stated that the County GIS-mapped “riverine” feature running northwest on the property is an erosional feature or gully, rather than an ephemeral stream.

We believe the LSA finding warrants further consideration. Our visit to the site on 3/12/2020 confirmed the existence of a network of small creeks along the northern portion of the site, as indicated in the County GIS records and accessed from the public right-of-way. The main waterway running northwest near the property boundary appears to be a significant drainage with a scoured bed and defined banks. This waterway has very similar characteristics to the downstream section of the West Fork of Sorich Creek, including exposed roots and sharp rocks in many areas, with the riparian canopy composed primarily of oak and bay trees. We see no biological or ecological reason to change the classification of either stream section from “ephemeral” as stated in the County GIS records. Therefore, the setbacks required by the Countywide Plan should apply to the northern section of the creek, as well as the downstream section running along the western border of the subject parcels.

Countywide Plan policy BIO-4.1 states that there should be a minimum 50-foot setback on each side of the top of the bank for parcels in the City-Centered Corridor between 0.5 and 2 acres in size, and that regardless of parcel size, an additional buffer may be required based on a site assessment. Because the LSA report provides no justification for measuring the 50-foot setback from the riparian canopy, rather than the top of bank as is typically the case, we are not able to comment on the appropriateness of this setback. Nonetheless, setbacks should be applied consistently at this site, whether measured from the canopy or stream bank.

We recommend expanding the biological assessment to include a review of potential hydrological and geological impacts associated with this development project based on the very steep slope, proximity to mapped wetlands and streams, and the significant amount of grading proposed for this project (2,063 cubic yards). Furthermore, construction of any kind should not be allowed to encroach into any waterway, including the unmapped, un-vegetated drainage running east to west in the northern area of the site.

Friends of Corte Madera Creek Watershed
Letter re: 187 Sacramento Avenue Appeal
Page 2 of 2
March 13, 2020

Friends normally limits its comments to biological and hydrological issues, but there are a number of land use issues raised by this project that undermine its merit. Siting the house in a remote part of the lot that requires a very long driveway; appropriating the public right-of-way occupied by the paper street (the extension of Sacramento Avenue); building a long, visually obtrusive retaining wall (up to 8 feet tall); and cutting off access to the uphill parcel APN 177-220-24 should be evaluated carefully and an alternative location for the proposed house developed.

Sincerely,



Sandra Guldman, President

Proposed New Residence

187 Sacramento Avenue, San Anselmo **FIRE CODE NON-COMPLIANCE**

This project fails to meet California Building Standards Code, Title 24, Part 9: California Fire Code & the Marin County Fire Department Minimum Project Requirements



Non Compliance Overview

The California Fire Code: Fire Safety in the Golden State

Part 9 of Title 24 is known as the California Fire Code. By establishing minimum requirements, the code, “safeguards the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions, [...] and provides safety and assistance to fire fighters and emergency responders.”

Fire safety is no minor concern for modern-day Californians. Six of the ten most destructive fires in California’s history occurred within the last decade, and the Camp Fire in late November of 2018 cost the State a reported \$16.5 billion. And to make matters much worse - and further stressing the State’s limited fire protection resources - Marin County Board of Supervisors President Dennis Rodoni recently declared that in 2021 Marin County is entering the worst drought in 140 years!

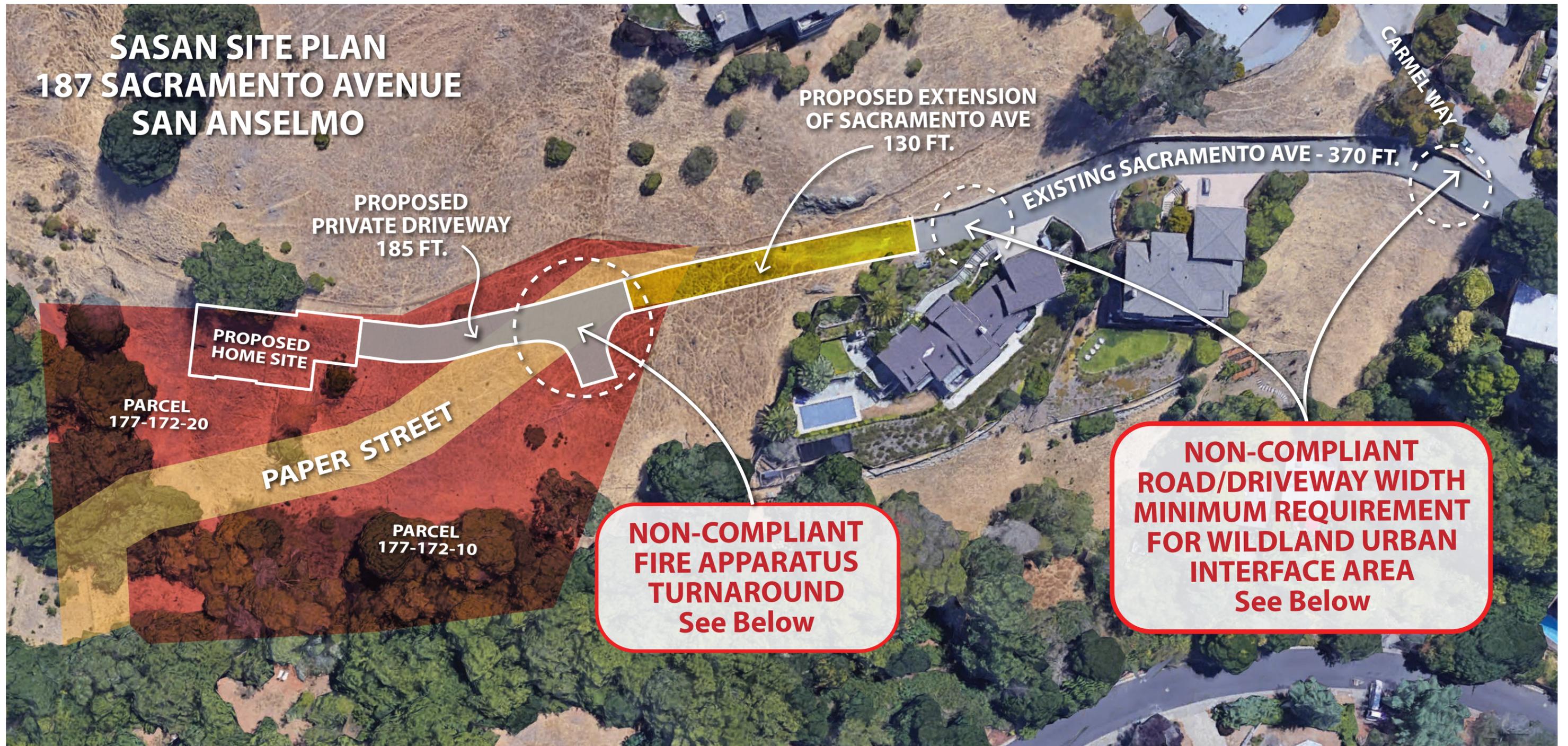
That is why now more than ever it is the responsibility of the Marin County Board of Supervisors, in the interest of public safety, to ensure that the **mimumum requirements** for fire regulations, as outlined in Part 9 of Title 24, and the Wildland Urban Interface Area (WUI) Fire Codes and Standards, are enforced.

The proposed development plan at 187 Sacramento Avenue is situated in a Wildland Urban Interface Area at the end of a difficult to access, narrow, substandard winding street, As such, the project should be required to meet, at the very least, the minimum requirements as outlined in the Marin County Fire Code and Part 9 of Title 24. The proposed fire apparatus turnaround and the road width at the Sacramento Avenue and Carmel Way intersection and along the entire Sacramento Street alignment are non compliant and substandard.

The project currently being considered, known as “Sasan Plans 4.15.21, fails to meet the minimum requirements at the state and local level. Until such a time that the developer can demonstrate that the **mimumum requirements** for fire safety have been met, especially during this era of firestorms and 200 year drought, this project cannot responsibly move forward and be approved.

Sincerely,

Peter Pursley, Owner - 2 Carmel Way, San Anselmo - Email: peterpursley.ph.d@gmail.com



NON COMPLIANT FIRE APPARATUS TURNAROUND

The proposed fire apparatus turnaround does not comply with the minimum requirement as described in the Marin County Fire Departments Wildland Urban Interface Area regulations. The proposed fire apparatus turnaround is 18' x 55', required turnaround is 18' x 60'. **See Page 4 for more information on non-compliance.**

NON COMPLIANT MINIMUM ROAD WIDTH

The proposed project does not comply with the minimum road width as described in the Marin County Fire Departments Wildland Urban Interface Area regulations and Part 9 of Title 24. The road width is almost 2 feet less than the required 20ft. **See Page 7 for information on non-compliance.**



MARIN COUNTY FIRE DEPARTMENT
MARIN COUNTY, CALIFORNIA

Kenneth Massucco
FIRE CHIEF

MINIMUM PROJECT REQUIREMENTS*

*Requirements for projects located in the Wildland-Urban Interface in *italics*

Access

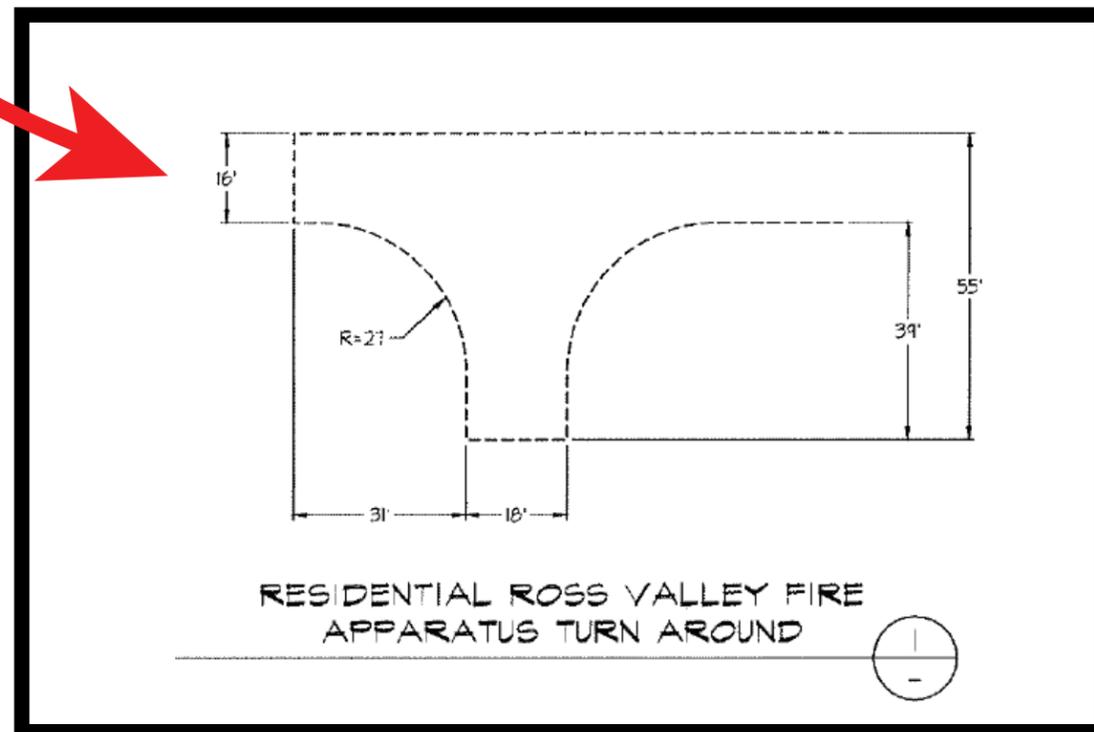
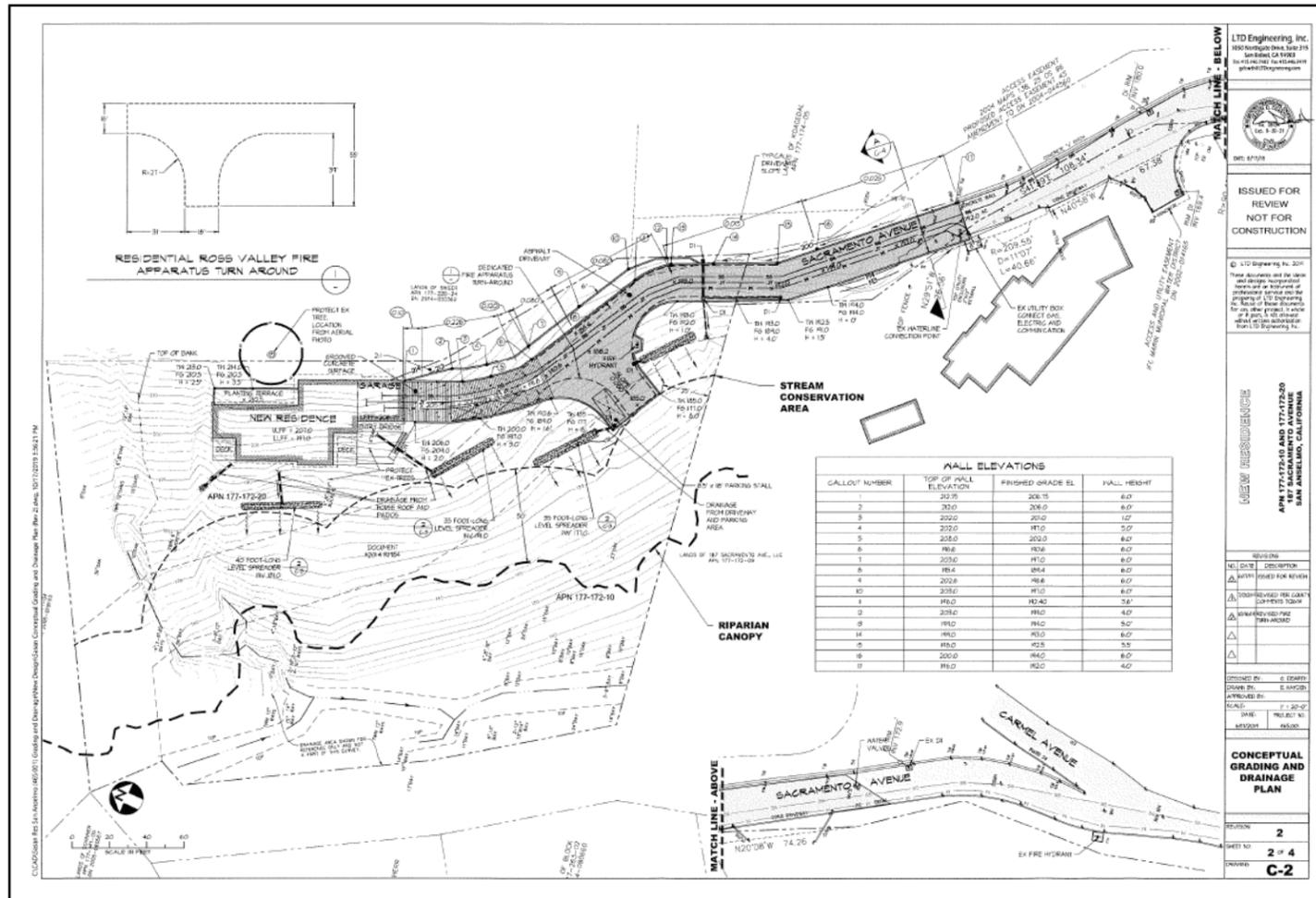
4. Unless the driveway is 16 feet in width (*20-ft for WUI*), turnouts are required on driveways over 150 feet in length. For driveways exceeding 150 feet in length, but less than 800 feet in length, a turnout is required at the midpoint of the driveway. If the driveway exceeds 800 feet in length, turnouts are to be provided no more than 400 feet apart. The turnout minimum width is 18 feet for a length of 60 feet.
5. Turnarounds are required at the end of driveways over 300 feet long (*150-ft for WUI*), and are required to be within 50 feet of the structure. The maximum grade of turnouts is 8 percent.
6. The maximum grade of a driveway is 25 percent (*18% for WUI*), but should not exceed 18 percent. Where the grade of a segment of a driveway exceeds 18 percent, the maximum length of that segment is 300 feet. Any two driveway segments with a grade greater than 18 percent are required to be joined by flatter segment not exceeding 15 percent grade at least 150 feet in length.
7. Where gates are installed on driveways, the gate entrances are required to be 16 feet wide or two feet wider than the approved driveway width. In addition, the gate is required to be at least 30 feet from the road and shall open to allow a vehicle to stop without obstructing traffic. Finally, where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius is required. If the gate is provided with a lock, a Knox Box is required.

“...The turnout minimum width is 18 feet for a length of 60 feet”

(Non-compliant - project turnout is 55’)

“Turnarounds are required at the END of driveways over 150 feet long in WUI”

(Non-compliant - driveway is 315’ long, turnout is located in the middle of driveway)





Intersection of Sacramento Ave and Carmel Way Street View

SACRAMENTO AVENUE

CARMEL WAY

ROAD STANDARD FOR FIRE VEHICLE ACCESS

If Sacramento Avenue is a county maintained or private road, the project is not compliant with the 2019 California Building Code and Marin County Fire Dept. Standard.

Sacramento Avenue Roadway width at intersection of Carmel Way:

18 feet 3 inches

Marin County Fire Department
CONDITION OF APPROVAL
Roadway width no less than

20 feet minimum





Marin County Fire Dept

Occupancy: **Sasan Residence**
Address: **187 Sacramento AVE**
San Anselmo CA 94960

Inspection Type: **Plan Review**
Inspection Date: **4/10/2017** By: **Alber, Scott D (10003211)**
Time In: **15:17** Time Out: **00:00**
Authorized Date: **Not Author** By:

Form: MCFD Plan Review Form

Inspection Description:

Based on the 2013 California Building and Fire Codes, along with current Marin County Fire Department Standards.

Inspection Topics:

Planning Division Review

Automatic Residential Fire Sprinkler System Is Required per NFPA 13D
An automatic residential fire sprinkler system is required to be installed in all new residences including garages conforming to NFPA Std. 13D, Fire Protection Standard #401, and as modified by the Fire Marshal. Plans and hydraulic calculations shall be submitted to the Fire Marshal for review prior to installation. Contact the North Marin Water District or Marin Municipal Water District (as applicable) should an upgrade for the domestic water meter be needed. Additional sizing may be required due to available pressures and fire flow. The above requirement may be waived provided the new and existing remodel and addition does not exceed 50% of the total existing floor area.
Status: Condition of Approval
Notes: See above.

Fire Hydrants Required. (Upgrade)
The existing fire hydrant nearest the structure and located by the Fire Marshal shall have the body upgraded to have at least one 4 and one half inch and one 2 and one half inch outlet. Installation shall conform to the specifications of the Marin Municipal Water District or North Marin Water District (as applicable).
Status: Condition of Approval
Notes: Provide location, type and flow rate of nearest municipal fire hydrant.

Roadways and Driveways, Grade.
Proposed roads and driveways shall not exceed 18% grade.
Status: Condition of Approval
Notes: Provide grade profile of driveway/road and fire apparatus turnaround.

Roadways and Driveways Minimum Requirements (Prior to Lumber Delivery or Framing).
Roadways shall be not less than 20 feet wide capable of accommodating a 60,000 GVW and driveways not less than 16 feet wide capable of accommodating a 40,000 GVW, all weather surface (AC Paving or concrete), unobstructed, and shall be installed prior to lumber delivery or framing.
Status: Condition of Approval
Notes: See above.

Fire Apparatus Turn Around Required
An approved fire apparatus turn around shall be designed and installed at the driveway end so as not to exceed 150 feet from the street and shall be capable of accommodating MCFD apparatus. The turnaround shall be recorded, dedicated, and clearly delineated on the subdivision map as 'Dedicated Fire Apparatus Turnaround'.
Status: Condition of Approval
Notes: Fire apparatus turnaround shown in submittal does not appear to meet the MCFD standard with regards to depth. Please show outline of approved hammerhead turnaround on subsequent submittal, as well as grade profile of turnaround.

Vegetation Management Plan - Fuels Management Plan Required.
An irrigated greenbelt Vegetation Management Plan (VMP) Fuels Management Plan conforming to the standards of the Marin County Fire Department shall be prepared and implemented at the site. The VMP-Fuels Management Plan shall conform to MCFD Standard #220. The plan shall be incorporated into the landscape plan for the project and submitted to the Fire Marshal for review prior to implementation. The plan shall be implemented prior to building final.
Status: Condition of Approval
Notes: See above.

Project In A Wildland-Urban Interface Area.
This project is located in a wildland-urban interface area and must meet all applicable California Building Code requirements. See CBC Chapter 7A.
Status: Condition of Approval
Notes: See above.

Marin County Fire Department
Sasan Residence
187 Sacramento Avenue

CONDITION OF APPROVAL

“Roadways shall be not less than 20 feet wide capable of accommodating a 60,000 GVW”



Proposed Fire Vehicle Turnaround

**DRIVEWAY STANDARD
FOR FIRE VEHICLE ACCESS**

If Sacramento Avenue is considered a driveway, and not a county maintained or private road, then the project is not compliant with the 2019 California Building Code and Marin County Fire Dept. Standard.

“An approved fire apparatus turnaround shall be designed and installed at the driveway end so as not to exceed 150 feet from the street”.

Proposed fire vehicle turnaround far exceeds the requirement

685+ ft. from street

Nearest Street

Google Earth



Marin County Fire Dept

Occupancy: **Sasan Residence**
Address: **187 Sacramento AVE**
San Anselmo CA 94960

Inspection Type: **Plan Review**
Inspection Date: **4/10/2017** By: **Alber, Scott D (10003211)**
Time In: **15:17** Time Out: **00:00**
Authorized Date: **Not Author** By:

Form: MCFD Plan Review
Form

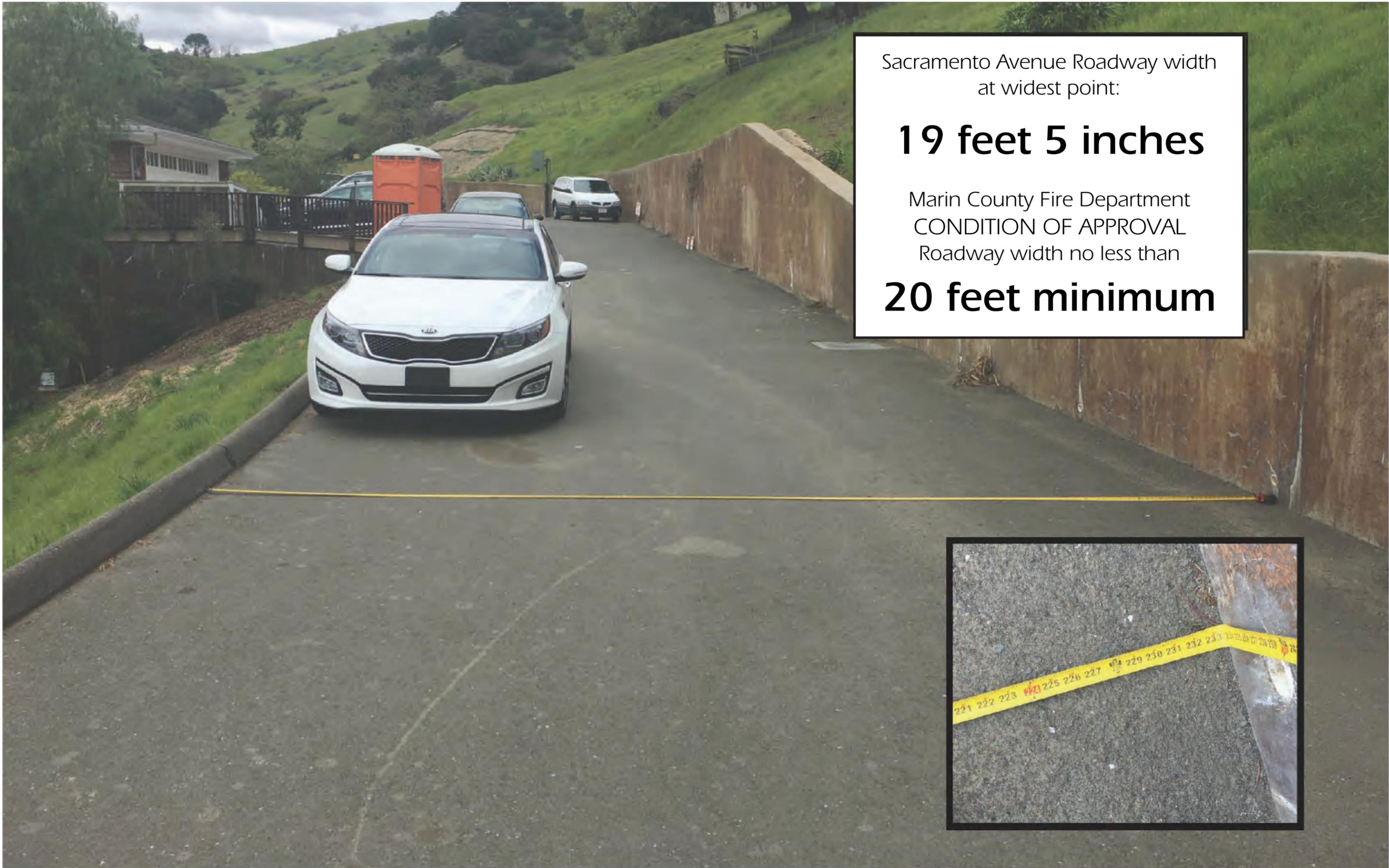
Inspection Description:
Based on the 2013 California Building and Fire Codes, along with current Marin County Fire Department Standards.
Inspection Topics:
Planning Division Review
Automatic Residential Fire Sprinkler System Is Required per NFPA 13D An automatic residential fire sprinkler system is required to be installed in all new residences including garages conforming to NFPA Std. 13D, Fire Protection Standard #401, and as modified by the Fire Marshal. Plans and hydraulic calculations shall be submitted to the Fire Marshal for review prior to installation. Contact the North Marin Water District or Marin Municipal Water District (as applicable) should an upgrade for the domestic water meter be needed. Additional sizing may be required due to available pressures and fire flow. The above requirement may be waived provided the new and existing remodel and addition does not exceed 50% of the total existing floor area. Status: Condition of Approval Notes: See above.
Fire Hydrants Required. (Upgrade) The existing fire hydrant nearest the structure and located by the Fire Marshal shall have the body upgraded to have at least one 4 and one half inch and one 2 and one half inch outlet. Installation shall conform to the specifications of the Marin Municipal Water District or North Marin Water District (as applicable). Status: Condition of Approval Notes: Provide location, type and flow rate of nearest municipal fire hydrant.
Roadways and Driveways, Grade. Proposed roads and driveways shall not exceed 18% grade. Status: Condition of Approval Notes: Provide grade profile of driveway/road and fire apparatus turnaround.
Roadways and Driveways Minimum Requirements (Prior to Lumber Delivery or Framing). Roadways shall be not less than 20 feet wide capable of accommodating a 60,000 GVW and driveways not less than 16 feet wide capable of accommodating a 40,000 GVW, all weather surface (AC Paving or concrete), unobstructed, and shall be installed prior to lumber delivery or framing. Status: Condition of Approval Notes: See above.
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Project In A Wildland-Urban Interface Area. This project is located in a wildland-urban interface area and must meet all applicable California Building Code requirements. See CBC Chapter 7A. Status: Condition of Approval Notes: See above.

Marin County Fire Department
Sasan Residence
187 Sacramento Avenue

CONDITION OF APPROVAL

“An approved fire apparatus turnaround shall be designed and installed at the driveway end so as not to exceed 150 feet from the street”.





Sacramento Avenue Roadway width
at widest point:

19 feet 5 inches

Marin County Fire Department
CONDITION OF APPROVAL
Roadway width no less than

20 feet minimum





REAL WORLD DAILY SCENARIO

Sacramento Avenue Roadway width
at widest point with cars parked:

12 feet 8 inches

Marin County Fire Department
CONDITION OF APPROVAL
Roadway width no less than

20 feet minimum





Typical Construction scenario on Sacramento Ave. The resident installed a pool on steep slope Construction continued for 8 months, with a major impact on access and traffic throughout the neighborhood.

Pool Construction
taking place from
June 2017 thru
March 2018



Proposed 187 Sacramento Site

Pool Construction from
June 2017 thru March 2018





**Pool Construction from
June 2017 thru March 2018**



Pool Construction from
June 2017 thru March 2018



Typical daily impact on surrounding streets.
This shot from 2 Carmel Way across the street from the Sacramento site during construction of a pool!

Richard M. Block
Vicki Crane Block
46 Miwok Drive
San Anselmo, CA 94960

May 21, 2021

TO: Marin County Planning Division
Kathleen Kilgariff

RE: Sasan Site Plan Review, Project P2522
Hearing Scheduled March 26, 2020

Ms. Kilgariff:

We are writing in regards to the proposed development as sited above. Our home is located between the Sullivan Residence and the Herr/McKillop Residents. We would like to briefly address our continued concerns. While not as detailed as stated by our neighbors; we support every issue brought forth.

Our concerns are as follows:

The visual impact imposed on us will effect our quality of life (not to mention many months of construction). While we do not expect to be completely shielded from the new construction, given the scope of development: the home, roadway, driveway, fire truck turn around, retaining walls that is all exposed and devoid of responsible planning-goes too far. We are also very concerned with the environmental impact and the possibility of further development.

As stated in our March 2020 letter: Following the Planning Commission hearing in 2017, our group of neighbors reached out to the applicants with a development proposal that centered on moving the building site in a southwesterly direction on the property.

This site would minimize, if not completely remove, all of the impediments associated with the current location. Our proposal addresses all of the recommendations set forth by the Planning Commission and the Board of Supervisors regarding the applicants' previous proposal. Our proposal has numerous environmental, visual and privacy benefits:

- Sites the house lower on the hillside, more than 100' below the visually prominent ridge line and low enough for riparian trees to provide screening;
- Should not require removal of any trees and prevents construction from being forced into close proximity with existing protected trees;
- Shortens the extension of Sacramento Avenue and driveway;
- Minimizes grading and excavating;
- Significantly reduces impervious areas and resulting volumes of runoff;
- Minimizes the extent and height of retaining walls;
- Avoids the steepest, most exposed areas of the property;
- Allows for house to be oriented towards Mt. Tam;
- Retains important wildlife corridors;
- Removes building from drainage channel;
- Preserves public access.

Again, we want to state that we bought our home in 2003; one of the main reasons being the open space behind us. We are deeply concerned how this project will affect the wildlife. While we know it is the right of an owner to build on their property; we again ask that it be done in an appropriate manner taking into consideration all the concerns of the neighborhood, and the impact on the environment. We feel that these issues have yet again, been ignored. It is our hope that those that have the responsibility to oversee the development of Marin County neighborhoods will do so in a conscientious and responsible manner.

We ask that you deny the current proposal.

Respectfully,

Richard M. Block

Vicki Crane Block

From: [Eric Schneider](#)
To: [Kilgariff, Kathleen](#)
Subject: Sasan Project
Date: Friday, May 21, 2021 2:34:41 PM

A planning department that appeases developers at the cost of environmental damage and increased danger from wild fires without regard to existing property law and safety regulations does not serve the residents of Marin. Each iteration of the Sacramento Ave plan is unaffected by previous rejections by hearing boards. The complaints by residents, independent environmentalists, experts on fire and safety as well as the Planning board and the Board of Supervisors are ignored. After each rejection Sasan/Thompson return with new plans that do not address the matters that caused the previous rejection. I ask that this time you not just go along with the developer but demand compliance with the law and regulations.

Sent from my iPad

From: [Roseann Schneider](#)
To: [Kilgariff, Kathleen](#)
Subject: Sasan Site Plan Review
Date: Friday, May 21, 2021 2:16:29 PM

Dear Ms Kilgariff,

I am sorry we all find ourselves in this absurd situation again. I think our neighbors have stated very clear and important objections to the site plan as re-drawn. We note that despite the willingness of all our neighbors to accommodate some construction here, none of our objections - whether as to fire safety, care for the environment, or public right of access - have been addressed. Until they are, we will continue to object.

Thank you.
Roz Schneider
53 Miwok Drive

John Herr, PhD
Robin McKillop, MS, CPA
54 Miwok Drive, San Anselmo, CA 94960
remck1@yahoo.com jherr61@gmail.com

May 21, 2021

Delivered by email

Kathleen Kilgariff, Planner
Planning Division
Marin County Community Development Agency
3501 Civic Center Drive
San Rafael, CA 94903

Re: Opposition to Sasan Site Plan Review (P3073)

Dear Ms. Kilgariff,

We are writing to oppose the application for construction of a new residence on a vacant lot, (Parcels 177-172-20 and 177-172-10) at 187 Sacramento Ave in unincorporated Marin County, near San Anselmo. Despite minor revisions of previous proposals made by the applicant, this project would impose unacceptable visual impact, grading disturbance, environmental impact, and degradation of the quality of life to our neighborhood.

Our main concerns are:

- The proposed development fails to meet all Site Plan Review requirements
- The proposed development blocks the public right of way with a fire truck turn around supported by tall retaining walls
- Allowing encroachment onto the public right of way encourages the exact type of development the Code is designed to prohibit
- The project should not be exempt from CEQA
- Another option exists that reduces negative impacts

THE PROPOSED DEVELOPMENT FAILS TO MEET SITE PLAN REVIEW REQUIREMENTS

Section 22.52.050 of the Development Code states that in order for this project to be approved **all** Site Plan Review requirements must be met. These requirements specify that:

1. **Ground disturbance must be held to a minimum and every reasonable effort must 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.**

This project entails disturbing a significant portion (0.3 acre) of the site. Over 1,200 cubic yards of soil will be excavated. Clearly this project entails substantial ground disturbance.

Rather than preserving watercourses, current survey stakes on the northern edge of the proposed structure indicate that the building will encroach directly into a significant drainage channel on the northern side of the property (see photo, attachment C).

Furthermore, recent stream assessments by WRA Environmental Consultants and The Friends of Corte Madera Creek (submitted to your office today by Brandon Sullivan) indicate that both the western and northern sections of the West Fork of Sorich Creek which run adjacent to the subject property have similar biological and physical characteristics, and should be treated the same with respect to the designation of Stream Conservation Areas (SCAs). The SCA boundaries should be drawn from the riparian canopy edge, rather than from the top of stream bank, as currently indicated. If appropriate SCA boundaries are applied, the current location of the proposed house is within the protection zone of the northern branch of the creek, and is therefore unacceptable.

2. **Adequate landscaping is required if substantial ground disturbance is entailed.**

Although the proposed development clearly entails substantial ground disturbance, a landscaping plan is not included. Nor is there any mention of using appropriate tree species to help provide visual screening of the proposed home and extensive network of retaining walls.

3. **Discretionary Development Standards must be met.**

This project fails to meet many of the Discretionary Development Standards described in Section 22.16.030 of the Development Code, intended to enhance the character and preserve the natural heritage of the area.

C2. Driveway Length: Driveway length shall be minimized, consistent with the clustering requirements of Subsection F.1.

This project involves constructing a 185 foot long driveway plus a 136 foot extension of Sacramento Ave (321 feet in total) across an unstable and very steep hillside (40% slope). The unnecessary driveway and road lengths, and associated environmental impacts, could easily be eliminated by simply locating the project closer to the existing paved portion of Sacramento Ave.

D1. Clustering: Structures shall be clustered in the most accessible, least visually prominent and most geologically stable portions of the site, consistent with needs for privacy where multiple residential units are proposed. Clustering is especially important on open grassy hillsides...the prominence of construction shall be minimized by placing

buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography.

The applicants have selected a building location on the steepest area of the lot, located the farthest distance away from the developed end of Sacramento Avenue. This location maximizes visual and privacy impacts to the surrounding neighborhood, and is inconsistent with recommendations of the Marin Countywide Plan with respect to placement of new construction on hillsides. The proposed location for this house encroaches on an existing drainage channel on the northern side of the property, and is at a higher elevation than almost all of the neighboring homes. Neighbors who attended the meeting on February 24, 2016 provided feedback to the applicants that the placement of a house lower on the hillside to minimize impacts to the surrounding neighborhood would be more favorable. This feedback continues to be ignored.

J2. Materials and Color: Building materials and colors shall be chosen to blend into the natural environment unobtrusively, to the greatest extent possible.

Regardless of the materials and colors selected, it will be challenging to blend a house in this location into the natural environment unobtrusively.

J1. Grading: Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, and watercourses. Where grading is required, it shall not create flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.

The project proposes severe cuts across the open hillside and installation of an extensive network of concrete retaining walls, up to 6 feet in height, at sharp angles of intersection with the natural terrain. Construction of the proposed development will entail a major alteration of the existing terrain. Environmental impacts from grading and installation of impervious surfaces could be greatly reduced by locating the project closer to the developed end of Sacramento Avenue.

J2. Drainage: All construction shall ensure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. Impervious surfaces shall be minimized.

The stated area of 11,675 sq. ft. of impervious surfaces (home + roadway + fire truck turnaround) would significantly increase rainwater runoff from the hillside. During a large rainstorm, this amount of new impervious material could produce sufficient runoff to overwhelm the proposed drainage level spreaders. Such a major influx of new runoff would likely cause serious erosion and siltation problems for the creek and could potentially damage the property and homes of downstream residents: the homes at 100 Pasadena Ave and 37, 41, 45, and 49 Salinas Ave all have the West Fork of Sorich Creek running directly through their yards, and very close to their houses.

J3. Trees, Vegetation and Wildlife Habitats: Every effort shall be made to avoid tree removal, or changes or construction that would cause the death of existing trees, rare plant communities, and wildlife habitats.

The neighboring parcel directly to the east contains a mature stand of native deciduous oak trees and a huge heritage oak growing only 5 feet from the property line. Given the close proximity to proposed construction, it is highly probable that this magnificent tree could be damaged, as its canopy and root system extend well into the parcel proposed for development. Current survey maps show the drip line of this heritage oak to be overhanging the eastern edge of the proposed structure. Excavation required to construct the eastern wall of the home would most certainly impact the root zone of this heritage oak. Similarly, the protected live oaks and buckeye trees in the center of the site are located adjacent to portions of the building, and will undoubtedly experience significant impacts to their root systems.

J4. Fire Hazards: Development shall be permitted in areas subject to wildfire threat only where the Review Authority determines there is adequate access for fire and other emergency vehicles, an adequate water supply, a reliable fire warning system, and fire protection service. Setbacks for firebreaks shall be provided if necessary. Projects shall comply with State fire safe requirements including defensible space and residential construction techniques.

Neighbors have raised serious concerns about the extreme fire danger in this area and the increased risk created by additional development, which will add congestion and further impede emergency egress on the narrow streets in the adjacent neighborhood.

If the County allows this project to block the public right of way, an effective means of escape for neighboring properties or alternate access point for firefighting is eliminated. This is especially important with regard to the house at 62 Miwok Drive (APN 177-171-04) where access is very limited due to the steep canyon walls behind it.

J5. Geologic Hazards: Construction shall not be permitted on identified seismic or geologic hazard areas such as on slides, on natural springs, on identified fault zones, or on bay mud without approval from the Department of Public Works, based on acceptable soils and geologic reports.

The proposed residence encroaches on a deep drainage channel with geologic properties very similar to the section that slid into the creek in 2017 (Attachment A). As pointed out in 2016 by the San Anselmo Planning Director, unstable areas within the proposed development site have been previously documented (Attachment B). The geotechnical report submitted by the applicant uses old survey data prepared for a previous proposal, and may not accurately reflect the true slope stability of the current proposed building

site. No details are provided as to what physical measurements were taken (if any) by the geotechnical engineers on their more recent cursory site visit.

L. Plan Consistency: *Project approval shall require findings of consistency with the Marin Countywide Plan and any applicable Community Plan that may have more restrictive standards than the preceding provisions of this Section.*

The Marin Countywide Plan recognizes the importance of protecting the environment and our limited natural resources, and provides detailed goals and policies in this regard. Many of the features of the proposed project are completely out of alignment with Marin Countywide Plan objectives.

TRL-1.5: *Preserve Paper Streets. Preserve undedicated or unaccepted (paper) streets where a paper street may provide access to trails or open space areas*

In a 2016 letter to the County Planning Division, the Town of San Anselmo Planning Director raises numerous concerns with any plans that block public access, stating that “the Town objects to fencing and gates on any trails, roads and rights-of-way that may ‘wall in,’ and preclude access to existing and future pedestrian trails” (Attachment B). The San Anselmo open space conservation planning area map contained in the San Anselmo General Plan identifies Sacramento Avenue as a "street used as a trail". The proposed fire truck turnaround and associated 6 ft. high retaining walls would completely block the public access to the Sacramento Avenue right of way.

BIO-1.1 and BIO-2.4: *Protect Wetlands, Habitat for Special-Status Species, Sensitive Natural Communities, and Important Wildlife Nursery Areas and Movement Corridors*

The undeveloped road and surrounding lots serve as an important wildlife corridor, allowing access to the riparian habitat along the creek at the southern boundary of the applicants’ parcels. The proposed location of this house maximizes negative impacts to the environment through extensive paving and grading and plans call for constructing the house over one of the drainage channels on the northern portion of the lot. The 2019 Biological Assessment performed by LSA Associates, Inc. states that no native wildlife nursery sites are located on or adjacent to the project site. However, no justification is provided for this finding. We have seen young and newly born deer, bobcats, foxes, wild turkeys and quail in the area. We also disagree with the Biological Assessment finding that the project will have no adverse effects on the stream. Erosion and degraded water quality are likely to result from the volume of runoff entering the stream associated with extensive impervious surfaces, and would be detrimental to endangered salmon species known to enter San Anselmo Creek.

DES-4.1: *Preserve Visual Quality*

The Countywide Plan recognizes that infrastructure and natural resources create communities with a distinctive and beautiful place that residents can call “home” for

many generations, and that preserving vegetation, landforms, and views is vital to retaining a sense of place, and contributes to a high quality of life.

If the County allows the applicants to construct a huge fire truck turnaround with retaining walls up to 6 feet in height across the public right of way, our home value and quality of life will be negatively impacted. Any construction in the public right of way should be absolutely prohibited.

The orientation of the proposed house and numerous large windows facing directly towards Miwok Drive is obtrusive and at odds with the character for the neighborhood. The design and placement of this house will negatively impact the privacy of all residents on the east side of Miwok drive, and the large windows will produce excessive glare as they reflect the sun.

DES-4.a: Protect Key Public Views

The current design calls for carving up the hillside with extensive retaining walls that will be highly visible from surrounding properties. Such an extensive network of concrete walls cannot be blended unobtrusively into the open hillside.

DES-4.c: Regulate Mass and Scale

The mass and scale of the proposed development does not respect environmental site constraints or the character of the surrounding neighborhood. The extensive retaining walls and long driveway/road magnify the mass and scale on the open hillside. The upslope location compounds this effect. The proposed home's size of 4,035 sq. ft. (3,495 sq. ft. home plus 540 sq. ft. garage) is much larger than houses in the surrounding neighborhood, many of which are tucked away from street view and shielded with mature vegetation. Analysis of 45 properties within a 600 foot radius of the proposed development shows an average home size of approximately 2,400 sq. ft. and an average garage size of approximately 450 square feet. As such, the building size of the proposed project is more than 1.4 times larger than the average building size in the surrounding area.

THE PROPOSED DEVELOPMENT BLOCKS THE PUBLIC RIGHT OF WAY

The public right of way is a valuable public asset that should be preserved. Following an earlier failed attempt to secure a formal abandonment of the public right of way, the current proposal seeks to obtain a de facto abandonment without going through the abandonment process by simply calling encroachments onto the public right of way "improvements" even though they are for the sole benefit of the developer, at the expense of the public and are beyond the nature of public roadway improvements. The retaining walls of the proposed fire truck turnaround and residence driveway will block the public right of way and prevent the paper road from being utilized for vehicular egress in the event of wildfire. If the house were instead

located where the neighbors proposed (below the paper road and to the south), un-impeded access along the paper road would be preserved.

Neighbors have raised multiple legal concerns about the CDA allowing the easement to be permanently blocked and have pointed out that California law prohibits a local jurisdiction from closing a public right of way easement solely to facilitate development by a private party.

ALLOWING ENCROACHMENT ONTO THE PUBLIC RIGHT OF WAY ENCOURAGES THE EXACT TYPE OF DEVELOPMENT THE CODE IS DESIGNED TO PROHIBIT

The County's own Development Code recognizes that no more than one house should be constructed on these steep lots. It is infuriating that the County failed to take action to implement its own development code when specifically asked by the Planning Commission to require a lot merger in 2017. It's equally infuriating that planning staff continue to allow private construction on the public right of way, thereby enabling exactly the type of development that the Code is designed to prohibit.

THIS PROJECT SHOULD NOT BE EXEMPT FROM CEQA

The current proposal involves much more than the construction of a single house. It includes extending Sacramento Avenue 136 feet, constructing a 185 foot driveway with numerous large retaining walls up to 6 feet in height, and significant grading. An initial study should be performed under the California Environmental Quality Act, especially given the very steep slope, nearby creek, numerous unusual circumstances and the fact that an initial study was required when the two most recent homes were constructed at the end of Sacramento Avenue in 2002, on a steep hillside with properties very similar to the site in question.

Section 15300.2 of the CEQA Guidelines contains exceptions to the exemptions. Because there is one additional undeveloped lot at the end of Sacramento Avenue and this project necessitates the extension of major infrastructure including the road, and water and sewer utilities, it is a growth-inducing project and cumulative impacts need to be considered under Section 15300.2(b). During the planning commission hearing on November 9, 2015, both the Planner and Environmental Coordinator, provided considerable details regarding cumulative impact as it pertained to the lots at the end of Sacramento Avenue. The neighboring development project for 179 and 171 Sacramento Avenue (Pederson project) was subject to an initial study, in part, due to its "growth inducing" nature and cumulative impact. The same exception outlined in CEQA 15200.2 (b) should be applied to the current proposal.

Many of the environmental concerns neighbors have raised are also raised by the Town of San Anselmo Planning Director (Attachment B). She specifically notes the number of unusual circumstances at the project site and possible significant environmental impacts associated

with the nearby creek and unstable soils. Along with our neighbors, we have raised many concerns about the County claiming that this project is categorically exempt under CEQA. The concerns we've raised in our previous letters relating to development on these lots continue to apply and should be considered.

ANOTHER OPTION EXISTS THAT REDUCES NEGATIVE IMPACTS

For unknown reasons, the applicants continue to propose building on the steepest, most exposed and most distant location on the lot, maximizing impacts to the environment, neighborhood and community.

Soon after the Planning Commission hearing on June 12, 2017, our neighborhood group proposed a mutually beneficial development option to the applicants. This option involved locating a single house below the public right of way, closer to the paved end of Sacramento Avenue by merging the three parcels that comprise the site, as requested by the Planning Commission. Unfortunately, the applicants rejected this option, preferring to stick with their chosen location that maximizes negative impacts. There is no reason the current project can't be moved to the southern end of the lot, below the paper road.

Some of the main benefits of relocating the project to this location include:

- Siting the house lower on the hillside;
- Shortening the extension of Sacramento Avenue;
- Minimizing grading and excavating;
- Reducing impervious areas and resulting volumes of runoff;
- Minimizing the extent and height of retaining walls;
- Avoiding the steepest areas of the property;
- Building down slope rather than up slope;
- Orienting the house towards Mt. Tam;
- Retaining an important wildlife corridor;
- Preserving public access.

The current proposal raises serious concerns and should be rejected.

Sincerely,

Robin McKillop and John Herr

ATTACHMENTS:

- A. Letter from John Herr and Robin McKillop to CDA, January 16, 2017
- B. Letter from Elise Semonian, Town of San Anselmo Planning Director, to CDA, August 22, 2016
- C. Site photo taken 3/21/2021 showing survey stakes at northern edge of structure encroaching into significant drainage channel.

Robin E. McKillop, MS, CPA
John C. Herr, PhD
54 Miwok Drive, San Anselmo, CA 94960
remck1@yahoo.com jherr61@gmail.com

January 16, 2017

Delivered by email

Mr. Curtis Havel
Senior Planner, Planning Division
Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: New Landslide at 187 Sacramento Avenue, San Anselmo, site of proposed development by 179 Sacramento LLC (Design Review, Second Unit and Tree Removal, projects P1407 and P1408)

Dear Mr. Havel,

We are writing to inform you that a significant new landslide occurred within the last week at 187 Sacramento Ave. (APN 177-172-20), directly downhill from the proposed building site. The slide is approximately 30 feet wide and 40 feet long, and has deposited a large amount of soil, rock, and uprooted vegetation into the West Fork of Sorich Creek, which runs adjacent to the parcel. The wall of debris has completely blocked the creek channel at one point, forcing the water to cut a new channel under it, along the western creek bank. The steep hillside immediately adjacent to the area that gave way appears to be unstable, leading to the possibility of additional slides during the storms forecast for the coming week. Photographs of the slide are provided below.



Fig. 1. New landslide at 187 Sacramento Ave sent soil and debris in to West Fork Creek below.



Fig. 2. Top portion of slide, below steep hillside development site. Measuring tape = 10 feet.



Fig. 4. The West Fork of Sorich Creek, completely blocked by slide debris.

This new landslide indicates the potential for fundamental instability of the entire steep hillside currently proposed for development. The proposed residence straddles a deep drainage channel with geologic properties very similar to the section that just slid into the creek. As pointed out by the San Anselmo Planning Director, unstable areas within the proposed development site have been previously documented (E. Semonian letter to County Planning Division, August 22, 2016). The geotechnical report submitted by the applicant uses old survey data prepared for a previous proposal, and may not accurately reflect the true slope stability of the current proposed building site. Furthermore, long sections of the hillside south of the building site show signs of previous landslides, and this area is proposed for road development by the applicant.

As we mentioned in our previous letter (December 21, 2016) to your office in opposition of this development, the proposed project will generate a tremendous amount of runoff due to the addition of approximately 17,000 sq. ft. of impervious surfaces. Our neighborhood just received 10.8 inches of rain in one week during the storms of January 6-12, 2017. Runoff from the proposed development during these storms would have totaled over 114,000 gallons of water. Adding this much runoff to already unstable hillsides would clearly increase the risk of landslides, environmental damage to the West Fork Creek, and flooding to homes and businesses downstream in the Ross Valley Watershed. Furthermore, the entirely insufficient level spreader proposed to mitigate runoff from the development is designed to release the water immediately uphill from the new landslide that just occurred!

It is unconscionable that a development with this much potential to harm an already fragile hillside riparian habitat be allowed to proceed. We urge you to reject the building proposal in its current form and direct the applicant to address the multitude of legitimate complaints that our neighborhood has raised in opposition to the project.

Thank you for consideration of our concerns.

Ford Greene
Mayor

Kay Coleman
Vice Mayor



Matt Brown
Councilmember

Tom McInerney
Councilmember

John Wright
Councilmember

525 San Anselmo Avenue, San Anselmo, CA 94960-2682
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(415) 258-4600 | Fax (415) 459-2477

August 22, 2016

Curtis Havel
Senior Planner
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903
By email: CHavel@marincounty.org

Re: 187 Sacramento Avenue, San Anselmo, CA 94960, Parcel Numbers: 177-172-20,
177-172-10 and 177-172-00 and right-of-way Parcel 177-172-18

Dear Mr. Havel:

We would like to provide comments on the project proposed at 187 Sacramento Avenue. At this time, I have more questions than comments. I am hopefully that you may already have the answers to some of these questions.

Our primary concerns with the project are maintaining trail access and potential pedestrian paths and trail access for open space. The Town General Plan policies support providing residents with access to open space areas. Sacramento Avenue, as shown on the Short Ranch Subdivision Two (Book 4, Page 22), is identified as a "proposed trail right of way" on the Town Conservation and Trail map, attached. The project proposes development on Sacramento Avenue and the ½ acre parcel east of Sacramento Avenue (an area that does not appear on Short Ranch Subdivision Two). Creating a private parking spot, tall upslope and downslope walls, guardrails, and significant fill, essentially fences off and cuts off street access to Sacramento Avenue to the public or anyone in the Short Ranch Subdivision Two, who may have legal access over it.

Please require the applicant to submit a survey that identifies all lots, the location of all rights-of-ways, easements, and existing trails/roadways on the site, not just topographic information. There appears to be a lot of information missing from the topographic map, such as monuments referenced in most other surveys of the area. A 2013 recorded survey shows a second right of way on the site that is not shown on the site plans or topographic survey. There is clearly a road or path running across the site on aerial photos that is not shown on the topographic map. Does the County know if this road/trail runs through the Sacramento right-of-way or the "adjusted" Sacramento right of way?

Can the County provide the Town with information on the legal status of Sacramento Avenue and "Sacramento Ave. as relocated," which is not shown on the plans? Has there been any action to quiet title or extinguish the rights of all of the property owners in the Short Ranch Subdivision Two (including the Town) to the Sacramento Avenue right-of-way? Has the County relinquished its interests in the right-of-way? Does the public have access over the "relocated" right of way? Parcel 177-172-20 was not a part of the Short Ranch Subdivision Two. Has there been a determination that the development area has legal access to the Sacramento Avenue right of way?

It is difficult to determine where the various Assessor parcels referenced above originated, since they were not created by subdivision maps to which we have access. Can you explain the legal status of the lot(s)? Is there a title report available for review for all of the Assessor parcels? Are the various parcel numbers proposed for merger or already merged (not contiguous due to the roadway)? Has the County confirmed that APN 177-172-18 (the Sacramento right of way) falls under the boundaries of a zoning district?

I do not see setbacks identified on the plans. Setbacks are often measured from street lines and rights-of-way, otherwise improvement are located very close to public access when the rights of way are improved. Will setbacks be measured from rights-of-way or property lines?

What level of environmental review is proposed? We trust there was a geotechnical and slope stability study prepared for the site area and proposed development. It appears from online information, the 1976 Smith/Rice Geology maps, and even a recorded survey that there are unstable areas in the project area and creek. These could be unusual circumstances that would warrant environmental review.

The project intercepts natural drainage swales that take runoff from the watershed and increases impervious surfaces at the project area. The site is in the Ross Valley Watershed. Floods are common in the floodplain and low-lying areas of the Corte Madera Creek watershed, including residential and commercial areas in Fairfax, San Anselmo, Ross and Kentfield. Increased impervious area has the potential to increase peak stormwater runoff from the site discharging to Sorich Creek, a tributary to Corte Madera Creek. This could be a potentially significant environmental impact. The Town of San Anselmo has a policy of requiring property owners to limit the rate and volume of site runoff to existing conditions, or to reduce runoff. We encourage you to require a drainage plan that demonstrates the project will produce no net increase in the rate and volume of peak runoff from the site compared to pre-project conditions (no net increase standard), or reduce peak runoff.

The landscape plan proposes many trees and plants within the defensible space area. Staff would like confirmation that the applicable water district and the Ross Valley Fire Department will accept the landscape plan proposed or if modifications will be required, which may reduce screening landscaping and tree replacement. Sequoia sempervirens, while native to California, is not native to San Anselmo oak woodlands and may not have adequate fog/moisture to survive to a healthy mature age. A number of non-native grasses are proposed adjacent to open space lands. Please confirm these grasses are not invasive species. The Town objects to fencing and gates on

any trails, roads and rights-of-way that may "wall in," and preclude access to, existing and future pedestrian trails.

An 80-foot long level spreader is shown to cross the riparian area adjacent to the creek. No trees are identified in this area. However, aerial photos appear to show trees. Please confirm that no tree removal will be required near the creek in order to install the proposed level spreader.

The Town has plans to repave San Francisco Boulevard from the County to Sir Francis Drake. Please ensure any conditions of approval will allow the County to require repairs for any road damage caused by the project. We would appreciate being notified prior to the start of any large construction projects in the area.

Thank you for considering our questions and comments.

Sincerely,



Elise Semonian
Planning Director



From: [Casey Clement](#)
To: [Kilgariff, Kathleen](#)
Cc: [Paul Thompson](#); [Ellen Demson](#); [Bernhard Warzecha](#)
Subject: 187 Sacramento Ave
Date: Wednesday, June 23, 2021 3:51:11 PM
Attachments: [55110001 187 Sac Avenue Setback Evaluation v3.pdf](#)
[1_Stream Conservation Area Evaluation.pdf](#)

Dear Kathleen,

We have reviewed the public comments relative to our Site Plan Application for a single family residence at 187 Sacramento Ave. Among these comments is a letter prepared by WRA dated 10/22/20 which specifically addresses the Stream Conservation Areas and setbacks.

We believe that further clarification is warranted on this topic, so we are submitting a letter prepared by FCS dated 6/23/21 which is attached for your review. In addition to the clarifications made in this letter by Senior Biologist Bernhard Warzecha, we have an additional point of information and would like to point you to Exhibit 1 attached hereto.

The yellow line on Exhibit 1 represents a 50' setback from edge of riparian canopies, which greatly exceeds the 50' setback from TOB that is required in County Code. As Exhibit 1 illustrates, such an overly restrictive constraint would effectively prohibit any development on the site.

Sincerely,

Casey Clement

Development Manager

Thompson Development, Inc.

5400 Hanna Ranch Road

Novato, CA 94945

415.456.8972



June 23, 2021

Casey Clement, Development Manager
Thompson Development, Inc.
5400 Hanna Ranch Road
Novato, CA 94945

Subject: Stream Conservation Area (Setback) Evaluation for 187 Sacramento Avenue (APN 177-17209, 10, 18, and 20) Property, Marin County, California (BSA)

Dear Ms. Clement:

Per your request, FirstCarbon Solutions, Inc. (FCS) reviewed WRA's *187 Sacramento Ave, San Anselmo Stream Review* (dated October 22, 2020; attached), as it relates to 187 Sacramento Avenue Project (proposed project) and the ongoing discussion about the appropriate size of creek setbacks, which are defined as a "Stream Conservation Area" (SCA) in both the Marin Countywide Plan Marin Countywide Plan¹ (CWP), as well as the Land Owner Resource Guide for Properties Near Streams² (Marin Stream Guide).

For context, it appears that all involved parties are in agreement as to which drainage features on site require an SCA. These features are shown on Exhibit 1 (attached). However, it appears that confusion has arisen regarding the required stream setback/SCA. Accordingly, this letter provides FCS's perspective regarding the appropriate stream setback, based on our review of the CWP guidance as well as our understanding of conditions in the field based on a site assessment.

Both the CWP and the Marin Stream Guide require a setback of 50 feet from top of bank (TOB); the guidance does not direct that the measurement be made from the outer woody riparian canopy dripline. Both the CWP and the Marin Stream Guide indicate that a larger setback than 50 feet from TOB may be required, *if* needed, to avoid impacts to "woody riparian vegetation and to consider site constraints, presence of other sensitive biological resources, options for alternative mitigation, and determination of the precise setback." (CWP; BIO-4.1 Restrict Land Use in Stream Conservation Areas; 2.4-23).

Based on FCS's review of the project plans and site-specific field conditions, the proposed project (including the 50-foot setback from TOB) would avoid impacts to riparian vegetation and sensitive biological resources, and thus a larger setback than 50 feet does not appear to be warranted.

WRAs' Stream Review letter (WRA letter) contends that the development setback from the TOB of the ephemeral and intermittent streams on site should be a minimum of 50 feet and notes that "considering

¹ Marin County Community Development Agency. 2007, updated 2015. Marin Countywide Plan.

² County of Marin. 2016. Landowner Resource Guide for Properties Near Streams.



the steep slopes and erodible bed and banks of this stream, a setback of 50 feet from the **riparian canopy** [emphasis added] would be appropriate to protect stream and riparian resources.”

Although WRA briefly mentions erodibility and steep slopes as the reason for a setback extension, WRA does not offer an analysis or substantial evidence of why the erodibility and steep slopes would require extending the setback based on the riparian canopy cover instead of the TOB. The WRA letter does not present a reproducible correlation between erodibility and the arbitrary extension of the setback (by up to 100%) based on riparian canopy cover (instead of TOB).

In fact, it is scientifically established that erodibility *decreases* with the presence of woody riparian vegetation as tree and shrub root systems hold riparian soils in place, e.g., see Rood *et al.*, *Biological bank protection: Trees are more effective than grasses at resisting erosion*, Ecohydrology. 2014; and the Napa County Stream Maintenance Program Manual. On this basis, the recommendation to extend the setback based on the presence and extent of riparian canopy (i.e., presence of woody plant root systems) appears unsubstantiated, if not counter to established science. Moreover, FCS’s evaluation of the proposed project in light of the site-specific conditions indicate that the proposed project would avoid all impacts to riparian vegetation.

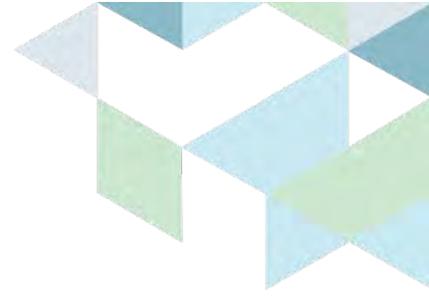
Furthermore, WRA mentions “steep slopes” as a reason to extend the SCA based on the riparian canopy cover instead of TOB. However, no rationale or analysis is provided demonstrating how these two factors are related on the property and how their interaction would result in a specific quantitative result of 50 feet setback from canopy cover. No definition or measure of “steep” is provided. Slopes vary throughout the property; however, WRA’s recommended setback extensions do not vary accordingly, indicating that no specific analysis of slope steepness and the consequences for a potential setback extension were conducted.

In conclusion, it appears that WRA’s recommendation to extend the setback or SCA to 50 feet from the riparian canopy cover (instead of TOB) appears unsupported by the evidence presented. Because the Project will not result in any impacts to riparian vegetation, and unless substantial evidence is presented that the County-required setback of 50 feet from TOB is insufficient to ensure compliance with the CWP, a setback of 50 feet from TOB as defined in the CWP appears to be adequate.

Sincerely,

Bernhard Warzecha, Senior Biologist
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597

Attachment A: Exhibit 1: Setbacks – 50 feet from TOB and 50 feet from Riparian Canopy
Attachment B: WRA’s 187 Sacramento Ave, San Anselmo Stream Review



Attachment A:
Exhibit 1: Setbacks – 50 feet from TOB and 50 feet from Riparian
Canopy





Attachment B:
WRA's 187 Sacramento Ave, San Anselmo Stream Review





Brandon Sullivan
42 Miwok Drive
San Anselmo, 94960

October 22, 2020

Re: 187 Sacramento Ave, San Anselmo Stream Review

Mr. Sullivan,

This letter presents my review of the streams within and adjacent to the 187 Sacramento Avenue property (Property) composed of parcels APN 177-172-10 (Parcel 10) and APN 177-172-20 (Parcel 20) in unincorporated Marin County, California. The review focused on potential stream features along the northern boundary of the Property as assessed by LSA Associates in its Biological Site Assessment (BSA) dated October 17, 2019 and letter dated March 3, 2020 regarding the subject property. This review is based on a site visit conducted on September 30, 2020. This letter includes a description of site observations of jurisdictional features as viewed from outside the Property accessed from the public right of way easement extending northward from Sacramento Ave. It includes assessment of SCA development setbacks as well as a comparison of observation and conclusions regarding presence of and setbacks from jurisdictional streams presented in the LSA letters.

The Marin County Wide Plan (CWP) designates Stream Conservation Areas (SCAs) along perennial, intermittent, and ephemeral streams. An ephemeral stream is defined as a watercourse that carries only surface runoff and flows during and immediately after periods of precipitation. An intermittent stream is defined as a watercourse that is temporally intermittent or seasonal and that flows during the wet season, continues to flow after the period of precipitation, and ceases surface flow during at least part of the dry season. Intermittent streams are typically shown as a dashed blue line on USGS quadrangle maps. A perennial stream is a watercourse that flows throughout the year. Riparian vegetation is defined as vegetation associated with a watercourse and relying on the higher level of water provided by the watercourse. Riparian vegetation can include trees, shrubs, and/or herbaceous plants.

The CWP defines SCA development setback distance from streams based on the location within County-wide designated Environmental Corridors, parcel size and stream flow class and riparian vegetation abundance. An ephemeral stream is subject to the SCA policies if it: (a) supports riparian vegetation for a length of 100 feet or more, and/or (b) supports special-status species and/or a sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream. For those ephemeral streams that do not meet these criteria, a minimum 20-foot development setback should be required. The Property is located in the "City-centered Environmental Corridor". The combined area of the two parcels is approximately 1 acre. SCA development setback for parcels 0.5 to 2 acres within the City-centered corridor is a minimum 50 feet from 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.

Prior the site visit, I conducted a review of Marin County online database “Marin Maps” for the subject location focused on wetland, stream and National Wetland Inventory features. The county database depicts locations of streams generated remotely through GIS modeling of watershed accumulation areas. NWI features are also remotely analyzed using aerial photography. Considering remote methods used to map features in the Marin Maps database a site visit is warranted to determine potential jurisdictional status and seasonal flow characteristics of any drainage features.

The Marin Maps database depicts several ephemeral stream channels mapped within the western boundary of parcel APN 177-172-10 and the northern boundary of Parcel 10 and 20. Further downslope classification of the ephemeral stream feature is mapped as intermittent below 100 Pasadena Ave. The National Wetlands Inventory database depicts slightly fewer drainage features on the western and northern boundaries of the parcels with similar but not overlapping locations. The USGS San Rafael quadrangle topographic map does not depict stream features at this location.

Drainage 1.

The first feature encountered moving from south to north along the Sacramento Ave public right of way is a steep approximately 10 foot wide drainage in grassland near the northern boundary of the Property. The LSA BSA described this feature as a non-jurisdictional feature that lacked a bed and bank. The lower portion of this feature is mapped as an ephemeral stream by the County’s GIS model. The County database inaccurately depicts the upper portion of this feature as connecting to an ephemeral stream north. The feature lacked an ordinary high water mark, indicators of an active bed and bank and therefore cannot be classified as a stream under federal, state or County definitions. The swale does not contain a bed of actively moving sediment or any unvegetated areas indicating presence of flowing water under typical rainfall conditions. The feature is entirely vegetated with upland associated grass and other herbaceous species including wild oats (*Avena* sp.), Rattlesnake grass (*Briza maxima*), and brome fescue (*Festuca bromoides*) indicating this feature also does not meet wetland criteria.

Drainage 2.

The second feature encountered approximately 25 feet further north along Sacramento Ave parcel is a steep drainage channel with eroded bed and banks approximately 2 to 8 feet between ordinary high water marks (OHWM) and 10 to 12 at the Top of Bank (TOB). Marin Maps depicts an ephemeral stream in this vicinity however, the LSA BSA makes no mention of this feature. The bed was composed of angular cobble size (3 to 10 inch) rocks and uneroded native soil indicating active flow during typical rainfall conditions. Banks were steep to overhanging with exposed coast live oak (*Quercus agrifolia*) roots. The bed and bank characteristics qualify this drainage as a stream under California Department of Fish and Wildlife (CDFW) and County regulations. The steep topography, relatively small watershed, and vegetation indicate that stream flow is ephemeral in a typical rainfall year. Although the stream has an OHWM necessary to be considered jurisdictional, recent regulatory rule changes have excluded ephemeral streams from federal jurisdiction under the Clean Water Act.

Vegetation associated with the feature was composed entirely of upland (non-hydrophytic/wetland) species. The bed contained less than 5% cover of upland associated grass species such as hedgehog dogtail (*Cynosurus echinatus*) indicating lack of groundwater discharge or persistent soil moisture. The tree canopy associated with the stream was dominated by coast live oak. Additional shrubs and trees above the TOB included poison oak (*Toxicodendron diversilobum*), French broom (*Genista monspessulana*) and Oregon oak (*Quercus garryana*). The tree canopy associated with this ephemeral

stream should be considered riparian vegetation as defined in the CWP and consistent with the LSA BSA classification of the coast live oak woodland vegetation along the intermittent stream along the western property boundary. In aggregate there appears to be more than 100 feet of riparian vegetation along the ephemeral stream reach within and adjacent to the Property. Based on Marin CWP SCA guidelines the development setback from the top of bank of this ephemeral stream should be a minimum of 50 feet. Considering the steep slopes and erodible bed and banks of this stream a setback of 50 feet from the riparian canopy would be appropriate to protect stream and riparian resources.

Marin Maps indicates several ephemeral streams flowing into drainage 2 from the north. These drainages were observed to have similar channel form, ephemeral hydrology and riparian vegetation as drainage 2. These ephemeral streams would not be affected by the project and do not affect the location of the SCA within the Property.

Drainage 3.

Drainage 3 flows north to south along the western boundary of the Property. Marin Maps depicts this drainage as an ephemeral stream however the LSA BSA considers it an intermittent stream. Marin Maps indicates several ephemeral streams converging from the north of Parcel 10 to form Drainage 3. Drainage 2 flows into Drainage 3 approximately halfway along the western boundary. Drainage 3 has distinct bank and a scoured bed containing gravel size bed load that is approximately 6 to 9 feet between OHWMs and 12 to 18 at the TOB. The bed and bank characteristics qualify this drainage as a stream under California Department of Fish and Wildlife (CDFW) and County regulations. The relatively less steep channel bed relative to Drainage 2, larger watershed encompassing flow from several ephemeral streams indicate that stream flow is intermittent in a typical rainfall year. The intermittent hydrology in a typical rainfall year would make this stream jurisdictional under the Clean Water Act.

Vegetation associated with the feature was similar to that of Drainage 2 with the addition of several additional species indicating slightly wetter conditions along the banks including California bay (*Umbellularia californica*). The channel bed supported scattered individuals of soft rush (*Juncus effusus*) indicating intermittent flow. The tree canopy was continuous and should be considered riparian vegetation as defined in the CWP and consistent with the LSA BSA classification. Based on Marin CWP SCA guidelines the development setback from the top of bank of this intermittent stream should be 50 feet. The LSA BSA proposed a setback of 50 feet from the woody riparian canopy along the intermittent stream. This additional setback is consistent with CWP SCA guidelines and is appropriate to protect riparian resources.

In conclusion, this review of streams within and adjacent to the 187 Sacramento Ave property observed three drainage features that had the potential to affect the project. Drainage 1 is a steep approximately 10 foot wide drainage in grassland near the northern boundary of the property. Consistent with the LSA BSA, this feature lacked an ordinary high water mark, indicators of an active bed and bank and therefore cannot be classified as a stream under federal, state or County definitions. Drainage 2 is an ephemeral stream along the northern boundary of APM 177-172-20 that was not identified in the LSA BSA. Based on Marin CWP SCA guidelines the development setback from the top of bank of this ephemeral stream should be a minimum of 50 feet. Drainage 3 is an intermittent stream and associated riparian vegetation observed along the western boundary of APN 177-172-10 consistent with the LSA BSA. The 50 foot setback from the woody riparian canopy proposed in the LSA BSA is consistent with CWP SCA guidelines and is appropriate to protect riparian resources.

Please contact me at 415 497-0361 or greer@wra-ca.com if you have any questions regarding this review.

Sincerely,

A handwritten signature in blue ink that reads "Philip Greer". The signature is written in a cursive style with a large initial "P".

Philip Greer, MA PWS
Principal Biologist

WHEN RECORDED MAIL TO:

**Marin County Community Development
Agency, Environmental Review Division
3501 Civic Center Drive, #308
San Rafael, Ca 94903**

Attn: Don Allee

THIS SPACE FOR RECORDER'S USE ONLY

Record without fee per G.C. 27383

NOTICE OF CEQA EXEMPTION

November 27, 2019

1. **Project Name:** **Sasan Site Plan Review**
2. **Project Location:** Assessor's Parcels 177-172-20 and 177-172-10
3. **Project Summary:**

The project entails the construction of a single-family residence, access improvements, and retaining walls on a vacant property in San Anselmo.

4. **Public Agency Approving Project:** Marin County Community Development Agency
5. **Project Sponsor:** Casey Clement
6. **CEQA Exemption Status:** CEQA Guidelines section 15303, Class 3
7. **Reasons for Exemption:**

The proposed residence is located on a legal lot of record in an urbanized area where sewer and other utilities are readily available. The project is located outside of any environmentally sensitive areas and would not result in potentially significant impacts to the environment.

Project Planner:

Kathleen Kilgariff

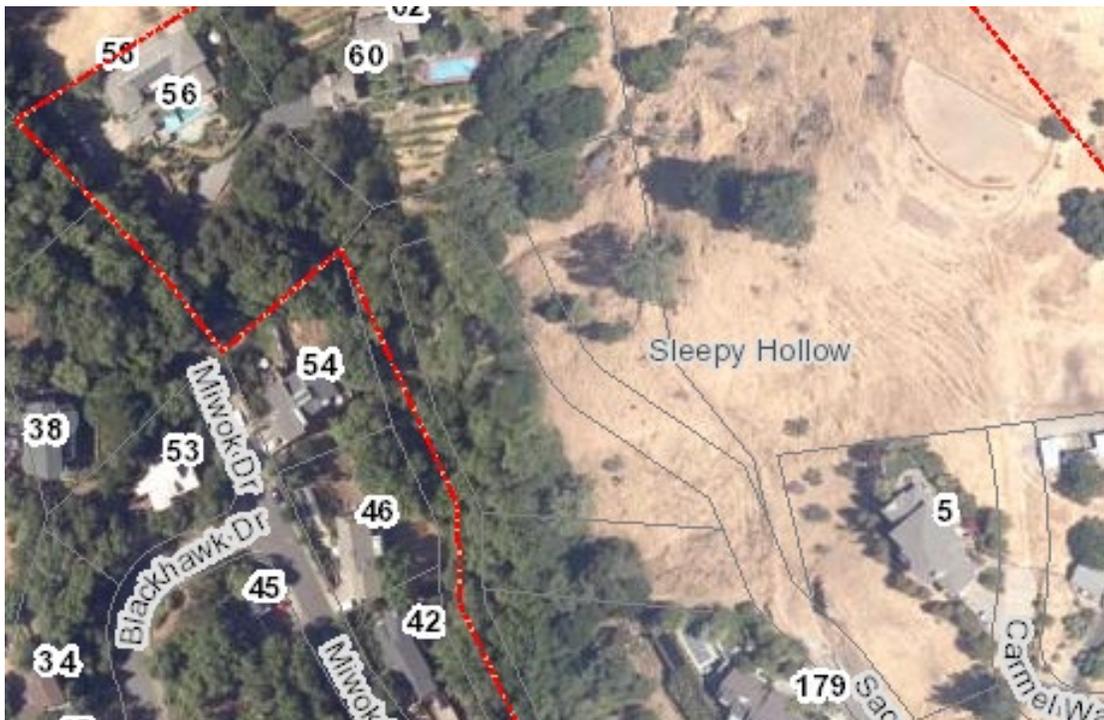
Kathleen Kilgariff
Planner

Reviewed by:

Rachel Reid

Rachel Reid
Environmental Planning Manager

VICINTY MAP



PEER REVIEW

February 8, 2021

Casey Clement, Development Manager
Thompson Development, Inc.
5400 Hanna Ranch Road
Novato, CA 94945

Subject: Peer Review of LSA's Biological Site Assessment for 187 Sacramento Avenue (APN 177-17209, 10, 18, and 20) Property, Marin County, California (BSA)

Dear Ms. Clement:

Per your request, FirstCarbon Solutions, Inc. (FCS) reviewed LSA's *Biological Site Assessment for 187 Sacramento Avenue (APN 177-172 09, 10, 18, and 20) Property, Marin County, California (LSA BSA)* as it relates to the items discussed in Section I. 5.B of the Marin County Planning Commission Resolution No. PC20-006.

Based on a site survey conducted by a qualified Biologist and certified wetland delineator on January 29, 2021; additional analysis of background information including aerial imagery; review of the *Arborist Report for 187 Sacramento Avenue* prepared by Arborscience, LLC; and review of the updated Topographic Map provided by BKF (Attachment A), FCS evaluated relevant parameters presented in the LSA BSA as they relate to protected trees, the location and extent of stream and drainage features, the location of TOB, the extent of riparian and non-riparian woodland habitat, and subsequently the Stream Conservation Area as referred to in the Marin Countywide Plan¹ (CWP) and the Land Owner Resource Guide for Properties Near Streams² (Stream Guide), where applicable.

BKF's topographic survey and map (Attachment A) was updated in January 2021 to include additional survey data including location of top of bank (TOB) and exact location of trunks and canopy driplines of non-riparian trees.

LSA provides a spatial analysis of the Stream Course, Riparian Canopy, Stream Conservation Area, the off-site trunk location and canopy dripline of an Oregon Oak through its *Figure 1 Stream Conservation Area and Protected Tree* (LSA Figure 1). It is FCS professional opinion that LSA Figure 1 may not adequately represent the relevant information needed to determine protected trees and stream resources; specifically, it appears to be inadequate related to the following elements:

¹ Marin County Community Development Agency. 2007, updated 2015. Marin Countywide Plan.

² County of Marin. 2016. Landowner Resource Guide for Properties Near Streams.

Completeness of Stream Resources

In addition to the stream shown on LSA Figure 1, two additional ephemeral stream channels are converging on the project site along its northern boundary, as shown on the BKF Topographic Map Exhibit 1 (Attachment A), FCS Exhibit 1, Biological Constraints Analysis Map (Attachment B), and Photo 1 (Attachment C) Because of presence of riparian vegetation for more than 100 feet along this stream (within and upstream from the project site), CWA Policy BIO 4.1 Restricted Land Use in Stream Conservation Areas (i.e., implementation of an SCA) would be applicable.

Additionally, FCS evaluated a vegetated swale on the northern portion of the property. This swale runs east to west for approximately 140 feet, terminating at the main blue-line stream, as shown on FCS Exhibit 1, and Photos 2 and 3. At the time of the survey, the swale did not show evidence of substantial concentrated flow, e.g., no ordinary high-water mark or other parameters typically indicative of a stream (including ephemeral headwater streams) were present.³ This lack of concentrated flow appears relevant because an atmospheric river system passed over the area that added approximately 2.5 inches of rain within the 3 days prior to the survey, which would have resulted in flow indicators if the feature functioned as an ephemeral headwater stream.

Vegetation in the swale consisted of a mix of native and non-native herbaceous species with a composition similar to the vegetation type of surrounding areas, and generally associated with upland conditions (i.e., not indicative of wetland or stream conditions), including non-native grasses such as riggut brome (*Bromus diandrus*), wild oat (*Avena sp.*), Italian ryegrass (*Festuca perennis*), purple false brome (*Brachypodium distachyon*), and rattlesnake grass (*Briza maxima*). Forbs observed included soap plant (*Chlorogalum pomeridianum*), hairy cat's ear (*Hypochaeris radicata*), bristly ox-tongue (*Helminthotheca echioides*), fennel (*Foeniculum vulgare*), and Italian thistle (*Carduus pycnocephalus*). No hydric soil indicators (e.g., distinct redoximorphic features) were present in a soil sample taken from the bottom of the swale, where anoxic (i.e., waterlogged) conditions would be expected, if present.

In conclusion, the swale is not considered a stream or a wetland. Therefore, and in combination with the fact that the swale does not support riparian vegetation for more than 100 feet, CWA Policy BIO 4.1 Restricted Land Use in Stream Conservation Areas (i.e., implementation of an SCA) would not be applicable to this swale.

Top of Bank

LSA Figure 1 does not include the location of top of bank (TOB), which would be required in order to determine the extent of the SCA. (Additionally, the TOB is typically used to aid the determination of riparian versus non-riparian woodland).

³ R.W. Lichvar and S.M. McColley. 2008. A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States. U.S. Army Corps of Engineers.

BKF conducted additional surveying to determine the exact location of TOB, and issued an updated Topographic Map dated January 14, 2021 (Attachment A).

Stream Conservation Area

Per CWA Policy BIO 4.1, parcels between 2 and 0.5 acres in size shall provide a minimum 50-foot development setback on each side of the top of bank. LSA Figure 1 shows an area labeled “Stream Conservation Area”, however it appears that the extent of the SCA as shown on LSA Figure 1 is not based on TOB. FCS spatial analysis results in a different extent of SCA when based on the TOB as provided by BKF, as shown on FCS Exhibit 1. For a discussion of why an SCA is not applicable to the non-wetland swale located on the property, please see section *Completeness of Stream Resources*, above.

Woody Riparian Vegetation

The Stream Guide defines riparian vegetation as “vegetation associated with a watercourse and relies on the higher level of water the watercourse provides.” LSA Figure 1 appears to adequately show the extent of riparian woodland along the western stream; however, because the northern stream was not mapped, woody riparian vegetation would include additional trees on the northern property boundary, as shown on FCS Exhibit 1.

Protected Trees

Based on the *Arborist Report for 187 Sacramento Avenue* prepared by Arborscience, LLC, the trees shown on FCS Exhibit 1 as “Coast Live Oak” and “Buckeyes” would be protected by the Marin County Native Tree Ordinance. While not addressed in the Arborist Report, the tree shown as “Oak” on FCS Exhibit 1 (Photo 4) would also be protected because a substantial portion of it falls within the SCA, and it would also be afforded protection under the Marin County Native Tree Ordinance. Additionally, the canopy of an Oregon oak that is growing off site partially overhangs onto the Project site as shown on Exhibit 1 and Photo 5; accordingly, this tree would also qualify as a protected tree.

Recommendations

FCS recommends revising the spatial analysis and LSA Figure 1 and associated text in the LSA BSA to include the changes related to completeness of stream resources, top of bank, Stream Conservation Area, woody riparian vegetation, and protected trees as provided above and in the attached FCS Exhibit 1 (Attachment B). Alternatively, the Project team may use the information provided in this letter and Exhibit 1 to support the environmental review process. Please do not hesitate to reach out to FCS with questions or concerns.

Sincerely,



Bernhard Warzecha, Senior Biologist
FirstCarbon Solutions

1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597

Attachment A: BKF Topographic Map
Attachment B: Biological Constraints Analysis Map
Attachment C: Site Photographs



Attachment A:
BKF Topographic Map



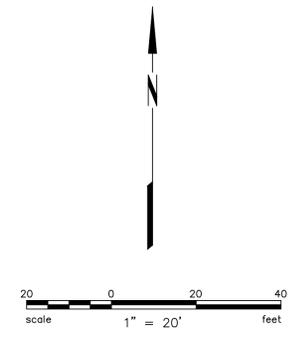


2/14/2021
JONATHAN P. SHATTUCK PLS 8940



SACRAMENTO AVENUE
 APN 177-172-09, 10, 18 & 20
SACRAMENTO AVENUE SAN ANSELMO, MARIN COUNTY
TOPOGRAPHIC MAP

Date	Revisions
MAY 2016	1 SURVEY OF CREEK - JANUARY 2021
AS SHOWN	2 SURVEY OF TREES - FEBRUARY 2021
N/A	
DAC	
AK	
20148133	



VICINITY MAP
 NOT TO SCALE

- SYMBOLS & LEGEND**
- EXISTING**
 - BENCHMARK
 - TREE & APPROXIMATE DRIPLINE
 - BOUNDARY LINE
 - EXISTING EASEMENT
 - FLOW LINE
 - FENCE

TOPOGRAPHIC NOTES

UNAUTHORIZED CHANGES & USES: THE PROFESSIONAL PREPARING THIS MAP WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THIS MAP. CHANGES TO THIS MAP MUST BE REQUESTED IN WRITING AND MUST BE APPROVED BY THE PROFESSIONAL.

TREE DIAMETERS ARE MEASURED AT CHEST HEIGHT (48"). DRIPLINE DIAMETERS AND TREE SPECIES ARE APPROXIMATE ONLY AND SHOULD BE VERIFIED BY A CERTIFIED ARBORIST.

BOUNDARY INFORMATION SHOWN HEREON BASED ON BOOK 2014 OF MAPS, PAGE 84, MARIN COUNTY RECORDS.

BASIS OF BEARING: BOOK 2014 OF MAPS, PAGE 84, MARIN COUNTY RECORDS.

BENCHMARK: TEMPORARY BENCHMARK, IRON PIPE, LOCATION SHOWN HEREON. ELEVATION = 188.44' (DATUM: ASSUMED)

FIELD SURVEY DATES: MAY 5, 2016 & DECEMBER 29, 2020

NOTES

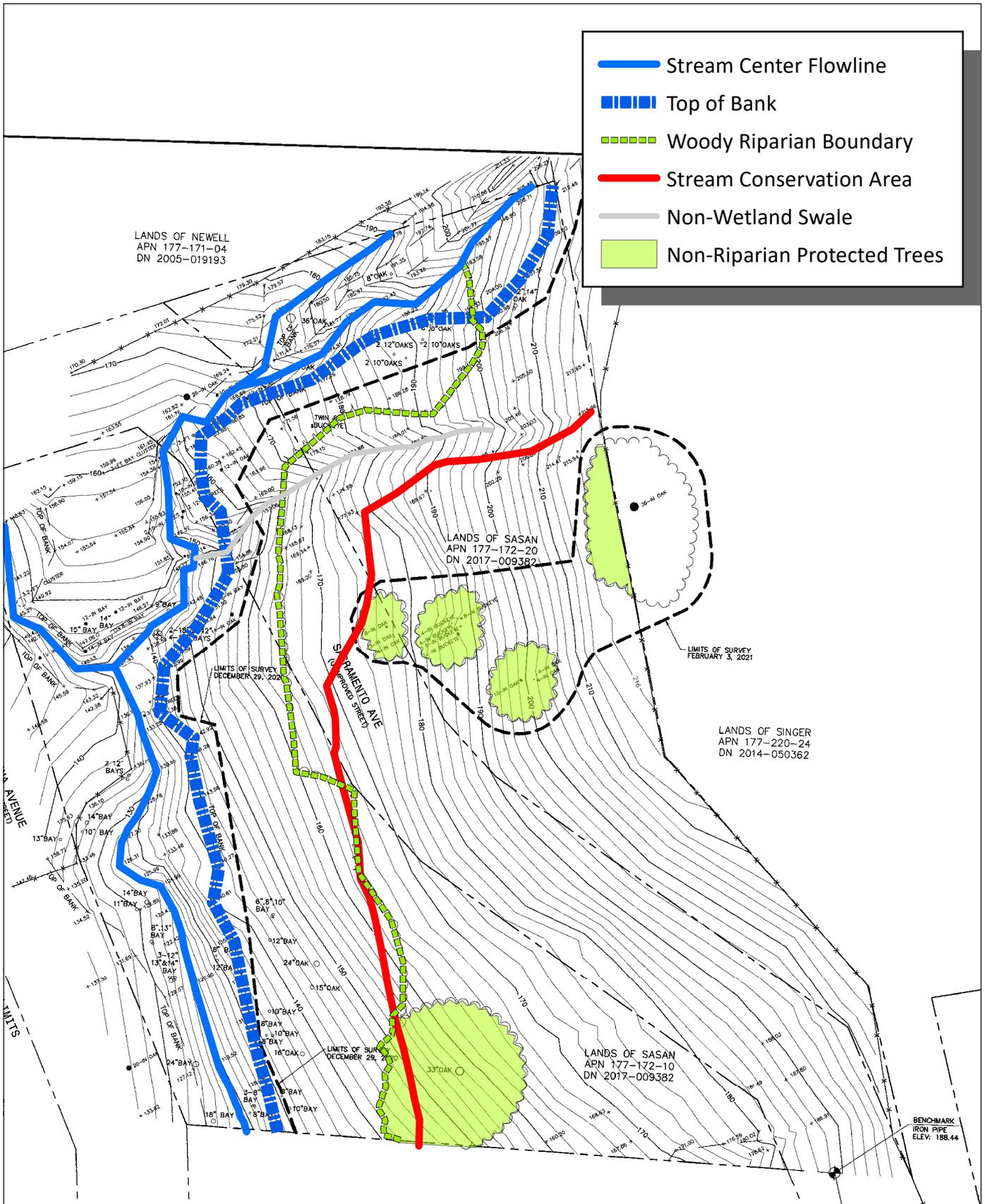
OCTOBER 17, 2019 UPDATE: VESTING LAND OWNER REFERENCE AND SACRAMENTO AVENUE REVISED BASED ON A PRELIMINARY TITLE REPORT BY OLD REPUBLIC TITLE COMPANY, 1400A GRANT AVENUE NOVATO, CALIFORNIA, ORDER NUMBER: 0436023851, DATED AUGUST 5, 2019. NO OTHER ADJUSTMENTS HAVE BEEN MADE.

DECEMBER 29, 2020 UPDATE: ADDITIONAL SURVEY OF FLOWLINE AND TOP OF BANK.

FEBRUARY 3, 2021 UPDATE: TREE SURVEY.



Attachment B:
Biological Constraints Analysis Map



Source: BKF | Polsky Architects



Exhibit 1
 Biological Constraints
 February 16, 2021



**Attachment C:
Site Photographs**

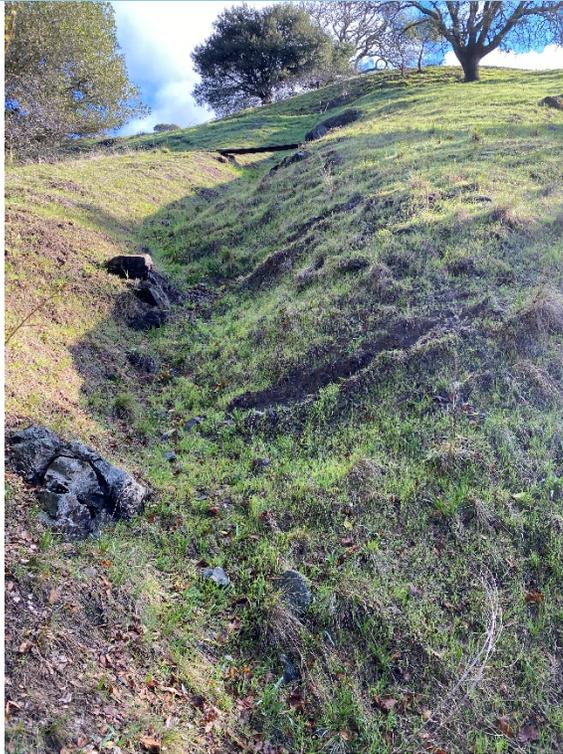




Photograph 1: Converging ephemeral stream channels on the northern boundary of the Project site, looking north



Photograph 2: Non-wetland swale looking west (downslope).



Photograph 3: Non-wetland swale looking east (upslope).



Photograph 4: Non-riparian oak partially overlapping with the SCA.



Photograph 5: Oregon oak located off site, looking north.



February 13, 2019

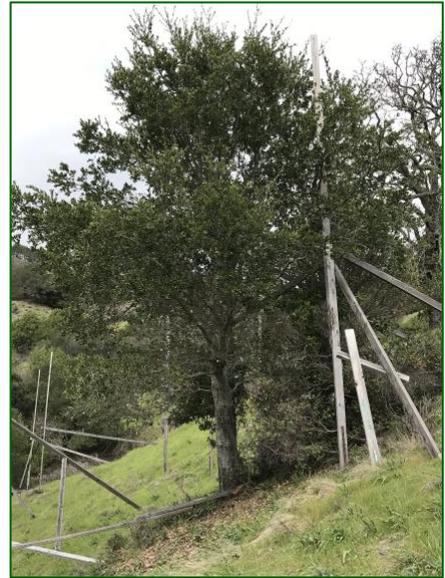
Casey Clement
Thompson Development Inc.
250 Bel Marin Keys Boulevard, Building A
Novato, CA 94949
caseyc@thompsondevelopmentinc.com

Subject: Arborist Report for 187 Sacramento Avenue, San Anselmo

Dear Casey,

At your request, I inspected selected trees on February 11, 2019 that are identified as a 6" oak and 6"-8"-12" buckeye at 187 Sacramento Avenue that were plotted on the topographic map dated May 2016. Following are descriptions of these trees:

Coast live oak (*Quercus agrifolia*). This healthy oak has a single main trunk that spans 9.8" in diameter at breast height (dbh) and supports a balanced crown of dense, dark green foliage to a height of 16' (photo top right). It shows no signs or symptoms of sudden oak death (*Phytophthora ramorum*) or trunk decay (*Ganoderma applanatum*). The Marin County Native Tree Ordinance lists coast live oaks of this size as "protected".



California buckeye (*Aesculus californica*). This healthy buckeye has 5 main trunks that span 4.4", 4.5", 6.1", 6.3", and 11.7" dbh (15.9" dbh combined) that support a crown to a height of 14' above grade (photo bottom right). This drought deciduous tree was dormant at the time of my inspection. I observed no signs of disease or insect infestation. The Marin County Native Tree Ordinance lists California buckeye trees of this size as "protected".



Sincerely,
ARBORSCIENCE, LLC

Kent R. Julin, Ph.D.
ISA Certified Arborist WE-8733A
ISA Tree Hazard Assessor Qualified
California Registered Professional Forester 2648



Terra Spiritus Purgamus

SALEMHOWES ASSOCIATES INC.
GEOLOGISTS AND GEOTECHNICAL ENGINEER

Sacramento 187 12Aug
0603030

GEOTECHNICAL DESIGN MEMORANDUM

12 August 2019

TO: Marin County DPW Land Development

SUBJECT: 187 Sacramento Avenue, San Anselmo
Update of 2015 Geotechnical Report

We have returned to the site and did not observe any significant changes in the geomorphology that would warrant revising the recommendations and conclusions in our 15 May 2015 Geotechnical report.

Updates only involve changing the references to the 2016 CBC and the current section numbers in that code.

We will publish a new revised report incorporating the above when necessary for structural design



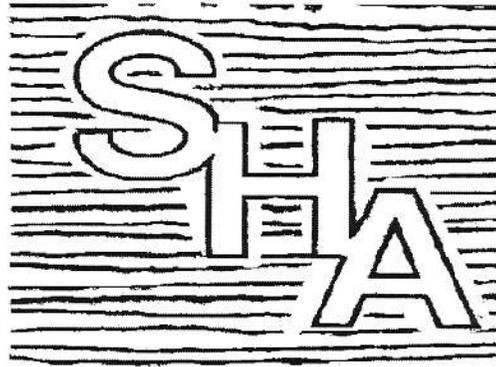
For SalemHowes Associates Inc.


E Vincent Howes

Geotechnical Engineer
GE #965 Exp. 31 Mar 20

1202 GRANT AVE. SUITE F
NOVATO, CALIFORNIA 94945
(415) 892-8528
howesgeo@aol.com

PC ATTACHMENT 8



SALEM HOWES ASSOCIATES INC

GEO TECHNICAL ENGINEER AND GEOLOGISTS

1202 Grant Avenue, Suite F
Novato, CA 94945
415/892-8528
howesgeo@aol.com

REPORT GEO TECHNICAL INVESTIGATION

**SACRAMENTO AVENUE LOTS
SAN ANSELMO, CA.**

14 May 2015



14 May 2015

Mr. Paul Thompson
 West Bay Builders, Inc
 250 Bel Marin Keys Blvd.
 Novato, CA 94949

Job : 0603030

Copy: Jochum Architects

SUBJECT: Report
 Geotechnical Investigation,
 Lots AP 177-172-09, 177-172-10 & 177-171-03
 Sacramento Avenue, San Anselmo

Contents

Page 2	Introduction and Summary
Page 3	Geology and Slope Stability
Page 3	Ground Water
Page 3	Earthquake Hazards and Seismic Design
Page 4	Site Conditions
Page 5	Foundation Conditions
Page 5	Design Recommendations
Page 6	Summary of Design Values
Page 6	Drilled Piers
Page 8	Footings
Page 8	Retaining Walls
Page 9	Tiebacks
Page 10	Slab on Grade Construction
Page 11	Cuts and Fills
Page 11	Geotechnical Drainage Considerations
Page 13	Drainage checklist
Page 13	Construction Inspections
Page 13	Key Inspection Points
Page 13	Additional Engineering Services
Page 14	Limitations on the Use of This Report
	Attachments
	References

Introduction

This report presents the results of our geotechnical investigation of the proposed residential building site located at the above address. It conforms to the requirements of section 1803 in the 2013 California Building Code (CBC). The purpose of our investigation was to evaluate the geotechnical feasibility of the proposed development, assess the suitability of the building site, and provide detailed recommendations and conclusions as they relate to our specialty field of practice, geotechnical engineering and engineering geology. The scope of services specifically excluded any investigation needed to determine the presence or absence of issues of economic concern on the site, or of hazardous or toxic materials at the site in the soil, surface water, ground water, or air.

If this report is passed onto another engineer for review it must be accompanied by the approved architectural and structural drawings so that the reviewer can evaluate the exploration and data in the context of the complete project. Ground conditions and standards of practice change; therefore, we should be contacted to update this report if construction has not been started before the next winter or one-year from the report date.

For us to review the drawings for compliance with our recommendations the four following notes must be on the structural drawings:

- The geotechnical engineer shall accept the footing grade / pier holes prior to placing any reinforcing steel in accordance with the CRC requirements. Notify geotechnical engineer before the start of drilling. (If that isn't stated they may require inspections in accordance with CBC Section 1702-Definitions, "Special Inspections, Continuous". This would require a full time inspector during drilling.)
- Drainage details may be schematic, refer to the text and drawings in the geotechnical report for actual materials and installation.
- Refer to Geotechnical Report for geotechnical observation and acceptance requirements. Along with the structural drawings, to complete the review, we need the pertinent calculations from the structural engineer or the geotechnical design assumptions should be included on the drawings notes per requirements of the 2013 CBC.
- ***It is the owner's responsibility*** that the contractor knows of and complies with the BMP's (Best Management Practices) of the Regional Water Quality Control Board, available at www.swrcb.ca.gov, ↴ water quality ↴ stormwater ↴ construction

The fieldwork consisted of reconnaissance mapping of exposed geologic features on the site and in the immediate surrounding area and the excavation of nine test pits by a tract mounted excavator. Fieldwork was conducted in September of 2007 and reviewed in October of 2014. During this period we reviewed select geotechnical references pertinent to the area and examined stereo-paired aerial photographs of the site, which were available from Pacific Aerial Surveys in Oakland.

Summary

Albeit relatively steep, there is only a nominal seven feet of soil cover over stable bedrock. The road cuts will be bottomed in bedrock and the structure will have foundations which are supported on bedrock. Construction of the driveway near the gully banks will remove any soil down to stable bedrock. LTD Engineering has appropriately addressed the drainage in these areas and from the

existing improvements and proposed improvements along Sacramento Avenue, this is not in the scope of the geotechnical report. We have reviewed the civil drawings by LTD Engineering revision 2, 3 October 2014 and find that they incorporate our geotechnical recommendations. We judge that the proposed development as shown on the project drawings by Jochum Architects revision 07 April 2015 conforms to our geotechnical recommendations and is appropriate for the geologic and soils conditions at the site. Following standard Marin hillside construction practices the development of the driveway and house sites will not have a negative affect the stability of the hillside.

Geology and Slope Stability

The geology and geomorphology of the site has been mapped by others⁽¹⁾ as a collection of metasediment rocks (sandstone [ss], greenstone [gs] and chert [ch] of the mélangé unit [fm] of the Franciscan geologic assemblage, which are covered by Debris Flow Landslide deposits (open arrow symbol on Rice's map⁽¹⁾). We did not see evidence of a old debris flow, rather it appears to be an area of continuous downslope creep of the surface zone (crinkly arrow⁽¹⁾). Rock is not exposed on the site; however soil and rock deposits resembling those described in the literature were encountered in all of the test pits.

The soil layer exhibits geomorphic features (hummocky ground, small scarps and circ cracks) that are representative of active soil creep. Except for one small local landslide in the vicinity of Test Pit E, there are no large ancient or potential landslide areas that would impact the proposed building sites. The active soil creep zone can be mitigated by creep resistant structures design to resist the active loads.

Ground Water

Ground water was not observed in the test pits during our investigation. However, ground water conditions vary with the seasons and annual fluctuations in weather. A general rise in ground water can be expected after one or more seasons of above average rainfall. Based on the limited time we have been able to collect ground water data on this site, it is not possible to accurately predict the range of ground water fluctuations in the future. Therefore, ground water sensitive structures such as basements, wine cellars and swimming pools should be designed to anticipate a rise in the water level that could potentially affect their function and stability. During construction it should be anticipated that ground water will be encountered at the rock/soil contact.

Earthquake Hazards and Seismic Design

This site is not subject to any unusual earthquake hazards, located near an active fault, within a current Alquist-Priolo Special Studies Zone or Seismic Hazards Zone as shown on the most recently published maps from the California Geologic Society. There were no geomorphic features observed in the field or on air photos, or geologic features in the literature that would suggest the presence of an active fault or splay fault traces. However, historically the entire San Francisco Bay Area has the potential for strong earthquake shaking from several fault systems, primarily the San Andreas Fault which lies approximately seven miles to the southwest and the Hayward/Rodgers Creek Faults, 10 miles to the northeast. The U.S. Geologic Survey presently estimates ⁽²⁾ there is up to 21 percent chance of a major quake (Magnitude 8) from 2000 to 2030 on the San Francisco Bay region segment of the San Andreas Fault. The probability is lower north of San Francisco and increases to the south. However, in the same period, there is a 32 percent chance of a major event (Magnitude 7) on the Hayward fault and Rodgers Creek Faults. The total 30-year probability of one or more large earthquakes occurring in the entire San Francisco region is 70 percent (see Plate 1). Based on the bedrock and soils observed at the site, we do not anticipate those seismically induced hazards,

specifically: liquefaction, settlement and differential compaction, landsliding, and flooding are present. Generally speaking structures founded on bedrock fare far better during an earthquake than structures on soil, fill or bay mud.

For California Building Code design purposes on this site the top 100 feet of the ground has an average Soil Profile Site of Class B per section 1613.3.2. Seismic Design Site Class and ground-motion parameters, as required by CBC and ASCE 7 may be obtained from the calculator on the USGS web site at <http://earthquake.usgs.gov/research/hazmaps/design>. For seismic design categories D, E or F refer to the Exception in the CBC. In California, the standard of practice requires the use of a seismic coefficient of 0.15, and minimum computed Factor of Safety of 1.5 for static and 1.1 to 1.2 for pseudo-static analysis of natural, cut and fill slopes.

Retaining walls which support tall rock cuts will stand vertical with only nominal shoring to prevent weathering. This inherently means there is no active pressure in the rock zone. Therefore, only a nominal value for active pressure is required to support the rock. For seismic analysis the dynamic loads from a slope only occur from the Rankine wedge, which in soils is typically 30 to 40-degrees (from the vertical) in a \emptyset type material. However, with rock slopes the Rankine wedge is non-existent to near vertical. Consequently there is no measurable seismic force from the slope on the wall in a rock section. In a thin soil section (< 4-ft) the active pressure of 45 lbs/ft³ is sufficiently conservative to account for any additional seismic loading. In thicker soil sections a simple approach⁽⁶⁾ is to include in the design analysis an additional horizontal force P_E to account for the additional loads imposed on the retaining wall by the earthquake, as follows:

$$P_E = \frac{3}{8} (\alpha_{max}) \gamma_t H^2 \text{ (acting at a distance of } 0.6H \text{ above the base of the soil layer)}$$

Where H = height of soil section, $\alpha_{max} = 0.15$ & $\gamma =$ unit weight of soil in slope. Because $P_E =$ is a short-term loading it is common to allow a $\frac{1}{3}$ increase in bearing pressure and passive resistance for earthquake analysis. Also, for the analysis of sliding and overturning of the retaining wall it is acceptable to lower the factor of safety to 1.1 under the combined static and earthquake loads⁽⁷⁾.

As a homeowner there are a number of measures one can take to limit structural damage, protect lives and valuable objects in the event of a major earthquake. To be prepared and understand the mechanics of earthquakes we strongly recommend that you purchase a very practical book entitled "Peace of Mind in Earthquake Country" by Peter Yanev. This book is written for the homeowner and, while currently out of print, used copies are available in paperback (Chronicle Books/S.F.) from Amazon.com and other locations.

Site Conditions

The bedrock is overlain by an average of ten feet of hard soil, which stood vertically in ten foot deep test pits during our exploration. Nevertheless, it is soil and compliance with CalOSHA regulations any cuts over five feet high will require shoring. While the soil is hard, only in Test Pit D the backhoe encountered refusal. The rock, although hard, is normally highly fractured and can usually be drilled/excavated by commonly available equipment. Ground conditions were reasonably consistent over the site and the typical site section on Drawing B will be encountered at both house sites and the access driveways.

Structures with foundations on rock will not experience any measurable settlement and there are no conditions that require provisions to mitigate the effects of expansive soils, liquefaction, soil strength or

adjacent loads. The slope setback provisions in section 1806 of the UBC do not apply to foundations on slopes that are bottomed in bedrock.

Foundation Conditions

Sandstone bedrock lies between the surface and six feet below. The depth to the top of bedrock at the location of the test pits is shown on Drawing A. The overlying soil is stiff and will stand in vertical cuts up to five feet when dry. During winter construction shoring will be required. In wet weather ground water can be expected at the soil/rock contact. The rock, albeit hard, is generally highly fractured and can normally be excavated by common means; however, hard massive areas may be encountered that could require the use of an excavator mounted "hoe ram". Rock slopes over six feet high will require shoring. This is normally most economically accomplished by rock doweling and covering with wire mesh in lifts as the excavation progresses downward. Rock slopes will stand vertically for short periods of time; however, as they are exposed to air and start to dry out block failures will occur; this can happen as soon the night after excavation.

Design Recommendations

Bedrock lies between seven and ten feet below the surface in the project area. The depth to the top of bedrock at the location of the test borings is shown on Drawing A. The overlying soil is stiff and will stand in vertical cuts up to five feet when dry. During winter construction shoring will be required. In wet weather ground water can be expected at the soil/rock contact. The rock, albeit hard, is generally highly fractured and can normally be excavated by common means; however, hard massive areas may be encountered that could require the use of an excavator mounted "hoe ram" or core barrel. CalOSHA regulations require shoring on rock cuts over six feet. This is normally most economically accomplished by rock doweling and covering with wire mesh in lifts as the excavation progresses downward. Rock slopes will stand vertically for short periods of time; however, as they are exposed to air and start to dry out block failures will occur; this can happen as soon as the night after excavation.

No laboratory testing was performed; since all foundations will be in rock, soil properties, such as moisture and density, do not provide any relevant engineering data for foundation design. In view of the fact that bedrock features in the Franciscan Formation can rarely be correlated over short distances, testing of small rock pieces provides no viable data for use in design. We based our recommendations on assessment of rock mass properties. During exploration in situ testing and sampling of the soil was performed by Standard Penetration Tests (ASTM D-1586)*. We will continue to evaluate the ground conditions during excavation and modify our recommendation if warranted.

Bedrock is not exposed on the site; however there are outcrops in the area for evaluation of engineering properties. The contractor may use these exposures to determine the difficulty of excavation and the appropriate type of equipment to use.

Structures with foundations on rock will not experience any measurable settlement and there are no conditions that require provisions to mitigate the effects of expansive soils, liquefaction, soil strength or adjacent loads. The slope setback provisions in §1808.7 of the CBC do not apply to foundations

RECEIVED

MAR 12 2021

COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

ORDER NO. : 0436023851

EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Marin, State of California, and is described as follows:

Beginning at a point on the Easterly line of Pasadena Avenue, distant thereon North 3° 57' West 70.60 feet from the most Northerly corner of the property described in the Deed from Luisa Spagnoli to Jesse J. Filippelli, et ux, Recorded March 15, 1955 in Volume 928 of Official Records, at Page 177, Marin County Records; running thence along said Easterly Avenue line North 25° 36' West 102.62 feet, North 17° West 133.33 feet and North 37° 41' East 16.75 feet; thence leaving said line North 34° 39' West 41.94 feet to the Southeasterly line of the Property described in the Deed from Luisa Spagnoli to M. V. Kelley, et ux, Recorded November 6, 1953 in Volume 835 of Official records, at Page 375; thence along said line North 72° 41' East 231.84 feet to the centerline of Sacramento Avenue, as relocated; thence along said centerline South 12° 31' East 205.11 feet, South 44° 26' East 111.06 feet and South 14° 41' East to a point which bears South 87° 35' East from the point of beginning; thence leaving said centerline North 87° 35' West 265 feet, more or less, to the point of beginning

EXCEPTING THEREFROM the included portion of Sacramento Avenue as shown on Map entitled, "Short Ranch subdivision Two", filed July 3, 1912 in Map Book 4 at Page 22.

APN: 177-172-10 and 177-172-20



OLD REPUBLIC
TITLE COMPANY

1400A Grant Avenue
Novato, CA 94945
(415) 897-9632 Fax: (415) 892-1137

PRELIMINARY REPORT

4th Amended

THOMPSON DEVELOPMENT INC
350 Bel Marin Keys
Novato, CA 94949

Our Order Number 0436023851-DM

Attention: CASEY CLEMENT

When Replying Please Contact:

Diana McInnis
dmcinnis@ortc.com
(415) 897-9632

Property Address:

187 Sacramento Avenue, San Anselmo, CA 94960
[Unincorporated area of Marin County]

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY, as issuing Agent of Old Republic National Title Insurance Company, hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit I attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit I. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit I of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of February 10, 2021, at 7:30 AM

OLD REPUBLIC TITLE COMPANY
For Exceptions Shown or Referred to, See Attached

Page 1 of 6 Pages

OLD REPUBLIC TITLE COMPANY

ORDER NO. 0436023851-DM

4th Amended

The form of policy of title insurance contemplated by this report is:

ALTA Loan Policy - 2006. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee

Title to said estate or interest at the date hereof is vested in:

Timothy J. Sasan and Elizabeth A. Sasan, husband and wife as joint tenants

The land referred to in this Report is situated in the unincorporated area of the County of Marin, State of California, and is described as follows:

Beginning at a point on the Easterly line of Pasadena Avenue, distant thereon North 3° 57' West 70.60 feet from the most Northerly corner of the property described in the Deed from Luisa Spagnoli to Jesse J. Filippelli, et ux, Recorded March 15, 1955 in Volume 928 of Official Records, at Page 177, Marin County Records; running thence along said Easterly Avenue line North 25° 36' West 102.62 feet, North 17° West 133.33 feet and North 37° 41' East 16.75 feet; thence leaving said line North 34° 39' West 41.94 feet to the Southeasterly line of the Property described in the Deed from Luisa Spagnoli to M. V. Kelley, et ux, Recorded November 6, 1953 in Volume 835 of Official records, at Page 375; thence along said line North 72° 41' East 231.84 feet to the centerline of Sacramento Avenue, as relocated; thence along said centerline South 12° 31' East 205.11 feet, South 44° 26' East 111.06 feet and South 14° 41' East to a point which bears South 87° 35' East from the point of beginning; thence leaving said centerline North 87° 35' West 265 feet, more or less, to the point of beginning

EXCEPTING THEREFROM the included portion of Sacramento Avenue as shown on Map entitled, "Short Ranch subdivision Two", filed July 3, 1912 in Map Book 4 at Page 22.

APN: 177-172-10 and 177-172-20

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2021 - 2022, a lien, but not yet due or payable.

OLD REPUBLIC TITLE COMPANY

ORDER NO. 0436023851-DM

4th Amended

2. Taxes and assessments, general and special, for the fiscal year 2020 - 2021, as follows:

Assessor's Parcel No	:	177-172-10	
Bill No.	:	20-1073422	
Code No.	:	062-000	
1st Installment	:	\$1,707.16	Marked Paid
2nd Installment	:	\$1,707.16	NOT Marked Paid
Land Value	:	\$180,402.00	

3. Taxes and assessments, general and special, for the fiscal year 2020 - 2021, as follows:

Assessor's Parcel No	:	177-172-20	
Bill No.	:	20-1073426	
Code No.	:	062-000	
1st Installment	:	\$1,387.23	Marked Paid
2nd Installment	:	\$1,387.23	NOT Marked Paid
Land Value	:	\$116,730.00	

4. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

5. The herein described property lying within the proposed boundaries of a Community Facilities District, as follows:

District No	:	2014-14
For	:	Clean Energy
Disclosed By	:	Assessment Map
Recorded	:	August 28, 2015 in Official Records under Recorder's Serial Number 2015-41880

Further information may be obtained by contacting:

6. Rights of the public, County and/or City, in and to that portion of said land lying within the lines of Sacramento Avenue.

7. Matters as contained or referred to in an instrument,

Entitled : Indenture
Executed By : Short Ranch Co. and Marin Water and Power Company
Recorded : [August 20, 1912 in Book 145 of Deeds, Page 220](#)
Which Among
Other Things : The right to lay, maintain, repair and remove water pipes and mains
Provides

8. Matters as contained or referred to in an instrument,

Entitled : Certificate of Compliance (Division 2 of Title 7, Section 66499.35
California Government Code)
Executed By : Paul Thompson and Marin County Community Development Agency
Dated : April 21, 2014
Recorded : [April 22, 2014 in Official Records under Recorder's Serial Number
2014-0015061](#)
Returned to
Address : 3501 Civic Center Drive, #308, San Rafael, CA 94903

Note: Reference is made to said instrument for full particulars.

9. Deed of Trust to secure an indebtedness of the amount stated below and any other amounts payable under the terms thereof,

Amount : \$220,000.00
Trustor/Borrower : Paul Thompson, a married man as his sole and separate property
Trustee : Fidelity Title Company
Beneficiary/Lender : BaySierra Capital Fund, LLC, as to a 220,000/220,000ths
undivided interest
Dated : October 14, 2014
Recorded : [October 17, 2014 in Official Records under Recorder's Serial
Number 2014-0043323](#)
Loan No. : 1405008

Affects this and other property.

10. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.

11. Note: It appears that Old Republic National Title Insurance may be asked to insure against the rights of Mechanics Lien claimants. The Company may require the following:
 - A. Signed indemnities by all parties.
 - B. A copy of the construction cost breakdown.
 - C. Appropriate financial statements from all Indemnitors.

12. The requirement that this Company be provided with a suitable Owner's Declaration (form ORT 174). The Company reserves the right to make additional exceptions and/or requirements upon review of the Owner's Declaration.

13. Any unrecorded and subsisting leases.

----- **Informational Notes** -----

- A. The applicable rate(s) for the policy(s) being offered by this report or commitment appears to be section(s) 2.2.

- B. The above numbered report (including any supplements or amendments thereto) is hereby modified and/or supplemented to reflect the following additional items relating to the issuance of an American Land Title Association loan form policy:

NONE

NOTE: Our investigation has been completed and there is located on said land vacant land known as 187 Sacramento Avenue, San Anselmo, CA 94960.

The ALTA loan policy, when issued, will contain the CLTA 100 Endorsement and 116 series Endorsement.

Unless shown elsewhere in the body of this report, there appear of record no transfers or agreements to transfer the land described herein within the last three years prior to the date hereof, except as follows:

Grant Deed executed by 179 Sacramento LLC, a California limited liability company to Timothy J. Sasan and Elisabeth A. Sasan, husband and wife as joint tenants recorded [March 3, 2017 in Official Records under Recorder's Serial Number 2017-0009382](#).

OLD REPUBLIC TITLE COMPANY
ORDER NO. 0436023851-DM
4th Amended

C. NOTE: The last recorded transfer or agreement to transfer the land described herein is as follows:

Instrument
Entitled : Grant Deed
By/From : Timothy J. Sasan and Elisabeth A. Sasan, husband and wife, as Joint Tenants
To : 187 Sacramento, LLC, a California limited liability company
Dated : August 22, 2017
Recorded : [August 23, 2017 in Official Records under Recorder's Serial Number 2017-0033810](#)

O.N.
MMV/mm

D. February 25, 2021 The above Second Updated Preliminary Report, has been modified for the following :

x Taxes
x Plant Date

E. February 25, 2021 The above 3RD Updated Preliminary Report, has been modified for the following :

x 3RD amended to remove items.

F. February 26, 2021 The above 4th Amended Preliminary Report, has been modified for the following :

X 4th Amended to correct the address.

Exhibit I

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY OF TITLE INSURANCE (06/17/06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

SCHEDULE B - PART I

Except as provided in Schedule B - Part II, this policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material unless such lien is shown by the Public Records at Date of Policy.



OLD REPUBLIC TITLE

FACTS

WHAT DOES OLD REPUBLIC TITLE DO WITH YOUR PERSONAL INFORMATION?

Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.
What?	<p>The types of personal information we collect and share depend on the product or service you have with us. This information can include:</p> <ul style="list-style-type: none"> • Social Security number and employment information • Mortgage rates and payments and account balances • Checking account information and wire transfer instructions <p>When you are <i>no longer</i> our customer, we continue to share your information as described in this notice.</p>
How?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Old Republic Title chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does Old Republic Title share?	Can you limit this sharing?
For our everyday business purposes — such as to process your transactions, maintain your account(s), or respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes — to offer our products and services to you	No	We don't share
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness	No	We don't share
For our affiliates to market to you	No	We don't share
For non-affiliates to market to you	No	We don't share

Go to www.oldrepublictitle.com (Contact Us)

Who we are	
Who is providing this notice?	Companies with an Old Republic Title name and other affiliates. Please see below for a list of affiliates.

What we do	
How does Old Republic Title protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. For more information, visit https://www.oldrepublictitle.com/privacy-policy
How does Old Republic Title collect my personal information?	<p>We collect your personal information, for example, when you:</p> <ul style="list-style-type: none"> • Give us your contact information or show your driver’s license • Show your government-issued ID or provide your mortgage information • Make a wire transfer <p>We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.</p>
Why can’t I limit all sharing?	<p>Federal law gives you the right to limit only:</p> <ul style="list-style-type: none"> • Sharing for affiliates’ everyday business purposes - information about your creditworthiness • Affiliates from using your information to market to you • Sharing for non-affiliates to market to you <p>State laws and individual companies may give you additional rights to limit sharing. See the State Privacy Rights section location at https://www.oldrepublictitle.com/privacy-policy for your rights under state law.</p>

Definitions	
Affiliates	<p>Companies related by common ownership or control. They can be financial and nonfinancial companies.</p> <ul style="list-style-type: none"> • <i>Our affiliates include companies with an Old Republic Title name, and financial companies such as Attorneys’ Title Fund Services, LLC, Lex Terrae National Title Services, Inc., Mississippi Valley Title Services Company, and The Title Company of North Carolina.</i>
Non-affiliates	<p>Companies not related by common ownership or control. They can be financial and non-financial companies.</p> <ul style="list-style-type: none"> • <i>Old Republic Title does not share with non-affiliates so they can market to you</i>
Joint marketing	<p>A formal agreement between non-affiliated financial companies that together market financial products or services to you.</p> <ul style="list-style-type: none"> • <i>Old Republic Title doesn’t jointly market.</i>

Affiliates Who May be Delivering This Notice				
American First Title & Trust Company	American Guaranty Title Insurance Company	Attorneys' Title Fund Services, LLC	Compass Abstract, Inc.	eRecording Partners Network, LLC
Genesis Abstract, LLC	Guardian Consumer Services, Inc.	iMarc, Inc.	Kansas City Management Group, LLC	L.T. Service Corp.
Lenders Inspection Company	Lex Terrae National Title Services, Inc.	Lex Terrae, Ltd.	Mississippi Valley Title Services Company	National Title Agent's Services Company
Old Republic Branch Information Services, Inc.	Old Republic Diversified Services, Inc.	Old Republic Escrow of Vancouver, Inc.	Old Republic Exchange Company	Old Republic National Ancillary Services, Inc.
Old Republic National Commercial Title Services, Inc.	Old Republic Title and Escrow of Hawaii, Ltd.	Old Republic National Title Insurance Company	Old Republic Title Company	Old Republic Title Companies, Inc.
Old Republic Title Company of Conroe	Old Republic Title Company of Indiana	Old Republic Title Company of Nevada	Old Republic Title Company of Oklahoma	Old Republic Title Company of Oregon
Old Republic Title Company of St. Louis	Old Republic Title Company of Tennessee	Old Republic Title Information Concepts	Old Republic Title Insurance Agency, Inc.	Old Republic Title, Ltd.
RamQuest Software, Inc.	Republic Abstract & Settlement, LLC	Sentry Abstract Company	Surety Title Agency, Inc.	The Title Company of North Carolina
Trident Land Transfer Company, LLC				

Updated: January 1, 2020

Privacy Notice for California Consumers

This Privacy Notice for California Consumers supplements the information contained in the Master Privacy Notice for Old Republic Title and applies to consumers that reside in the State of California. The terms used in this Privacy Notice have the same meaning as the terms defined in the California Consumer Privacy Act (“CCPA”).

What Personal Information We Collect

In accordance with the CCPA, personal information is information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Personal information does not include:

Information outside the scope of the CCPA such as:

- Health or medical information covered by the Health Insurance Portability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA).
- Personal Information covered by the Gramm-Leach-Bliley Act (GLBA), the Fair Credit Reporting Act (FCRA), the California Financial Information Privacy Act (FIPA), and the Driver’s Privacy Protection Act of 1994,
- Publicly available information that is available from federal, state, or local government records, and
- De-identified or aggregated consumer information.

Please see the chart below to learn what categories of personal information we may have collected about California consumers within the preceding twelve months, the sources of and business purposes for that collection and the third parties with whom the information is shared, if any.

Category	Examples	Collected	Sources	Business Purpose for Collection	Categories of Third Parties with Whom Information is Shared
Identifiers	Real name, alias, postal address, unique personal identifier, online identifier, Internet protocol address, email address, account name, social security number, driver’s license number, passport number or other similar identifiers	Yes	Consumers, Lenders, Brokers, Attorneys, Real Estate Agents, and Title Agents associated with the transaction	Underwriting or providing other products or services, responding to policyholder/consumer claims, inquiries or complaints, detecting security incidents, protecting against malicious,	Service providers associated with the transaction for a business purpose

				deceptive, fraudulent, or illegal activity. Other audit or operational purposes.	
Personal information described in California Customer Records statute (Cal. Civ. Code § 1798.80(e))	Name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.	Yes	Consumers, Lenders, Brokers, Attorneys, Real Estate Agents, and Title Agents associated with the transaction	Underwriting or providing other products or services, responding to policyholder/consumer claims, inquiries or complaints, detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity. Other audit or operational purposes.	Service providers associated with the transaction for a business purpose
Characteristics of protected classifications under California or federal law	Age (40 years or older), race, color, ancestry, national origin, citizenship, religions or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related	Yes	Consumers, Lenders, Brokers, Attorneys, Real Estate Agents, and Title Agents associated with the transaction	Underwriting or providing other products or services, responding to policyholder/consumer claims, inquiries or complaints. Other audit or operational purposes.	Service providers associated with the transaction for a business purpose

	medical conditions), sexual orientation, veteran or military status, or genetic information (including familial genetic information).				
Internet or other electronic network activity	Browsing history, search history, information about a consumer's interaction with a website, application, or advertisement.	Yes	Consumers, Lenders, Brokers, Attorneys, Real Estate Agents, and Title Agents associated with the transaction	To provide access to certain online services. To understand the interests of visitors to our online services, to support certain features of our site, for navigation and to display certain features more effectively. Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity. Other audit or operational purposes.	Not Disclosed
Geolocation data	Geographic tracking data, physical location and movements	Yes	Consumers, Lenders, Brokers, Attorneys, Real Estate Agents, and Title Agents associated with the transaction	To provide access to certain online services. To understand the interests of visitors to our online services, to support certain features of our site, for navigation and to display certain features more effectively. Other audit or operational purposes.	Not Disclosed

What Personal Information We Share and Why We Share It

The CCPA requires us to tell you what categories of personal information we “sell” or “disclose.” We do not sell and will not sell your personal information as that term is commonly understood. We also do not sell and will not sell your personal information, including the personal information of persons under 16 years of age, as that term is defined by the CCPA. When it is necessary for a business purpose, we share or disclose your personal information with a service provider, and we enter a contract with the service provider that limits how the information may be used and requires the service provider to protect the confidentiality of the information.

In the preceding twelve months, we have disclosed the following categories of personal information for the following business purposes. Where the personal information is shared with third parties, as that term is defined in the CCPA, the category of the third party is indicated.

Category	Examples	Business Purpose for Disclosure	Categories of Third Parties with Whom Information is Shared
Identifiers	Real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, account name, social security number, driver’s license number, passport number or other similar identifiers	Underwriting or providing other products or services, responding to policyholder/consumer claims, inquiries or complaints, detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity. Other audit or operational purposes.	Service providers associated with the transaction for a business purpose
Personal information described in California Customer Records statute (Cal. Civ. Code § 1798.80(e))	Name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver’s license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. “Personal information” does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.	Underwriting or providing other products or services, responding to policyholder/consumer claims, inquiries or complaints, detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity. Other audit or operational purposes.	Service providers associated with the transaction for a business purpose

Characteristics of protected classifications under California or federal law	Age (40 years or older), race, color, ancestry, national origin, citizenship, religions or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, or genetic information (including familial genetic information).	Underwriting or providing other products or services, responding to policyholder/consumer claims, inquiries or complaints. Other audit or operational purposes.	Service providers associated with the transaction for a business purpose
Internet or other electronic network activity	Browsing history, search history, information about a consumer's interaction with a website, application, or advertisement.	To provide access to certain online services. To understand the interests of visitors to our online services, to support certain features of our site, for navigation and to display certain features more effectively. Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity. Other audit or operational purposes.	Not Disclosed
Geolocation data	Geographic tracking data, physical location and movements	To provide access to certain online services. To understand the interests of visitors to our online services, to support certain features of our site, for navigation and to display certain features more effectively. Other audit or operational purposes.	Not Disclosed

We may also transfer to a third party the personal information of a consumer as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the business.

Your Rights and Choices

The CCPA provides California consumers with certain rights regarding their personal information. This chart describes those rights and certain limitations to those rights.

Right	What This Means
Notice	At or before the time your personal information is collected, you will be given written notice of the categories of personal information to be collected and the purposes for which the categories of personal information will be used.
Access	At your verifiable request, but no more than twice in a twelve month period, we shall disclose to you: 1) the categories of personal information we have collected about you, 2) the

	<p>categories of sources for the personal information we collected about you, 3) our business and commercial purpose for collecting or selling your personal information, 4) the categories of third parties with whom we share your personal information, 5) The specific pieces of information we have collected about you, 6) the categories of personal information disclosed for a business purpose, and</p> <p>7) If we sold personal information, the categories of personal information sold and the categories of third parties to whom it was sold.</p>
Deletion	<p>You have the right to request that we delete any of your personal information that we collected from you, subject to certain exceptions. Once we receive and verify your request, we will delete (and direct our service providers to delete) your personal information from our records unless an exception applies. We may deny your request if retention of the information is necessary for us or our service providers to:</p> <ul style="list-style-type: none"> • Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you. • Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities. • Debug products to identify and repair errors that impair existing intended functionality. • Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law. • Comply with the California Electronic Communications Privacy Act (Cal. Penal Code §1546 et seq.) • Engage in public or peer reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent. • Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us. • Comply with a legal obligation. • Make other internal and lawful uses of that information that are compatible with the context in which you provided it. • Or if it is the type of personal information that falls outside the scope of the CCPA, (HIPAA, CIMA, GLBA, or publicly available information)
Opt-Out of Sale	<p>With some limitations, you may direct a business that sells personal information to third parties not to sell the personal information to these third parties.</p> <p>A business may not sell the personal information of persons less than sixteen years of age without their affirmative consent, and in the case of those less than thirteen years of age, the consent must come from a parent.</p>
Opt-In to Sale	
Non-Discrimination	<p>We will not discriminate against you for exercising your rights under the CCPA. Unless otherwise permitted by the CCPA we will not:</p> <ul style="list-style-type: none"> • Deny you goods or service • Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties • Provide a different level or quality of goods or services • Suggest that you will receive a different price or rate for goods or services or a different level or quality of goods or services

To Exercise Your Rights

To Opt-out of the Sale of Your Personal Information

The CCPA gives consumers the right to direct a business that sells personal information about the consumer to third parties not to sell the consumer's personal information. We do not sell and will not sell your personal information as that term is commonly understood. We also do not sell and will not sell your personal information, as that term is defined by the CCPA.

To Request Access to or Deletion of Your Personal Information

To exercise your access or deletion rights described above, please submit a verifiable consumer request to us by either: Calling us at 1-855-557-8437 or contacting us through our website [CCPA Consumer Request](#).

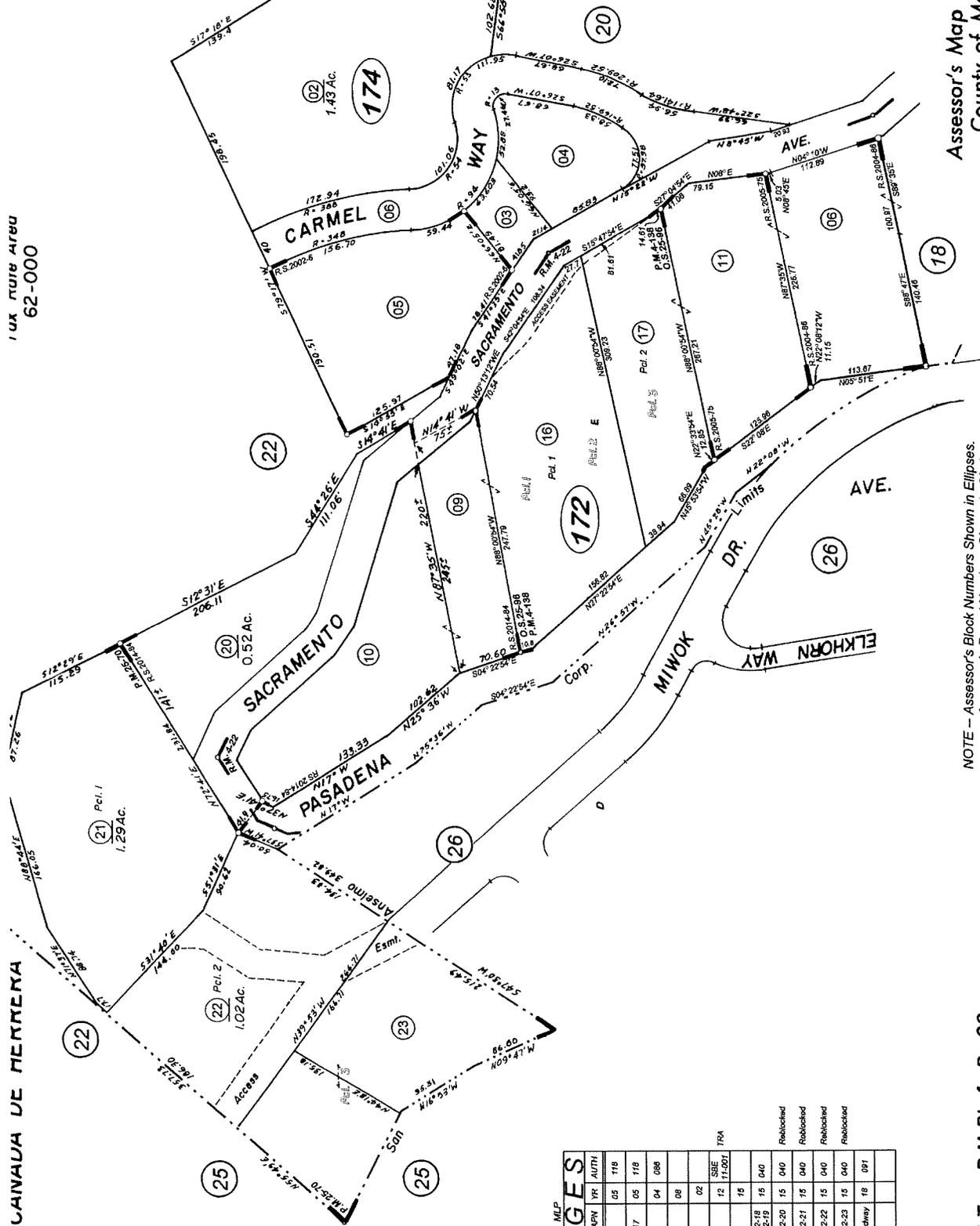
Only you or your representative that you authorize to act on your behalf (Authorized Agent) can make a verifiable consumer request for your personal information. You may also make a request for your minor child. The verifiable request must provide enough information that allows us to reasonably verify you are the person about whom we collected personal information. We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and to confirm the personal information relates to you.

We work to respond to a verifiable consumer request within 45 days of its receipt. If we require additional time, we will inform you of the extension period (up to an additional 45 days), and the reason for the extension in writing. If you have an account with us, we will deliver our response to that account. If you do not have an account with us, we will deliver our response by mail or electronically, depending on your preference. The response we provide will also explain any reasons why we cannot comply with a request.

You may only make a consumer request for access twice within a twelve-month period. Any disclosures we provide will apply to the twelve-month period preceding the consumer request's receipt.

Contact Us

If you have any questions regarding our Privacy Notice or practices, please contact us via phone at 1-855-557-8437 or send your written request to: CCPA@oldrepublictitle.com, or Old Republic Title c/o CCPA Consumer Request Group, 275 Battery Street, Suite 1500, San Francisco, CA 94111-3334.



Assessor's Map Bk. 177-Pg. 17
County of Marin, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

5/18/2018 MCP

CHANGES	BLK	PROR	APN	NEW	APN	TR	AUTH
172	12, 13, 14	15	05	118			
172	15	16, 17	05	118			
172	SURVEYS		04	086			
172	SURVEY		08				
174	Survey		02				
172	Survey		12	11,001	SSE	TKA	
172	From Roadway	177-172-18	15	040			
172	177-171-03	177-172-20	15	040			
172	177-171-04	177-172-21	15	040			
172	177-171-06	177-172-22	15	040			
172	177-171-07	177-172-23	15	040			
172	18 & 19	To Roadway	18	091			

Short Ranch, Subd. Two. R. M. Bk. 4 - Pg. 22.

Map Update

on slopes that are bottomed in bedrock. Except for seismic none of the requirements in CBC § 1803.5.11 and .12 apply.

Summary of Design Values

The design engineer should compare the topography, building elevations and geotechnical report to determine the appropriate active earth pressures to be used. The actual type of foundation should be determined by the architect and design engineer based on construction and economic considerations.

- Seismic Design (See Earthquake Hazards Section)
Soil Profile Site Class Type B, Ground motion parameters from USGS web site at <http://earthquake.usgs.gov/research/hazmaps/design> with site coordinates.
- Active earth pressure:
In a Soil Section = 60 lbs/ft³ equivalent fluid pressure
In a Rock Section = 35 lbs/ft² (pounds per square foot)
- Allowable Bearing Capacity (P_{allow})
 $P_{allow} = 0.33 * 10.0 * (\text{footing width in feet}) = (\text{kips/ft}^2)$ (Not to exceed 10.0)
A 20-percent increase is allowed for each additional foot, beyond one-foot, of depth that the footing is excavated into the subgrade.
- Lateral Bearing in Rock
Passive equivalent fluid pressure of 800 lbs/ft³ and a friction factor of 0.45 to resist sliding. They may be combined and a one third increase is allowed for transitory loading.
- Pier Design (Per UBC section 1806.8.2.1)
Rock passive pressure: 800 lbs/ft²/ft to calculate S_1 or S_3
Adhesion: 900 lbs/ft²
- Tiebacks
Refer to Table 1
- Drainage
Include items in "Drainage Check List"

Details on the application of these design values are included in the following sections of this report.

Drilled Piers

Drilled, cast-in place, reinforced concrete piers should be a minimum of 18 inches in diameter and should extend at least six feet into competent bearing stratum as determined by the Engineer in the field. The structural engineer may impose additional depths. The piers shall extend into the bearing stratum six feet below a 30° line projected up from the bottom of the nearest cut slope or bank. Piers should be designed to resist forces from the gravitational creep of the soil layer. The height of the piers subject to the creep forces is equal to the depth to the top of rock. For design purposes on this project, this may be, interpolated from the data on Drawing A. Creep forces should be calculated using an equivalent fluid pressure of 60 lbs/ft³ (Fig 16, NAVFAC(4)) acting on two pier diameters. Because the rock and soil are discontinuous media, for geotechnical considerations, the piers should have a nominal spacing of 10 feet on center and connected by tie and grade beams in a grid like configuration. Isolated interior and deck piers should be avoided. Normally end bearing should be neglected (see conditions below).

Piers should be designed by the formula in section 1806.8.2.1, Uniform Building Code 1997 (UCB), with 'P' equal to the soil creep forces between the surface and top of rock (plus any lateral loads from the structure) and 800 lbs/ft²/ft used to calculate 'S₁' or 'S₃'. **Note** that in this formula 'b' is the actual diameter of the pier not a multiple and 'h' is measured from the point of fixity. These values are not appropriate for other methods of design. The structural engineer should contact us for the applicable values if another method of pier design is to be used.

We judge that when piers are in a full cut fixity occurs at the rock surface and the conditions result in a constrained top of the pier. For this case the depth may be calculated by using the UBC formula in section **1806.8.2.2 Constrained**.

Design Parameters

Depth of fixity below top of bedrock surface for a sloping area:	1.5 feet
Soil active pressure:	60 lbs/ft ³
Rock active pressure:	K _a = 0.0
Rock passive pressure:	800 lbs/ft ² /ft to calculate S ₁ or S ₃
Adhesion:	900 lbs/ft ²

The values recommended for the calculation of "S" incorporate a 1.5 factor of safety. There is no requirement for the retaining wall designer to add an addition factor of safety for overturning.

In order for these strength values to be realized, the sides of the pier holes must be scaled of any mudcake.

End bearing may be used if the bottoms of the holes are thoroughly cleaned out with a "PG&E" spoon or other means. Drilled piers may be any convenient diameter that allows for readily cleaning the bottom of the holes. The end allowable bearing capacity may be determined as follows:⁽⁴⁾

$$P_{\text{allow.}} = 0.33 * 10.0 * (\text{pier width in feet}) = (\text{kips/ft}^2) \quad (\text{Not to exceed } 10.0)$$

Bearing may be increased 10 percent of the allowable value for each foot of depth extending below one foot of the rock surface.

Notice: We will not accept the foundation for concrete placement if the pier holes are over 48 hours old and will require that they be redrilled. One should plan ahead and have the pier cages assembled prior to drilling the holes so that there is no delay in placing the concrete. The contractor may submit plans for remedial measures, such as spraying or covering the excavation, to extend this time period. However, acceptance is always subject to the condition of the foundation grade immediately prior to the pour.

Ground water may be encountered in the drilled pier holes and it may be necessary to dewater, case the holes and/or place the concrete by tremie methods. All construction water displaced from the pier holes must be contained on site and filtered before discharging into the storm water system or natural drainages. Hard drilling will be necessary to reach the required depths. The contractor should be familiar with the local conditions in order to have the appropriate equipment on hand. The rock to be encountered in the drilling can be observed in outcrops in the area.

Footings

Footings foundations may be used where the entire footing is excavated into unweathered rock. For retaining wall footings the toe of the footing must be excavated into rock, if a keyway is not used the top of the toe must have three feet of horizontal confinement in the unweathered rock.

As a minimum, spread footings should conform to the requirements of Table 18-I-C, section 1809 of the UBC except that the "Depth Below Undisturbed Ground Surface" in Table 18-I-C shall be interpreted as to mean "The Depth Below the Top of Weathered Rock". The footings should be stepped as necessary to produce level bottoms and should be deepened as required to provide at least 10 feet of horizontal confinement between the footing base and the edge of the closest slope face. In addition, the base of the footing should be below a 30 degree line projected upward from the toe of the closest slope. For geotechnical considerations, since rock and soil are discontinuous media, footings should be connected up and downslope in a grid like fashion by tie beams. Isolated interior and deck footings should be avoided.

The maximum allowable bearing pressure for dead loads plus Code live loads for footing type foundations can be determined by the following formula⁽⁴⁾ :

$$P_{\text{allow.}} = 0.33 * 10.0 * (\text{footing width in feet}) = (\text{kips/ft}^2) \text{ (Not to exceed 10.0)}$$

A 20-percent increase is allowed for each additional foot, beyond one-foot, of depth that the footing is excavated into the subgrade. The portion of the footing extending into the undisturbed subgrade may be designed with a coefficient of passive earth pressure (K_p) equal to 6.0 with rock unit weight of 135 lbs/ft³ or a passive equivalent fluid pressure of 800 lbs/ft³ and a friction factor of 0.45 to resist sliding. Lateral bearing and lateral sliding may be combined and a one third increase is allowed for transitory loading.

Retaining Walls

All retaining walls should be supported on rock by piers or spread footing type foundations. Design parameters for retaining wall foundations are covered under the appropriate section for footings or drilled piers. The toe of footing type retaining walls should be excavated below grade and the concrete poured against natural ground, the toe should not be formed.

Retaining walls should be designed for a coefficient of active soil pressure (K_a) equal to 0.41, or an equivalent fluid pressure of 60 lbs/ft³(Fig 16 Ref 4). Since the backfill never truly provides rigid support that prevents mobilization of the active pressure, this value is appropriate for normal or restrained walls. For rigid, tiedback retaining walls that support soil slopes an "at rest" value of the coefficient of active soil pressure (K_o) equal to 0.55 or 72 lbs/ft³ equivalent fluid pressure should be used. The portion of any wall supporting a rock backslope may be designed for a pressure of 35 lbs/ft² (yes, that is square feet), with a K_a equal to 0.25. See Drawing A for the depth of soil. Any wall where the backfill is subject to vehicular loads within an area defined by a 30-degree (from vertical) plane projected up from the base of the wall should have the design pressure increased equivalent to a 200-lbs/ft² (q') surcharge. In this case if a uniform surcharge load q' acts on the soil behind the wall it results in a pressure P_s in lbs/ft. of wall equal to:

$$P_s = q' * (\text{height of wall}) * K_a$$

It acts midway between the top and bottom of the wall.

Or the design height of wall may be increased two feet to account for the surcharge.

Allowable foundation bearing and lateral resistance to sliding should be obtained from the formulae in the respective sections on pier or footing foundations. When short rigid drilled piers are used in lieu of a keyway they may be designed as per section 1807.3.2.2 Constrained.

If the shoring is constructed with rock bolts (see following sections), reinforced shotcrete may be used in lieu of structural concrete walls. Conventional concrete structural retaining walls may be constructed without forming by using shotcrete and chimney drains. However, complete waterproofing with this system is very difficult and one should consult a waterproofing specialist.

Piers for 'garden' type walls (supporting only landscaping) founded in the stiff soil may be designed using the criteria in section 1806.8.2.1 of the UBC, with an allowable lateral bearing pressure of 200 lbs/ft²/ft of depth. Also Marin County Standard Type A, B or C may be used⁽⁵⁾. However, it must be understood that due to the active creep of the soil layer such wall are subject to rotational creep over time.

All retaining walls should have a backdrainage system consisting of, as a minimum, drainage rock in a filter fabric (e.g. Mirafi™ 140N) with at least three inch diameter perforated pipe laid to drain by gravity. If Caltrans specification Class 2 Permeable is used the filter fabric envelope may be omitted. The pipe should rest on the ground or footing with no gravel underneath. **The pipe should be rigid drainpipe, 3000 triple wall HDPE, 3 or 4 inch ID, ASTM F810.** Pipes with perforations greater than 1/16 inch in diameter shall be wrapped in filter fabric. A bentonite seal should be placed at the connection of all solid and perforated pipes. All backdrainage shall be maintained in a separate system from roof and other surface drainage. Cleanouts should be provided at convenient locations, that is a plumbing and maintenance consideration and not a geotechnical concern.

Retaining walls which are adjacent to living areas should have additional water proofing such as three dimensional drainage panels and moisture barriers (e.g. "Miradrain™ 6000" panels and "Paraseal™") and the invert of the drainage pipe should be a minimum of four inches below the adjacent interior finished floor elevation. Drainage panels should extend to 12 inches below the surface and be flashed to prevent the entry of soil material. The heel of the retaining wall footing should be sloped towards the hill to prevent ponding of water at the cold joint, the drainage pipe should be placed on the lowest point on the footing. The backslope of the retaining walls should be ditched to drain to avoid infiltration of surface run-off into the backdrainage system. All waterproofing materials must be installed in strict compliance with the manufacturer's specifications. A specialist in waterproofing should be consulted for the appropriate products, we are not waterproofing experts and do not design waterproofing, we only offer general guidelines that cover the geotechnical aspect of drainage.

Typical retaining wall drainage details are attached.

Tiebacks

The anchor section of the tieback must be in unweathered bedrock. The capacity of tiebacks should be determined by the methods in Table 1, Capacity of Anchor Rods in Fractured Rock⁽⁴⁾. While a

ten-foot long unbonded length is preferred it is not necessary to develop the low capacity tieback normally required for retaining wall stability.

Regardless of the type of anchor used (e.g. mechanical, grouted or helical) tiebacks must meet the following two criteria:

- Proof testing to 1.25 times the design capacity
- Depth of anchor must equal or exceed that determined by Table 1

The structural engineer should prepare detailed shop drawings, for approval, of the specific materials and connection methods to be used at the bulkhead. Installation should follow manufacturer's specifications. The anchor rods should be high strength threaded rods specifically manufactured for this application, such as "Williams" or "Dywidag" threadbars. For corrosion protection contact the manufacturer.

Grout should be tremmied to the bottom of each hole so that when the bar is inserted the grout will be displaced to the surface. The bar should be provided with centering guides, and when placed in the hole rotated and vibrated several times to assure thorough contact between the bar and grout.

When the grout has obtained the desired strength the anchor bars should be tested to 125 percent of the design load and tied off at a designated post tensioning load, normally about 33 percent of the design load. The lift-off readings should be taken after the nut has been set to confirm the post tensioning. Typical tieback configuration is attached.

Slab on Grade Construction

Slab on grade construction which spans cut and fill or rock and soil sections will settle differentially and crack. Therefore this type of construction is not recommended for living areas or garages unless the areas are completely excavated into rock or underlain by compacted fill or the slab is designed as a structural slab. If the slab is underlain by a wedge of fill or natural soil over rock a floating slab will still settle differentially, sloping towards the thickest section of fill. Because the loads on a floating slab are usually small the settlement may be negligible.

The base for slabs on grade should consist of a 4-inch capillary moisture break of clean free draining crushed rock or gravel with a gradation between 1/4 and 3/4 inch in size. The base should be compacted by a vibratory plate compactor to 90 percent maximum dry density as determined by ASTM D-1557. A 10-mil impermeable membrane moisture vapor retarder should be placed on top of the gravel. The gravel should be "turned down" by a vibratory roller or plate to provide a smooth surface for the membrane. Recycled material is never acceptable.

Where migration of moisture vapor would be undesirable (e.g. under living spaces and areas covered by flooring) a "true" under-slab vapor barrier, such as "Stego® Wrap", should be installed. In this case one should consult an expert in waterproofing, our recommendations only apply to the geotechnical aspect of drainage and do not address the prevention of mold or flooring failures.

The top of the membrane should be protected during construction from puncture. Any punctures in the membrane will defeat its purpose. The contractor is responsible for the method of protecting the

membrane and concrete placement. *Drains and outlets should be provided from the slab drain rock.* (See attached Drawing for Typical Under-slab Drains)

Cuts and Fills

Unsupported cuts and fills are generally not recommended for this site. Fills behind retaining walls should be of material approved by the geotechnical engineer and compacted to a maximum dry density of 90 percent as determined by ASTM D-1157. Fills underlying pavements shall have the top 12 inches compacted to 95 percent maximum dry density.

Geotechnical Drainage Considerations

These recommendations apply to the geotechnical aspect of the drainage as they affect the stability of the construction and land. They do not include site grading and area drainage, which is within the design responsibility of civil engineers and landscape professionals. The civil and landscape professionals should make every effort to comply with the Marin County "Stormwater Quality Manual for Development Projects In Marin County" by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP www.mcstoppp.org) and Bay area Stormwater Management Agencies Association (BASMAA www.basmaa.org) when possible.

The site should be graded to provide positive drainage away from the foundations at a rate of 5 percent within the first ten feet (per requirements of the CBC section 1804.3). All roofs should be equipped with gutters and downspouts that discharge into a solid drainage line. Gutters may be eliminated if roof runoff is collected by shallow surface ditches or other acceptable landscape grading. All driveways and flat areas should drain into controlled collection points and all foundation and retaining walls constructed with backdrainage systems. Surface drainage systems, e.g. roofs, ditches and drop inlets *must be maintained separately* from foundation and backdrainage systems. The two systems may be joined into one pipe at a drop-inlet that is a minimum of two feet in elevation below the invert of the lowest back or slab drainage system. A bentonite seal should be placed at the transition point between drainpipes and solid pipes.

One should observe the ponding of water during winter and consult with you landscape professional for the location of surface drains and with us if subdrains are required.

All drop inlets that collect water contaminated with hydrocarbons (e.g. driveways) should be filtered before discharged in to a natural drainage.

All cross slope foundations should have backdrainage. In compliance with section 1805.4.2 of the CBC foundation drains should be installed around the perimeter of the foundation. On sloping lots only the upslope foundation line requires a perimeter drain. Interior and downslope grade beams and foundation lines should be provided with weep holes to allow any accumulated water to pass through the foundation. The top of the drainage pipe should be a minimum of four inches below the adjacent interior grade and constructed in accordance with the attached Typical Drainage Details. All drainpipes should rest on the bottom of the trench or footing with no gravel underneath. Drain pipes with holes greater than 1/8-inch should be wrapped with filter fabric, if Class 2 Permeable is used, to prevent piping of the fines into the pipe. If drain rock, other than Class 2 Permeable, is used the entire trench should be wrapped with filter fabric to prevent the large pore spaces in the drain rock

from silting up. On hillside lots it may not be possible to eliminate all moisture from the substructure area and some moisture is acceptable in a well-ventilated area. Site conditions change due to natural (e.g. rodent activity) and man related actions and during years of below average rainfall, future ground water problems may not be evident. One should expect to see changes in ground water conditions in the future that will require corrective actions.

All surface and ground water collected by drains or ditches should be dispersed across the property into a natural drainage below the structure. The upslope property owner is always responsible to the adjacent lower property owner for water, collected or natural, which may have a physical effect on their property.

All laterals carrying water to a discharge point should be SDR 35, Schedule 40 or 3000 triple wall HDPE pipe, depending on the application and should be buried. 'Flex pipe' is never acceptable. Cleanouts for stormwater drains should be installed in accordance with §1101.12 of the CPC, without pressure testing. However, this is not a geotechnical consideration and is the responsibility of the drainage contractor.

Retaining walls, cut and fill slopes should be graded to prevent water from running down the face of the slope. Diverted water should be collected in a lined "V" ditch or drop inlet leading to a solid pipe.

If the crawl space area is excavated below the outside site grade for joist clearance, the crawl space will act as a sump and collect water. If such construction is planned, the building design must provide for *gravity or pumped drainage from the crawl space*. If it is a concern that moisture vapor from the crawl space will affect flooring, a specialist in vapor barriers should be consulted, we only design drainage for geotechnical considerations.

The owner is responsible for periodic maintenance to prevent and eliminate standing water that may lead to such problems as dry rot and mold.

Construction grading will expose weak soil and rock that will be susceptible to erosion. Erosion protection measures must be implemented during and after construction. These would include jute netting, hydromulch, silt barriers and stabilized entrances established during construction. Typically fiber rolls are installed along the contour below the work area. Refer to the current ABAG⁽⁹⁾ manual for detailed specifications and applications. Erosion control products are available from Water Components in San Rafael. The ground should not be disturbed outside the immediate construction area. Prevention of erosion is emphasized over containment of silt. Post construction erosion control is the responsibility of your landscape professional. ***It is the owner's responsibility*** that the contractor knows of and complies with the BMP's (Best Management Practices) of the Regional Water Quality Control Board, available at www.swrcb.ca.gov, ↵ water quality ↵ stormwater ↵ construction. In addition, summer construction may create considerable dust that should be controlled by the judicious application of water spray. After construction, erosion resistant vegetation must be established on all slopes to reduce sloughing and erosion this is the responsibility of a landscape professional. Periodic land maintenance should be performed to clean and maintain all drains and repair any sloughing or erosion before it becomes a major problem.

Drainage Checklist

Before submitting the project drawings to us for review the architect and structural engineer should be sure the following applicable drainage items are shown on the drawings:

- Under-slab drains and outlets
- Crawl space drainage
- Cross-slope footing and grade beam weep holes
- Retaining wall backdrainage pipes with no gravel under the pipes
- Top of retaining wall heel sloped towards rear at $\frac{1}{8}$ - inch per foot
- Drain pipe located at lowest part of footing
- Invert of foundation drains located 4-inches below interior grade
- No gravel under any drainpipe
- Upslope exterior foundation drains
- Drains installed in accordance with §1101.12 of the CPC
- Bentonite seals at drainpipe transition to solid pipe
- Proper installation of the drainage panels
- Outfall details and location
- Subdrains under any fill slopes

In lieu of the above details actually being shown on the drawings there may be a:

- **Note on the structural drawings:** "Drainage details may be schematic and incomplete, refer to the text and drawings in the geotechnical report for actual materials and installation"

Construction Inspections

In order to assure that the construction work is performed in accordance with the recommendations in this report, SalemHowes Associates Inc. must perform the following applicable inspections. We will provide a full time project engineer to supervise the foundation excavation, drainage, compaction and other geotechnical concerns during construction. Otherwise, if directed by the Owner, these inspections will be performed on an "as requested basis" by the Owner or Owner's representative. We will not be responsible for construction we were not called to inspect. In this case it is the responsibility of the Owner to assure that we are notified in a timely manner to observe and accept each individual phase of the project.

Key Inspection Points

- Map excavations in progress to identify and record rock/soil conditions.
- Observe tieback placement and proof loading, including lift off measurement.
- Observe and accept pier drilling and final depth and conditions of all pier holes. We must be on site at the start of drilling the first hole.
- Accept final footing grade prior to placement of reinforcing steel.
- Accept subdrainage prior to backfilling with drainage rock.
- Accept drainage discharge location.

Additional Engineering Services

We should work closely with your project engineer and architect to interactively review the site grading plan and foundation design for conformance with the intent of these recommendations. We should provide periodic engineering inspections and testing, as outlined in this report, during the

construction and upon completion to assure contractor compliance and provide a final report summarizing the work and design changes, if any.

Any engineering or inspection work beyond the scope of this report would be performed at your request and at our standard fee schedule.

Limitations on the Use of This Report

This report is prepared for the exclusive use of Paul Thompson dba West Bay Builders and their design professionals for construction of the proposed new residence. This is a copyrighted document and the unauthorized copying and distribution is expressly prohibited. Our services consist of professional opinions, conclusions and recommendations developed by a Geotechnical Engineer and Engineering Geologist in accordance with generally accepted principles and practices established in this area at this time. This warranty is in lieu of all other warranties, either expressed or implied.

All conclusions and recommendations in this report are contingent upon SalemHowes Associates being retained to review the geotechnical portion of the final grading and foundation plans prior to construction. The analysis and recommendations contained in this report are preliminary and based on the data obtained from the referenced subsurface explorations. The borings indicate subsurface conditions only at the specific locations and times, and only to the depths penetrated. They do not necessarily reflect strata variations that may exist between such locations. The validity of the recommendations is based on part on assumptions about the stratigraphy made by the geotechnical engineer or geologist. Such assumptions may be confirmed only during earth work and foundation construction for deep foundations. If subsurface conditions different from those described in this report are noted during construction, recommendations in this report must be re-evaluated. It is advised that SalemHowes Associates Inc. be retained to observe and accept earthwork construction in order to help confirm that our assumptions and preliminary recommendations are valid or to modify them accordingly. SalemHowes Associates Inc. cannot assume responsibility or liability for the adequacy of recommendations if we do not observe construction.

In preparation of this report it is assumed that the client will utilize the services of other licensed design professionals such as surveyors, architects and civil engineers, and will hire licensed contractors with the appropriate experience and license for the site grading and construction.

We judge that construction in accordance with the recommendations in this report will be stable and that the risk of future instability is within the range generally accepted for construction on hillsides in the Marin County area. However, one must realize there is an inherent risk of instability associated with all hillside construction and, therefore, we are unable to guarantee the stability of any hillside construction. For houses constructed on hillsides we recommend that one investigate the economic issues of earthquake insurance.

In the event that any changes in the nature, design, or location of the facilities are made, the conclusions and recommendations contained in this report should not be considered valid unless the changes are reviewed and conclusions of this report modified or verified in writing by SalemHowes Associates Inc. We are not responsible for any claims, damages, or liability associated with interpretations of subsurface data or reuse of the subsurface data or engineering analysis without

expressed written authorization of SalemHowes Associates Inc. Ground conditions and standards of practice change; therefore, we should be contacted to update this report if construction has not been started before the next winter.

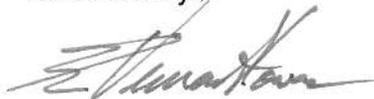
We trust this provides you with the information required for your evaluation of geotechnical properties of this site. If you have any questions or wish to discuss this further please give us a call.

Prepared by:

SalemHowes Associates, Inc.

A California Corporation

Reviewed by:



E Vincent Howes

Geotechnical Engineer
GE #965 exp. 31 Mar 16

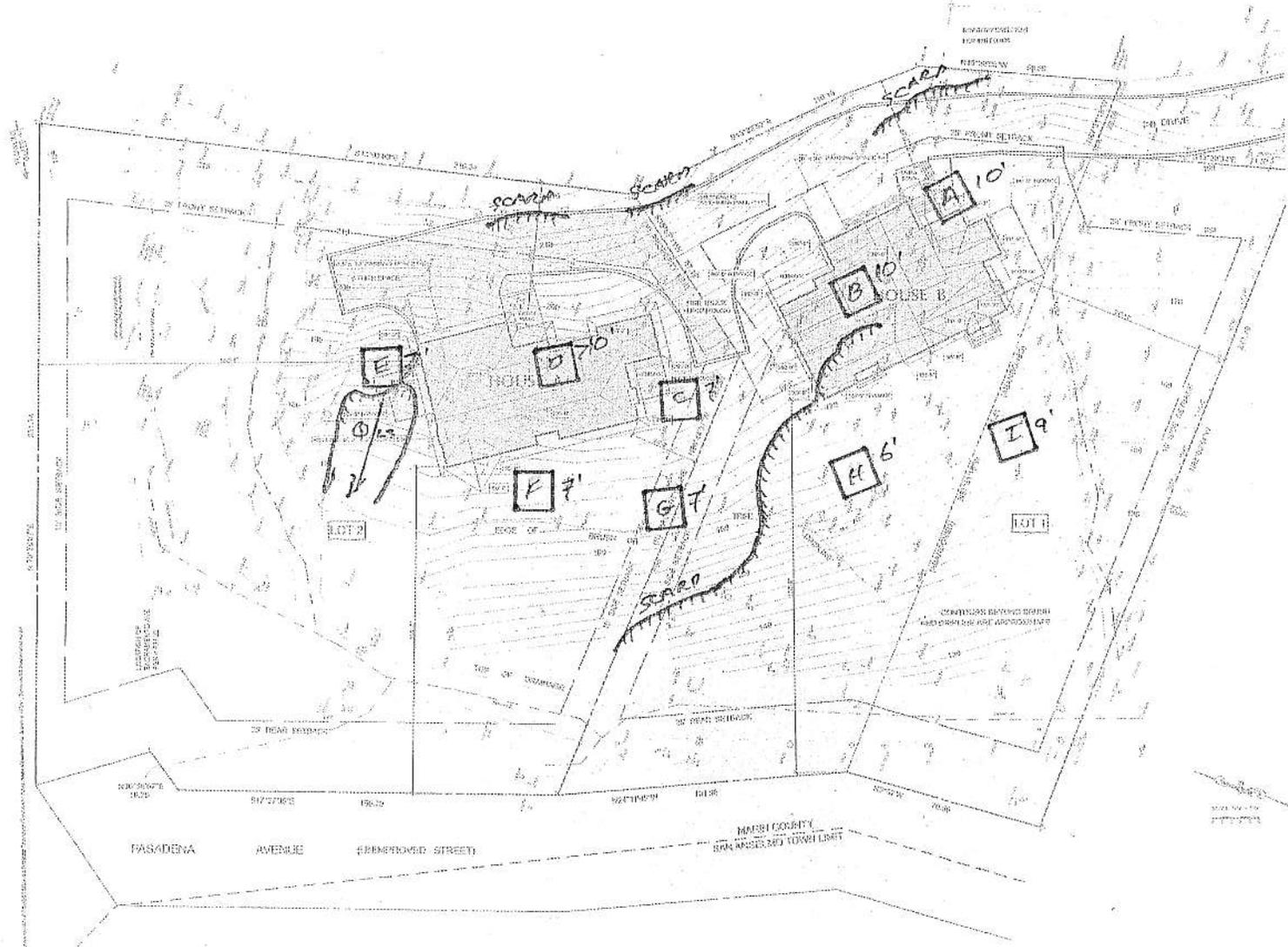


- Attachments: Drawing A, Site Plan and Location of Test Borings
Drawing B, Typical Site Sections
Typical Under-slab Drains
Outfall Details
Typical Drain Detail
Typical Retaining Wall Drainage
Logs of Test Pits
Table 1, Capacity of Anchor Rods in Fractured Rock
Plate 1, San Francisco Bay Region Earthquake Probabilities

References:

- (1) Rice, Salem J; Smith, Theodore C and Strand, Rudolph G.; Geology for Planning Central and Southeastern Marin County, California, California Divisions of Mines and Geology, 1976 OFR 76-2 SF.
- (2) U.S. Geological Survey, Probabilities of Large Earthquakes in the San Francisco Bay Region, 2000 to 2030, Open-File Report 99-517, 1999
- (3) California Department of Conservation, Division of Mines and Geology, Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada, February 1988, International conference of Building Officials.
- (4) Department of the Navy, Naval Facilities Engineering Command, Soil Mechanics, Design Manual 7.1, 7.2, (NAVFAC DM-7) May 1982,
- (5) Uniform Construction Standards, most recent edition, Marin County Building Department

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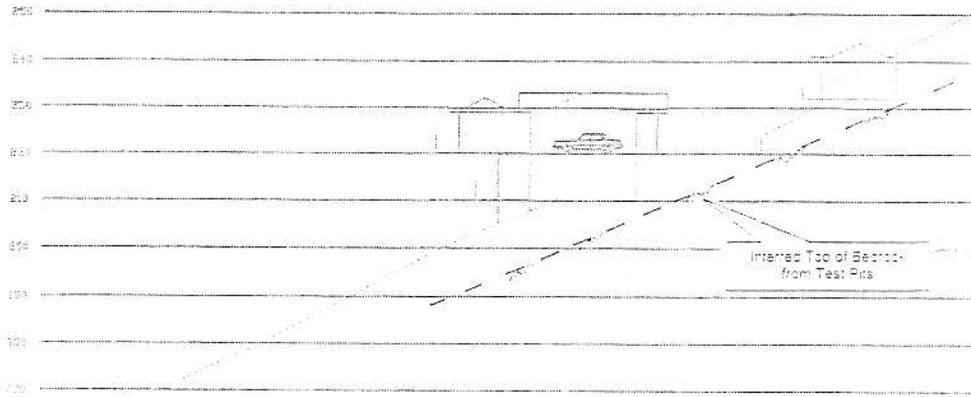
SITE PLAN AND LOCATION OF TEST PITS



no scale s.a.d.

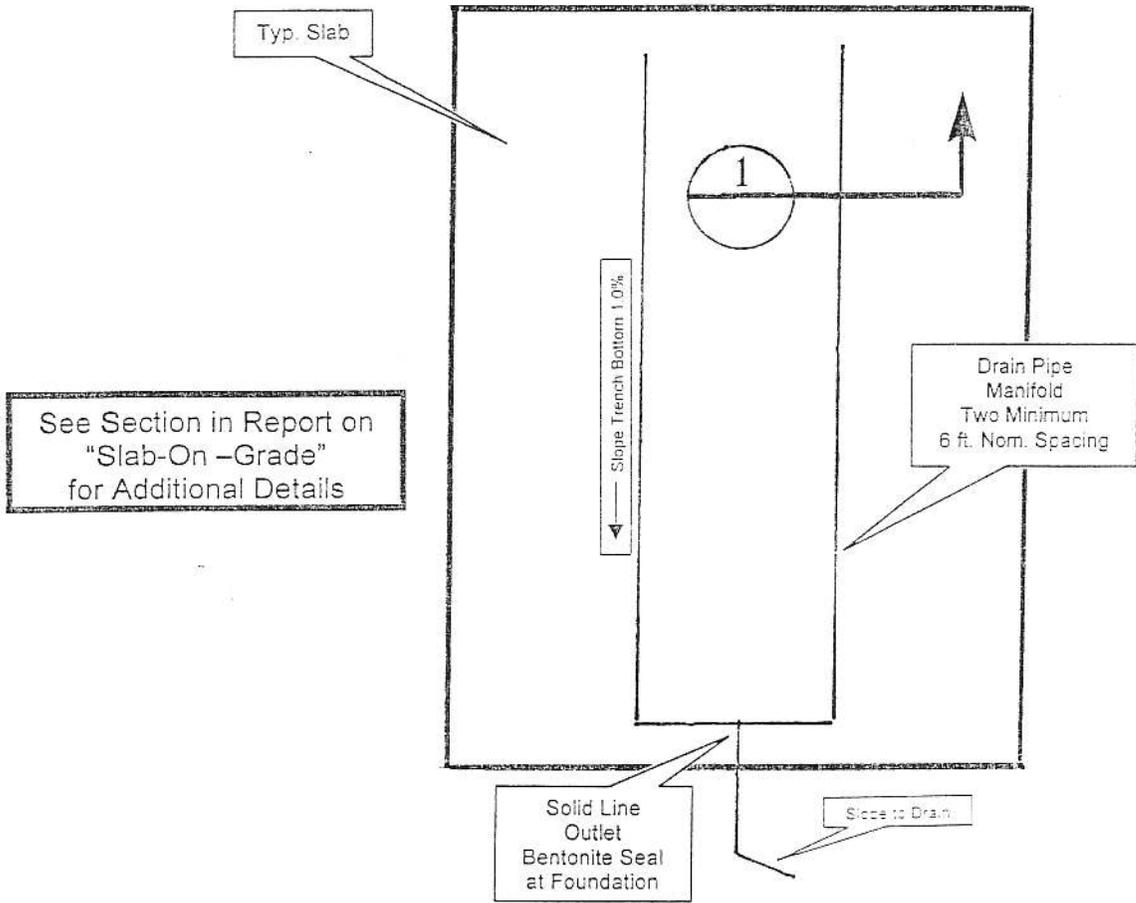
LEGEND

-  Location of Test Pits
-  Depth to Top of Bedrock



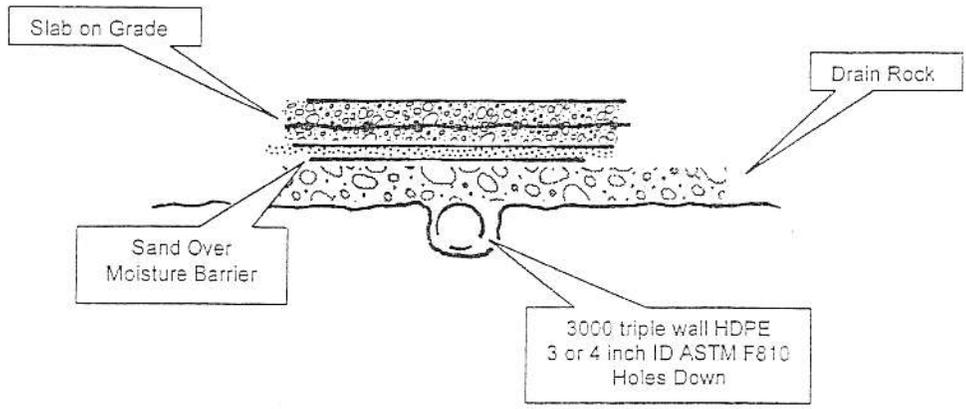
TYPICAL SITE SECTION

1" = 10' (architectural section 2)



PLAN VIEW

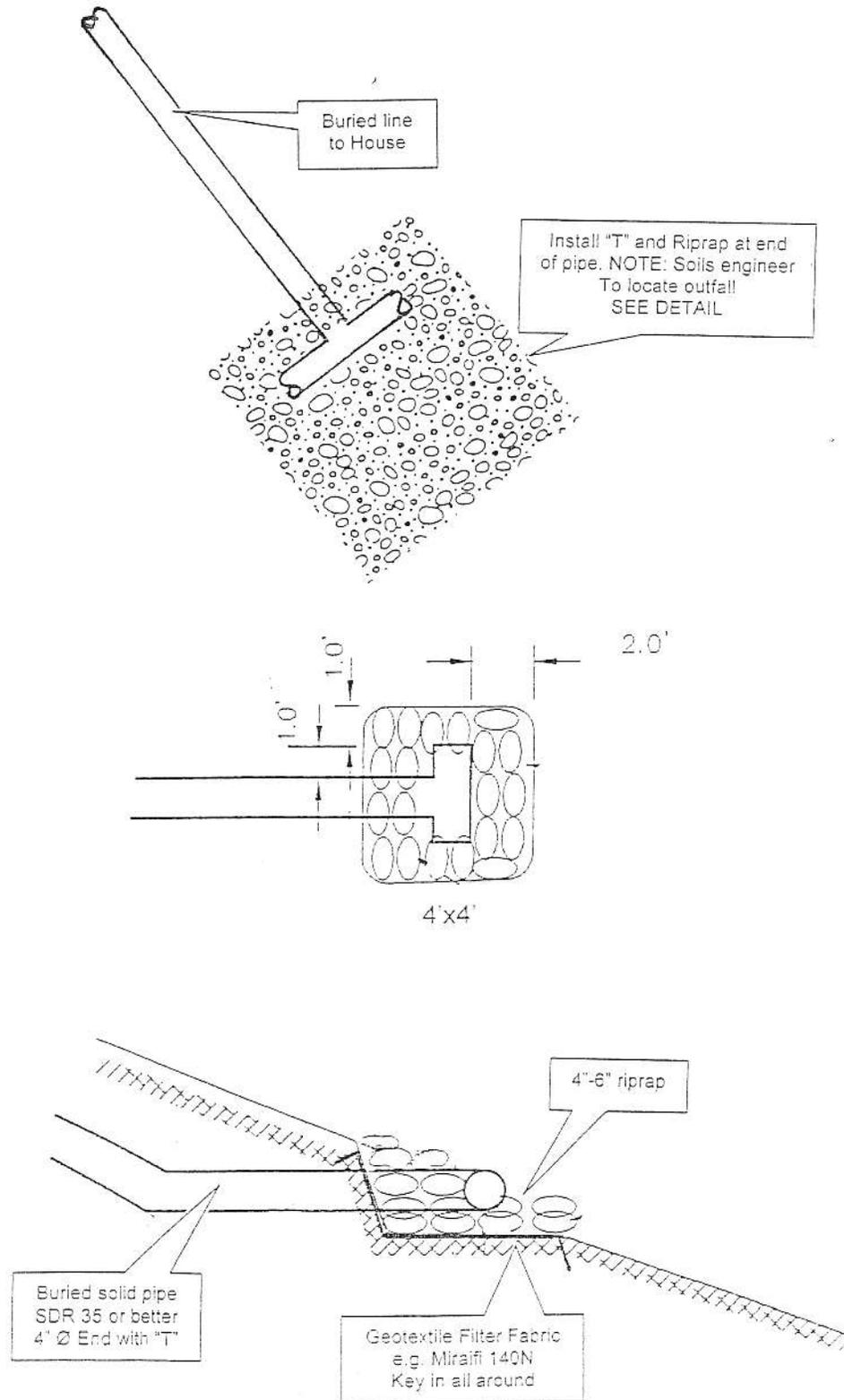
NO SCALE



1 Typ. Section Thru Drain Line
No Scale

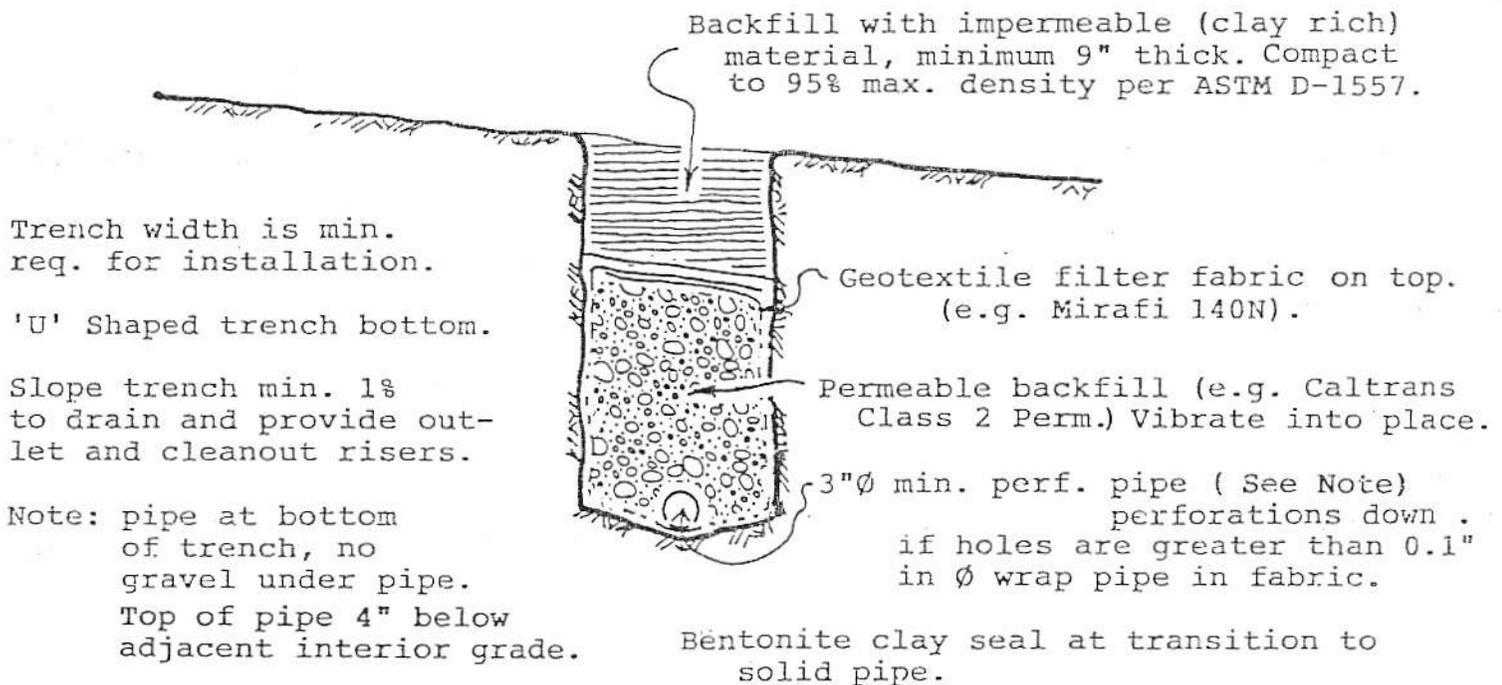
TYPICAL UNDERSLAB DRAINS

NO SCALE



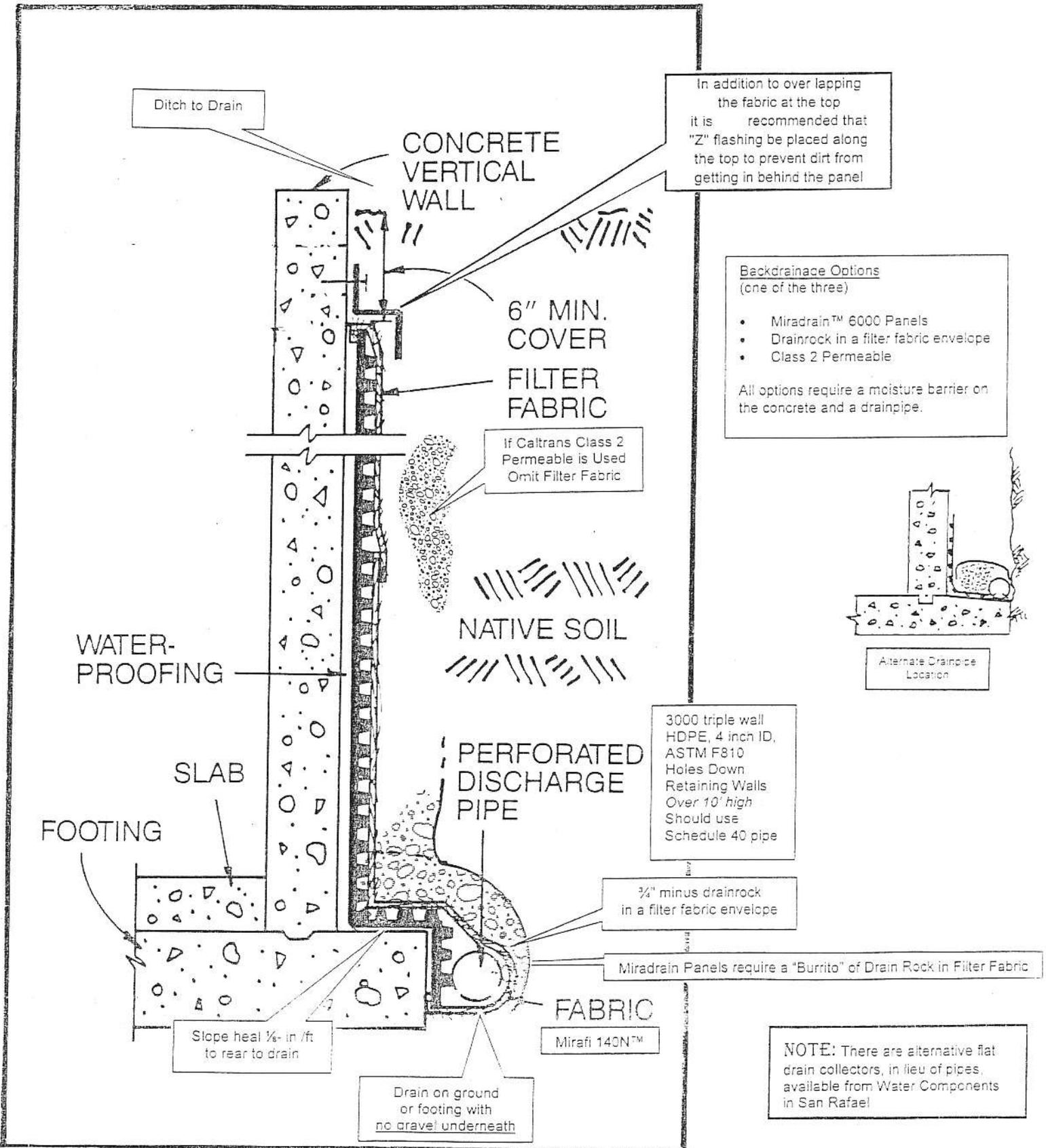
OUTFALL DETAILS

No Scale



NOTE: We recommend rigid drainpipe 3000 triple wall HDPE, 3 or 4 inch ID, ASTM F810.

TYPICAL DRAIN DETAILS



TYPICAL RETAINING WALL DRAINAGE DETAILS

LOGS OF TEST PITS

Test Pit A

0-5.0 ft. **Landslide Debris** [Qls]

Clayey silt [CL-ML] with Metasediment
Cobbles to boulders, slide debris

5.0 **Clay** [CL] grey soft clay LL= 34 PI = 34 $\gamma = 130$ Lbs/ft³

7.0 Δ to highly weathered rock?, tan silty sand [SM]

10.0 **Metasediment Rock** [fm] bedrock, highly weathered
friable and sheared

Total Depth of Pit 14.0 feet

Test Pit B

0-2.0 ft. **Colluvium** [Qc]

Clayey silt [CL-ML]

2.0 **Colluvium** [Qc]

Silt [ML] tan hard

4.0 **Metasediment** [fm]

Highly weathered and sheared, look like
ancient Qls deposit or tectonicly sheared
rock.

10.0 **Metasediment Rock** [fm] hard bedrock

Total Depth of Pit 12.0 feet

Test Pit C

0-2.0 ft. **Topsoil** [ML], grey soft with organics

2.0 **Residual Soil** silt [ML] hard with rock texture,
becoming harder with depth

4.0 **Metasediment Rock** [fm] bedrock, sheared with soft zones
surrounding hard enclosures

7.0 definitely in place bedrock, hard enclosures in
sheared matrix, typical fm.

10.0 backhoe refusal in hard rock

Total Depth of Pit 10.0 feet

Test Pit D

0-2.0 ft. **Topsoil and Colluvium** [ML & Qc]
grey clayey silt with large meta sandstone cobbles

2.0 Δ to hard tan silt [ML]

4.0 Δ to **Landslide Debris** [Qls] hard tan silt with rock fragments
and cobbles, old slide debris
silt and internal shearing LL= 40 PI = 10 γ = 135 Lbs/ft³g

Same to 10 feet

10.0 backhoe refusal in slide debris

Total Depth of Pit 10.0 feet

Test Pit E

0-5.0 ft. **Colluvium or Landslide Debris** [Qc or Qls]
silt [ML] tan hard with gravel to cobbles of
metasandstone.

5.0 **Residual Soil**, silty clay [ML-CL] with sheared rock texture

6.0 **Metasandstone** [fm] hard sheared metasandstone bedrock

Harder with depth

10.0 Backhoe refusal in hard rock

Total Depth of Test Pit 10.0 feet

Test Pit F

0-1.5 ft. **Topsoil**, grey silt [ML] with angular cobbles
and organics

1.5-7.0 **Colluvium or Landslide Debris** [Qc or Qls]
Tan hard silt [ML] matrix with angular metasandstone
cobbles

7.0-9.0 **Metasandstone** [fm] tan highly sheared bedrock

9.0-11.0 Δ to tan soft massive metasandstone

11-12.0 Δ to highly sheared metasandstone bedrock

Total Depth of Test Pit 12.0 Feet

Test Pit G

0-1.5 ft. **Topsoil**, grey silt [ML] with angular cobbles and organics

1.5-6.0 **Colluvium or Landslide Debris** [Qc or Qls]
Tan hard silt [ML] matrix with angular metasandstone cobbles

6.0 **Metasandstone** [fm] grey highly weathered and sheared bedrock

8.0 interbedded sandstone and shale

Total depth of Test Pit 10.0

Test Pit H

0-4.0 **Landslide Debris** [Qls] grey silt [ML] with angular rock Fragments

4-6.0 **Residual Soil** tan with grey silty clay [ML-CL] mottling
LL= 40 PI = 15 $\gamma = 130 \text{ Lbs/ft}^3$

6.0 Δ metasandstone/shale bedrock, highly internally sheared

Total depth of Test Pit 10.0

Test Pit I

0-1.0 ft **Top Soil** [ML] grey silt with organica

1-6.0 **Landslide Debris** [Qls] grey silty clay [CL-ML] with angular rock fragments

6.0 Bottom of landslide

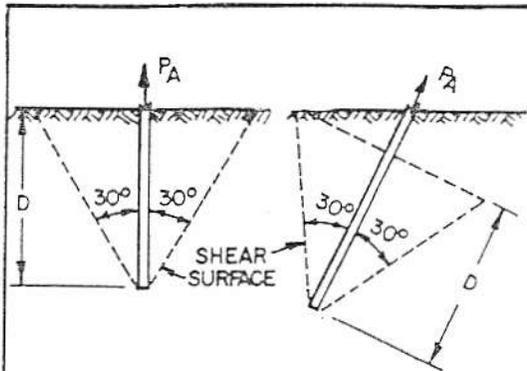
6.0 **Residual Soil** tan clayey silt [ML-CL] with faint rock texture

7.0 Δ to tan silty sand

9.0 **Metasandstone**, weathered bedrock, tan soft rock hardness

10.0 Turning hard.

Total depth of Test Pit 10.0



SINGLE BAR ANCHORAGES

P_A = ALLOWABLE ANCHOR PULL
 D = EMBEDMENT DEPTH, MEASURED AS SHOWN
 $C_{a||}$ = ALLOWABLE ROCK SHEAR STRESS
 f_s = ALLOWABLE BAR STRESS, $0.66 f_y$
 br_{qd} = BOND STRESS ON BAR PERIMETER REQUIRED TO DEVELOP $C_{a||}$
 A = BAR CROSS-SECTION AREA

$$P_A = (2.1) D^2 (C_{a||}) \text{ AND } P_A = A f_s$$

$$br_{qd} = \frac{P_A}{\text{BAR PERIMETER} \times D}$$

TESTS INDICATE THAT FOR BAR IN ORDINARY FRACTURED ROCK NEAR THE SURFACE:
 MINIMUM D (FT) = $(1.25) \sqrt{P_A}$ (KIPS)
 AT THIS DEPTH $C_{a||} = 0.3$ KSF AND SHOULD NOT BE TAKEN GREATER THAN THIS VALUE WITHOUT PULLOUT TESTS
 SPACING OF BARS IN PLAN SHOULD EXCEED 1.2D

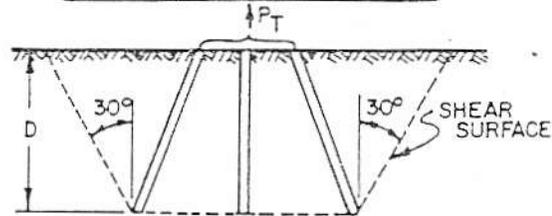
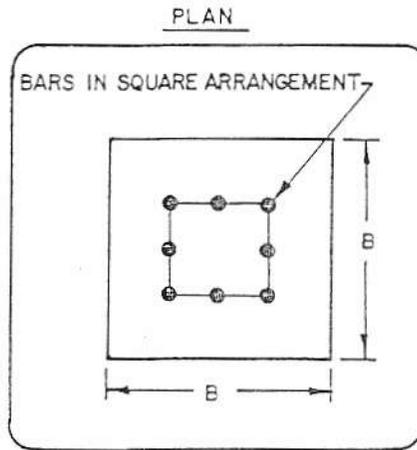
EXAMPLE:

GIVEN: $P_A = 20$ K FOR 1 IN. SQUARE BAR
 MINIMUM $D = 1.25 \sqrt{20} = 5.6$ FT.
 BAR SPACING = $1.2 (5.6) = 6.7$ FT.

$$br_{qd} = \frac{20,000}{4(5.6)(12)} = 74 \text{ PSI}$$

Not to exceed 100 psi.

(* Minimum depth for any application is 6 feet, as measured above.



SECTION
BAR GROUP ANCHORAGE

P_T = ALLOWABLE ANCHOR PULL FOR GROUP OF BARS.
 N = NUMBER OF BARS IN SQUARE ARRANGEMENT
 $P_T = 4.6D(B + 0.58D) C_{a||}$ AND
 $P_T = N A f_s$
 $br_{qd} = \frac{P_T}{\text{BAR PERIMETER} \times ND}$

TESTS INDICATE THAT FOR BAR GROUP IN ORDINARY FRACTURED ROCK NEAR THE SURFACE:
 MINIMUM D (FT)

$$D = \frac{-4.6 B C_{a||} + \sqrt{21.2 B^2 (C_{a||})^2 + 10.7 C_{a||} \times N A f_s}}{5.34 C_{a||}}$$

AT THIS DEPTH $C_{a||} = 0.3$ KSF AND SHOULD NOT BE TAKEN GREATER THAN THIS VALUE WITHOUT PULLOUT TESTS

EXAMPLE:

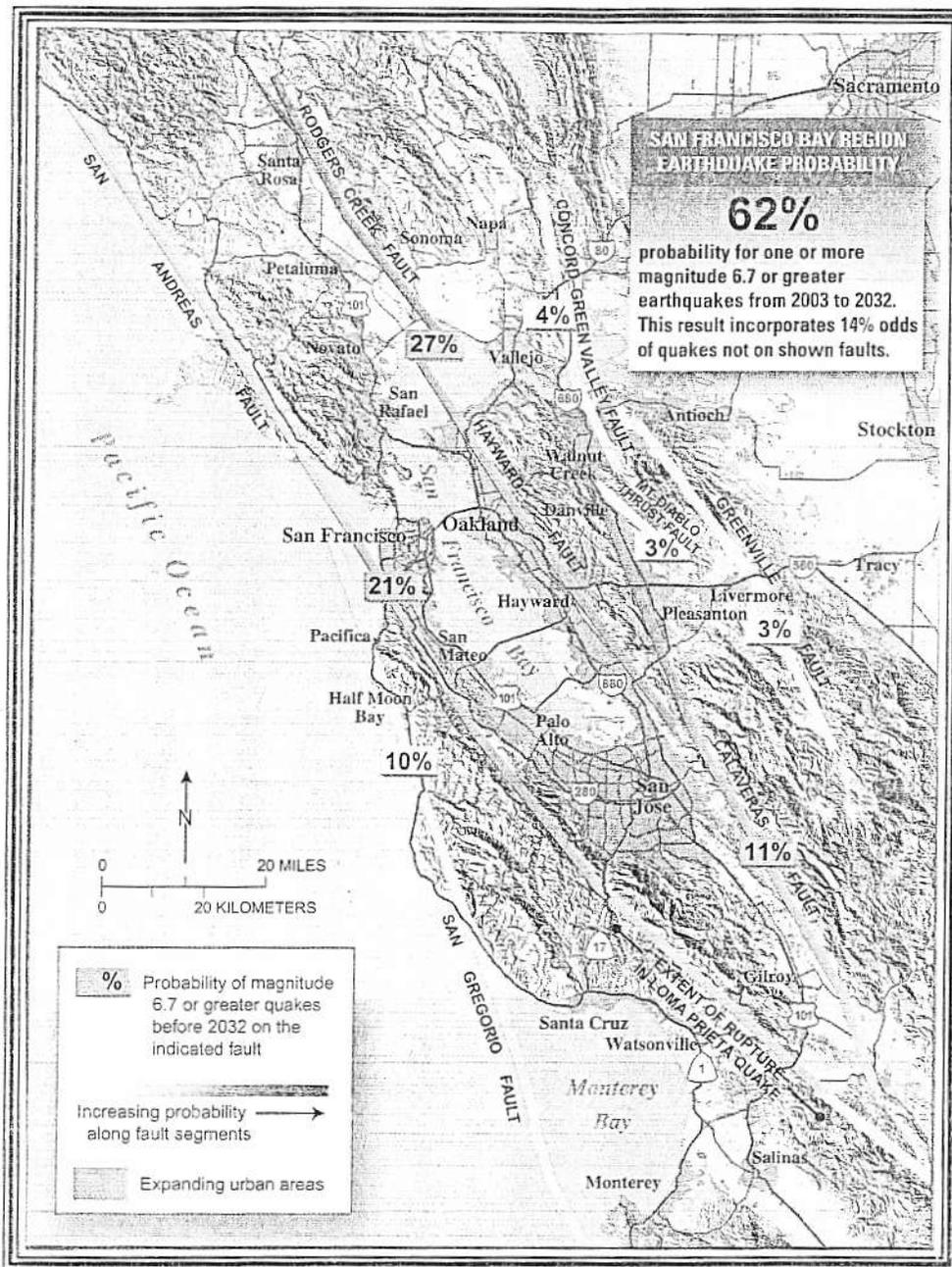
GIVEN $P_T = 80$ K, USE 4 - 1 IN SQUARE BARS
 $B = 4.5$ FT $f_s = 20$ KSI
 MIN. D : WITHOUT TESTS:

$$D = \frac{-4.6 \times 4.5 \times 0.3 + \sqrt{21.2 \times 4.5^2 \times 0.3^2 + 10.7 \times 0.3 \times 4 \times 1 \times 200}}{5.34 \times 0.3} = 6.9 \text{ FT}$$

$$br_{qd} = \frac{80,000}{(4)(4)(6.9)(12)} = 60 \text{ PSI}$$

Capacity of Anchor Rods in Fractured Rock

Table 1



Using newly collected data and evolving theories of earthquake occurrence, U.S. Geological Survey (USGS) and other scientists have concluded that there is a 62% probability of at least one magnitude 6.7 or greater quake, capable of causing widespread damage, striking somewhere in the San Francisco Bay region before 2032. A major quake can occur in any part of this densely populated region. Therefore, there is an ongoing need for all communities in the Bay region to continue preparing for the quakes that will strike in the future.

Plate 1, San Francisco Bay Region Earthquake Probabilities

From: USGS Fact Sheet 039-03
Revised September 2004