

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC21-006

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*

- 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.

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.

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.

- 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.

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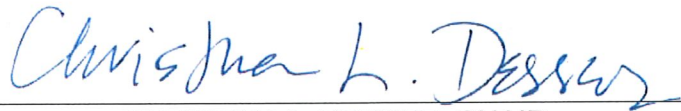
SECTION VI: VOTE

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: MARGARET CURRAN, CHRISTINA L. DESSER, DON DICKENSON, REBECCA LIND. DAVID PAOLI, PETER THERAN

NOES: NONE

ABSENT: MARGOT BIEHLE



CHRISTINA L. DESSER, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:



ANA HILDA MOSHER
PLANNING COMMISSION SECRETARY