



**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:  
Community Plan Area:  
Zoning District:

SF5 (Single Family Residential, 2-4 lots per acre)  
N/A  
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

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SECTION I: FINDINGS

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

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

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

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

2. **WHEREAS**, on June 28, 2021, the Marin County Planning Division 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 23<sup>rd</sup> day of August, 2021 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

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CHRISTINA DESSER, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:

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Ana Hilda Mosher  
Planning Commission Recording Secretary