



**STAFF REPORT TO THE MARIN COUNTY
PLANNING COMMISSION**

Thompson Design Review and Lot Line Adjustment

Recommendation: **Approval with conditions**
Hearing Date: **November 9, 2015**

Application Numbers:	DR 14-89, DR 14-90 and LLA 14-8	Owner:	Paul Thompson
Property Address:	183 and 187 Sacramento Avenue, San Anselmo	Assessor's Parcel Numbers:	177-172-09, -10, -18, -19 & -20
Agenda Item:	6.		
Last Date for Action:	November 23, 2015	Project Planner:	Curtis Havel
		Signature:	
Countywide Plan Designation:		SF5 (Single Family Residential, 2-4 units per acre)	
Community Plan Area:		None	
Zoning District:		R1:B2 (Residential, Single Family, 10,000 square feet minimum lot size)	
Environmental Determination:		Categorically Exempt from the requirements of the California Environmental Quality Act according to Sections 15303 and 15305 of the CEQA Guidelines.	

PROJECT SUMMARY

The applicant is proposing to abandon a portion of the Sacramento Avenue public right-of-way, adjust the lot lines between two separate legal lots of record, and construct a new single family residence on each lot for a total of two new single family residences. No new lots are proposed or being created as part of this application.

Sacramento Avenue Right of Way Abandonment

The applicant is proposing to abandon the undeveloped portion of Sacramento Avenue. The existing paved portion of Sacramento Avenue is located approximately 60 feet from the southeast corner of Assessor's Tax Parcel Number (APN) 177-172-09. The undeveloped portion of Sacramento Avenue extends along the eastern boundary of APN 177-172-09, then bends in a northwesterly direction, roughly bisecting APNs 177-172-10 and -20 (APNs 177-172-10 and -20 constitute one legal lot of record).

The applicant has proposed the following easements to preserve access for the neighbors and public in response to neighbor and community comments: (1) a driveway/access easement to benefit the uphill property (APN 177-220-24 – Lands of Singer); (2) a driveway/access easement to benefit the property north of the project site (APN 177-171-04 – Lands of Newel) and (3) a trail easement along the easterly property boundary generally consistent with the Trail Element of the Town of San Anselmo’s General Plan.

Lot Line Adjustment

The project applicant is proposing to adjust the existing property lines between two separate legal lots of record. The table below describes the proposed final lot areas.

Assessor’s Parcel Number	Site Address	Existing Area	Proposed Area
177-172-09 (Building B, Lot 1)	183 Sacramento Avenue	16,638 sq. ft.	43,271 sq. ft.
177-172-10 and -20 (Building A, Lot 2)	187 Sacramento Avenue	74,676 sq. ft.	48,043 sq. ft.

The lot line adjustment would create more uniform building envelopes that follow existing development patterns along Sacramento Avenue. This is not an application for a land division and no new lots are being created through the lot line adjustment.

Design Review

Building A (187 Sacramento Avenue)

Building A is designed to be two-stories with 4,116 square feet of building area (includes the 804 square foot garage) and would result in a 7.4 percent floor area ratio on a 48,043 square foot lot. The proposed residence would reach a maximum height of approximately 32 feet 7 inches above natural grade (approximately 29 feet from finished grade along the exterior of the structure) and would be located the following distances from corresponding property lines: 50-feet, 1-inch from the northern front property line; 18-feet, 7-inches from the eastern side property line; 132-feet, 4-inches from the western side property line; and 114-feet, 7-inches from the southern rear property line. Additional project features include landscaping, concrete patios, concrete retaining walls varying in height from approximately 5 feet to 14 feet, a concrete driveway, an asphalt drive with a “Y-Turn” space and a fire truck turnaround that would be shared with Building B.

Building B (183 Sacramento Avenue)

Building B is designed to be two-stories with 4,254 square feet of building area (includes 865 square foot garage) and would result in a 8.6 percent floor area ratio on a 43,271 square foot lot. The proposed residence would reach a maximum height of approximately 32 feet from natural grade (27 feet 6 inches from finished grade along the exterior of the structure) and would be located the following distances from corresponding property lines: 43-feet, 1-inch from the northern front property line; 77-feet, 11-inches the eastern side property line; 19-feet, 8-inches from the western side property line; and 130-feet, 9-inches from the southern rear property line. Additional project features include landscaping, a stone entry, concrete stairs, concrete patios, concrete retaining walls varying in height from 4 feet to 14 feet, a concrete driveway, and asphalt drive with a fire truck turnaround that would be shared with Building A.

PROJECT SETTING

Characteristics of the site and surrounding area are summarized below:

Lot Area: Approximately 2.7 acres
Adjacent Land Uses: Single Family Residential
Topography and Slope: Steep slope (approximately 40%)
Existing Vegetation: Open hillside
Environmental Hazards: None identified

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.

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.

According to the County's GIS (geographic information systems) maps, the project site does not provide habitat for sensitive plant or animal species, the site is not located in an archaeologically sensitive area, and the site is not located within a stream conservation area. The GIS maps also indicate that the project site is not located in the ridge and upland greenbelt zone, and that the property does not contain potential trail alignments that provide access to open space.

BACKGROUND

The project applicant filed two Certificates of Compliance in October of 2013 verifying that the subject property comprises two separate legal lots of record (even though there are more than two Assessor's Tax Parcel Numbers associated with the property). The current application for Design Review and Lot Line Adjustment was filed on May 22, 2014.

During the initial project review, staff visited the site, posted a public notice at the site and circulated a brief project description along with plan sets to the Marin County Department of Public Works (Land Use and Water Resources, and Real Estate Divisions), Marin County Fire Department, Ross Valley Fire Protection District and local utility districts. The application was found to be incomplete on June 20, 2014 for a variety of reasons, including but not limited to the road right of way abandonment and the installation of story poles.

The project applicant installed story poles at the project site and initiated the road right of way abandonment process with the Department of Public Works Real Estate Division in August of 2014. At this point in the process, staff was treating the abandonment of the undeveloped portion of the Sacramento Avenue road right of way as a completeness item. However, based on concerns raised by members of the public related to project segmentation with respect to the California Environmental Quality Act (CEQA), a determination regarding whether to abandon the right of way is being postponed so that the abandonment can be included as part of the overall project description for the land use entitlements. It is important to note that the Board of Supervisors is the decision-making authority for the road right of way abandonment, and that the road right of way abandonment is being included here because it is an aspect of the overall project proposal.

The applicant struggled to obtain a complete application over the next year with the application nearly being withdrawn at one point due to inactivity. During that time, staff received correspondence from neighbors expressing objections to the proposed project in general, and the road right of way abandonment specifically (discussed in greater detail below). The application was deemed to be complete on September 30, 2015.

The Community Development Agency provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accordance with California Government Code requirements. This notice was mailed to all property owners within 600 feet of the subject property.

KEY ISSUES

The surrounding neighbors have expressed concerns about the proposed road right of way abandonment and how it will impact the public's ability to access open space, as well as access for private property owners that are adjacent to the Sacramento Avenue road right of way.

A property owner may request the vacation (abandonment) of a road right of way from the Department of Public Work Real Estate Division when the undeveloped road right of way (paper street) has been offered to the County of Marin for dedication (the offer of dedication means that if the County accepts the offer of dedication, then the County is responsible for future roadway maintenance and upkeep if the road is constructed). This process typically precedes the planning permit process and takes place in a separate process/forum conducted by the Department of Public Works Real Estate Division and decided by the Board of Supervisors.

The project applicant chose to enter into the abandonment process with the Department of Public Works Real Estate Division during the processing of the planning permit. While this is not prohibited, it is worth clarifying that the Planning Commission does not have decision making authority regarding the abandonment. Furthermore, for the purposes of compliance with the California Environmental Quality Act (CEQA), staff has included the proposed road right of way abandonment as part of the project description.

Public Access

Concerns have been raised that the abandonment of the paper street would deprive the community of an access route to open space, would deprive adjoining landowners access to their properties, and remove a wildlife corridor.

Staff has made multiple visits to the site since 2014 and has never witnessed any evidence of a trail that crosses the property along the Sacramento Avenue right of way (there is a very rough deer trail along the upper elevation of the property, but it is outside of the Sacramento Avenue right of way and does not connect to any other trails in vicinity). Staff did observe that if an individual wanted to walk across the property from Miwok Drive, it would be a fairly treacherous route as an individual would need to cross a steeply eroded drainage course without the benefit of a clear path, and no clear connector to open spaces beyond.

The Trails Element of the Marin Countywide Plan depicts an existing trailhead along San Francisco Boulevard, just north of the intersection with Sacramento Avenue. There is also a trail aligned along Tomahawk Drive. Both trail alignments are located neither on nor near the subject property, nor is the property adjacent to open space. Furthermore, there is no indication of proposed trail alignments through the subject property per the County's trail maps.

During the processing of the application, the Open Space Committee of the Town of San Anselmo indicated the Trail Element of the Town's General Plan does identify a proposed trail alignment along Sacramento Avenue. However, this trail alignment would descend along the Sacramento Avenue paper street to its termination into the Pasadena Avenue paper street, then climb through a proposed/contemplated trail alignment through the Newell and Singer properties to access Sorich Ranch Park.

In response to concerns raised by neighbors, the project applicant has offered three easements to address access issues related to adjacent properties and future potential open space trail alignments: (1) a driveway/access easement to benefit the uphill property (APN 177-220-24 – Lands of Singer); (2) a driveway/access easement to benefit the property north of the project site (APN 177-171-04 – Lands of Newel) and (3) a trail easement along the easterly property boundary generally consistent with the Trail Element of the Town of San Anselmo's General Plan. These easements have been described as part of the project description and the trail easement will be required to be perfected prior to issuance of building permits.

RECOMMENDATION

Staff recommends that the Marin County Planning Commission review the administrative record, conduct a public hearing, and approve the Thompson Lot Line Adjustment and Design Review applications.

Attachments:

1. Resolution approving the Thompson Lot Line Adjustment and Design Reviews 14-89 and 14-90
2. Location map
3. Assessor's Parcel Map
4. Project plans for House A prepared by Jochum Architects, LTD Engineering, Inc. and Imprints Landscape Architecture, consisting of 19 sheets, dated August 18, 2015
5. Project plans for House B prepared by Jochum Architects, LTD Engineering, Inc. and Imprints Landscape Architecture, consisting of 19 sheets, dated August 18, 2015
6. Project plans for Lot Line Adjustment prepared by BKF, consisting of 2 sheets, dated May 19, 2015
7. Certificates of Compliance 14-1 and 14-2, dated April 17, 2014
8. Town of San Anselmo Open Space Conservation Planning Area Map
9. Photovisual simulation (undated)
10. Marin County Department of Public Works Memoranda (3), dated September 11, 2015
11. Marin Municipal Water District letter, June 16, 2015
12. Email from Scott Alber, Marin County Fire Department, May 14, 2015
13. Ross Valley Fire Department letter, August 19, 2014
14. Ross Valley Sanitary District letter, July 2, 2014
15. Letter from Eric Schneider, May 18, 2015
16. Letter from Pete and Vicki Pedersen, May 4, 2015
17. Correspondence from Stacy Singer, November 24, 2014 and April 3, 2015
18. Email exchange between Leonard Charles and Curtis Havel, December 1, 2014
19. Letter from Rene Voss, November 23, 2014
20. Email from Michael Schinner, September 26, 2014
21. Email (with attachments) from Alexi Dicker, Department of Public Works - Real Estate Division, November 25, 2014
22. CEQA Exemption

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

RESOLUTION APPROVING THE
THOMPSON LOT LINE ADJUSTMENT 14-8, AND
THOMPSON DESIGN REVIEWS 14-89 AND 14-90
183 AND 187 SACRAMENTO AVENUE, SAN ANSELMO

ASSESSOR'S PARCELS 177-172-09, -10, -18, -19 & -20

SECTION I: FINDINGS

I. WHEREAS Paul Thompson of Thompson Development Incorporated is proposing to adjust the lot line between two legal lots of record as described in the following table:

<i>Site Address</i>	<i>Assessor's Parcel Number</i>	<i>Existing Area</i>	<i>Proposed Area</i>
183 Sacramento Avenue	177-172-09 (Building B, Lot 1)	16,638 sq. ft.	43,271 sq. ft.
187 Sacramento Avenue	177-172-10 and -20 (Building A, Lot 2)	74,676 sq. ft.	48,043 sq. ft.

The purpose of the lot line adjustment is to create more uniform building envelopes that follow existing development patterns along Sacramento Avenue.

The project also includes a proposal to construct two new single family residences as follows:

Building A (187 Sacramento Avenue)

Building A is designed to be a two-story building with 4,116 square feet of building area (includes the 804 square foot garage) and would result in a 7.4 percent floor area ratio on a 48,043 square foot lot. The proposed residence would reach a maximum height of approximately 32 feet 7 inches above natural grade (approximately 29 feet from finished grade along the exterior of the structure) and would be located the following distances from corresponding property lines: 50-feet, 1-inch from the northern front property line; 18-feet, 7-inches from the eastern side property line; 132-feet, 4-inches from the western side property line; and 114-feet, 7-inches from the southern rear property line. Additional project features include landscaping, concrete patios, concrete retaining walls varying in height from approximately 5 feet to 14 feet, a concrete driveway, an asphalt drive with a "Y-Turn" space and a fire truck turnaround that would be shared with Building B.

Building B (183 Sacramento Avenue)

Building B is designed to be a two-story building with 4,254 square feet of building area (includes 865 square foot garage) and would result in a 8.6 percent floor area ratio on a 43,271 square foot lot. The proposed residence would reach a maximum height of approximately 32 feet from natural grade (27 feet 6 inches from finished grade along the exterior of the structure) and would be located the following distances from corresponding

property lines: 43-feet, 1-inch from the northern front property line; 77-feet, 11-inches the eastern side property line; 19-feet, 8-inches from the western side property line; and 130-feet, 9-inches from the southern rear property line. Additional project features include landscaping, a stone entry, concrete stairs, concrete patios, concrete retaining walls varying in height from 4 feet to 14 feet, a concrete driveway, and asphalt drive with a fire truck turnaround that would be shared with Building A.

The subject properties are located at the terminus of **Sacramento Avenue in San Anselmo** and further identified as **Assessor's Parcels 177-172-09, -10, -18, -19 and -20**.

- II. WHEREAS, the Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property, as well as to interested parties.

The surrounding neighbors have expressed concerns about the project's overall compatibility with community character, potential view impacts, potential environmental impacts, and the proposed road right of way abandonment.

Community Compatibility

Commentors expressed concerns that the size and scale of the proposed single-family residences would be significantly larger than other homes in the vicinity and therefore incompatible with the prevailing community character.

Community compatibility is evaluated by considering a proposal with respect to, among other things, the local context of the natural and built environments, proportionality of home size to lot area, and overall size, scale, and presence of a structure with respect to its immediate setting. The intent of the Design Review process is to encourage development that reflects a variety of building forms and architectural styles that provide visual interest, while not creating a disparity between existing development and new development.

The project is compatible with the surrounding character because it is proportionally appropriate with the project sites, and the development fits into the context of prevailing development patterns in the area and along Sacramento Avenue. The average lot size within a 600-foot radius is approximately 26,000 square feet where the subject properties are significantly larger at 43,271 square feet and 48,043 square feet, respectively. The proposed project results in floor area ratios of 7.4 percent and 8.6 percent while the average floor area ratio is 10 percent. Proportionally, the homes are consistent with development patterns in the area.

The average home size within a 600 foot radius is approximately 2,400 square feet. However, the home directly to the north of the project site is approximately 5,500 square feet in size (not including garage), and the two homes directly south of the project site are 4,500 square feet and 4,200 square feet in size (not including garage). While the proposed project is larger than the average home size, the homes are proportionally appropriate for the sites and compatible with immediately adjacent homes to the north and south. While the homes are larger in size than some homes in the area, they are proportionally appropriate to the site, consistent with development patterns in the area and incorporate

building forms that are consistent with development immediately north and south of the project site.

Visual Prominence

Commentors expressed concerns that the proposed single-family dwellings would be visually prominent due to their location on an open grassy hillside.

The Design Review process encourages development to be sited below ridgelines so as not to block views, and to incorporate design features such as varied roof lines, roof slopes with gentle rises, and articulated building forms to disrupt and minimize the visual mass and bulk of the structure while also blending it into the surrounding built environment and natural site characteristics.

Development on the property is going to be visible from off-site locations. However, as discussed in Section VII.B of this resolution, the project is located at an elevation that is lower than most homes in the area and therefore will not block views or distant vistas of Mount Tamalpais and the Ross Valley. The project is not located along a ridgeline and backs up to a larger open grassy hillside to the east (Lands of Singer). The proposed project design incorporates adequate building articulation, stepped foundations, and colors and materials that are consistent and compatible with the natural and built environments in the vicinity. Finally, the project is sited so that the large majority of mature woodland canopy along the west and northerly areas of the site are preserved and provide partial screening of views of the project site from the west and north.

Environmental Impacts

Commentors expressed concerns that the proposed project would result in significant environmental impacts due to the removal of trees, impacts to riparian habitats, disturbance of soils resulting in erosion and sedimentation, and obstructions to wildlife corridors. Therefore, commentors assert that the project should not qualify for a Categorical Exemption under Sections 15303 and 15305 of the California Environmental Quality Act (CEQA) guidelines.

Section 15303 of the CEQA guidelines provides an exemption for the construction of up to three single-family residences in an urbanized area. Section 15305 provides for an exemption for minor lot line adjustments which do not result in the creation of any new parcel.

The construction of a new single-family residence on a vacant, legal lot of record does not automatically constitute a potentially significant environmental impact. The subject properties are located in an urbanized area 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 to serve the proposed project, and the project would build out the last two lots that obtain primary access from Sacramento Avenue. There are no sensitive plants or animal species located on the property as verified by Natural Diversity Database Maps prepared by the California Department of Fish and Wildlife. Finally, there is no mapped wetland, riparian or stream areas on or near the property.

There has been no substantial evidence presented that the project would result in potentially significant environmental impacts, and the grading and minimal tree removal associated with this project does not constitute a significant environmental impact. Furthermore, based on the mapped resource data available and on file at the Marin County Community Development Agency, the project is not located in an environmentally sensitive habitat and will not result in potentially significant impacts to the environment. For these reasons, no further environmental review is warranted per the CEQA guidelines.

Paper Street Abandonment

The surrounding neighbors have expressed concerns about the proposed road right of way abandonment and how it will impact the public's ability to access open space, as well as access for private property owners that are adjacent to the Sacramento Avenue road right of way.

A property owner may request the vacation (abandonment) of a road right of way from the Department of Public Work Real Estate Division when an undeveloped road right of way (paper street) has been offered to the County of Marin for dedication (the offer of dedication means that if the County accepts the offer of dedication, then the County is responsible for future roadway maintenance and upkeep if the road is constructed). This process typically precedes the planning permit process and takes place in a separate process/forum conducted by the Department of Public Works Real Estate Division and decided by the Board of Supervisors.

The project applicant chose to enter into the abandonment process with the Department of Public Works Real Estate Division during the processing of the planning permit. While this is not prohibited, staff has included the proposed road right of way abandonment as part of the project description for the purposes of compliance with the California Environmental Quality Act (CEQA).

The Trails Element of the Marin Countywide Plan depicts an existing trailhead along San Francisco Boulevard, just north of the intersection with Sacramento Avenue. There is also a trail aligned along Tomahawk Drive. Both trail alignments are located neither on nor near the subject property, nor is the property adjacent to open space. Furthermore, there is no indication of proposed trail alignments through the subject property per the County's trail maps.

During the processing of the application, the Open Space Committee of the Town of San Anselmo indicated the Trail Element of the Town's General Plan does identify a proposed trail alignment along Sacramento Avenue. However, this trail alignment would descend along the Sacramento Avenue paper street to its termination into the Pasadena Avenue paper street, then climb through a proposed/contemplated trail alignment through the Newell and Singer properties to access Sorich Ranch Park.

In response to concerns raised by neighbors and trail alignments depicted on the Town of San Anselmo's Open Space Conservation Map, the project applicant has offered three easements to address access issues related to adjacent properties and future potential open space trail alignments: (1) a driveway/access easement to benefit the uphill property (APN 177-220-24 – Lands of Singer); (2) a driveway/access easement to benefit the property north of the project site (APN 177-171-04 – Lands of Newel); and (3) a trail

easement along the easterly property boundary generally consistent with the Trail Element of the Town of San Anselmo's General Plan. These easements have been described as part of the project description and are required to be perfected prior to issuance of building permits. The easements offered by the project applicant will preserve the public's potential future access to nearby open space through the subject property, and will protect the two adjacent neighbors' secondary alternative access points to their properties.

- III. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on November 9, 2015 to hear testimony and consider the merits of the project.
- IV. WHEREAS the Marin County Planning Commission finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15303 and 15305 of the CEQA Guidelines because the proposed residences would be located on legal lots of record in an urbanized area where sewer and other utilities are readily available. The project is not located in any environmentally sensitive habitat areas as indicated on GIS and Natural Diversity Data Base maps on file with the Community Development Agency, and the project is not located in a stream conservation area or wetlands conservation area. Finally, the project will not result in any potentially cumulative impacts because no other vacant lots in the area depend solely upon Sacramento Avenue for access, and the two lots that are the subject of this development application are not further subdividable.
- V. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the goals and policies of the Marin Countywide Plan (CWP) as follows.
 - A. The project entails the single-family residential build-out of two legal lots of record which is consistent with the SF5 (Single Family Residential, 2-4 units per acre) land use designation.
 - B. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project does not remove a substantial number of mature, native trees, and would not entail the removal of trees with historic importance. The project includes the removal of a 6-inch dbh (diameter-at-breast height) oak tree and one, multi-trunked buckeye tree. The project includes the planting of two coast live oaks, and three madrone trees, as well as the preservation of a 33-inch oak tree in the southerly portion of the site. Overall, the project will not impact the existing woodland habitat that is located along the westerly and northerly boundaries of the site.
 - C. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because review of the Natural Diversity Database Maps prepared by the California Department of Fish and Wildlife indicate that the subject property does not provide habitat for special-status species of plants or animals.
 - D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because there are no mapped Stream Conservation Areas or Wetland Conservation Areas on or near the property.
 - E. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project does not include fencing that would impede wildlife circulation, and is not located in an area with any mapped riparian

corridors, wetlands, or baylands. The project site is not adjacent to open spaces and is surrounded by privately owned, residential properties. However, the project applicant has proposed to offer a trail access easement to the San Anselmo Open Space Committee (or the Town of San Anselmo) to comply with trail acquisition policies as depicted in the Open Space Conservation Map of the Town of San Anselmo's General Plan.

- F. The project is consistent with CWP water quality policies and will 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 will be required to comply with standard Marin County best management practices as implemented by the Department of Public Works during the Building Permit process.
 - G. The project is consistent with CWP policies regarding geotechnical and seismic safety (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because the subject property is not constrained by unusual geotechnical problems, such as existing fault traces. Furthermore, the Geotechnical Report prepared by Salem Howes Associates verified that the application of standard hillside construction practices will not have a negative effect on the stability of the site. Uniformly applied conditions of approval will ensure that the construction practices adhere to accepted geotechnical and engineering requirements, as verified during review of the Building Permit application.
 - H. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because the project was reviewed and found to be acceptable by the Marin County Fire Department, and the project will meet all fire safety requirements, as verified by the Marin County Fire Department during review of the Building Permit application.
 - I. The project is consistent with CWP ridgeline policies and programs (DES-4.1 and DES-4.e) because the property is not in a mapped Ridge and Upland Greenbelt area.
 - J. The project is consistent with CWP residential design policies and programs (HS-2.2, HS-2.3, and DES-3.b) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk and comply with the Single-family Residential Design Guidelines as described further in the Design Review findings below.
- VI. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings to approve a Lot Line Adjustment application pursuant to Section 22.90.040 of the Marin County Code, as specified below.
- A. The proposed lot line adjustment is limited to four or fewer existing adjoining lots.**

The lot line adjustment involves two lots.
 - B. Each of the affected lots is a separate legal lot of record because it was created in compliance with the applicable subdivision regulations in effect at the time of its creation.**

Each of the affected lots is a separate legal lot of record per Certificates of Compliance 14-1 and 14-2 (both dated April 17, 2014, and further identified as project id# 2014-0354 and 2014-0355, respectively).

C. The proposed lot line adjustment would not result in the creation of additional parcels or additional potential building sites.

The lot line adjustment is occurring between two legal lots of record, as indicated above, and will not result in the creation of additional potential building sites. The lots are not further subdividable pursuant to the minimum lot size requirements of Section 22.82.050 of the Marin County Development Code (Hillside Subdivision Design).

D. The proposed lot line adjustment would comply with policies of the Countywide Plan, and any applicable community plan, and the Local Coastal Program (if applicable).

The lot line adjustment adjusts the lines between two legal lots of record that are well below the maximum density range of 2-4 dwelling units per acre established by the governing SF5 Countywide Plan Land Use Designation. The lot line adjustment would not change the existing potential residential density for either lot.

E. The proposed lot line adjustment would comply with zoning, development, and relevant subdivision provisions of Titles 18, 20, 22 and 24 of the Marin County Code, including those which address minimum lot size, lot design and configuration, street frontage and building setbacks from all property lines.

The lot line adjustment results in boundary configurations that enable development on both lots to maintain greater compliance with the County's development standards than currently afforded by the existing lot configurations, particularly with respect to prevailing development patterns along Sacramento Avenue, and separation from property lines.

VII. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the mandatory findings to approve a Design Review application pursuant to Section 22.42.060 of the Marin County Code, as specified below.

A. The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community.

The single-family residences are situated solely on their respective properties and result in structures of height, mass and bulk that are proportionately appropriate to the sites. Although the residences would be larger than some of the homes in the area, the size of the single-family residences are proportional to the size of the lots, and are comparable in floor area ratio to other development in the area as discussed in Section II of this resolution. The building forms and architectural vernacular of the structures are compatible with single-family residential development in the area. The project incorporates colors and materials that are generally earth-toned in nature and are similar to other homes in the area.

- B. The proposed development results in site layout and design (including building arrangement, exterior appearance, heights, setbacks, drainage, fences and walls, grading, lighting, signs, etc.) that will not eliminate significant sun and light exposure, views, vistas, and privacy to adjacent properties; that will not result in light pollution, trespass, and glare; and that will not adversely affect rights-of-way or pathways for circulation.**

The project will be visible from off-site locations because the majority of the property is an open, grassy hillside. However, the project utilizes colors, materials and building forms that are reminiscent of the surrounding natural and built environments. The single-family residences are located along topographical elevations that are consistent with development patterns along Sacramento Avenue, and the existing mature oak trees and bay trees along the westerly and northerly property lines provide partial screening of the site from off-site locations. A vacant, privately owned residential property provides an open, grassy hillside backdrop to the project site, and the single-family residences are well below any ridgelines in the area. Although the property is not adjacent to Sorich Ranch Park or the Terra Linda Open Space Preserve, the property applicant has offered to dedicate a trail easement along the easterly portion of the property to satisfy a proposed trail alignment contained in the Open Space Conservation Map of the Town of San Anselmo's General Plan. The project further avoids impacts to wildlife and pedestrian circulation in the area because no fencing is proposed as part of the project.

It is impossible to completely screen development on the site due to its open nature, and the fact that many existing homes in the area sit at higher topographical elevations than the project site. The proposed single-family residences will not disrupt views and vistas enjoyed by neighbors because the project site is located at the lower elevations of a localized valley and as such will not disrupt view of open spaces beyond. Although the two homes will be visible, they have been designed to minimize their visual prominence by utilizing colors and materials that blend into the surrounding natural and built environments, and through articulation of building forms to avoid monolithic building elevations. Finally, rights-of-way and pathways for circulation would not be impacted because the project applicant is proposing to dedicate easements for trail access for the public, and alternative roadway/driveway access for adjacent neighbors.

- C. The proposed development will provide appropriate separation between buildings and will be properly and adequately landscaped with maximum retention of trees, native plants, and other natural features consistent with fire safety requirements.**

Section 22.42.030 of the Marin County Development Code provides Design Review regulations for hillside building sites in conventional zoning districts. Design Review is required where a vacant legal lot with a lot slope of 25 percent or greater is proposed for single-family residential development totaling more than 3,000 square feet of cumulative building area. In those cases, the setbacks of the governing zoning district are waived to allow for flexibility in siting development and preventing inappropriate physical improvements.

The proposed project is located closer to the westerly edge of the access easement than would otherwise be allowed in the R-1:B-2 zoning district. If development were sited to meet the 25-foot front yard setback from the edge of the access easement as usually required by the R-1:B-2 zoning district, the project would potentially result in the removal of additional trees located through the westerly portions of the site.

The development has been oriented on the property to maximize the screening opportunities provided by existing vegetation in the vicinity while also providing adequate separation for fire safety as required by the Marin County Fire Department. Landscaping proposed by the applicant would partially screen and soften views of the structure from off-site locations, will assist with the stabilization and prevention of the erosion of graded soils around the structures, and will enhance the privacy of the occupants of the subject and surrounding properties.

D. The proposed development will minimize cut and fill, the reforming of the natural terrain, and appurtenant structures (e.g. retaining walls and bulkheads).

The project site maintains a relatively consistent slope profile of approximately 40 percent. In an effort to minimize grading and work with the existing slope, the project design orients the long axis of the proposed structures along the topographical contour lines minimizing building width. The building design utilizes split level foundations that step down the hillside, thereby avoiding excessive excavation for a building pad. No outdoor yard areas are proposed, and the residences are located close to the access driveway, further minimizing unnecessary grading. Finally, the proposed driveway follows the existing contour lines to provide direct access to building sites, further minimizing grading.

E. The proposed development complies with the Single-family Residential Design Guidelines and the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards).

The single-family residences incorporates design techniques consistent with the Marin County Single-Family Design Guidelines including, but not limited to, varied roof lines, building forms oriented along topographical contour lines, roof slopes that follow the existing ground slope, and articulated building forms to disrupt and minimize the visual mass and bulk of the structure while also blending it into the surrounding natural site characteristics.

The project complies with Chapter 22.16 of the Marin County Code and the Single-family Residential Guidelines for the following reasons: the project is not located near a ridgeline, wetlands or stream conservation area; the landscaping plan replaces the removal of two native trees with five new native trees; the lighting for the residence consists of low-wattage, downward pointing, shielded lighting for safety purposes; the residences do not break the local skyline/ridgeline and the project is not located in a ridge and upland greenbelt area; and the project will not diminish views from surrounding properties because it does not interfere with the primary viewshed of nearby residences, and the building forms utilize articulated building forms, and earthtoned materials and colors which complement the surrounding natural and built environments.

F. The project design includes features which foster energy and natural resource conservation while maintaining the character of the community.

The project will foster energy and natural resource conservation because it will be required to meet the “Green Building Standards for Compliance for Residential and Commercial Construction and Remodels” (effective June 18, 2010) as a standard practice during Building Permit review. Additionally, the project is subject to standard project compliance measures contained in the California Code of Regulations Title 24, Part 6 and Part 11 relating to energy and green building (CALGreen).

G. The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable community plan and zoning district regulations and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The project is consistent with policies and programs in the Countywide Plan because the construction of two new single-family residences (each residence on a lot approximately one acre in size) complies with low end of the density range established SF5 (Single Family Residential, 2-4 units per acre) land use designation. The development of a single family residence on each lot is a principally-permitted use under the governing R-1:B-2 (Single-Family Residential, 10,000 square foot minimum lot size). The project would provide housing opportunities in the City Centered Corridor and benefit public open space in the project vicinity because the project would establish a segment of a trail easement as depicted in the Open Space Conservation Map maintained by the Town of San Anselmo. The Department of Public Works has indicated that the proposed project would provide adequate parking on site, and that the proposed development is geotechnically feasible as attested to by the applicant’s geotechnical engineer. Additionally, the project has been designed to minimize surface runoff and drainage alterations as verified by Department of Public Works staff and implemented through uniformly applied conditions of approval. Based on the findings above, the construction of the single-family residences will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION II: ACTION

NOW, THEREFORE, LET IT BE RESOLVED, that the Marin County Planning Commission hereby approves the Thompson Design Reviews 14-89 and 14-90 and Lot Line Adjustment 14-8, subject to the conditions specified below. This approval authorizes the adjustment of the lot line between two legal lots of record as described in the following table:

Site Address	Assessor’s Parcel Number	Existing Area	Proposed Area
183 Sacramento Avenue	177-172-09 (Building B, Lot 1)	16,638 sq. ft.	43,271 sq. ft.
187 Sacramento Avenue	177-172-10 and -20 (Building A, Lot 2)	74,676 sq. ft.	48,043 sq. ft.

The project also includes the approval to construct two new single family residences as described below:

Building A (187 Sacramento Avenue)

Building A is approved to be a two-story building with 4,116 square feet of building area (includes the 804 square foot garage) resulting in a 7.4 percent floor area ratio on a 48,043 square foot lot. Building A is approved to reach a maximum height of approximately 32 feet 7 inches above natural grade (approximately 29 feet from finished grade along the exterior of the structure) and is approved to be located the following distances from corresponding property lines: 50-feet, 1-inch from the northern front property line; 18-feet, 7-inches from the eastern side property line; 132-feet, 4-inches from the western side property line; and 114-feet, 7-inches from the southern rear property line. Additional approved project features include landscaping, concrete patios, concrete retaining walls varying in height from approximately 5 feet to 14 feet, a concrete driveway, an asphalt drive with a “Y-Turn” space and a fire truck turnaround that would be shared with Building B.

Building B (183 Sacramento Avenue)

Building B is approved to be a two-story building with 4,254 square feet of building area (includes 865 square foot garage) resulting in a 8.6 percent floor area ratio on a 43,271 square foot lot. Building B is approved to reach a maximum height of approximately 32 feet from natural grade (27 feet 6 inches from finished grade along the exterior of the structure) and is approved to be located the following distances from corresponding property lines: 43-feet, 1-inch from the northern front property line; 77-feet, 11-inches the eastern side property line; 19-feet, 8-inches from the western side property line; and 130-feet, 9-inches from the southern rear property line. Additional approved project features include landscaping, a stone entry, concrete stairs, concrete patios, concrete retaining walls varying in height from 4 feet to 14 feet, a concrete driveway, and asphalt drive with a fire truck turnaround that would be shared with Building A.

The subject properties are located at the terminus of **Sacramento Avenue in San Anselmo** and further identified as **Assessor’s Parcels 177-172-09, -10, -18, -19 and -20**.

Unless a public service provider indicates otherwise, the new single-family dwellings shall be addressed as follows:

- Lot 1 - 183 Sacramento Avenue, San Anselmo**
- Lot 2 - 187 Sacramento Avenue, San Anselmo**

If the applicant wishes to change the address of these residences in the future, appropriate fees and application materials must be submitted to the Marin County Community Development Agency, Planning Division for consideration.

This decision pertains only to the proposed development and grants no approval for existing unauthorized or non-conforming structures located on or adjacent to the subject property.

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. A Building Permit and additional permits and/or approval may be required from the Department of Public Works, the appropriate Fire Protection Agency, and the Marin Municipal Water District.

SECTION III: CONDITIONS OF APPROVAL

Lot Line Adjustment

Community Development Agency – Planning Division

1. The approved Lot Line Adjustment shall substantially conform to the plans identified as **Exhibit A**, entitled, “Lot Line Adjustment Site Plan,” consisting of two sheets prepared by BKF Engineers/Surveyors/Planners, dated May 2015, received May 26, 2015, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
2. PRIOR TO RECORDATION, the applicant shall provide in writing the executed offer of trail easement to the Town of San Anselmo or other authorized agency or group on the town’s behalf for the creation of a trail easement to provide the public with future access to open spaces.
3. The applicant and owners hereby agree to 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.
4. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Department of Public Works – Land Use Division

5. Demonstrate that subject properties have benefit to the existing Access & Utility Easement over 179 Sacramento Avenue. Note that benefit would be recorded in a grant deed, not an addendum to the maintenance agreement.
6. Appropriate deeds and exhibits perfecting the approved Lot Line Adjustment shall be recorded at the Marin County Recorder’s office.
7. BEFORE RECORDATION, the following exhibits shall be submitted to the Department of Public Works for review and approval:
 - A. Lot Line Adjustment map. The Lot Line Adjustment map should be drawn in black ink on sheets with maximum dimensions of 8 1/2” X 11” or 18” X 26”. The map must be clear and readable. The following minimum information must be provided on the map (additional information may be required):
 - i. Map scale, north arrow, line type legend, vicinity map, index map for large parcels.
 - ii. The location of the project site in relation to the existing streets, adjoining lots, alleys, water bodies and distance from the nearest cross street.
 - iii. Right-of-way widths and street names.
 - iv. The existing and proposed lot layout labeling each boundary line. Sufficient dimensions and record boundaries so as to define and establish the

boundary of the subject property. Use heavy solid line to depict proposed boundaries, light solid line for existing lot lines to remain, light dashed lines for existing lot lines to be removed and smaller dashed lines for easements. The adjusted parcels and transfer parcels shall be lettered or numbered consecutively in a manner that there will be no confusion with the original lots or parcel numbers (show in a darker, bolder text, i.e. **PARCEL A, PARCEL T-1**).

- v. Existing lot numbers, reference to the recorded documents that established the existing lots of the project site, adjoining lots and existing easements.
 - vi. Gross area before and after adjustment to the nearest one tenth of an acre. Show the net area when there are easements identified that restrict the surface use of the property, such as vehicular access easements (Net area is gross area minus easement area).
 - vii. Signature, seal of the surveyor and the date that plan was prepared.
 - viii. APN-Assessor's Parcel Number for each lot.
 - ix. Project Number and File number (the LL number assigned by County), sheet number and County title block with owner and engineer block filled out.
 - x. The following statement shall be added if applicable (i.e. if property corners are to be set):
 - Monuments will be set within 90 days along the adjusted lot corners, and a Record of Survey or Corner Record will be filled if required by Section 8762 of Business and professional Code. Gov't Code § 66412(d); Ops. Cal. Atty. Gen. 231(1994). If the Lot Line Adjustment affects any public utility easements, the applicant shall provide verification signed by each of the affected public utilities that they allow the Lot Line Adjustment.
- b. Submit a completed "**Application for Lot Line Adjustment Approval**".
- c. Legal descriptions and closure calculations shall be submitted along with the current Title Report for the effected properties for: (a) the final, adjusted lots; (b) the existing lots; and (c) the portions of those lots that are to be transferred. The legal descriptions and closures shall be prepared and signed/stamped by a Licensed Land Surveyor or a qualified Registered Civil Engineer.
8. All required materials shall be submitted simultaneously along with the required fee to the Department of Public Works for review and approval.

Design Review 14-89 (183 Sacramento Avenue, San Anselmo – Lot 1 – House B)

Community Development Agency – Planning Division

- 9. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit B, entitled "Sacramento Avenue Residences House B," consisting of 19 sheets, prepared by Jochum Architects, LTD Engineering, Inc. and Imprints Landscape Architecture, dated August 18, 2015 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
- 10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall complete the following items:

- a. Revise the site plan or other first sheet of the office and job site copies of all necessary Building Permit plan sets to list all standard and project specific conditions of approval as notes;
 - b. Provide evidence that the lot line adjustment has been vested; and,
 - c. Provide in writing the executed offer of trail easement to the Town of San Anselmo or other authorized agency or group on the town's behalf that stipulates the creation of a trail easement to provide the public with future access to open spaces.
11. Exterior lighting for the approved development shall be located and/or shielded so as not to cast glare on nearby properties, unless such lighting is necessary for safety purposes.
12. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit written (stamped) verification confirming that the building conforms to the setbacks that are shown on the approved plans, based on a benchmark that is noted on the plans. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at http://www.marincounty.org/~media/files/departments/cd/planning/currentplanning/publications/factsheets/building_verification_fs_3_20_15.pdf?la=en for additional details regarding this requirement.
13. BEFORE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations and height that are shown on the approved plans, based on a benchmark that is noted on the plans. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at http://www.marincounty.org/~media/files/departments/cd/planning/currentplanning/publications/factsheets/building_verification_fs_3_20_15.pdf?la=en for additional details regarding this requirement.
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. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

- b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
16. The applicant/owner hereby agrees to pay any deferred Planning Division fees as well as any fees required for condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
17. The applicant/owner hereby agrees to 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.
18. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. 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.

Department of Public Works – Land Use Division

19. Applicant has not demonstrated existing benefit to the access easement over 179 Sacramento Avenue. Benefit of access through an existing easement may not be granted through an amendment to an existing maintenance agreement. Applicant must obtain access to the existing access easement via a grant deed or other acceptable means.
20. Improvement plans shall be prepared in accordance with Marin County Code (MCC) Title 20, Subdivisions, and must conform to MCC, Title 24, Development Standards or as approved by the Department of Public Works.
21. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW and the Fire Department.
22. 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.
23. Per MCC 24.04.016, 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.
24. Per MCC 23.18.093 any construction contractor performing work in the county shall implement appropriate BMPs (Best Management Practices) 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.

25. PRIOR TO SITE DISTURBING ACTIVITIES, erosion control measures shall be installed, and said measures shall be maintained or modified to remain effective for the duration of the work.
26. PRIOR TO ISSUANCE OF BUILDING PERMIT for a new residence, the Sacramento Avenue road right of way abandonment and parcel map reflecting the proposed lot line adjustment shall be executed and/or recorded. Additionally, proposed easements shall be recorded and or amended as required.

PRIOR TO THE ISSUANCE OF ANY BUILDING OR GRADING PERMIT:

27. Applicant will need to obtain a Grading Permit from DPW for the grading work associated with the access and utility improvements in the unimproved Sacramento Avenue road right of way, in accordance with MCC 23.08.
28. Applicant shall submit a maintenance agreement that provides for the ability of the drainage and roadway improvements to be maintained by the associated parcels. Such agreement shall be provided to the Department of Public Works for review and approval. The agreement shall be recorded concurrent prior to the building permit final inspection.
29. Provide an existing conditions site plan which dimension the width of the improved driveway/roadway to demonstrate that the existing privately maintained portion of Sacramento Avenue meets the width requirements for a shared driveway serving 4 single family homes.
30. 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.
31. 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. Additionally, add a note indicating that the design engineer shall certify in writing that the retaining walls were constructed per approved plans. 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.
32. Retaining Walls:
 - a. A separate Building Permit is required for any site/driveway retaining wall 4 feet or greater in height, as measured from the bottom of the footing to the top of the wall, or

- which is subject to a surcharge, such as vehicular loading when supporting a driveway.
- b. A registered Engineer shall design the site/driveway retaining walls, and the plans must have the engineer's signature and stamp. The site plan shall clarify the height of all proposed site and driveway retaining walls, and provide a cross sectional reference to a structural detail in the plan set for each wall.
 - c. The application shall include calculations signed and stamped by the design Engineer.
 - d. Sections on C-3 shall show and label the property line. **All improvements, including piers and back-drainage, shall be entirely located on the subject property.** Applicant is responsible for coordinating with neighboring parcel for any construction staging or equipment access which may extend over the property line.
 - e. Applicant shall verify that the project will **comply with the California Civil Code Section 832** "Each coterminal owner is entitled to the lateral and subjacent support which his land receives from the adjoining land...".
33. Provide a complete drainage and grading plan prepared by a licensed professional engineer or by a registered architect:
- a. Plan shall provide both 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. Plans shall clearly indicate back drainage for all retaining walls.
 - d. Plan shall show surface drainage away from the foundation in accordance with 2013 CBC section 1804.3.
 - e. There shall be no grading within 5 feet of the property lines.
 - f. The plan shall indicate how the driveway will be graded and drained.
 - g. Plan shall show and label the limit of disturbance and provide the total area to be disturbed. If the area of disturbance is one acre or greater, the applicant will need to file a notice of intent (NOI) with the Regional Water Quality Control Board for the San Francisco Bay Region.
 - h. Provide proposed cut and fill volumes on the plans.
 - i. The plan shall also incorporate any recommendations from the Geotechnical Engineer.
34. Provide a Stormwater Control Plan. Project shall comply with NPDES Phase II stormwater requirements and MCC 24.04.627 Permanent stormwater controls for new and redevelopment when preparing the appropriate Stormwater Control Plan. You may refer to the County's website for post-construction stormwater management guidance documents and template(s) <http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects>.
35. Submit Erosion and Siltation Control plans per MCC24.04.625. You may refer to the Marin County Stormwater Pollution Prevention Program's website, www.marincounty.org/depts/pw/divisions/mcstoppp/development/during-construction

under the tab entitled “Erosion and Sediment Control Plans – with NEW REQUIREMENTS”. For projects requiring an ESCP, the applicant or contractor shall also complete and submit the Erosion and Sediment Control Plan document available at the link above. The plan shall also 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.

36. Plot, label and dimension four on-site parking spaces and demonstrate compliance with the dimensional and slope requirements of MCC 24.04.380(a) and 24.04.400. Provide a demonstration of the vehicular maneuverability of all parked vehicles. **BE CERTAIN TO PLOT ARCHITECTURAL SHEETS TO SCALE.** Last transmittal was not plotted to scale.
37. The driveway approach shall conform to the requirements of MCC 24.04.290. Driveway surfacing shall conform to the requirements of MCC 24.04.300.
38. Show the location of the proposed mailbox. 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.

Design Review 14-90 (187 Sacramento Avenue, San Anselmo – Lot 2 – House A)

Community Development Agency – Planning Division

39. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit C, entitled "Sacramento Avenue Residences House A," consisting of 19 sheets, prepared by Jochum Architects, LTD Engineering, Inc. and Imprints Landscape Architecture, dated August 18, 2015 and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
40. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall complete the following items:
 - a. Revise the site plan or other first sheet of the office and job site copies of all necessary Building Permit plan sets to list all standard and project specific conditions of approval as notes;
 - b. Provide evidence that the lot line adjustment has been vested; and,
 - c. Provide in writing the executed offer of trail easement to the Town of San Anselmo or other authorized agency or group on the town’s behalf that stipulates the creation of a trail easement to provide the public with future access to open spaces.
41. Exterior lighting for the approved development shall be located and/or shielded so as not to cast glare on nearby properties, unless such lighting is necessary for safety purposes.
42. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit written (stamped) verification confirming that the building conforms to the setbacks that are shown on the approved plans, based on a benchmark that is noted on the plans. Please refer to the “Building Inspection Procedures” document available at the Marin County Planning Department and on-line at <http://www.marincounty.org/~media/files/departments/cd/planning/>

[currentplanning/publications/factsheets/building_verification_fs_3_20_15.pdf?la=en](http://www.marincounty.org/~media/files/departments/cd/planning/currentplanning/publications/factsheets/building_verification_fs_3_20_15.pdf?la=en) for additional details regarding this requirement.

43. BEFORE FRAMING INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper certification submit a written (stamped) building height survey confirming that the building conforms to the roof ridge elevations and height that are shown on the approved plans, based on a benchmark that is noted on the plans. Please refer to the "Building Inspection Procedures" document available at the Marin County Planning Department and on-line at http://www.marincounty.org/~media/files/departments/cd/planning/currentplanning/publications/factsheets/building_verification_fs_3_20_15.pdf?la=en
45. 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.
46. All construction activities shall comply with the following standards:
 - a. Construction activity is only permitted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.
 - b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.
47. The applicant/owner hereby agrees to pay any deferred Planning Division fees as well as any fees required for condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
48. The applicant/owner hereby agrees to 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.
49. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. 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.

Department of Public Works – Land Use Division

50. Applicant has not demonstrated existing benefit to the access easement over 179 Sacramento Avenue. Benefit of access through an existing easement may not be granted through an amendment to an existing maintenance agreement. Applicant must obtain access to the existing access easement via a grant deed or other acceptable means.
51. Improvement plans shall be prepared in accordance with Marin County Code (MCC) Title 20, Subdivisions, and must conform to MCC, Title 24, Development Standards or as approved by the Department of Public Works.
52. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW and the Fire Department.
53. 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.
54. Per MCC 24.04.016, 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.
55. 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.
56. PRIOR TO SITE DISTURBING ACTIVITIES, erosion control measures shall be installed, and said measures shall be maintained or modified to remain effective for the duration of the work.
57. PRIOR TO ISSUANCE OF BUILDING PERMIT for a new residence, the Sacramento Avenue road right of way abandonment and parcel map reflecting the proposed lot line adjustment shall be executed and/or recorded. Additionally, proposed easements shall be recorded and or amended as required.

PRIOR TO THE ISSUANCE OF ANY BUILDING OR GRADING PERMIT:

58. Applicant will need to obtain a Grading Permit from DPW for the grading work associated with the access and utility improvements in the unimproved Sacramento Avenue road right of way, in accordance with MCC 23.08.

59. Applicant shall submit a maintenance agreement that provides for the ability of the drainage and roadway improvements to be maintained by the associated parcels. Such agreement shall be provided to the Department of Public Works for review and approval. The agreement shall be recorded concurrent prior to the building permit final inspection.
60. Provide an existing conditions site plan which dimension the width of the improved driveway/roadway to demonstrate that the existing privately maintained portion of Sacramento Avenue meets the width requirements for a shared driveway serving 4 single family homes.
61. 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.
62. 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. Additionally, add a note indicating that the design engineer shall certify in writing that the retaining walls were constructed per approved plans. 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.
63. Retaining Walls:
 - a. A separate Building Permit is required for any site/driveway retaining wall 4 feet or greater in height, as measured from the bottom of the footing to the top of the wall, or which is subject to a surcharge, such as vehicular loading when supporting a driveway.
 - b. A registered Engineer shall design the site/driveway retaining walls, and the plans must have the engineer's signature and stamp. The site plan shall clarify the height of all proposed site and driveway retaining walls, and provide a cross sectional reference to a structural detail in the plan set for each wall.
 - c. The application shall include calculations signed and stamped by the design Engineer.
 - d. Sections on C-3 shall show and label the property line. **All improvements, including piers and back-drainage, shall be entirely located on the subject property.** Applicant is responsible for coordinating with neighboring parcel for any construction staging or equipment access which may extend over the property line.
 - e. Applicant shall verify that the project will **comply with the California Civil Code Section 832** "Each coterminous owner is entitled to the lateral and subjacent support which his land receives from the adjoining land...".
64. Provide a complete drainage and grading plan prepared by a licensed professional engineer or by a registered architect:
 - a. Plan shall provide both 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. Plans shall clearly indicate back drainage for all retaining walls.
 - d. Plan shall show surface drainage away from the foundation in accordance with 2013 CBC section 1804.3.
 - e. There shall be no grading within 5 feet of the property lines.
 - f. The plan shall indicate how the driveway will be graded and drained.
 - g. Plan shall show and label the limit of disturbance and provide the total area to be disturbed. If the area of disturbance is one acre or greater, the applicant will need to file a notice of intent (NOI) with the Regional Water Quality Control Board for the San Francisco Bay Region.
 - h. Provide proposed cut and fill volumes on the plans.
 - i. The plan shall also incorporate any recommendations from the Geotechnical Engineer.
65. Provide a Stormwater Control Plan. Project shall comply with NPDES Phase II stormwater requirements and MCC 24.04.627 Permanent stormwater controls for new and redevelopment when preparing the appropriate Stormwater Control Plan. You may refer to the County's website for post-construction stormwater management guidance documents and template(s) <http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects>. *THIS COMMENT HAS BEEN MODIFIED SLIGHTLY TO ADDRESS THE CHANGES TO THE STORMWATER PERMIT.*
66. Submit Erosion and Siltation Control plans per MCC24.04.625. 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". For projects requiring an ESCP, the applicant or contractor shall also complete and submit the Erosion and Sediment Control Plan document available at the link above. The plan shall also 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.
67. Plot, label and dimension four on-site parking spaces and demonstrate compliance with the dimensional and slope requirements of MCC 24.04.380(a) and 24.04.400. Provide a demonstration of the vehicular maneuverability of all parked vehicles. **BE CERTAIN TO PLOT ARCHITECTURAL SHEETS TO SCALE.**
68. The driveway approach shall conform to the requirements of MCC 24.04.290. Driveway surfacing shall conform to the requirements of MCC 24.04.300.
69. Show the location of the proposed mailbox. 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.

SECTION IV: VESTING AND PERMIT DURATION

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 22.70.050 of the Marin County Development Code, 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, **November 9, 2018**, 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. An extension to vest may be granted administratively by the Marin County Community Development Agency for a maximum period of three years following the original expiration date pursuant to the requirements of Development Code Section 22.70.050.

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 a \$1,200.00 filing fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on November 24, 2015**.

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 9th day of November, 2015:

AYES:

NOES:

ABSENT:

KATIE CRUCELIUS, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Ana Hilda Mosher
Planning Commission Secretary