June 13, 2017

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Karuna Land LLC Master Plan Amendment, Subdivision, and Precise Development Plan
1 Sacramento Avenue, San Anselmo
(Assessor’s Parcel 177-220-10)

Dear Supervisors,

RECOMMENDATION:

Planning Division staff recommends the Board take the following actions: (1) adopt an Ordinance approving a Master Plan Amendment for six residential lots, a roadway and utility parcel, and a remainder parcel; and (2) adopt a Resolution approving a Vesting Tentative Map and Precise Development Plan. These actions will further the County’s compliance with a writ of mandate issued by the Superior Court, but will not necessarily resolve all the issues entailed in the applicant’s lawsuit against the County.

BACKGROUND AND PROJECT SUMMARY:

This project was originally brought before the Marin County Board of Supervisors in August 2009 as a two-lot land division with a remainder parcel with construction of a 3,500 square foot single-family residence on each of the lots and a future residence on the remainder parcel. The Board denied the application on grounds that it was inconsistent with the Countywide Plan policies and County development regulations (attachment 12).

The applicant filed a lawsuit challenging the County’s denial in Marin County Superior Court in November 2009. A Settlement Agreement (attachment 6) was subsequently entered into between the applicant and the Board of Supervisors in June 2012. Pursuant to the Settlement Agreement, the County reviewed an alternative proposal to subdivide the 10.6-acre lot into six lots for residential development, an access and utilities parcel, and one remainder parcel. The proposal included a Master Plan application as required by the Planned District zoning, a Vesting Tentative Map for the subdivision, and a Precise Development Plan addressing overall layout, access, infrastructure, and the design of six 1,500 square foot single-family residences. Under the Settlement Agreement, the development potential of the remainder lot was to be transferred to a yet-to-be-determined receiver site(s) when the County expands its Transfer of Development Rights (TDR) program in the future.
On January 28, 2014, the Board approved the Master Plan signifying the County’s support for the general development scheme for the property, but denied the Precise Development Plan and Vesting Tentative Map without prejudice in order for the applicant to submit revised applications that incorporate the modifications needed to resolve remaining inconsistencies with County policies, regulations, and development standards. In general, the requested modifications included: (1) revising the design of the subdivision map to eliminate a separate parcel that contains the driveway and utilities and remove all improvements from the remainder parcel; (2) revise the plans to incorporate required modifications to an off-site barn and fire lane signing; (3) revising the lot design and/or home design for Lot 2 to enhance the long-term survival of a heritage oak tree; and (4) revising the design for all the homes to comply with the Single-family Residential Design Guidelines and the hillside setting.

On August 30, 2016, the Superior Court granted in part a writ of mandate (Attachment 5), which remanded the project back to the Board with instructions to reconsider the project. Factors to be considered include changes to the project to protect a mature valley oak, the deletion of a requirement to relocate a barn door for the purpose of clear roadway access, providing roadway maintenance by a homeowner’s association, and the specific language for a conservation easement.

In an effort to make progress towards a resolution, County Counsel staff retained David Arkin, a well-known architect of straw bale houses, to review and redesign the proposed residences to satisfy the requirements for Design Review. The redesigns lowered the maximum height of the residences and redesigned their exterior facades resulting in considerable improvements in their outward appearance (see the summary of design modifications in attachment 8 and Design Review findings in attachment 9 for more specifics). In addition, arborists were hired to evaluate ways to preserve a mature valley oak on Lot 2, and an agreement was reached on construction methods that would save the tree (attachments 10 and 11).

The attached Ordinance and Resolution address the remaining issues laid out in the court proceedings. The condition regarding future rezoning of the property has been eliminated because it is unwarranted given the protection of the remainder parcel and Countywide Plan policies restricting future development on the site. The precise text for preserving the remainder parcel has not yet been agree upon, but the substance is clear and protection may either be carried out by an easement or a deed restriction. The condition related to the Transfer of Development Rights continues to reference eight units, but this may be revised through subsequent court proceedings or a Master Plan Amendment.

With these changes and the direction of the Superior Court, the fundamental design issues related to the project have been resolved, and as a result the project is now ready for approval.

**FISCAL/STAFFING IMPACT:** None.

**REVIEWED BY:**

[ ] Department of Finance  [X ] N/A
SIGNATURE:  

Jeremy Tejirian  
Planning Manager

Approved:  

Brian C. Crawford  
Director

Attachments:
1. Ordinance approving the Karuna Land LLC Master Plan Amendment
2. Resolution approving the Karuna Land LLC Land Division and Precise Development Plan
3. Project plans
4. John Sharp (applicant’s attorney) comments, 5-23-17
5. Superior Court Order, 8/30/17
6. Settlement Agreement, 6/19/12
7. Department of Public Works memorandum, 5/31/17
8. Final Summary of Design Modifications, David Arkin
9. Residential Design Review Findings, David Arkin
10. Arborscience Arborist’s Report, 10/13/14
11. MacNair and Associates Arborist’s Report, 10/13/14
12. Board Packet, 1/28/14