

COMMUNITY DEVELOPMENT AGENCY

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November 10, 2015

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SUBJECT: Thompson Development Inc. appeal of the Planning Commission's denial of the 766 Bay Road Design Review and Tree Removal Permit
766 Bay Road, Mill Valley
APN 049-184-04

Building and Safety
Environmental Health Services
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Environmental Review
Housing
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Dear Board Members,

RECOMMENDATION:

On July 27, 2015, the Planning Commission denied the 766 Bay Road Design Review and Tree Removal Permit applications by a 4-2 vote (Chair Crecelius and Commissioner Paoli voted for approval of the project). The Planning Commission decision has been appealed by the project applicant and property owner, Thompson Development Inc. On behalf of the Planning Commission, staff recommends the Board deny the appeal filed by Thompson Development Inc. and sustain the Planning Commission's action by adopting the attached resolution to deny the project.

SUMMARY:

The Design Review and Tree Removal Permit applications propose the construction of a new four-story, 26.75 foot high, 2,096 square foot single-family residence with an attached 479 square foot garage on the 7,356 square foot lot. The total proposed building area is 2,575 square feet and the total proposed floor area is 2,096 square feet, for a floor area ratio of 28.5%. A Tree Removal Permit is required to allow the removal of nine protected trees to facilitate construction of the project. Nineteen live oak trees are proposed to be planted as replacement trees, in addition to other landscaping throughout the project site. Design Review approval is required prior to construction of a new residence.

Although Design Review applications are normally reviewed administratively, Planning Division staff referred the project directly to the Planning Commission pursuant to Development Code section 22.42.055.E in light of policy related issues raised by residents in the neighborhood. The central issue before the Planning Commission was the need to resolve these issues with the staff findings that the project complied with all of the County's regulations and guidelines that apply to this project and the staff recommendation for its approval.

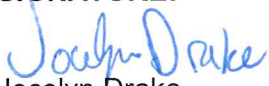
The Commission's original denial of the project in January 2015 was predicated on the lack of detail in the construction management and drainage plans, concern with the massing of the proposed residence, and excessive grading impacts. Thompson Development Inc. subsequently modified the project and filed new Design Review and Tree Removal Permit applications.

The Planning Commission considered the modified project on July 27, 2015. Planning staff recommended approval of the revised project after finding the modified project consistent with the Countywide Plan, Marin County Development Code, Tamalpais Area Community Plan, and Single-family Design Guidelines. However the Planning Commission disagreed and voted 4-2 to deny the project a second time, citing inconsistency with regard to Tamalpais Area Community Plan finding 'A' (community character finding) and Design Review finding 'D' (minimization of cut and fill finding). The size (bulk and massing) of the proposed home in relation to the adjacent neighborhood and the extent of the site grading were the two principal reasons the Planning Commission did not endorse the revised project.

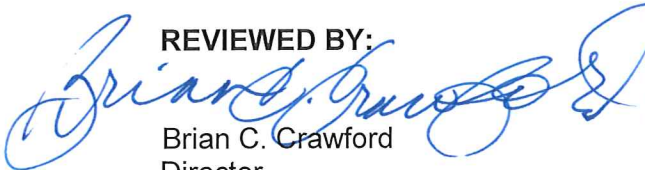
REVIEWED BY:

- | | |
|--|---|
| <input type="checkbox"/> Department of Finance | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> N/A |

SIGNATURE:


Jocelyn Drake
Planner

REVIEWED BY:


Brian C. Crawford
Director

ATTACHMENTS:

1. Recommended Resolution Denying the Thompson Development Inc. Appeal
2. Thompson Development Inc. Petition for Appeal and attachment, dated August 5, 2015
3. Minutes from the Planning Commission Hearing on January 12, 2015
4. Resolution 15-001 from the Planning Commission Hearing on January 12, 2015
5. Minutes from the Planning Commission Hearing on July 27, 2015
6. Planning Commission Staff Report from the Planning Commission Hearing on July 27, 2015
7. Planning Commission Memorandum, dated July 23, 2015
8. Resolution 15-014 from the Planning Commission Hearing on July 27, 2015
9. Tamalpais Area Development Fact Sheet
10. Bret Andrews Letter, dated October 25, 2015
11. Bill Cox email, sent October 27, 2015
12. Ted and Mary Barone Letter, dated October 23, 2015
13. Neighborhood group Letter, dated July 9, 2015