



COMMUNITY DEVELOPMENT AGENCY

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DIRECTOR

August 2, 2016

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Marin County Board of Supervisors
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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
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

Dear Board Members,

RECOMMENDATION:

Staff recommends the Board: a) adopt the attached resolution denying the appeal filed by Thompson Development Inc. and sustaining the Planning Commission's recommendation to deny the previous design of the project; and b) consider adopting the attached alternate resolution approving the revised project that eliminates the upper story of the proposed residence and reduces the width of the main floor of the proposed residence.

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SUMMARY:

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 was subsequently appealed by the project applicant and property owner, Thompson Development Inc.

On November 10, 2015, the Board of Supervisors considered Thompson Development Inc.'s appeal. After taking public testimony and following a brief discussion, the Board continued its review of the project to allow the applicant to redesign the proposed residence per the Board's direction to consider elimination of the upper story, and to reduce the size, height, bulk and massing of the structure in order to bring the project into greater conformance with the character of the surrounding neighborhood.

On February 29, 2016, the applicant submitted a revised project for the Board's consideration. The project included elimination of the upper story of the residence, as requested, however the main floor of the residence was increased in length by approximately 10 linear feet. After taking public testimony, the Board continued its review of the project to allow the applicant to redesign the proposed residence per the Board's direction and consider reducing the width of the main floor of the residence commensurate with the previous iteration of the project design.

On July 13, 2016, the applicant submitted a revised project for construction of a new single-family residence with an attached 479 square foot garage on the 7,356 square foot lot. As proposed, the upper story is eliminated and the main floor of the residence is reduced in width. The proposed floor plan and configuration of the residence has been revised to optimize the rear yard, where a patio was previously proposed. The total proposed building area is 2,497 square feet and the total proposed floor area is 2,018 square feet, for a floor area ratio of 27 percent, where a maximum of 30% is allowable by the zoning and development standards that apply to this property and the surrounding neighborhood. The three-story structure would reach a maximum height of 22 feet, 5 inches above natural grade and the proposed setbacks from the residence to the respective property lines are as follows: 3 feet from eastern front property line; 8 feet from the southern side property line; 11 feet, 4 inches from the northern side property line, and 45 feet, 6 inches from the western rear property line. A Tree Removal Permit is required to allow the removal of nine protected trees to facilitate construction of the project. Nineteen live oak and four flowering pear trees are proposed to be planted as replacement trees, in addition to other landscaping throughout the project site.

Staff analyzed the revised project for consistency with the Board's direction. The project includes elimination of the upper story of the residence, for an overall visual height reduction of 11 feet. Furthering the Board's direction, the main floor of the residence has been reduced in width by approximately 10 feet, and the floor area eliminated from the northern portion of the residence replaced on the western (rear) portion of the residence, which is less visible from the vantage points of Bay Road and neighboring properties. As a result of the redesign, the residence has been increased in size, from 1,700 square feet to 2,018 square feet, for a corresponding increase in the grading cut required for construction of the previous design, from 850 cubic yards to 950 cubic yards, but a decrease in grading cut required for the initial design.

In staff's opinion, the proposed project responds positively to the Board's direction and represents an improvement over the previous design. Should the Board concur, staff has prepared an alternate resolution for conditional project approval that includes draft findings of consistency with the Tamalpais Area Community Plan finding 'A' (community character finding) and Design Review finding 'D' (minimization of cut and fill finding). Please refer to Attachment 2.

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
Jocelyn Drake
Senior Planner

REVIEWED BY:

Brian C. Crawford
Brian C. Crawford
Director

ATTACHMENTS:

1. Recommended Resolution Denying the Thompson Development Inc. Appeal
2. Alternate Resolution Approving the Thompson Development Inc. Appeal
3. Written Statement to the Board from Thompson Development Inc, dated July 21, 2016
4. Minutes from the Board of Supervisors Hearing on May 10, 2016
5. Resolution 15-014 from the Planning Commission Hearing on July 27, 2015
6. Project plans, dated July 13, 2016