



COMMUNITY DEVELOPMENT AGENCY

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DIRECTOR

May 10, 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.

www.marincounty.org/cda

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 top 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. At the close of the hearing, the Board directed staff to review and analyze any subsequent revisions and reschedule the appeal item for the Board's review.

On February 29, 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. The total proposed building area is 2,179 square feet and the total proposed floor area is 1,700 square feet, for a floor area ratio of 23 percent. The three-story structure would reach a maximum height of 22 feet, 6 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; 7 feet, 7 inches from the northern side property line, and 50 feet 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 scaled down project includes elimination of the uppermost story of the residence, for an overall visual height reduction of 11 feet, from 53 feet, 5 inches to 42 feet, 4 inches. In conjunction with elimination of the uppermost story, the main floor of the residence has been increased in size, from 979 square feet to 1,112 square feet. Altogether, through elimination of the upper story and a reduction to the entry (lower) level of the residence, the total size of the proposed residence has been reduced by 396 square feet, for a corresponding reduction in the grading cut required for construction of the residence from 1,100 cubic yards to 850 cubic yards.

As modified, the proposed project represents an improvement over the previous design that was denied by the Planning Commission and addresses the significant points of concern raised by the Planning Commission and Board of Supervisors. 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 Epstein Law Firm, dated February 29, 2016
4. Cut and Fill Calculations, per Robertson Engineering, dated April 18, 2016
5. Minutes from the Board of Supervisors Hearing on November 10, 2015
6. Resolution 15-014 from the Planning Commission Hearing on July 27, 2015
7. Project plans, dated April 18, 2016