

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION



COUNTY OF MARIN

August 19, 2014

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SUBJECT: Barner et al. Appeal of the Planning Commission's Approval of the Granucci Design Review 13-33 and Tree Removal Permit 14-6
290 Grandview Avenue, Novato
Assessor's Parcel 157-103-50

RECOMMENDATION

On May 12, 2014, the Planning Commission approved (4-2) the Granucci Design Review and Tree Removal Permit to construct a 2,859-square foot single-family residence with a 766-square foot attached garage in Black Point. On behalf of the Planning Commission, staff recommends the Board deny the appeal filed by Barner et al. and sustain the Planning Commission's action by adopting the attached resolution to approve the project.

SUMMARY:

The subject area is zoned A2 (Limited Agriculture, 2 acres minimum lot size.) The project lot is a legal lot of record that is 13,810 square feet in area and developed with a 280-square foot garage to be demolished. Design Review is required because the lot is less than 50 percent of the minimum area required for a new lot in this zoning district. The project includes the removal of five oak trees and one bay tree. A Tree Removal Permit is required for the proposed removal of two of the oak trees.

The character of the surrounding Black Point neighborhood is diverse, with a mix of lot sizes, home sizes, architectural styles, and dates of construction. The proposed house would result in a 22% floor area ratio, where a maximum of up to 30% is allowed by zoning. While setback requirements may be relaxed for substandard sized lots, the project meets the required building setbacks. The garage and lower portion of the home have been stepped down the hillside to minimize visual prominence. The project incorporates articulated building forms, fenestration, doors, and open railings that help minimize visual mass and bulk, while also blending the home into the surrounding natural site characteristics. The project uses natural earthtone colors and materials that are further compatible with the character of the local community. Given the presentation of the house to the front roadway, the visual mass and bulk should be reduced by lowering the overall roof ridge heights. The Planning Commission approved the two-story house with a maximum height of 26.2 feet, which is two feet lower than proposed and approximately four feet below the maximum building height standard. As conditioned, the maximum height of the house will be lowered four feet over the living room area and the remainder of the

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house will be lowered two feet. This is consistent with Planning staff's original administrative approval.

Six native trees are proposed to be removed, five of which are located within the footprint of the proposed development. Based on the arborist report, four of these are unhealthy or structurally deficient, and therefore not subject to the Tree Removal Permit. As conditioned, one of the protected trees will remain. This leaves the removal of one 16.2-inch diameter protected oak tree located within the footprint of the proposed residence. As conditioned, this tree will be replaced by two 24-inch box size native trees. Given the size of the lot, this is appropriate tree removal and replacement.

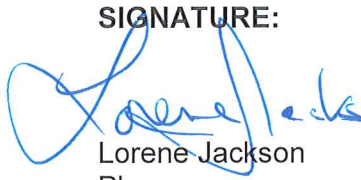
The applicant has a permit issued by Marin County Environmental Health Services (EHS) for an on-site septic system with an off-site leach field located on an easement granted by the Blackpoint Property Owners, LP. This easement is located on the Stone Tree Golf Course property within the Novato City. The County septic permit was issued after an earlier septic permit for the project site approved by the City of Novato in 2006 was nullified by the Regional Water Quality Control Board based on the Regional Board's determination that the County was the proper authority to issue such a permit. That same year, the City ceded authority to the County to issue a consolidated permit for the on-site septic system, including the leach field within the City limits (see Attachments 3 and 4.) However, in a July 25, 2014 letter to the Board of Supervisors, City staff has clarified that the off-site leach field within the City's jurisdiction conflicts with the City's 1997 Urban Growth Boundary regulations and, therefore, the City will not issue a plumbing permit for the leach field connection (see Attachment 4.) City staff has further informed the County that the off-site leach field will require voter-approved amendments to the City master plan and precise development plan governing use of the golf course property. While the City has sole authority to interpret and apply its land use regulations as they relate to the proposed leach field in the City's jurisdiction, the County should similarly confine its decision on the appeal to the County's Design Review and Tree Removal findings. County staff will to the extent possible cooperate with both the applicant and the City if and when a resolution to the leach field issues can be reached.

The appellants assert that 1) the project is not compatible with the community, 2) the project does not retain the maximum number of trees, and 3) the property should have been historically merged with the adjacent property at 280 Grandview. The appellants also assert that the project is not consistent with the City of Novato's Urban Growth Boundary, the Environmental Impact Report for the Stone Tree Golf Course, and the City of Novato's General Plan. Responses to these points are set out in the attached Board of Supervisors Resolution (see Attachment 1.)

REVIEWED BY: (These boxes must be checked)

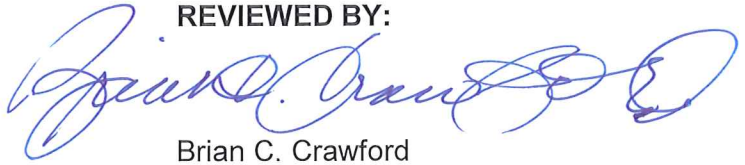
<input type="checkbox"/> Department of Finance	<input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> N/A

SIGNATURE:



Lorene Jackson
Planner

REVIEWED BY:



Brian C. Crawford
Director

ATTACHMENTS

1. Recommended Resolution Denying the Barner et al. Appeal and Conditionally Approving the Granucci Design Review and Tree Removal Permit,
2. Hank Barner et al. Petition for Appeal, May 27, 2014
3. Environmental Health Services, Armando Alegria Letters, April, 10 and May 30, 2006
4. City of Novato, Ron Averiette Letter, July 10, 2006
5. City of Novato, Robert Brown Letter, July 25, 2014

Note: In order to conserve resources, the following documents have been provided only to the Board of Supervisors. These documents are available for public review on line at <http://www.marincounty.org/depts/cd/divisions/planning/projects> and at the Community Development Agency, Planning Division during regular business hours: Monday through Thursday, 8:00 am to 4:00 pm.

6. Minutes and approved Resolution PC 14-007 from the Planning Commission Hearing on May 12, 2014
7. Minutes and Staff Report (with attachments) for the Planning Commission Hearing on March 31, 2014
8. Supplemental Planning Commission Memo, March 31, 2014
9. Second Supplemental Planning Commission Memo, March 31, 2014
10. Third Supplemental Planning Commission Memo, May 12, 2014