# MILL VALLEY PLANNING COMMISSION MINUTES

# **REGULAR MEETING OF MONDAY, FEBRUARY 11, 2013**

# COUNCIL CHAMBERS, CITY HALL, 7:00PM 26 CORTE MADERA AVENUE

PLANNING David Rand – Chair

COMMISSION Barbara Chambers – Vice Chair ABSENT

MEMBERS: Heidi Richardson

John McCauley Steve Geiszler

#### **CALL TO ORDER**

ORAL COMMUNICATIONS: Time for comments from members of the public on issues not on this Planning Commission agenda. (Limited to 3 minutes per person.)

<u>PLANNING AND BUILDING DIRECTOR'S ORAL REPORT: Report on items being</u> considered by the City Council.

**LIAISON REPORTS: None** 

# **APPROVAL OF MINUTES: JANUARY 28, 2013**

It was **M/s** by Commissioner McCauley/Commissioner Richardson to approve the minutes of January 28, 2013. The motion was carried 4/0.

#### **APPROVAL OF AGENDA:**

It was **M/s** by Commissioner McCauley/Commissioner Richardson to approve Move Item 2 to the end of the hearing and approve the agenda. The motion was carried 4/0.

#### **PUBLIC HEARING**

1. 134 La Goma - Linsteadt - Design Review - File No. 3976 (Zanarini) A public hearing to hear a Design Review application to demolish an existing residence and construct a new 3,543 square foot residence with a 410 square foot attached garage and a 498 square foot attached Residential Second Unit on a 15,449 square foot parcel.

# **Staff presentation from Associate Planner Zanarini**

# Applicant presentation from architect Ken Linsteadt

# **Public Comment**

#### **Commission Deliberation**

### **Motion**

It was **M/s** by Commissioner Geiszler/Commissioner McCauley to approve the project and find that:

- A. The project is Categorically Exempt from the CEQA requirement for the preparation of environmental documents under Section 15303(a) of the CEQA Guidelines.
  - CEQA Guidelines Section 15303(a) exempts, "one single-family residence in a single-family zone."
- B. The proposal is consistent with the General Plan and the Municipal Code.
  - The new house is a single-family residential development project consistent with the single-family land use designation in the General Plan. The project meets the height, setback and floor area ratio requirements of the Municipal Code for single-family residences.
- *C.* The proposal is consistent with the residential design guidelines adopted by the City.
  - The construction of the new residence complies with Design Guideline 3 by incorporating existing trees and landscaping into the site and landscaping plans; Design Guideline 5 by minimizing water use consistent with MMWD regulations and the proposed water conserving landscape plan, that reduces the amount of lawn area on the project site; Guideline 6 by locating trees to increase privacy to immediate neighbors; Design Guideline 10 by minimizing off haul; Design Guideline 17 by creating a two-tier design that minimizes impact to the north neighbor; and Design Guideline 21 by providing 5 off-street parking spaces and maintaining 3 on-street parking spaces.
- D. The City has considered whether to apply any limitations on building, size, height and setbacks pursuant to Section 20.66.045.
  - No limitations have been placed on the project pursuant to Section 20.66.045.

#### CONDITIONS OF APPROVAL

## PLANNING DEPARTMENT: Any questions, contact Tom Zanarini, 415-388-4033 x 4810

1. Floor plans and building elevations shall be in substantial conformance with plans prepared by Ken Lindsteadt Architects dated received by Planning Department January 31, 2013 on file with the Mill Valley Planning and Building Department, except as may be modified by these conditions of approval.

# **Conditions Requiring Compliance Prior to Issuance of Building Permits**

- 2. Except as otherwise modified by these conditions of approval, plans submitted to the Building Department for plan check shall be in substantial conformance with those approved by the Planning Commission. Any changes to the approved Design Review plans, including changes to windows or the demolition plan, must be reviewed with and approved by the Planning Department prior to submitting for a building permit or a revision to the building permit. Any changes must be clearly highlighted (with a "bubble" or "cloud") on plans submitted to the Planning Department. A list describing in detail all such changes shall be submitted and attached to the plans. Any changes that have not been explicitly approved by the Planning Department are not valid and may be subject to stop work orders and/or require removal.
- 3. All conditions of approval shall be included on the front sheet of the construction drawing submitted for a building permit.
- 4. Prior to issuance of building permit, the applicant shall submit Green Building Compliance Form, which includes a signature page for the certifying agency (Build it Green or LEED) to confirm Design Conformance based on the Green Building Checklist submitted during the planning application.
- 5. Prior to issuance of a building permit, on the proposed project, the applicant shall arrange a pre-construction meeting with staff that shall be attended by Mill Valley staff, the owner, contractor and all sub-contractors to review these conditions of approval, permitted hours of operation etc.
- 6. Prior to issuance of a building permit, a sign shall be posted in a location where the sign is clearly readable from the public right-of-way. The sign shall be 9 to 12 square feet in size. Information on the sign shall include:
  - a. Address of site.
  - b. Permitted hours of construction.
  - c. Name, address and phone number of the contractor.
  - d. Name, address and phone number of the person responsible for the project.
  - e. Name and phone number of the party to call in case of an emergency.
  - f. Requirement that workers carpool to the site.
  - g. The phone number of the City of Mill Valley Code Enforcement Officer.

#### **Conditions Requiring Compliance Prior to Final Inspection/Occupancy**

7. Site landscaping shall be in substantial conformance with the Landscape Plan on file with the Mill Valley Planning and Building Department. The final landscape plan shall be stamped by a licensed landscape architect and filed with the Planning Department prior to occupancy. Plans for any irrigation of the site shall be incorporated into the landscape plan. All planting shown on the approved plan shall be installed prior to occupancy of the proposed residence. Upon the discretion of the Planning Director, installation may be suitably guaranteed by posting a cash bond equal to 100% of the cost and installation of any landscape improvements.

#### **General Conditions**

- 8. The applicant shall indemnify, defend and hold harmless the City, its officers, agents and employees (collectively "the City") from any and all claims, actions, lawsuits, damages, losses and liabilities arising or resulting from the granting of this permit by the City, the performance of the use authorized by this permit or the exercise of the rights granted by this permit. The applicant's obligation to indemnify, defend and hold harmless the City shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, actions or lawsuits, any expert fees, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such claim, action or lawsuit.
- 9. The light source of all exterior lighting fixtures shall be shielded from adjacent properties.
- 10. The project shall comply with all applicable Energy Efficiency Regulations in the Mill Valley Municipal Code.
- 11. All portions of the job site in view of the public and immediately adjacent neighbors shall be maintained in an orderly condition. All trash, debris, construction scraps and broken or unused machinery shall be removed from the site at the end of each work week. Construction materials not used within two weeks of their delivery date shall be screened from public view. All sidewalks, driveways and public/private roadways fronting the subject site shall be broom cleaned at the end of each work day.
- 12. Prior to sheathing the roof, the applicant shall submit a wet-stamped certification from a licensed surveyor to the Planning Department confirming that the height of the roof for the residence complies with the approved plans.
- 13. The hours of construction activity, including the use of power tools, shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday. Construction is not allowed on Saturdays, Sundays, or holidays.
- 14. The project shall comply with all the requirements of Section 20.90 for Residential Second Units.

- 15. A soils report from a geotechnical engineer is required to determine that the cut is suitable for on-site fill. Should the soils not be suitable and more off-haul is required, the project revisions shall be presented to the Planning Commission prior to issuance of a building permit.
- 16. The applicant shall install a roll-up or other style of garage door that does not swing outward and limit the use of the proposed driveway parking spaces adjacent to the garage door.
- 17. Prior to the issuance of a building permit, the project plans shall be modified so that the house height within the single setback line at the south corner ridge of the proposed residence does not exceed 25 feet. The overall building height shall be further confirmed during construction pursuant to Condition #12.
- 18. Prior to the issuance of a building permit, the applicant shall provide a revised floor area ratio detail sheet showing the calculation of all rooms and spaces counted as floor area for each level of the residence and accessory structures.
- 19. The cupola above the upper level bedrooms shall be removed or lowered to be no higher than the ridgeline as presented in the project plans referenced in Condition #1.
- 20. A consulting archaeologist shall be hired by the applicant and shall be present on the site to monitor all grading and excavation. In the event of finding any evidence of significant archaeological interest, all grading and excavation shall cease to allow the findings to be appropriately recorded and/or preserved. A final report on the results of the excavation and any archeological findings related to the site shall be prepared by the archeologist and a copy submitted to the City.

#### FIRE DEPARTMENT: Any questions, contact Tom Welch, Fire Marshal, 389-4130

## 21. Fire Sprinklers:

A fire sprinkler system shall be provided for:

- a) All new construction.
- b) Fire sprinkler coverage shall be provided through the entire structure as per Uniform Fire Code Section 1001.9.
- c) Plans for fire sprinkler system design and hydraulic calculations shall be completed by a licensed C-16 sprinkler contractor and submitted to the Mill Valley Fire Department for approval prior to installation. Fire sprinkler system design and installation shall conform to the provisions of the Mill Valley Fire Department and N.F.P.A. Standard 13D.
- 22. The address shall be posted in accordance with requirements of the California Building Code, Uniform Fire Code, and Fire Department Standard 205. Final inspection and

- signoff of address posting shall be coordinated through the Building Department.
- 23. The second unit address shall be 134-A La Goma Street.
- 24. Smoke and CO detectors shall be installed in accordance with the California Building Code. Final inspection and signoff of smoke and CO detectors shall be coordinated through the Building Department.
- 25. Noncombustible roofing shall be provided for:
  - a) All new roofs shall be non-combustible.

NOTE: A "noncombustible" roof is a Class A roof (for other than Group R Occupancies, a Class A or Class A assembly) as defined in the Uniform Building Code and approved by the Building Department.

- 26. Prior to occupancy, a spark arrester shall be installed on the chimney(s) (3/8 to ½" mesh minimum).
- 27. Final occupancy approval shall not be granted by the Fire Department unless all conditions have been met.
- 28. Fire Department and City personnel shall be granted access to private driveways and private roadways in order to enforce applicable ordinances related to fire codes, municipal and penal codes pertaining to maintaining road access for emergency vehicles.
- 29. To avoid inspection delays by the Fire Department, all requests must be made at least 48 hours in advance.
- 30. All permits and/or inspection fees required by the Fire Department shall be paid in full prior to final occupancy being granted.

#### **DEPARTMENT OF PUBLIC WORKS: Any questions, contact Dan Hughes, 388-4033**

- 31. GENERAL A construction management plan/schedule is required from Department of Public Works as part of the building permit submittal and prior to building permit approval and shall be incorporated into the job set of plans. This plan shall be a binding document; failure to adhere to the plan may result in stoppage of the project. This plan shall be updated as project conditions may change. Updates to plan shall be provided to the Department of Public Works. Plan / schedule shall include (but not be limited to) work schedule (intended start of construction date, road or lane closure intent/dates, important milestones and proposed final dates), storage type and location and travel routes.
- 32. DRAINAGE

- a. All site drainage shall be dissipated in a manner that prevents erosion and conforms to current storm water discharge practices in Marin County. The applicant is responsible for ensuring storm water runoff is maintained in its natural path.
- b. Any/all storm drain outfalls shall be located as far from property lines as possible and shall be designed to mimic existing drainage conditions (i.e. sheet flow, velocity dissipater, etc.).
- c. Drainage improvements shall be installed as per the recommendation of the soils evaluation prepared by the project soils engineer.
- d. Since drainage is not codified, but controlled by civil law, an Attorney should be consulted to verify that any proposed concentration of water that is currently sheet flowing over the property will not result in legal liability for the applicant.
- e. All stormwater runoff lines (such as building downspout lines, landscape drain lines, etc.) must be discharged in a manner that conforms to the current stormwater discharge practices in Marin County.
- 33. STORMWATER POLLUTION PREVENTION Applicant is responsible for ensuring that contractor uses Best Management Practices for the Construction Industry ("General Construction and Site Supervision" brochure available at the Department of Public Works) to prevent storm drain pollution. Applicant shall be responsible for any environmental damage caused by his/her contractors or employees.

#### 34. SOILS AND GRADING

- a. All exposed areas resulting from excavation and grading shall be seeded or planted with appropriate vegetation and maintained until established to prevent erosion.
- b. An erosion control plan, which includes a signed statement by the soils engineer that erosion control is in accordance with CAQSA standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system. (Temporary seeding and mulching or straw matting are effective controls.).

#### 35. ENCROACHMENTS

- a. A Revocable Encroachment Permit is required from the Public Works Department for all work within the right-of-way.
- b. A Revocable Encroachment Permit shall be recorded at the Marin County Recorder's Office prior to any construction in the right-of-way.
- c. An encroachment security in the a form of a Certificate of Deposit (CD) or cash in the amount of the work to be constructed in the right-of-way shall be submitted to the Public Works Department with the Encroachment Permit.
- d. Construction within the public right-of-way is limited to that necessary to

- support the lot's use. This includes driveways, sidewalks, and sometimes car garages or decks on steep hillsides. Garbage can enclosures are not permitted in the right-of-way. Fences, gates, structures, and walls within the right-of-way will only be approved when they meet the conditions set in Section 11.16.010 and 20.60.065 of the Mill Valley Municipal Code.
- e. Submit drawing(s) of the fence/gate/wall showing height, type of material and location proposed of all improvements to the Public Works Department for review and approval.
- f. The new driveway approach shall conform to ADA requirements. This shall include maintaining a four-foot wide pedestrian path of travel across the approach with a cross-slope not to exceed two percent.
- 36. SEWAGE SYSTEM REQUIREMENTS Public Works showing that the existing lateral is in satisfactory condition and is constructed of plastic or metal material. If any stormwater runoff lines are found to be connected to the sewer lateral, they must be disconnected from the sewer lateral and discharged in a manner that conforms to the current stormwater discharge practices in Marin County. If the new lateral connects to the City main in a different place than the old lateral, then the old lateral shall be capped at the City main.
- 37. The sewer lateral for this property shall be replaced from the house to the City. This requirement may be waived if the applicant supplies a DVD to the Department of Public Works showing that the existing lateral is in satisfactory condition and is constructed of plastic or metal material. If any stormwater runoff lines are found to be connected to the sewer lateral, they must be disconnected from the sewer lateral and discharged in a manner that conforms to the current stormwater discharge practices in Marin County. If the new lateral connects to the City main in a different place than the old lateral, then the old lateral shall be capped at the City main.
- 38. Should a new sewer lateral be installed, a backwater valve shall also be installed in the sewer lateral.
- 39. MATERIAL STORAGE All construction materials, debris, and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way. The fee for using the right-of-way for storage of construction materials or equipment is \$10.00 per day in residential areas, and \$20.00 per day in commercial areas. A minimum of 12' clearance shall be maintained at all times along the roadway. The placing of portable restroom facilities in the City right-of-way will not be permitted.

#### 40. ROAD CLOSURES

a. Road closures will only be permitted with prior authorization of the Department of Public Works consistent with the City's road closure policy. Persons wanting to close the road are required to provide written

notification to affected property owners and neighbors. Signs containing details of the proposed closure must be posted 48 hours in advance. Coordinate traffic control and all temporary road closures with the Mill Valley Department of Public Works. Contact Julie McClure, Engineering Technician, at the Department of Public Works at 388-4033 to obtain a road closure permit.

- b. Submit a traffic detour plan to the Department of Public Works.
- 41. ROAD IMPACT FEE All Projects with a construction value of \$10,000 or more will be charged a fee of 1% of the building permit value.
- TREES AND VEGETATION Trees and vegetation shall be trimmed according to Section 11.24.090 of the Mill Valley Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide a clearance of not less than eight (8) feet. Bushes and other vegetation shall be trimmed so no portion hangs over the sidewalk or the road if no sidewalk is present.
- 43. OFFSITE IMPROVEMENT REQUIREMENTS All improvements within the public right-of-way shall be in accordance with the Uniform Construction Standards of All Cities and County of Marin unless noted otherwise herein.
- 44. Curb and gutter shall be replaced with new concrete curb, gutter and/or driveway apron to ensure proper drainage it maintained. New concrete gutter to match existing concrete gutter and may require additionally asphalt to match existing flow line. Driveway, curb and gutter are to be coordinated with the Department of Public Works prior to the start of construction.
- 45. A 4-foot wide sidewalk (not including curb width) shall be installed along property street frontage to match and conform to adjacent sidewalk(s).

# **BUILDING DEPARTMENT: Any questions, contact Dan Martin, 388-4033**

46. The project shall be subject to the 2012 California Building, Plumbing, Electrical, Mechanical, Energy, and other applicable Title 24 codes.

# **Expiration of Approval**

47. This approval shall expire one year from the date of approval unless a building permit has been issued. Prior to the expiration of a design review approval, the applicant may apply to the Director of Planning and Building for a one-year extension from the date of expiration. The Director of Planning and Building may make minor modifications of the approved design at the time of extension if he/she finds that there has been a substantial change in the factual circumstances surrounding the originally approved design. If building permit is issued during the effective life of the design review approval, the expiration date of the design review approval shall be automatically extended to coincide with the expiration date of the building permit.

48. This approval is effective from the date of approval until the building permit is issued and shall expire one year after approval should a building permit not be issued.

The motion was carried 4/0.

2. 70 Lee Street - Markoff - Design Review - File No. 4037 (Zanarini) A STUDY SESSION to review the application of Markoff Fullerton Architects for construction of a new 4,109 square foot residence, a 546 square foot garage and a 260 square foot assessor building on a 41,367 square foot parcel (28,762 square foot effective lot area).

70 Lee St doc.

# **Applicant presentation from architect Antonina Markoff**

#### **Public Comment**

#### **Commission Deliberation**

Commissioner Richardson thinks this is a brilliant solution to a difficult site and feels this location is the best possible for everyone. She feels the different structures breaks down the massing and stated it's so rare that you get this level of site strategy sophistication as seen here. She stated the design is witty and playful. She stated it's big but feels very low profile to her. She supports to sod roof and loves the materials. She will look forward to seeing the screening options and an arborist report. She stated the next step is to discuss the project with the Fire Department.

Commissioner McCauley feels the project is stunning and is very impressed. His only concern is the glazing and hopes to see some cross canyon views during night time when it returns.

Commissioner Geiszler feels the house is pushed up against the Open Space setback and can't be moved any further. He feels the multiple pavilions are a big help as opposed to one big towering façade and feels the colors are in tune with the natural surroundings. His only comment is that he would like to see a very native planting palette to keep the natural feel of this site.

Commissioner Rand feels the property is amazing and the views are the best of Mount Tamalpais he's ever seen from a Mill Valley home. His one concern is about the amount of glazing as he would hate to see that area spoiled with a lantern effect. He feels the house is very innovative and unusual.

The Commissioners agreed that they would like to see a physical model next time around.

3. 13 Daffodil Lane - Moyer - Design Review & Variance - File No. 4049 (Zanarini) A STUDY SESSION to review the application of Michael Moyer for the

construction of a new 2,334 square foot residence with a 462 square foot garage and remodel of an existing 238 square foot studio on a 7,925 square foot parcel.

13 Daffodil Lane doc.

### **Applicant presentation from architect Michael Moyer**

### **Public Comment**

#### **Commission Deliberation**

Commissioner Richardson she feels this is a very sensitively designed project this is. She likes the architecture of the home and feels it's very fitting for the neighborhood. She doesn't think the studio is a problem. She doesn't think the variance findings are strong enough and needs to be much more discussion about the community it's in and the redwood trees. She feels the architect and landscape architect really worked hard together which is so nice to see.

Commissioner Geiszler stated he doesn't like to approve variances. He feel the portion of the building in the setback can be pushed to the west and it wouldn't have a huge impact on the yard. He is okay with remodeling the inside of the studio. He could support the variance for the garage but not the house. He stated the two-story wall that faces the street is a little to sever as it doesn't have windows. He feels pushing it back would help. He is not in support of it as it's currently proposed.

Commissioner McCauley stated he is okay with the garage and the studio. He feels the site strategy is logical. He doesn't like to approve variances either but he could accept the house variance given the constraints. He stated he struggles if this will be precedent setting.

Commissioner Rand doesn't have a problem with the variances and supports the project.

Commissioner Geiszler suggested some strategies to mitigate the house variance.

4. 501 Tamalpais - Smith - Design Review & Tree Permit - File No. 4035 (Zanarini) A STUDY SESSION to review the application of Chip Smith for construction of a new 4,291 square foot residence with an 826 square foot detached carport.

501 Tamalpais doc.

Commissioner Rand recused.

**Applicant presentation from architect Chip Smith** 

**Commission Deliberation** 

Commissioner Richardson has concerned about the big walls down slope that were formed by the carport and the pool. She wants to know if there will be some terracing to softening them.

Commissioner McCauley has concerns about the cross canyon views and would like to be convinced that there won't be an issue next time. He would like to see the on/off haul net to zero and would like the lawn to be a maximum of 500 square feet. He inquired about the storage area in regards to excavation and FAR.

Commissioner Geiszler would like to see the natural grade indicated on the site sections. He inquired about the soils and foundation.

# **Public Comment**

#### **Adjourn**

It was **M/s** by Commissioner Geiszler/Commissioner Richardson to adjourn the hearing. The motion was carried 3/0.

Any decision made by the Planning Commission on the above items may be appealed to the City Council by filing a letter with the Planning Department within 10 calendar days describing the basis for the appeal accompanied by the \$250 appeal fee.