MILL VALLEY PLANNING COMMISSION

MINUTES

REGULAR MEETING OF Monday, July 08, 2013

COUNCIL CHAMBERS, CITY HALL, 7:00 pm

26 CORTE MADERA AVENUE

PLANNING COMMISSION MEMBERS:	John McCauley – Co-Chair Heidi Richardson – Co-Chair Steve Geiszler – Vice-Chair Chris Skelton Ricardo Capretta	ABSENT

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.)

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

LIAISON REPORTS: None

APPROVAL OF MINUTES: JUNE 24, 2013

It was **M/s** by Commissioner Skelton/Commissioner Capretta to approve the minutes from JUNE 24, 2013. The motion was carried 3/0. Commissioner Geiszler abstained.

APPROVAL OF AGENDA:

It was **M/s** by Commissioner Capretta/Commissioner Skelton to approve the agenda. The motion was carried 4/0.

PUBLIC HEARING

1. 70 Lee - Markoff - Design Review - File No. 4037 (Zanarini) Construction of a 2-story 4,394 square foot single-family residence constructed as two detached buildings connected by a partially subterranean lower level, a 536 square foot attached garage, a 260 square foot detached studio accessory structure and a swimming pool.

70 Lee doc.

Staff Presentation from Associate Planner Tom Zanarini

Presentation from Architect Antonina Markoff

Presentation from Landscape Architect Jim Bradanini

Public Comment

Commission Deliberation

Commissioner Geiszler began by stating the house is near the floor area maximum but it is a large lot so it works. He said he could think of worse architectural styles that would not work well on the hillside; because of this the applicant is at a great starting point. He noted he liked the low pitched roofs and is greatly disappointed that it is not a green roof. He felt it was a major aspect of the project and would like to see what could be done to bring it back. There are issues with the plans, the cross sections and the floor plan heights do not match up. He mentioned there are opportunities to lower the house from the garage to kitchen floor level. He stated he would be more relaxed on the amount of fill removed from the site. The cut and fill from the site will present the neighbors with a short term problem, in regards to the narrow road and trucks, but will visually have long term benefits. He said the house does not have a big impact on the street. He stated the roof deck material is of extreme importance for cross canyon views. He would like to see the material and approve it in person. Commissioner Geiszler encouraged communication amongst neighbors for landscape mitigation.

Commissioner Capretta stated the applicant presented one of the best applications he has seen in his short time on the commission. It was well thought out an incredibly thorough. In regards to site layout he felt that pool is very large and dominates how the site will work. He echoed Commissioner Geiszler's thoughts on off haul. He noted the front structure is too tall and thinks some of the scale could be reduced. He is concerned about the height of the 8 foot retaining wall. He would like to see the retaining walls sloped to reduce mass. He stated the upper-living pavilion to the north could be reevaluated to push the house down. Grading caught him by surprise and he would like to see a phasing plan. He would like to see more information on drainage and suggested a possible rainwater collection system. He said the garage door is too large. He would like to see the green roof as well, but did state he does like copper roofs. He stated the materials were nice and agrees with Commissioner Geiszler's concerns with the roof deck material.

Commissioner Skelton thanked the applicant for the presentation. Like Commissioners Geiszler and Capretta, he is in favor of the green roof. He said given the site, it will be a challenge to mitigate views for neighbors and feels the roof would help. He mentioned he made two visits to the site and was caught off guard by the balance of the retaining walls, off haul, and the overall height. He thanked the applicant for the various options of off haul and felt the neighbors could have a say in choosing an option, short v. long term effects would be part of the process. He would like to see something to address the lower retaining walls. He said he supports the garage

and noted it provides a softer feel for the neighborhood. He stated he liked the project overall, he feels it is really creative and wonderful.

Chairperson Richardson has always really liked the project and stated it is sophisticated. She likes the site strategy and felt it was the best presentation as a commissioner she has seen. She said the site drawings are reading differently than the story poles and the project appears a bit larger. She asked for clarification of story pole placements. She felt the screening was doing its job to mitigate neighbor views. She stated when you live in the hills there are bound to be views of surrounding homes and one should do the best he or she can to be a good neighbor. Chairperson Richardson stated the architect has done a great job at softening the structure in the landscape. She felt the applicant should not cave on the green roof and stated there are ways to have the green roof and ensure fire safety. She agreed with her fellow commissioners on viewing the roof deck material. She stated, at the end of the day the project meets all of the Planning Commission requirements and it is a buildable lot.

2. 355 Vista Linda - Chambers - Design Review - File No. 4056 (Zanarini)
Demolition of an existing residence and the construction of a 3,295 square foot two-story residence with a 520 square foot attached garage and a 572 square foot Residential Second Unit above the garage.

355 Vista Linda doc.

Staff Presenation from Associate Planner Tom Zanarini

Presentation from Architect Barbara Chambers

Presenatation from Landscape Architecht Jim Brandanini

Public Comment

It was **M/s** by Commissioner Geiszler/Commissioner Skelton to approve the application 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 1 by using stepping the house down the natural slope of the lot; Design Guideline 3 by maintaining the existing mature trees on site; Design Guideline 6 by providing landscape screening that maximizes privacy between the south neighbor and Mill Valley Golf Course; Design Guideline 10 minimizing cut and fill; Design Guideline 17 by reducing the roof pitch on the garage and being 5 feet under the maximum building height; and Design Guideline 20 by providing an all-weather surface second parking access for the second unit that is also the designated fire truck access point.

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 Chambers and Chambers Architects dated and received by Planning Department May 15, 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. The project plans referenced in Condition #1

show the project has targeted 98 points on the Green Point Blueprint Scoresheet.

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 pouring a foundation, the applicant shall have the property lines string lined and marked by a licensed surveyor.

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 provisions of Chapter 20.90 of the Municipal Code relating to Residential Second Units.

15. Prior to ~~submitting for a building permit~~ the final building inspection, the applicant shall remove the portions of existing legal non-conforming structures that encroach across the property line, including the swimming pool, pool deck, property fence and pool equipment.

16. Prior to submitting for a building permit, the applicant shall lower the ridge height by one (1) foot.

17. The applicant shall insure that the patios shown on the south side of the property comply with the height and setback regulations set forth in Section 20.16.040.C. of the Municipal Code.

18. A guardrail with an open design shall be installed along the west-side wall as required in Title 14 of the Municipal Code.

19. The applicant shall work with the owners 363 Vista Linda Drive to provide more privacy screening between the properties. Any revisions to the landscape plan shall be reviewed by Battalion Chief Barnes to insure compliance with the Vegetation Management Plan.

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

20. VMP provided with a copy taken for the file. Prior to approval or issuance of a building permit, provide a Vegetation Management Plan (VMP) in compliance with Fire Department Standard 220. Please contact Battalion Chief Barnes with any questions at 389-4130**.**

21. This project is within the Wildland Urban Interface (WUI) Zone as established by City Ordinance and shall comply with the provisions of Ordinance 1245 (Fire Code) and 1228

(WUI Code).

22. 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.

23. 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.

24. The second unit shall have a posted address as 355-A Vista Linda Drive.

25. 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.

26. 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.

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 - 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.

33. The applicant shall provide a hydraulic report prepared by a civil engineer, which includes the following:
    a. Determination of watershed area containing proposed development.
    b. Hydraulic grade line to creek (where appropriate).
    c. Watercourse capacity.
    d. Drainage rate quantities (existing and proposed).
    e. Culvert design calculations.
    f. Runoff calculations to determine increased flow from impervious surface areas.
    g. Necessary mitigation from any increased flow.

34. Final drainage improvements shall be prepared by a Civil Engineer, and reviewed and approved by the City Engineer prior to issuing a Building Permit. Drainage improvements shall implement Low Impact Development standards. These shall include but not be limited to no increase runoff, maintain natural drainage patterns, no concentration of flows, allowing drainage to flow naturally and to percolate and mimic existing and sheet flow conditions. All stormwater runoff lines must be discharged in a manner that conforms to the current stormwater discharge practices in Marin County.

35. Rock rip-rap 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.)

36. Rock rip-rap outfalls shall be located as far from property lines as possible and shall be designed to mimic existing drainage conditions.

37. Drainage improvements shall be installed as per the recommendation of the soils evaluation prepared for the proposed project and reviewed by the Department of Public Works.

30. 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.

31. 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.

32. 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.

33. SOILS AND GRADING –Grading is considered to be any movement of earthen materials necessary for the completion of the project that is not covered under a required building permit such as (but not limited to) miscellaneous site grading, grading for driveways, walkways and landscaping. Proposed grading activity shall comply with the requirements of Section 14.32 of the Municipal Code and are subject to the review and approval of the Department of Public Works.

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. A Grading Permit is required from Department of Public Works <u>for site grading</u>. The applicant shall comply with the requirements of Section 14.32 of the Municipal Code (copies available at the Public Works office) by providing the Department of Public Works with the following:
Note: The applicant should submit the application and all supporting documents at least two weeks prior to the scheduled start of construction in order to avoid delay.
   i. A site map, foundation plan and grading plan.
   ii. A completed Grading Permit Application.
   iii. Submit 3 copies of the soil engineers report to the Department of Public Works along with 2 copies of the site plan showing the outline of the proposed structure, cross sections, a foundation plan if available, and $1,500 refundable deposit to cover actual cost of peer review by City-retained soils engineer.
   iv. A construction schedule.
   v. A grading security for $5,000 shall be submitted in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.
c. 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.). This plan shall be part of the building permit submittal and is subject to review/approval by the Department of Public Works prior to issuance of the building permit.

d. The Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.

e. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc, are implemented.

34. 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.

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. 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.

36. SEWAGE SYSTEM REQUIREMENTS – The applicant shall obtain a sewer connection permit from the Department of Public Works. The fee for this permit is $1,250 for a second unit under 700 square feet. Inspection fees may be added to the basic connection fee.

a. 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.

b. Should a new sewer lateral be installed, a backwater valve shall also be installed in the sewer lateral.

37. 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.

~~38. 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.~~

39. ~~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.~~

40. ROAD IMPACT FEE - Applicants should be aware that, as part of the fees required for building permit issuance, all Projects with a construction value of $10,000 or more will be charged a fee of 1% of the building permit value.

41. 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 exists.

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

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

Expiration of Approval

43. 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.

44. 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.

DISCUSSION:

3. Single-Family Residential Design Review Guidelines (Moore)

Adjourn

It was **M/s** by Commissioner Capretta/Commissioner Skelton to adjourn . The motion was carried 4/0.

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.