MILL VALLEY PLANNING COMMISSION

MINUTES

REGULAR MEETING OF Monday, June 10, 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

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: None

LIAISON REPORTS: None

APPROVAL OF MINUTES: MAY 28, 2013

It was **M/s** by Commissioner Skelton/Commissioner McCauley to approve the minutes of May 28, 2013. The motion was carried 3/0.

APPROVAL OF AGENDA:

It was **M/s** by Commissioner Skelton/Commissioner Capretta to approve agenda. The motion was carried 5/0.

PUBLIC HEARING

1. 175 Bolsa - Dreksler - Design Review - File No. 4084 (Zanarini) A STUDY SESSION to construction of a new four (4) level 2,192 square foot single-family residence with a 432 square foot attached garage on a 6,076 square foot lot. The garage, main entry and interior stairway would require a Variance from the Municipal Code to locate inside the exterior yard setback.

Applicant Presentation from Architect/Contractor Deron Dreksler

Public Comment

Commission Deliberation

Commissioner Geiszler's stated the proposed home is too big for the site. The design is in the public right of way and over the maximum floor area ratio (FAR). He stated that a home in a lot such as this should not be anywhere near maximum FAR. He feels the plan proposes an unsuccessful parking plan. He would be willing to consider a garage variance. In general he likes the design. Commissioner Geiszler is okay with the materials and with the amount of glass used. He would need a lot of information to approve a house on this site. He stated he would like an independent peer review of soil, hydrological conditions, and grading. The applicant would pay for the expense of the neutral party reports. He needs detailed grading plan and a plan of phasing cuts from a licensed civil engineer. Lastly, he would like all images of the plans to scale.

Commissioner McCauley agrees with everything Commissioner Geiszler mentioned. The entry way should be 25 feet not 30 feet. The semi-room on the third level with the fireplace would count towards FAR. The design should be reconsidered because the house is too big. He stated trash should be placed on the property and not the neighbor's. He would like the deck to possibly be intermittently solid to reduce cross canyon views. Floor plates at 9 are too high. He asked the applicant if shorter plate heights might be more reasonable, because he feels they are. He requested accurate story poles because of the difficulty of accessing the site. He also suggested a model might be suitable because of the site location. Commissioner McCauley mentions the importance of cut and fill and that he would like the areas to be filled in a safe manner. He also would like more detail on the hydrology.

Commissioner Capretta thanked the applicant for his efforts. His initial feeling is that there is too much building. The square footage does not need to be so high. He agrees with the idea of a variance. He would like an extensive analysis of the cut and fill. He feels it is unrealistic to think that some of the trees close to the proposed home will be saved. He stated the skylights and materials are fine.

Commissioner Skelton thanked the applicant for his presentation as well. He stated he had the opportunity to meet with neighbors and they shared their concerns with him. The main concern, which is also the Commissioner's concern, is the construction plan for the project. He stated it is a concern of his because the construction plan goes hand in hand with cut and fill/hydrology plans. He would like to see a good construction plan. He echoed the previous statements of the home being too large and cannot get over the location in the public right of way. He mentioned the applicant might consider the proposed FAR ordinance and create two separate proposals; one under the current ordinance and another under the proposed ordinance. He supports Commissioner Geiszler's recommendation for a neutral party peer review. He wishes the applicant good luck with such a challenging site.

Chairperson Richardson echoes everything that her fellow commissioners stated. She mentioned that the applicant will have to reduce off haul. Potential areas where space could be saved could come from the deck, which she also stated is adding too much to the mass of the home. She stated an arborist report is

needed. In regards to the plans, trees must be in all drawings and sections need to be to scale. She likes Commissioner McCauley's idea of a model.

2. 401 B Miller - Sol Food - Conditional Use Permit - File No. 4090 (Zanarini) A Public Hearing to amend an existing Conditional Use Permit to adjust the existing business hours of Monday - Saturday: 11:30 am - 9:00 pm and Sunday: 11:30 am - 8:00 pm to the proposed business hours of Monday - Friday: 10:00 am - 9:00 pm and Saturday - Sunday: from 9:00 am - 9:00 pm.
DISCUSSION:

Presentation from Associate Planner, Tom Zanarini

Presentation from Co-Owner od Sol Foold, Carl Flemming

Public Comment

Commission Deliberation

Motion

It was **M/s** by Commissioner Geiszler/Commissioner Skelton to approve the Conditional Use Permit. The motion was carried 4/1.

CONDITIONS OF APPROVAL
PLANNING DEPARTMENT: Any questions, contact Tom Zanarini, 415-388-4033 x 4810

1. The hours of operation for the restaurant use are from Monday through Friday 10:00 am – 9:00 pm and Saturday through Sunday 9:00 am – 9:00 pm.

2. Employees shall arrive no earlier than 7:30 am and shall leave no later than 10:00 pm. One employee may arrive at 7:00 am and one employee may stay until 10:30 pm.

3. 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 use permit amendment 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.

3. Single-Family Residential Design Review Guidelines (Moore).
Recommended Action: Continued to a later date.

Adjourn

It was **M/s** by Commissioner Skelton/Commissioner McCauley to adjourn. The motion was carried 5/0.

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.