MILL VALLEY PLANNING COMMISSION

MINUTES

REGULAR MEETING OF MONDAY, JANUARY 13, 2014

COUNCIL CHAMBERS, CITY HALL, 7:00 PM

26 CORTE MADERA AVENUE

PLANNING COMMISSION MEMBERS:

Heidi Richardson - Co-Chair
Steve Geiszler - Vice-Chair
Ricardo Capretta
Chris Skelton

(00:00:01)
CALL TO ORDER

(00:00:06)
ORAL COMMUNICATIONS: Time for comments from members of the public on issues not on this Planning Commission agenda. (Limited to 3 minutes per person.)

(00:03:29)
PLANNING AND BUILDING DIRECTOR'S ORAL REPORT: Report on items being considered by the City Council.

LIAISON REPORTS: None.

APPROVAL OF MINUTES: AUGUST 26, 2013 AND DECEMBER 9, 2013

It was **M/s** by Commissioner Skelton/Commissioner Capretta to approve minutes from AUGUST 26, 2013, as amended, and DECEMBER 9, 2013, as amended. The motion was carried 4/0.

(00:09:33)
APPROVAL OF AGENDA:

It was **M/s** by Vice-Chair Geiszler/Commissioner Skelton to approve the agenda. The motion was carried 4/0.

PUBLIC HEARINGS

(00:09:45)

1. **630 East Blithedale Avenue – Chase Bank – Negative Declaration, Conditional Use Permit and Design Review – File No. 4074 (Zanarini) A NEGATIVE DECLARATION, CONDITIONAL USE PERMIT AND DESIGN REVIEW for the proposed construction of a new 4,113 square foot branch bank building, a drive-through ATM, and revised parking lot design for Chase Bank. The subject property is in the General Commercial (C-G) Zoning District.**

630 E. Blithedale doc

(00:09:54)
Staff Presentation from Associate Planner, Tom Zanarini

(00:12:42)
Presentation from Architect Douglas Fong, Callison Architecture

(00:26:23)
Presentation from Andrew Block, Frontier Real Estate Investments

(00:42:01)
Public Comment

(01:07:44)
Rebuttal comments from Architect Douglas Fong, Callison Architecture

(01:10:58)
Commission Deliberation

(01:52:04)
It was **M/s** by Vice-Chair Geiszler /Commissioner Skelton to approve the application and find that:

EXHIBIT A
FINDINGS FOR APPROVAL
630 E. BLITHEDALE AVENUE, APN# 030-124-15, File No. PL13-4074

Based on evidence in the public record, the Planning Commission finds that:

NEGATIVE DECLARATION

A. Based on evidence in the record, including the Initial Study, there is no substantial evidence that the project will have a significant effect on the environment.

B. The Negative Declaration reflects the City of Mill Valley's independent judgment and analysis.

DESIGN REVIEW

C. The proposed use is consistent with the General Plan and Municipal Code.

The bank building is a conditionally permitted use in the C-G (General - Commercial) zone and the granting of this application is consistent with the Municipal Code and the General Plan of Mill Valley.

D. The project is consistent with the non-residential design guidelines adopted by the City in Section 20.66.040.

a. *The bank building is and attractive development and in substantial harmony with its locale and is generally compatible with the size, mass and height of other buildings in the vicinity.*

b. *The 4.5-inch garapa wood rainscreen panels, 5.5-inch IPE wood rainscreen panels, dark grey metal roof and partial stone base are compatible with the character of Mill Valley.*

c. *The drainage system has been designed to avoid adverse impact on the surrounding properties.*

d. *The design and location of the driveways and sidewalk are consistent with the existing function of the right-of-way and avoids adverse impact to adjacent properties.*

E. 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.

CONDITIONAL USE PERMIT

F. The proposed project will not, be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood of such proposed use nor be detrimental or injurious to property and improvements in the neighborhood of such proposed use, nor to the general welfare of the City based on the following:

a. *That the proposed 25 parking spaces are sufficient for the bank use.*

b. *The office use public hours of operation are from Monday - Friday from 8:00 am – 6:00 pm and Saturday from 8:00 am – 4:00 pm is compatible with the bank use in the C-G zoning district.*

c. That the proposed bank use is consistent with uses in the neighborhood, is a conditionally permitted use in the C-G zoning district and conforms to the General Plan and Municipal Code.

d. *That the ATM drive-through is compatible with the parking area and bank use in the C-G zoning district.*

EXHIBIT B
CONDITIONS OF APPROVAL
630 E. BLITHEDALE AVENUE, APN# 030-124-15, File No. PL13-4074

PLANNING DEPARTMENT: Any questions, contact Tom Zanarini, 415-388-4033 x4810

1. Floor plans and building elevations shall be in substantial conformance with plans prepared by Callison Architecture dated received by Planning Department December 31, 2013 and the sign plans are in substantial conformance with the plans prepared by Signtech dated received by the Planning Commission on December 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 a building permit, the applicant shall submit the applicable Green Building Compliance Form to confirm conformance with the applicable requirements for non-residential buildings of the City's Green Building Ordinance.

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 conform to the City's Construction Management Plan and include:

   Address of site.
   Permitted hours of construction.
   Name, address and phone number of the contractor.
   Name, address and phone number of the person responsible for the project.
   Name and phone number of the party to call in case of an emergency.
   Requirement that workers carpool to the site.
   The phone number of the City of Mill Valley Code Enforcement Officer.

7. The applicant shall record a public access and parking easement or other mutually acceptable and binding agreement between the property owner and the City of Mill Valley allowing public ingress and egress across and parking on the Chase Bank property in association with the use of the Mill Valley Community Center and related events.

8. The monument sign shall be revised to reflect the building's architectural design.

9. The pedestrian walkway at the north of the property shall be revised to a dark shaded material; not concrete.

10. The lighted blue bands shall be removed from the building mounted Automatic Teller Machines facing East Blithedale.

11. The 'headache' bar at the drive-through entrance shall be removed.

12. Light emanating from the interior shall not exceed 1-foot candle when the business is closed.

13. The light poles shall be a dark earth tone color.

14. The applicant shall work with staff to refine the exterior lighting plan.

15. All 'Chase' logos shall be removed from all directional signs and shall be consistent with the sign requirements of Section 20.74 of the Zoning Ordinance.

16. Sign #N10 as identified in the Signtech plans referenced in Condition #1 shall be reduced in height to match other directional signs.

17. Reduce the number of 'P3' lighting fixtures at the north property area.

Conditions Requiring Compliance Prior to Final Inspection/Occupancy

18. 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 commercial buildings. 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

19. 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.

20. The light source of all exterior lighting fixtures shall be shielded from adjacent properties.

21. 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 2 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.

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

22. Road/Driveways and Access shall comply with Department Standards 204, and 210-216**.**

23. Provide a UL-listed key box on site as required by the Mill Valley Fire Department in compliance with Fire Department Standard 202.

24. Fire Sprinklers shall be provided for:

    a) All new construction.
    b) 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 13.
    c) Commercial fire sprinkler system and commercial fire alarm systems shall be

monitored 24/7 by a U.L. approved Central Station for fire and trouble.

25. The address shall be posted in accordance with the Uniform Fire Code and Fire Department Standard 205. Final inspection and signoff of address posting shall be coordinated through the Building Department.

26. All on-site improvements, such as water main extensions, standpipes, hydrants, and access roads, must be serviceable prior to framing the structure.

27. Signs above front door – THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS.

28. Fire Extinguishers: provide a minimum of one 2A-10BC, five-pound multi purpose fire extinguisher; one per floor and a maximum travel distance not to exceed 75 feet.

29. Final occupancy approval shall not be granted by the Fire Department unless all conditions have been met.

30. 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.

31. Fire Hydrants: Prior to framing, a new fire hydrant installation or existing fire hydrant upgrade shall be required. Details of hydrant placement shall be reviewed and approved by the Fire Department and MMWD (Type: Jones #3770 Commercial Installation/Upgrade and 650 East Blithedale Avenue).

DEPARTMENT OF PUBLIC WORKS: Any questions, contact Tim McSorley, 388-4033

33. Driveways shall be right-in, right-out only.

34. Provide details/calculations of the site drainage as well as impacts to downstream drainage facilities.

35. Provide details/descriptions of "pervious pavers." A soils report will be necessary to determine the percolation capability of the soil.

36. Provide cross-sections in enough detail to show extent of earthwork.

37. Sight distance at the intersection of Camino Alto and East Blithedale shall not be obstructed by objects greater than eighteen inches in height. This area can be described as a point fifteen feet back on Camino Alto from the face of curb and ending 100 feet easterly on East Blithedale.

38. The curb, gutter and sidewalk along the entire frontage of the project shall be removed and reconstructed to current standards including an ADA compliant ramp at the

intersection. All work within the right-of-way shall require an encroachment permit.

39. The existing sanitary sewer shall be analyzed for adequacy in terms of size, material and location. Clay pipe laterals shall be replaced with ductile or cast iron pipe. If the project requires relocation, replacement and/or reconnection to the sanitary sewer main lines, the applicant will be responsible for paying all applicable fees associated with the work.

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

40. The project shall be subject to the 2007 California Building, Plumbing, Electrical, Mechanical, Energy, and other applicable Title 24 codes.

Expiration of Approval

41. These approvals shall expire one year from the date of approval unless a building permit has been issued. Prior to the expiration of a design review, conditional use permit, or variance 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.

42. 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.

(02:03:42)

2. **111 Janes Street – Skiles – Study Session for Design Review – File No. 4161 (Zanarini) A STUDY SESSION to construct a 1,668 square foot addition to an existing 1,785 square foot residence and to remodel the existing structure. The subject property is in the RS-6 (Single-Family Residential – 6,000 square foot min. lot size) Zoning District.**

111 Janes Street doc

(02:03:44)
Staff Presentation from Associate Planner, Tom Zanarini

(02:04:46)
Presentation from Applicant and Architect, Kevin Skiles

(02:18:28)
Commission Deliberation

Vice-Chair Geiszler began by stating he would like to see site sections and more building sections to better understand the plans. He said he had difficulty understand the grading plan off the landscape plan, because it was hard to see contour lines.

Co-Chair Richardson agreed with Vice-Chair Geiszler and also stated the problem is the landscape plan is not numbered, so the elevations are unknown, which makes it impossible to figure out.

Vice-Chair Geiszler continued by saying they need the landscape plan information, more information about the grading and topography lines, finished wall heights and wall materials. He said he is fine with the site strategy in general but he wished it wasn't such a straight shot up to the garage so the garage doors weren't such a big feature. He also said the driveway will be whatever Public Works and the fire department mandates, but the Commission would love to see it at 12 feet. In terms of height, bulk and mass he stated that the pop-up feature adds undue height. He said there is too much mass hanging up in the air and suggested the balcony areas, such as that above the garage door, should be articulated to break down the long line of the wall, and cable or glass railing be used there. We also said he wished the walls parallel to the garage façade were lower and suggested the height of the back wall be reduced and a 2/1 slope be done for 5 to 6 feet of the yard. He said the location of the building and yards are fine. He requested more information with respect to the wall materials. He also noted the material for the driveway is very important because people would be looking up it and he would want the driveway to be within the maximum slope so gravel won't wash down into the street. He said he is fine with the square footage and might be more lenient with the height since the structure is in a gully, although he would not want it to be taller than it needs to be, which is why he made the comment regarding the pop-up.

Commissioner Capretta agreed with several of Vice-Chair Geiszler's comments regarding the scale of the structure. He suggested that some of the terraces be sloped to further reduce the walls. He also agreed with Vice-Chair Geiszler that the massing above the garage door is too heavy and a railing should be added to reduce it. He said his bigger issue is that the house feels much too tall. He noted the second floor is larger and hangs over the first floor. He stated he believes the second floor should be recessed from the first so there is a tapering of the house. He agreed with Vice-Chair Geiszler regarding the pop-up and felt it accentuated the height. He said there are several different roofing elements that should be made more consistent with each other. However, he said he is fine in general with the roofing materials. He noted that the plans need more definition from a civil engineering standpoint with respect to sections, cut and fill, size of walls, etc, but he is fine with the site layout. He stated there are a lot of retaining walls and he will be looking at them closely.

Commissioner Skelton stated he was concerned with height when he first considered the plans, but he is no longer as concerned given the challenging site and the taller next-door project. He agreed with Vice-Chair Geiszler that the unnecessary height should be addressed with potentially removing the pop-up. He said he likes the split-level floor, but the overall second story has too much mass. He said special care needs to be given to the final grade because a lot of the natural grade is being disturbed with the sports court. He agreed with Commissioner Capretta that the mass of the retaining walls should be broken up and attention paid to their height. He noted that

the bowl aspect of the site is being accentuated by pushing back the back yard and setting up more retaining walls. He said that the further back one goes the higher a retaining wall has to be, that he would like to see them not pushed back too far and keep them low so as not to accentuate the bowl aspect of the site, because it disrupts the natural grade. He stated he would like to see natural color tones to match the surroundings put on the exposed concrete retaining walls. He said he likes the proposed plan of re-vegetation, especially at the east side of the garage. He likes the sustainable design using solar panels. He said the slope of the driveway didn't make a lot of sense on the plans. He also likes the design details used to break up mass and integrate the roof to the walls. He agreed with Vice-Chair Geiszler that articulating the garage would help with consistency. He agreed with Co-Chair Richardson that the plans are hard to understand. He also said it would be good to have finished floors plans on every room so they can understand what is being proposed.

Co-Chair Richardson stated she believes the project is much bigger than what the story poles reveal, which makes her concerned about lowering the driveway and the top-heavy house with an 11-foot garage. She agreed with Commissioner Capretta that there is an issue with flat roofs, hip roof, gables and overhangs, which makes the structure more complicated than it needs to be and makes it look bigger. She advised the applicant to measure the garage to the exterior walls not the interior walls. She also advised the applicant that the design has balconies and spaces enclosed on three sides with roofs, which are considered floor area. She questioned the cut and fill, saying it seems they are excavating much more than 300 cubic yards. She said she wants to see a very clear cut and fill diagram. She had the same question as Commissioner Capretta as to how will the pieces to be saved be saved by doing the amount of excavation called for in the plan. She also said she would like to see a few more site sections and elevation datums. She said she does not like the pop-up and does not believe it helps the design. She summarized by saying the project is too tall and needs more work on the massing and needs a lot of retaining walls and earth moving to get a garage.

Vice-Chair Geiszler stated the master suite area has been raised so there is now a higher ceiling height in the dining room and a guest bedroom, not the best areas in which to have high ceilings, and it makes the house significantly higher than it needs to be. He also noted a hip roof was put on the tallest part of the house and a flat roof was put on a lower part of the house, which then emphasizes the height of the hipped roof area.

Co-Chair Richardson suggested trying to get the driveway up a little higher, saying even an extra foot will help the front elevation.

(03:02:10)

3. **Planning Commission 2014 Work Program – City of Mill Valley – (Moore) A DISCUSSION ITEM. The Planning Commission will discuss its 2014 Work Program, including projects currently scheduled (Commercial and Multi-family residential zoning and design guideline updates, 2014-2023 Housing Element).**

Planning Commission 2014 Work Program doc

(03:02:51)

Staff Presentation from Director of Building and Planning, Mike Moore, Senior Planner,

(03:16:27)
Commission Deliberation

Commissioner Capretta began by recommending that nothing more be added to the 2014 Work Program list because there is so much already. He said he has put in writing what he thought was appropriate for study sessions and design review and recommended circulating it at the next meeting and believes it can be completed quickly.

Vice-Chair Geiszler suggested for the next meeting they also review what the Commission requires right now, so they know what their basis is. He also said he would like to prioritize Residential Design Guideline amendments. He stated there needs to be a good discussion around separate hillside and flat guidelines and he would like to prioritize that as well.

Commissioner Skelton agreed with Commissioner Capretta that the 2014 Work Program is full. He said he is in favor of taking care of some of the easier items first, especially while Co-Chair Richardson is still on the Commission, for example, under the Administrative Procedure column: preliminary and regular study sessions, study session submittal requirements, and planned set requirements. He stated that other than that he doesn't believe it is realistic to tackle some of the Design Guideline amendments because of the workload from the Housing Element, the ZDAC, potentially substantial projects in the future, as well as the regular workload. He suggested members of the Commission with good knowledge of a particular issue might get discussion of that issue started by laying out what they believe to be the proper procedure, as Commissioner Capretta has done with respect to study sessions and design review. He suggested that at the next meeting they also review both benefits and burdens to applicants that Commissioners have received comment on in the past two years.

Co-Chair Richardson stated it is time to start a discussion on hillside and flat. She also believes Administrative Procedural Consideration would be an easy discussion.

(03:42:48)
ADJOURN

It was **M/s** by Commissioner Skelton/Commissioner Capretta 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.