

Resolution No. 24/06, Granting a Quitclaim Deed to Larkspur Capital Partners LLC, for Portions of the Access Road to Tubb Lake, Which has Been Replaced by Drakes Cove Road

Resolution No. 25/06, Extending Board and Commission Terms into July to Complete Applicant Interviews and Make Appointments

Resolution No. 26/06, Establishing Authorized Positions in the Competitive Service and Assigning a Salary Range to Each Position

Resolution No. 27/06, Acknowledging a Payment Agreement and Authorizing Changes to the Term of the Central Marin Sanitation Agency Joint Powers Agreement to Effect Issuance of Revenue Bonds

M/s, Lundstrom/Hillmer and approved 3-0 (Arlas and Hartzell absent) to approve the Consent Calendar with the following corrections to the May 10th minutes: on page 3, the last sentence of the second paragraph should read: "Mayor Chu agreed.they would have *formal opposition to the entire project, namely SMART.*"; and on page 3, the first sentence of the last paragraph should read: "*Twin Cities Police Captain Andre Horn gave an update...*"

CITY MANAGER'S ORAL REPORT

The City Manager stated the July 5th Council meeting would include a workshop regarding the McLeran project and a Closed Session on some pending litigation. Obtaining a quorum for subsequent meetings could be problematic. The Council would need to meet after July 12th to award the contract for the local road repair project. Bids will be opened on July 10th. There is an issue regarding a downtown tree located at 484 Magnolia Avenue. Some of the roots had to be cut to accommodate a new water line and the tree professional, Mr. Ray Moritz, is recommending removal of the tree. She noted that Mr. Moritz is not an arborist but rather an urban forester and she asked the Council if they would like a second opinion about the tree. Councilmember Hillmer stated he would like a second opinion. He asked if they performed an analysis about whether or not the water line could be in a different location. The City Manager stated the water line was the subject of a great deal of discussion by the Public Works Department. There is limited space in which to place the water line. Councilmember Hillmer asked if the only route for the water line was in conflict with the tree. The City Manager stated she would ask the Public Works Director. Councilmember Lundstrom stated the ordinance cites the services of an "arborist" but she could accept Mr. Moritz's report since he is an urban forester and has more training and a college degree. There was no need for a second opinion. Councilmember Hillmer stated an urban forester has a different point of view than an arborist and is trained for wildland conditions as opposed to an urban environment. Councilmember Lundstrom stated this was a good point and she would like a second opinion from an arborist that had specific knowledge of street trees.

Mayor Chu agreed. The Council should discuss the issue regarding the qualifications of an urban forester relative to the ordinance at a future meeting.

The City Manager reported motion detectors were installed in the Council Chambers so the lights could go out if there was not a lot of movement in the room. She thanked Mayor Chu for his assistance on the invoice from the Lark Theater Youth Film Festival. Staff met with the Kentfield Fire District and the Ross Fire Department regarding possible consolidation. The decision was made to move ahead with a Request for Proposal (RFP) to evaluate a potential three-way consolidation and how the finances might work. The Twin Cities Police Council approved the contract for project management of the new Twin Cities Police Facility. She stated she was interviewed by the Independent Journal regarding CLASP. The article would be in the Saturday edition. The MCCMC meeting would be held on June 28th in Sausalito. Staff has received some complaints regarding leash-law violations at Greenbrae School Park, Niven Park, and Piper Park. The department recently issued many citations and informed citizens about the Piper Park Dog Park. Ms. Barbara Salzman has agreed to assist the City with a resolution regarding the woman who is feeding the geese near Bon Air Bridge.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Lundstrom reported she has been asked by the new Grand Jury to be interviewed about city management. The City of Larkspur is regarded as one of the best-run cities in Marin County. She asked for input on a memo that she would submit to the Council and the City Manager.

Mayor Chu acknowledged the efforts of the Twin Cities Police Department and the Larkspur Fire Department for their evacuation/disaster preparedness presentation to the Madrone Canyon residents. The following three policy issues came up: 1) stricter enforcement of residents that do not adhere to the protective zone; 2) stricter enforcement in "No parking" zones, especially in fire hazard zones; 3) whether or not disaster preparedness issues and policies should be done cooperatively between Larkspur and Corte Madera since they share the same Police Department.

PUBLIC COMMENT

There were no comments.

PUBLIC HEARINGS

1. APPEAL OF PLANNING COMMISSION CONDITIONAL APPROVAL OF APPLICATION DR/FAR 06/10, 337 BRETANO WAY, GREENBRAE;

AP #070-232-14, SANDRA HUYSER, APPLICANT; JOE LAZOR, 331 BRETANO WAY, APPELLANT

The Assistant Planner presented the staff report. He stated staff received two items of late mail. He noted there was an error in the address on the agenda but the address on the public notice was correct. In addition, several minor errors in the staff report have been corrected. Copies of the corrected staff report were placed on the Council dais and on the table in the back of the Council Chambers.

Councilmember Hillmer asked the appellant and the applicant if they had any objections to the noticing as it has taken place for this meeting and the amending of the staff report. Mr. Michael Lamphere, attorney for the appellant, stated they had no objections. Ms. Sandra Huyser, applicant, stated she had no objections. The City Attorney noted that the address was correct on the public notice and the posting but was incorrect on the agenda.

Mayor Chu stated Mr. Lamphere is the attorney for his mother and brothers and he has the power of attorney for his mother's estate. The City Attorney is of the opinion that there is no conflict of interest and he would not be recusing himself from this matter. He asked the Council to comment on this issue.

Councilmember Hillmer stated he accepted the Mayor's personal decision. Councilmember Lundstrom agreed.

Councilmember Hillmer asked if the property owner to the east had stated any opposition. The Assistant Planner stated there was no opposition to the approved application. Mayor Chu stated the Council received a letter from the neighbor to the east stating they would like the addition located over the existing garage. If that were not possible, they would prefer the approved application as opposed to the original application.

Mayor Chu opened the meeting to public comments.

Mr. Michael Lamphere, representing Lamphere Law Offices, stated the applicant is in favor of the original design for the property. They are asking that the second revised plan be denied and that the Council approve the original design. The applicant has indicated that the original plan would be more cost effective and the second plan came about because of suggestions by the planning staff. It was not a direction from the first Public Hearing of the Planning Commission. Revised plans were presented to the City and the Planning Commission at their second hearing. The first design has the addition towards the front of the street and the rear-facing portion had no windows, no French doors, and no balconies. There was nothing in the original plan that would allow a view into Dr. Lazor's property. The revised plan moves the addition back about 12 to 15 feet towards Dr. Lazor's property and adds two French doors, a balcony, and a stairwell window.

He stated the distances between the two properties were 50 feet or less at one point and about 120 feet at the back. The approved proposal would impact his client's privacy. He referred to the neighbor to the east (345 Bretano Way) and stated the Planning Commission made a finding that the view from their secondary bedroom window would not be significantly impacted. They are asking the Council to approve the original design as described on the plans received on April 10th.

Ms. Sandra Huyser, owner/applicant, stated she would prefer to construct the original design and that is what she has always wanted. The revised plan was an attempt on her part to take into account all the information given to her by staff and comments made at the Planning Commission meeting. She wanted to make it clear that staff did not direct her to redesign the project but rather told her it would be a good thing to do. She did a cost analysis and it would be almost cost prohibitive to do the revised plan. She asked the Council to approve the original plan.

Mayor Chu closed the meeting to public comments.

Mayor Chu asked if the original design would partially or totally block the view from the windows at 345 Bretano. The Assistant Planner stated the view of Mt. Tamalpais from a secondary bedroom would be completely blocked by the first design. The Planning Commission felt this would not be significant.

The Planning Director clarified that Dr. Lazor did object to the project at the first hearing. At that time, staff did not realize that the house next door had a view. The Commission went out to both properties and made their decision based on those visits.

Councilmember Lundstrom stated she agreed with this analysis and could make the finding that it was insignificant.

Mayor Chu stated the Planning Commission had originally approved this design and there were no objections except the potential obstruction of the view corridor from 345 Bretano Way. It has been determined that this particular view is not a primary view corridor and that consideration could not become an overriding factor.

M/s, Lundstrom Hillmer and approved 3-0 (Arlas and Hartzell absent) to uphold the appeal and approve the original design.

Councilmember Hillmer stated his motion in no way discounts the deliberations of the Planning Commission.

Mayor Chu asked if there was the potential for a rehearing because the neighbor would be considered an effected party.

The City Attorney stated a rehearing is a request to the body making the decision and can be filed within the same period of time as an appeal (10 days).

2. APPEAL OF PLANNING COMMISSION APPROVAL OF APPLICATION
LLA/DR/SUP/GR/TR 04-90; 57 & 59 OLIVE AVENUE (AP #21-054-06 & 07);
EVAN CROSS/PAHANA KNOWN ARCHITECTS, APPLICANT; FRED
KEYHAN AND HAMID SIGAROUNDINIA, PROPERTY OWNERS; R-1
ZONING DISTRICT

The Senior Planner presented the staff report.

Councilmember Lundstrom asked about the change in elevation from the street level to the beginning of the driveway. The Senior Planner stated it was about 15 feet. Councilmember Lundstrom asked about the line of sight from the street. The Senior Planner stated one could see the top of the garage doors and the railing. Councilmember Hillmer stated the centerline of the driveway as it meets Olive Avenue is at elevation 145 and the top of the wall (edge of the driveway) is at elevation 154. There is an 11-foot vertical difference between the driveway as it meets Olive Avenue and the top of the edge wall.

Mayor Chu referred to the architectural rendering and asked if there was any grading proposed for the driveway or if the driveway would remain at its current level. The Senior Planner stated the existing driveway would be widened slightly at the base and would travel a little more away from the street and uphill. Mayor Chu had questions about the architectural rendering and stated it made the building look much lower than the story poles seem to indicate.

Councilmember Hillmer discussed the monitoring program and suggested they photograph the story poles and compare that as things move ahead. He asked if a survey was used in the placement of the story poles. The Senior Planner stated a survey is not normally required and has not been provided.

The Senior Planner gave the Council the color board.

Mayor Chu opened the meeting to public comments.

Mr. Tom Serleth, appellant, stated he shares a driveway with the existing house at 57 Olive and with the proposed house at 59 Olive. He supported the original proposal to raze the existing house at 57 Olive and to construct two new houses of approximately 3,800 square feet each. Each new house would have been on 2 acres of land, situated considerably away from the neighbors, and in scale with the neighborhood. The original proposal solved a number of problems for the neighbors. There is no access to this site on Madrone Avenue or Orange Avenue. The Larkspur General Plan states that houses should be in scale with the neighboring homes. The size of the house relative to its neighbors as opposed to the size relative to the lot is the important finding that must be made.

He admits this is a large lot. There are only two homes in the area that exceed 4,000 square feet and none that exceed 6,000 square feet. He referred to the east elevation and stated it was not in scale with the other homes in the neighborhood. This is a huge house that looks like multiple houses and is out of scale with the neighborhood. He asked the Council to grant the appeal.

Mr. Evan Cross, architect, discussed the view from the street and stated the sight line for anyone standing along Olive Avenue would be the front of the driveway. Many of the trees in that area would be preserved by the tree protection plan and only the top portions of the elements would be visible from the street. The rendering shows none of the proposed vegetation. The architectural rendering is an overlay on top of a photograph that includes the story poles that were laid out according to the survey that had been a part of the process all along. The story poles are the original height story poles and are 3 feet higher than what is actually being designed and approved. The rendering is actually, in perception, larger than what is going to happen. The first 20 to 30 feet of the driveway would essentially be in the exact location and grade. The history of the project has been well documented by staff. They are not asking for any variances or special exceptions. The design, in terms of the architectural character, takes a direct reference from the neighborhood (the pavilion design). The house is well below the height limit, about 50 feet from Olive Avenue, and 70 feet or more from the closest neighboring structure. There is a great deal of screening vegetation around the property that would be preserved. The appeal challenges the findings made for the approval in a number of areas. The design minimizes the perception of bulk and is compatible with the neighborhood. Floor area ratio calculations are based on site size and what is appropriate for that site in relation to that neighborhood. He distributed some information to the Council and stated this would not be the largest home in the canyon. They have designed an appropriate project for the site.

Mr. Carl Oshiro, appellant, distributed photographs to the Council. He stated the proposal would actually be about 7,030 square feet due to some additional square footage that would not be counted. The houses along Olive Avenue range from 1,500 to 3,000 square feet. There is not a single house that is in the 5,000 or 6,000 square foot range. This should be heavily considered in the Design Review process. He stated Olive Avenue is a very narrow street and is 9 to 10 feet wide at the proposed driveway. A house of this size would be very imposing on such a narrow street. Design Review is meant to be an additional process to preserve the character of the neighborhood. There is no entitlement to build a house up to the maximum floor area ratio. A 7,000 square foot home is vastly out of scale relative to the homes in the neighborhood. He urged the Council to grant the appeal and reverse the Planning Commission's decision.

Mr. Konrad Knell, appellant, stated he lives directly across the street from the proposal. He agreed with the comments made by Mr. Serleth and Mr. Oshiro.

He was concerned about the visual impact of the building from his house. He was concerned about privacy and the mass and bulk of the proposal and felt it would affect the value of his property and the quality of his life. The house would be out of character with the neighborhood. Most of the land was unbuildable and to base a decision on floor area ratio did not make sense.

Ms. Vera Bagshaw, Olive Avenue, objected to the size of the house. The house was located on the front of the lot so the rest of the lot becomes irrelevant. She was concerned about the precedent this proposal would set for the neighborhood. She stated this proposal would change the character of the neighborhood. She asked the Council to uphold the appeal.

Mayor Chu closed the meeting to public comment.

Councilmember Lundstrom stated she was very familiar with the history of this property. She voted against the original proposal for two houses due to the massive amount of grading, the number trees that would be removed, and the drainage problems that would have been created. The back of the lot is buildable but they were encouraged to bring the proposal towards the street to minimize the amount of grading. The proposal also provides some public benefit by improving the storm water drainage for that area. This proposal addresses, from a City standpoint, many problems. The garage would be 45 feet from the street while the living room would be 100 feet from the street. This distance provides privacy for the neighbors. This is a large house but it is on 3.7 acres and steps up the hill. The existing and proposed landscaping would help to minimize the bulk and mass of the proposal. She is pleased with the changes.

Councilmember Hillmer agreed with the comments made by Councilmember Lundstrom. It is the job of the Council to make sure that ordinances are applied fairly over time. This application has been responsive to the comments made by the Planning Commission and they did a reasonable job balancing the issues. This is a very large site and this plays into the ability of the property owner in terms of what they can and cannot do. They are not asking for any variances or exceptions and the Planning Commission applied the rules fairly. He could support the decision of the Commission. He asked for one additional condition: 1) the installation of a trench drain at the toe of the driveway where it meets Olive Avenue to catch surface runoff from the paving on the property.

Mayor Chu stated he did not have a history of the project and did not participate in the past deliberations. He discussed several other projects that restricted the size of the homes because they were out of scale and character with the other homes in the neighborhood. One of the purposes of Design Review was to look at the more subjective aspects of a project. The project was well designed and he liked its general appearance. He would like to see it about 1,000 square feet smaller, or the elimination of one of the structures.

This is a single-family residential zone but the proposal looks like a multi-family residence. It does not fit in with the character of the neighborhood in size or appearance.

Councilmember Hillmer stated he was satisfied with the Planning Commission's findings and their position on the project. He was satisfied with the architect's description of breaking up the massing on the hill, the use of a repetitive group form approach to a single house, and taking into account the sight lines relative to the foreground and background of the house. These would be effective mitigating measures.

Councilmember Lundstrom stated it was difficult to interpret a two-dimensional rendering going up slope. Only the tops of the buildings would be seen from the street. The distance to the nearest neighbor is approximately 70 feet. The primary living area is 100 feet back from the roadway and is well set back from the road. This would not look like an apartment building due to the vegetation. In addition, the proposal would step back into the slope and would not exceed the height limit.

Mayor Chu stated the disadvantage to building on such a steep slope (56% to 58%) was that the bulk and mass would be accentuated. He was not convinced that the design has mitigated the issues regarding size, mass, and bulk. He could support something about 20% smaller.

Councilmember Hillmer asked about the condition he suggested regarding the installation of a trench drain. The City Attorney stated the Municipal Code requires a vote of the majority of the entire body of the City Council to overturn or modify a Planning Commission decision. The vote would need to be 3-0 to impose the additional condition suggested by Councilmember Hillmer. The City Attorney stated it should be clear to the applicant that the Council would like to see this condition implemented even though it was not a condition of approval.

M/s, Lundstrom/Hillmer and approved 2-1 (Mayor Chu voted no, Arlas and Hartzell absent) to deny the appeal and approve the project as proposed based on the findings and conditions adopted by the Planning Commission.

Mayor Chu thanked everyone for his or her comments.

ADJOURN MEETING

The Mayor adjourned the meeting at 9:43 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary