



Insurance. She met with the Larkspur School District representatives to discuss the renewal of the leases for Magnolia Park and the tennis courts. Marin Primary School has approached the City of Larkspur about plans to expand their site. The Council adopted the Master Plan for the mini-parks several years ago and the next project includes work on Magnolia Park and the tennis courts. Funding is coming from two State grants. The Council will be reviewing the leases at an upcoming meeting. She, along with the Planning Director and the Public Works Director, attended a Technical Advisory Committee meeting for the Greenbrae Corridor Project. The community meeting is scheduled for October 24<sup>th</sup> at Redwood High School. She, along with the Public Works Director, met with the representatives of the Tamalpais High School District and Redwood High School regarding a shared use arrangement for the Corporation Yard at the high school. They are drafting agreements and trying to resolve issues surrounding debris storage, etc. She will be sitting on the San Rafael Assistant City Manager Oral Board on Friday, November 3<sup>rd</sup>. The County Elections Official has asked all jurisdictions in Marin to move Mayoral appointments to the first meeting in December to allow them the full 30 days for certification of the election.

She then discussed the possibility of placing an urgency item on the agenda and asked the Planning Director to explain the issue. The Planning Director stated ABAG has issued their draft housing projections for 2007. One of the deadlines for comment is this Friday. She sent a letter with comments opposing the process and asked the Council if they would like to send a similar letter.

She stated the methodology committee consists of representatives from all the different counties and they decide on the methodology used to determine the housing need numbers. They have come out with a number of scenarios and the numbers for Larkspur range from 470 to 1,080 units. This is in addition to the currently required figure of 303 units. The committee then lowered the upper end of the range to about 800 units. The ABAG Board will adopt one of the methodologies followed by a 60-day comment period.

Mayor Chu asked the Council to send comments to the Planning Director. Councilmember Hillmer asked about penalties for lack of compliance. The Planning Director stated the City currently has a certified Housing Element and noncompliance could open them up to litigation. Councilmember Lundstrom noted the City was almost built out and the numbers are absurd. Councilmember Arlas agreed and stated there was a finite amount of land and all of the large projects have been counted in the current set of figures. The City Manager stated these were valid issues and it has been a struggle to find the 303 units currently assigned by ABAG. Larkspur has been assigned more density due to the Ferry Terminal and the Planning Director pointed out in her letter that it is surrounded by water. She stated it would be difficult for a community to maintain a certified Housing Element under these conditions.

Mayor Chu had questions about the formula used which takes into account “job growth”. He noted many of the businesses in Larkspur were home occupations and proprietor owned specialty retail oriented. The Planning Director stated the representative from Sausalito has notified the methodology committee that they should take into account home-based businesses. She noted that Larkspur’s numbers include Kentfield and Kent Woodlands since this area is in its sphere of influence. LAFCO is currently looking at the Ross Valley area and possible changes in these spheres of influence.

The City Manager stated given the interest in this item it should be placed on an upcoming agenda. Councilmember Arlas stated he would like to discuss the following issues: 1) Legal ramifications for noncompliance; 2) The City’s cost in attempting to comply with something that is impossible; 3) At what point does the City stop wasting staff time in trying to accomplish something that is impossible?

### **COUNCILMEMBERS REPORTS AND COMMENTS**

Councilmember Lundstrom stated the College of Marin has leveled their landscape facility on North Magnolia with the intent of using that land for construction storage, including heavy equipment. She asked if the City could, under the recent California Supreme Court decision, levy a street assessment for this area.

Councilmember Arlas stated he had spoken to staff about changing one of his votes that took place at the September 26<sup>th</sup> Council meeting and decided it was a very difficult process. He wanted to state for the record that he should have voted “No”, along with Mayor Chu, on Resolution No. 48/06, Adoption of CLASP. In the future he will vote in opposition to high-density development on that property.

Mayor Chu congratulated the legal firm representing the City on their 20<sup>th</sup> Anniversary. The City Attorney thanked the Mayor and Council and stated he hoped they would be attending the celebration.

### **PUBLIC COMMENT**

There were no comments.

### **PUBLIC HEARINGS**

1. APPEAL OF PLANNING COMMISSION DENIAL WITHOUT PREJUDICE OF APPLICATION DR/FAR/SUP/VAR 06-55: John Mayerhofer, Appellant/Property Owner; 47 Laurel Avenue

The Assistant Planner presented the staff report.

Mayor Chu opened the meeting to public comments.

Mr. John Mayerhofer, appellant, stated he understood that anything that is not submitted for the record or said tonight could not be used for future reference at the next step. The City Manager stated the hearing tonight is the final action of the Council and the City. Mr. Mayerhofer made a Powerpoint presentation and discussed his Website [www.47laurel.com](http://www.47laurel.com). He stated the proposed design is desirable and suitable for the property. He stated the Planning Commission used out of date data for neighborhood comparisons and his proposal would not be the largest in the neighborhood. The Planning Commission was focused on a hypothetical and non-disclosed size and FAR limit and did not take into account the characteristics of the site. There would be no negative impacts due to the design and would make the property safer for the owners and neighborhood. Closing the carport would make the property safer. The property is tucked into the trees. They have nine letters of support from the neighbors. He discussed other properties in the area and stated there were at least six houses in the area that would compare in size to their proposal. Most of the garages in the area are enclosed. The surrounding homes are far away so they effectively have a larger lot. The original staff report did not recommend denial and the project was made better by staff's suggestions. He noted the property was very unique- a steep slope in multiple directions that is thickly wooded.

Councilmember Lundstrom asked Mr. Mayerhofer about his profession and if he worked at home. Mr. Mayerhofer stated he was a software designer and he worked at home most of the time. Councilmember Lundstrom asked if he hired anyone to work at home with him. Mr. Mayerhofer stated "no". Councilmember Lundstrom asked if he had clients coming to the home. Mr. Mayerhofer stated "no".

Councilmember Arlas asked Mr. Mayerhofer why he needed 5,400 square feet. Mr. Mayerhofer stated the top level was the primary living area, the second level was the sleeping area, and the bottom level would be the guest room and the office. They have three children and relatives that visit quite often. The living area is actually 4,300 square feet. Councilmember Arlas asked Mr. Mayerhofer if he would be willing to reduce the proposal and asked for a square footage number that he could live with. Mr. Mayerhofer stated he would like to think about this question.

Mr. Elvy Zarandrea, Highland Court, stated he has lived in the area for 35 years. He is opposed to the project because it would be a "monster house". He stated Laurel Avenue has many large cracks and the area beneath the road is slipping away. The area needs a retaining wall to keep the road from slipping away. He was concerned about additional traffic in the area and stated the road was not geared for more cars. He stated the trees in the road near Dolliver Park should be removed.

Mr. Mayerhofer stated the Planning Commission cited a traffic study that indicated that houses over 3,000 square feet generate more traffic. He stated there were two traffic studies done that were not consistent. They need to look at the anecdotal nature of traffic. There is not that much traffic in the neighborhood. He referred to Councilmember Arlas' question and stated if the Council could chose, and approve, a number then that would solve the problem of this "vague and endless loop". The house could zone itself in a reasonable fashion. He would be happy to reduce the proposal. He would like to have more space up top along with some storage, and a staircase that goes all the way down. He could not throw out a number but would be willing to listen to the Council's suggestions.

Mayor Chu closed the meeting to public comments.

The Planning Director commented on the presentation. Some of the properties listed were not as large as the proposal and some of them had pretty large FAR's but they were on smaller sites. The carport is attached to the house and within the setback and enclosing it would magnify the situation. There is a deed restriction prohibiting the enclosure of the carport. Staff and the Planning Commission are of the opinion that some addition is reasonable.

Councilmember Lundstrom asked staff to respond to the applicant's claim there would be 4,300 square feet of livable space. The Assistant Planner stated the carport, unusable crawlspace, and a portion of the enclosed deck would equal about 1,100 square feet and bring the proposal to about 4,300 square feet of livable space.

Mayor Chu asked about the average slope of the property. The Assistant Planner stated it was 40%. Mayor Chu stated that would bring it down to a 10% FAR. The Assistant Planner agreed. Mayor Chu asked if the carport was currently in the public right-of-way. The Assistant Planner stated it was in the setback but not the right-of-way.

Councilmember Hartzell asked for clarification on the memorandum from the Fire Chief and the Natural State figure. She stated there were a number of criteria to review and they effectively have close to an acre but the reality is that that area belongs to the other homes. The City Manager stated Mayor Chu asked a question regarding fire safety and hillside areas and the Fire Chief provided a range of responses. He stated that intensity of development in heavily wooded areas with narrow roads is sometime a fire response difficulty. The more development that occurs in the canyon on steeply sloped, heavily wood areas represents a fire hazard. This proposal would most likely have a sprinkler system.

Councilmember Hillmer stated the staff report and the Planning Commission were supportive of the variances and the Slope Use Permit, and they were concerned with the Design Review and the FAR. Since there were only three Commissioners present he feels that he did not get the full Commission's view on the proposal. This was not a unanimous denial. He was deceived by the scale of the project when he viewed the plans but after visiting the site feels this would be a normal size house with a lot of under story. The apparent bulk would not appear that big and the numbers can get out of hand quickly when dealing with a steeply sloped site. Only half of the lower level would be usable. Room sizes matter given the current market forces and a 16' X 16' room is normal. The scale of the additions has been managed effectively. The house is kind of "S" shaped and the mass has been broken up. The proposal is not too big, but is close. He could make the findings for the Design Review approval and he would vote to overturn the Planning Commission's denial of the project.

Councilmember Lundstrom stated her issues were not visibility or design but rather this specific site on this specific road. Laurel Avenue is one lane in that area. She could not make the FAR findings for this increased intensity of use. Some of the comparables cited by the appellant were on Orange Avenue which is a much wider road. The size of this proposal could not be justified for this location.

Councilmember Arlas asked if staff included the enclosed garage in the 5,400 square feet figure in the staff report. The Assistant Planner stated the current open carport and the proposed enclosed garage count as floor area. Councilmember Arlas stated he is inclined to agree with the statements made by Councilmember Lundstrom. He is disappointed that the appellant could not come up with a way to eliminate some of the square footage. He did not think that a family of five has a need for 5,000 square feet and this falls into "desires and wants" as opposed to "needs". The new construction on the bottom level was not necessary and that would reduce the project by about 700 square feet. The office could come up to the second level.

Mayor Chu stated the Council was deciding on the appeal and any redesign would need to go back to the Planning Commission.

Councilmember Lundstrom stated the Council should avoid redesigning the project.

Councilmember Hartzell agreed with the comments made by Councilmember Lundstrom. This is too huge a construction on what is not a huge lot. This is a very steep slope and she respected the need for the terrain of the community to have adequate natural area. Building on a lot takes away the ability for natural drainage to occur. The proposal contains large amount of space that has been enclosed and she was not in favor of such a huge expansion of the footprint.

Mayor Chu discussed his work with the Fire Chief regarding emergency and disaster preparedness. They already have an entire neighborhood of properties that are nonconforming and to further exacerbate this condition places additional public safety risks on residents who already live in a High Hazard Fire Zone. The property owner should look for a compromise between the “need” and the “like to have”. He would vote to deny the appeal.

M/s, Lundstrom/Hartzell and approve 4-1 (Hillmer voted No) to deny the appeal, without prejudice, and uphold the decision of the Planning Commission.

The Council took a 10-minute break at 9:10 p.m.

The meeting reconvened at 9:20 p.m.

## **BUSINESS ITEMS**

### **1. ADOPT RESOLUTION NO. 45/06, REVIEWING AND ADOPTING THE INVESTMENT POLICY**

The City Manager presented the staff report.

M/s, Hillmer/Lundstrom and approved 5-0 to adopt Resolution No. 45/06.

### **2. UPDATE ON THE TWIN CITIES POLICE FACILITY**

The City Manager presented the staff report.

Councilmember Hillmer clarified that he would like the design brought back to the Twin Cities Police Council in a workshop setting.

Councilmember Hartzell asked when the citizens of Larkspur would have an opportunity to review the design. The City Manager stated the conceptual design, size, basic shape, and location of the facility has been approved. Councilmember Hartzell stated she would like the Council to review the exterior materials in relation to appearance, cost of maintenance, etc. Councilmember Hillmer stated he would like the Police Council to revisit the building design.

Councilmember Arlas stated the design was already approved but they have not gotten to the stage for reviewing the materials.

Councilmember Lundstrom stated they should bring it back to the Council because they do need public acceptance. She would like to revisit the design.

The City Manager stated staff would be bringing a status report on the financial issues to the next meeting. She reported earlier that staff was working with the Tamalpais High School District on the materials storage/corporation yard issue.

Councilmember Hillmer stated they need to make sure that this facility is a top priority for the Town of Corte Madera before they spend any more money. Councilmember Lundstrom agreed and stated that both City Councils need to adopt a Resolution of Intent prior to environmental review. Mayor Chu stated that was a good idea. Councilmember Hillmer stated he would strongly support that suggestion and he would like to see that happen as soon as possible.

Councilmember Arlas stated the negotiations with the high school district were a top priority and the issues were intertwined. They have a critical space problem if they could not move their materials off site.

The City Manager agreed and stated the timeline on all of these negotiations was very tight and interdependent. Staff is constantly working on these issues. She agreed that the precursor to all this was the ability to move the corporation yard.

Mayor Chu opened the meeting to public comments.

Mr. Phil Terry, Diane Lane, asked the Council to look at other options for the corporation yard.

Mayor Chu closed the meeting to public comments.

It was the consensus of the Council to adopt a resolution of intent. Councilmember Hillmer asked that the words “this is our top priority” or something to that effect be included in the resolution. Councilmember Lundstrom also suggested the resolution include some Larkspur 2050 Committee Report wording.

### 3. UPDATE ON ROSS VALLEY WATERSHED/FLOOD CONTROL ISSUES

The City Manager presented the staff report.

Councilmember Lundstrom stated many communities were cleaning the side creek tributaries and she would like to include funding for this in the next budget. The City Manager stated the Marin Conservation Corps performs this type of work. She planned to include funding for creek clean-up as part of the on-going maintenance budget for the Public Works Department.

Councilmember Lundstrom asked that creek clean-up information be posted on the City Website.

### 4. UPDATE ON FIRE CONSOLIDATION DISCUSSIONS

The City Manager presented the staff report.

Councilmember Arlas discussed the last big push for consolidation and was concerned that other entities are getting involved in the current negotiations. It would only work with a nucleus of two or three entities that have commonalities. He was concerned the process was headed in the wrong direction.

The City Manager stated the financial consultants have been asked to look at an incremental, vs. an all coming together at once, scenario. How the financing will be structure was another issue. She will make sure all the possibilities are evaluated.

Councilmember Hillmer asked about the possibility of revising the issue of consolidation with Corte Madera, using the Twin Cities Police Department as a model. The City Manager stated that was a possibility.

### **ADJOURNMENT TO CLOSED SESSION**

The City Council and the City Manager adjourned to closed session at 10:00 p.m. to discuss the following items:

CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION  
(Government Code Section 54956.9) McLeran Properties, LLC vs. City of Larkspur (Marin County Superior Court action number CV-050529)

Conference with Real Property Negotiation pursuant to Government Code Section 54956.8:

Property: 250 Doherty Drive, AP #022-120-12

Negotiating Parties: Twin Cities Police Authority, Town of Corte Madera  
Jean A. Bonander, City of Larkspur Negotiating Agent

Discussion: Terms, Price or both

### **ADJOURN TO OPEN MEETING AND REPORT ANY REPORTABLE ACTION TAKEN**

The Mayor adjourned to open session at 10:46 p.m. and reported that the Council had taken no reportable action.

### **ADJOURN MEETING**

The Mayor adjourned the meeting at 10:50 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary