

Waive Second Reading and Adopt Ordinance No. 951, Amending Ordinance No. 948 and Approving the Precise Development Plan and Design Review for the 2000 Larkspur Landing Circle Mixed-Use Development Project (PREC/DR 06-30)

Adopt Resolution No. 60/06 the Lease Agreement with the Larkspur School District for the use of the Tennis Courts and Magnolia Park at the Corner of Magnolia and Alexander Avenues

M/s, Lundstrom/Arlas and approved 5-0 to approve the Consent Calendar as submitted.

CITY MANAGER'S ORAL REPORT

The City Manager reported that City Hall and the Fire Station would be tented for termites starting on Friday December 22nd until Tuesday the 27th. The City Hall offices would be closed to the public Friday the 22nd until Tuesday, January 2, 2007. The Library would be open on a limited schedule and these hours would be made available to the public soon. The Council meeting dates of December 20th and January 3rd may be changed.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Hartzell reported the MCCMC Legislative Committee would be meeting on Monday December 11th at 7:30 a.m. to discuss the ABAG housing numbers and to prepare a response. Planning Director Nancy Kaufman would be in attendance.

Mayor Chu stated the Larkspur's regional housing needs allocation for the period ending June 2007 was 303 units. The number for the period 2007 to 2014 will be about 607 units. The Metropolitan Transportation Commission identified eleven parcels that were potentially buildable within a half-mile of the Ferry Terminal and the potential SMART train station. The discussion next week will include whether or not the County should be responsible for the numbers in the unincorporated areas that are within Larkspur's sphere of influence. Councilmember Hartzell stated this number is an additional 41 and is larger than the combined number for every other small city.

Mayor Chu reported the ridership for Twin Cities Shuttle is up to 6.6 passengers per hour. The Transit District would like to see 7 passengers per hour in order to continue the service.

M/s, Arlas/Hillmer and approved 5-0 to elect Councilmember Hartzell as Vice-Mayor.

M/s, Lundstrom/Hillmer and approved 5-0 to elect Councilmember Arlas as Mayor.

Mayor Arlas thanked Councilmember Chu for his year of service as Mayor and presented him with an engraved paperweight with City seal and an aerial photograph of Larkspur. He stated Councilmember Chu did an excellent job in his first term as Mayor and spent countless hours representing the City and its citizens.

Councilmember Chu stated it was a very busy year and he thanked the staff and Council for their assistance and good work.

Mayor Arlas stated the following four items are on his agenda for the upcoming year: 1) Twin Cities Police Station, 2) CLASP and applications for the Niven property, 3) Housing Element and the new ABAG housing allocations, 4) Larkspur's 100th Anniversary in 2008. He stated he believes in brevity and in running an efficient meeting.

Mr. Jim Costello, President of the Larkspur Association of Volunteer Firefighters, presented Mayor Arlas with a gavel.

The City Council took a 15-minute break at 8:00 p.m.

The meeting reconvened at 8:15 p.m.

PUBLIC COMMENT

Mr. Joe Waldron, Monte Vista Avenue, discussed the Redwood trees on William Avenue that were in great distress and stated revisions to the Heritage Tree Ordinance need to be made to give it some "teeth".

Mayor Arlas stated he would like to rearrange the order of the agenda and discuss Business Items #2 and #3 prior to #1.

BUSINESS ITEMS

2. PRESENTATION OF AND APPROVAL OF 2006-07 TRANSIENT OCCUPANCY TAX PROJECT GRANT FUNDING

The City Manager presented the staff report.

Councilmember Hartzell stated she was the Chair of the Centennial Celebration Committee and asked if she should step down and not vote on this item. The City Manager stated "no" since there would be no financial interest on her part either personally or as a Councilmember. She is the Council appointed designee as Chair and there would not be a conflict of interest.

Councilmember Chu asked if the representatives of the Lark Theater had presented a revenue summary as requested by the Council. The City Manager stated “yes” and referred to page 3 of the application. She noted there is a request for other matching funds.

Mayor Arlas opened the meeting to public comments.

There being no comments, Mayor Arlas closed the meeting to public comments.

Mayor Arlas asked for comments on the Chamber of Commerce application.

It was the consensus of the Council to approve this request.

Mayor Arlas asked for comments on the Larkspur Community Association application.

It was the consensus of the Council to approve this request.

Mayor Arlas asked for comments on the MacIntosh Pipe Band application.

It was the consensus of the Council to approve this request.

Mayor Arlas asked for comments on the Lark Theatre application.

Councilmember Chu stated he agreed with the staff recommendation to fund \$6,000 and stated the \$5,000 request towards administrative costs would be equivalent to the City making an indirect contribution to the Lark Theater.

Mayor Arlas asked for comments on the Centennial Steering Committee.

It was the consensus of the Council to approve this request.

M/s, Lundstrom/Hillmer and approved 5-0 to approve the requested Transient Occupancy Tax (TOT) grants in the amount of \$56,700 and that the remainder amount of \$8,200 be set aside for a potential future implementation of a Business Improvement District (BID) or a Parking Assessment District.

3. ADOPT RESOLUTION NO. 59/06, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE PURCHASE AGREEMENT TO PURCHASE A TYPE I FIRE ENGINE

The City Manager presented the staff report.

M/s, Hartzell/Lundstrom and approved 5-0 to adopt Resolution No. 59/06.

Mayor Arlas noted there were some students in the audience and he asked them to identify themselves and their assignment.

Ms. Rachel Lesser, Redwood High School student, stated there were four students in attendance and they were working on a “local government” project.

1. JOINT CITY COUNCIL/PLANNING COMMISSION MEETING TO PROVIDE DIRECTION RELATIVE TO POSSIBLE AMENDMENTS TO THE CITY'S FLOOR AREA RATIO STANDARDS AND PARKING REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS, POSSIBLE DEVELOPMENT OF A GREEN BUILDING PROGRAM, AND TO PROVIDE AN UPDATE OF THE CITY'S DESIGN REVIEW PROCESS

The Senior Planer presented the staff report on Floor Area Ratios.

Councilmember Hillmer referred to Table #1 and asked which cities have a tiered system. The Planning Director stated the cities of San Anselmo, Novato, and Mill Valley have a tiered system that is based on lot size.

Councilmember Hartzell stated she would need more time to apply and understand Table #3. The Planning Director stated that was not relevant tonight and the Planning Commission was still formulated their recommendation on the information in Table #3. Councilmember Hartzell discussed neighborhoods that have lots that average 7,500 square feet and some lots that are quite a bit larger. The formula in Table #3 would allow a house of over 4,000 square feet that could be detrimental to the residents in the smaller lots. She did not want to “throw the baby out with the bathwater” and lose the ability to use some judgment.

The Senior Planner stated the basic premise of the tiered system is to allow larger homes on larger lots but proportionally that increase decreases with much larger lots. The Planning Director stated a currently a 4,000 square foot house would be allowed on a 10,000 square foot lot because of the .40 FAR.

Councilmember Hillmer asked if there was any way to assess the number of nonconforming properties that would be created with this change. He stated the Design Review process was working fine and he would be concerned about creating a class of “nonconformities”. The Planning Director noted that was a concern of the Planning Commission. The Senior Planner stated most of the homes on a moderate size lot with any level of medium to high slope were already nonconforming. There are many cases of existing nonconformities.

Mayor Arlas asked the Planning Commission what disturbed them about the current statute and what overwhelming problems they were encountering.

Commissioner Heitkamp stated there was one key word that was missing in the ordinance and the findings and that was “safety”. Some of the problems with the

current FAR regulations have to do with excavation on steep slopes and flat lands and the need for large retaining walls. The current regulations encourage excavation because that excavated area is not counted towards the FAR. This also encourages the intensity of use on the property.

Councilmember Hillmer stated required grading permits would provide a check for this along with the Slope Ordinance. He added any excavation over 25 cubic yards is reviewed.

Commissioner Young stated the Slope Ordinance is very complex and can be a burden to the applicant and staff.

Commission Chair Stahl stated the exemption for below grade construction could be seen as an incentive for building a bigger house. He discussed the safety issue and stated the Commission was seeing applications with 25-foot tall retaining walls that could become a maintenance problem for the homeowner or City in the future.

Mayor Arlas stated the issue of safety could always be addressed by the health, safety, and welfare regulations. Construction dug into the ground hides the bulk and mass. Commissioner Heitkamp agreed but stated this extra space creates a greater intensity of use on the site, particularly on substandard lots.

Councilmember Hillmer stated the findings required by the grading permit and Design Review allows the Commission to check projects that are not compatible with the site and surroundings.

The Planning Director stated there were two issues: 1) Using slope to calculate FAR, and 2) The standards used to calculate FAR. She stated the issue regarding intensity of use is real. In addition, staff is having trouble advising homeowners due to the complex nature of the situation.

Councilmember Chu stated they need to separate the issue of flat and hillside lots. He was concerned about homes in the High Hazard Fire Zones and noted most of the homes in these areas were nonconforming. He felt the current formula was onerous and costly. He could see where a tiered system would be more favorable.

Councilmember Lundstrom agreed that there needed to be a change and she was concerned that the current system was difficult to administer and explain to homeowners. It can also be costly to the homeowner. The extra grading that occurs to achieve this "mantra" of square footage can result in an intensity of use. She is open to some change and would like to review the regulations regarding 7-foot ceiling heights and the requirement for topographical maps.

Commissioner McCluney stated they do not have a broken system but there could be some improvements. He was concerned about the cost of a topo map. He would like more time to analyze the different approaches for calculating FAR. He did not see underground excavation as a problem if it is done safely and rationally. It is an opportunity to accommodate the changes that are happening in Larkspur.

Councilmember Hillmer stated the fact that there are many existing nonconforming properties is not simplified by creating another class of nonconformities by a change in the rule. This makes things worse. He would not suggest a quantitative change and felt that Design Review was a very flexible and efficient qualitative tool.

Commission Chair Stahl stated Design Review was a very good tool but they also need some design guidelines. The broken part of the system is the “two sides of the coin”- expectations and predictability. There are so many exceptions to the FAR rules that the .40 FAR is not perceived as having a lot of meaning and people come in with inflated expectations. He would like to see a simpler formula that comes up with relatively the same answer. They are not contemplating changing development potential but rather looking for clarity of direction.

Councilmember Hartzell stated Chair Stahl’s comments made sense and a more productive “give and take” makes the process better and the community feel better. There are many issues that pertain to a sloped lot that have to do with the physical characteristics of that property. She is having a hard time accepting any idea of reducing the consideration of slope as a governing factor. Excavations that create large living areas can create problems. The recommendation on the change of ceiling heights was important because those areas are often used, but not counted, as living space.

Mayor Arlas stated there was a consensus that there was no need for a radical overhaul but rather some “tweaking” of the ordinance. They are looking for more clear and predictable language. The remaining undeveloped lots are unique and the most difficult to develop and he was not sure they wanted to simplify the process for these more complicated lots. Design Review should give the Commission the flexibility to handle most of these issues.

The City Manager stated there were enforcement issues related to FAR and ceiling heights. The costs to the homeowner and the community can be great.

Mayor Arlas opened the meeting to public comments.

Mr. Michael Hooper, Madrone Avenue, stated it sounds like there was a consensus that the slope calculations were a problem. He agreed and stated the Larkspur ordinance is very complex and restrictive and it should be made much

cleaner and simpler for staff and homeowners. He agreed with Commissioner McCluney and stated he did not have a problem with the below grade space.

Ms. Sally Blatt, Corte Madera resident, stated she has an offer in on a home on Piedmont Avenue. The home is on a steeply sloped lot and staff was unable to give her much information about the development potential.

Mr. James Holmes, Madrone Avenue, encouraged the Council to authorize the Commission to continue exploring all possible alternatives to the FAR issue. He referred to page 3 of the staff report and the alternatives used by other cities. There are examples of over-development in Larkspur and they are losing architectural resources and privacy. There are excessive intensity of uses and some “sore-thumb” structures. There is a limit to what Design Review can do. The problem is not poor design but rather well designed homes on lots that are much too small for them. They need to work on downscaling expectations.

Councilmember Hillmer stated Design Review allows them to review mass and bulk and say a project is too big.

Ms. Marilyn River, Pepper Lane, agreed with the comments made by Mr. Holmes. She stated her neighborhood has been experiencing a number of homes expanding up to 5,000 square feet. This is changing the neighborhood and creating a new “subdivision” of Craftsman-style homes. She would like them to consider a maximum size regardless of the size of the lot.

Mayor Arlas closed the meeting to public comments.

Councilmember Hillmer wondered if a better approach would be to rewrite the Zoning Ordinance. He would not mind an “overhaul”. He would like a listing of all the issues and to hold another session with the Commission to talk about mechanisms. Design guidelines can be added to the Design Review process.

Councilmember Lundstrom stated that would be very helpful and she would like the Commission to take a good hard look at the FAR regulations in terms of clarity, reducing costs to homeowners, and discouraging extra grading. She is open to a FAR cap on the size of houses depending on the circumstances. She would like to review the ceiling height issue in terms of creating habitable vs. storage space.

Councilmember Chu agreed with Councilmember Lundstrom. There are no homogenous neighborhoods and Larkspur is full of unique neighborhoods. He would not mind a rewrite of the ordinance to make it more simple and clear both quantitatively and qualitatively. He discussed the health and safety aspects of being in a High Fire Hazard Zone and stated it created a separation between the hillside and flat lands.

Councilmember Hartzell agreed with Councilmember Lundstrom. Leaving things to Design Review does not solve the problems of clarity for the public. Massive excavations for living space can result in enormous impacts to the neighborhood.

Mayor Arlas stated the consensus was towards simplicity but he would prefer clarity to simplicity. He did not want it to be difficult to handle the unique and difficult remaining lots. He had no problem with underground living space. The issue of safety can be addressed.

The Assistant Planner presented the staff report on parking.

Mayor Arlas asked if relaxation of the requirement would eliminate the number of cars. The Assistant Planner stated “no”. Mayor Arlas asked if it would help with the traffic problems. The Assistant Planner stated “no” and this was a procedural issue since most properties need a variance to provide the required parking. Mayor Arlas asked if this was a cost issue. The Planning Director stated it was a hardship on the applicant and time spent by staff.

Commissioner Deignan stated this ties into the issue of clarity for the homeowner and it should be more straightforward. Most variances are readily granted by the Commission. They need to come up with a more appropriate level of parking.

Commissioner McCluney stated this was a “no-brainer” and they need to reduce the number.

Councilmember Chu stated there were more cars than licensed drivers and they need to look at the issue of safety. Eliminating some off-street parking could bring a lot of second units into conformance and they could be added to the Housing Element.

Councilmember Hartzell stated she would feel more comfortable with requiring fewer spaces with the exception of homes that have more bedrooms or home offices.

Councilmember Lundstrom stated the current requirement sounded like a bureaucratic hurdle. She could support a reduction in the number if it did not cause any safety problems. She would like the Commission to look at variations on the requirement.

Commission Chair Stahl stated they should make a connection between the setting (narrow streets, High Fire Hazard area) and how much parking should be provided. This could be done in a simple way upfront since Design Review was rather late in the process.

Commissioner Heitkamp noted the staff report discusses the potential for tandem parking and she felt this made a lot of sense, especially in the public right-of-way.

Councilmember Hillmer agreed and stated he would like to identify neighborhoods that would not allow for compliance due to the street width.

Mayor Arlas opened the meeting to public comments.

Mr. James Holmes, Madrone Avenue, stated a reduction in the parking requirements would put more cars on the street. He would like to see City staff revisit the elimination of parking spaces that has occurred in some neighborhoods and make parking on the street more readily available.

Mayor Arlas closed the meeting to public comments.

Mayor Arlas asked the Commission to take another look and clarify this issue.

The Planning Director presented the staff report on Green Building Standards.

Mayor Arlas stated this seemed like a “no-brainer”.

Councilmember Hartzell discussed the number of teardowns and asked if this would include incentives or requirements pertaining to recycled materials. The Planning Director stated there were “points” for that as well.

Mayor Arlas opened the meeting to public comments.

Mr. Rich Perlstein, Polsky Architects, stated he has been dealing with the County and it is a great program. He suggested the Council adopt the County program which includes a sliding scale point system.

Mr. Michael Hooper agreed with Mr. Perlstein and stated there should be a policy statement in the General Plan encouraging “Green Building”.

Mr. Brock Wagstaff, Diane Lane, agreed with Mr. Perlstein and Mr. Hooper. He has worked with the County program and stated there were many incentives. The Senior Planner asked if this included a building permit processing incentive. Mr. Wagstaff stated “yes”.

Mayor Arlas closed the meeting to public comment.

Councilmember Lundstrom stated she did not want staff to spend a lot of time on this issue. The idea of incentives was a separate policy issue that needs to be discussed by the Council.

Councilmember Chu stated AB 32 requires a statewide reduction of greenhouse gases by 25% by 2020.

Mayor Arlas stated there was consensus in favor of this issue but he did not want staff to “reinvent the wheel”.

The Planning Director presented the staff report on Update on City’s Design Review process. She noted there has not been an increase in the staff workload.

Mayor Arlas asked the Commission how the process was working out.

Commissioner Heitkamp stated the main thing is to look at the findings so there is more specificity. It is a subjective process and establishing some guidelines would be helpful.

Councilmember Hillmer suggested they look at the County Design Guidelines that were adopted last year.

Mayor Arlas thanked the Commission for their good work.

ADJOURNMENT

The Mayor adjourned the meeting at 10:05 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary