

**LARKSPUR CITY COUNCIL
REGULAR MEETING
JOINT MEETING WITH THE PLANNING COMMISSION
MINUTES
DECEMBER 19, 2007**

CITY COUNCIL: PRESENT: Mayor Kathy Hartzell, Ron Arlas, Larry Chu,
Dan Hillmer, Joan Lundstrom

STAFF: PRESENT: City Manager Jean Bonander, City Attorney
Sky Woodruff, Planning Director Nancy
Kaufman

Mayor Hartzell called the meeting to order at 7:31 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT CALENDAR

The City Clerk certifies that this Agenda has been posted in accordance with the requirements of the Government Code

Approval of Warrants

Approval of Minutes: None

Approve Resolution No. 51/07 of the City Council of the City of Larkspur Approving Execution of Subdivision Improvement Agreement for Subdivision Entitled Oak Road Merger/Resubdivision

M/s, Lundstrom/Chu and approved 5-0 to approve the Consent Calendar with the removal of item #4, Resolution No. 51/07.

CITY MANAGER'S ORAL REPORT

The City Manager stated City Hall would be closed from December 24th to January 1st and reopen to the public on Wednesday, January 2nd. The Library's modified hours are posted in the Library and the front door at City Hall. The Regular Council meeting of January 2nd is cancelled and the next Regular meeting would be January 16th. There is a Special meeting tentatively scheduled for Wednesday, January 30th.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Chu reported the Marin County Transit District met on Monday and approved a route change for the Twin Cities Shuttle. The shuttle will now go through Corte Madera, up Doherty Drive, over to Marin General Hospital and then to the Ferry Terminal. It will skip Corte Madera Town Hall and downtown Larkspur but still service Redwood High School and Hall Middle School. It will be a morning and afternoon peak run with the intent of servicing students and commuters. Councilmember Arlas stated he read in the paper that the cost per passenger was over \$20 and he wondered how long this service would be subsidized. Councilmember Chu stated the funding was through Measure A and noted that figure was somewhat deceptive. There was a time when the ridership was more than double the current level and the subsidy was much less. Councilmember Arlas asked if there would be a cost/benefit analysis done in the near future. Councilmember Chu stated the idea was to let the shuttle run for one more cycle and then the program would be evaluated by the Marin County Transit District Board .

Councilmember Lundstrom reported the Corte Madera Creek Flood Zone District 9 held its first meeting since the election at the Ross Town Hall. The creek assessment would be put into an escrow account until the lawsuits were settled. Councilmember Arlas asked if this was done voluntarily or due to an injunction. Councilmember Lundstrom stated the action was taken due to an injunction and prudence on the part of County Counsel. The maintenance funding is set at \$160,000 per year which would only cover improvements of two storm drains in the Kentfield area. They are looking at whether or not Phoenix Lake could have an expanded capacity to hold run-off, however, this would require raising the levy. She, along with the City Manager and Mayor Hartzell, would be meeting at the County regarding the status of the lawsuits.

Councilmember Hillmer asked that the matter regarding representation to the Marin Telecommunications Agency be placed on an upcoming agenda. He recently resigned the position after twelve years. He noted Councilmember Chu serves as the alternate and should be appointed as the representative from Larkspur.

Councilmember Lundstrom reported the Safe Routes to Schools Workgroup met to discuss the possibility of having a roundabout at the east end of Redwood High School. She would like the Council to discuss this matter sometime in the spring since there is State funding available for such a project.

Mayor Hartzell reported the Centennial Committee is making wonderful progress on the upcoming celebration. The Parks and Recreation Department brochure would be coming out in January with much more information on the festivities. The first banner will be installed on the Bon Air Shopping Center light poles on January 2nd (adjacent to Sir Francis Drake Boulevard). Banners will be installed

along Magnolia Avenue shortly thereafter. She displayed the greeting cards that with pictures of the various banners.

Councilmember Arlas stated he received an invitation from the Mayor of Sausalito to participate in the Bicycle Tour of California, Stage One. He asked for volunteers from the Council.

PUBLIC COMMENT

There were no comments.

BUSINESS ITEM

1. Approve Resolution No. 51/07 of the City Council of the City of Larkspur Approving Execution of Subdivision Improvement Agreement for Subdivision Entitled Oak Road Merger/Resubdivision

The Planning Director stated staff needs to make some minor, technical amendments to the resolution. The City Attorney stated paragraph one of Exhibit A should be amended to authorize the City Manager and the Mayor to make minor corrections as necessary.

M/s, Arlas/Lundstrom and approved 5-0 to Resolution No. 51/07 as amended.

PUBLIC HEARINGS

1. SPA/PreIPD: CLASP SUBAREA 3 (Niven Property) 2 Ward Street (APN 022-110-45). Larkspur Housing Partners, LLC, applicant; Irving Group LLC, property owner; General Plan Designation; Low Density Residential and Parkland/Public Facilities; Specific Plan: Mixed Residential; Zoning: P-D Planned Development District

Mayor Hartzell welcomed Planning Commission Chair Richard Young and Commissioners Monte Deignan, Helen Heitkamp, and Chris McCluney. She noted Commissioner Jeff Stahl was absent but sent some correspondence.

The Planning Director presented the staff report. She noted staff received three pieces of late mail. She stated the applicants are asking for a continuance to a date uncertain and that the Planning Commission act on the application 40 days after submittal of a good faith application. Staff is recommending a denial without prejudice.

Councilmember Chu asked for clarification regarding the Alternative Equivalent Action and stated it would be difficult for the Council to evaluate this issue tonight since the information regarding the economics was incomplete (very low, low, and moderate income levels). The Planning Director stated the Council could

comment on the concept and whether or not they like the spread of the affordable units between cottages, senior units, and second units. She agreed it would be difficult to make an assessment as to whether or not it was an equivalent alternative.

Commissioner Heitkamp asked if the garages were added to the FAR calculations for the single-family homes. The Planning Director stated that the applicant has said that the calculations meet the City's FAR requirements, but staff has not had the details or time to review their numbers.

Commissioner Heitkamp asked if the additional donation of land included the 0.20-acre strip of land to the west. The Planning Director stated "yes".

Mayor Hartzell asked if there was any mechanism to ensure that the second units were affordable. The Planning Director stated the applicants have offered to deed restrict these units. It is very difficult to enforce and a unit could be used as an office, extra bedroom, etc.

Mayor Hartzell opened the meeting to public comments

Mr. Steve Seeley, representing Larkspur Housing Partners, made a Powerpoint presentation and discussed the changes they made to the plan and the following planning goals: 1) Donation of 2.79 acres for a community facility; 2) Integration and mixing of cottages and one and two story single-family homes; 3) Introduction of smaller single-family homes that would reduce the average home size and lot size; 4) Additional one and two bedroom units in the senior complex. He discussed the site plan and stated it included: 1) Six affordable cottages and four single-family homes on the northeast corner; and 2) Integration of eight senior cottages in the southwest corner with the senior complex. He noted the location of the smaller single-family homes.

Mr. Mark Day, architect with The Dahlin Group, discussed the plan and stated he was a strong believer of putting housing and porches out to the street. The six cottages on the north will be served from the rear with the garages in the back. The eight senior cottages that were moved to the southwest corner of the site (next to the senior complex) are 900 to 1,250 square feet. The two on the end would have garage access off of Ward Street with the remaining six placed in a cluster. Some of the smaller single-family homes would be in the Craftsman style. He stated there was an increase in the number of floor plans in all the housing types plus the addition of a significant number of single level plans across the board.

Mr. Seeley stated the affordable units would be spread throughout the project-six cottages along Doherty Drive, five senior condominium units, three senior cottages, and six second units. He briefly discussed the issue regarding pedestrian and bicycle network connections. He stated they made some

modifications to the width of the pedestrian walkways behind Lucky's Supermarket and the access point at Ward Street and increased the width from five to eight feet. The width of the Rose Lane road would be 20 feet and they are exploring the feasibility of using a different surface for a pedestrian walkway. The Railroad Plaza connection would be a key focal point and would include an easement so the ultimate design would accommodate whatever was desired. He discussed the extraordinary benefits requirements and stated they have met the criteria.

Councilmember Lundstrom asked about the change in the affordable housing types between the previous and the current proposal. Mr. Seeley stated the original and the current proposal includes an Alternative Equivalent Action. The second proposal did not. Councilmember Lundstrom asked how many affordable units, excluding the second units, were included in the original proposal. Mr. Seeley stated thirteen. Councilmember Lundstrom noted the current proposal includes fourteen cottage or senior units and the six-second units.

Councilmember Chu stated the six Alternative Equivalent Action units (i.e., second units) would include two very low, two low, and two moderate units. He noted all the units would be the same size and asked how they would control the rent. The Planning Director stated the units would be deed restricted and they could only be enforced by complaints. Councilmember Chu questioned whether the units would be rented out. The Planning Director stated this was a growing trend that has been successful in other communities. Councilmember Arlas stated the units could be differentiated by the different types of amenities.

Commissioner Heitkamp had questions about the storm water retention pond and impacts to the site. Mr. Seeley stated the retention areas would be located in the creek setback area (east and south side of the site) and the civil engineer has calculated the anticipated runoff and the project is adequate as proposed.

Commissioner Deignan referred to the senior cottages along the T-shaped road and asked about the number of guest parking spaces. Mr. Seeley stated the required guest parking would be accommodated in the courtyard area. There is also street parking along the private driveway and on Ward Street. Commissioner Deignan asked about the width of the T-shaped street. Mr. Seeley stated the width would be 20 feet. The Planning Director noted that staff had a concern with both guest parking for the cottages on the T-shaped street and how senior residents would be picked up by a friend or serviced by Meals on Wheels, etc.

Commissioner McCluney asked about the rationale for making Rose Lane a one-way street. Mr. Seeley stated it had to do with space constraints and safety.

Mayor Hartzell referred to page 7 of the staff report and asked for comments regarding Extraordinary Benefit #1- Minimizing impacts on traffic and schools.

Councilmember Arlas thanked the developers for their generosity and the efforts gone into expanding the number of floor plans.

He supported the increase in the number of floor plans and options in the housing types and noted it would allow more diversity.

Councilmember Chu agreed with Councilmember Arlas. He stated traffic was highly correlated to income rather than house size so larger homes would have an impact on traffic. At a base level, they could have used the figure of 62% for the number of senior units, which would have been about 53 senior units, and have the remaining units be 3,000 square feet or less in size. That would have been an absolute minimum. He could support the developer's decision to split the difference. There will be 35 market rate homes which would result in about 17 children (0.50 child per household) or one additional classroom, according to the data used by the Larkspur School District. The impact to schools could not be avoided. If they chose to increase the FAR's it would be done to provide some flexibility in how the houses could be configured and not to allow for larger homes. One of the principles in CLASP was that the development should have the characteristics of the surrounding community. He noted there would be five homes over 4,000 square feet and this was not characteristic of the homes in downtown Larkspur. He was glad they were able to distribute the affordable units amongst the senior complex and the cottages. He would like to see as many affordable units as possible.

Councilmember Lundstrom stated this was an infill location and this was low-density development (5 units per acre). The site is very walkable and is located next to a major bicycle pathway, stores, and transportation. These factors reduce traffic. The development includes affordable cottages for seniors which also reduces the traffic impacts. The development is located very close to the local schools.

Councilmember Hillmer agreed with the comments made by the other Councilmembers. He would like to make some specific recommendations at the end of the meeting.

Commissioner Heitkamp stated the original intent of the CLASP proposal was to combine and integrate the three sites. She had a major problem with the layout of the streets and felt it was traffic inducing. There are no good connections to the rest of the community and the only egress from the site was onto Doherty Drive. She was concerned there will be an increase of traffic onto Doherty Drive.

Chair Young agreed with Commissioner Heitkamp. He stated the senior complex should be placed in the community facility location to alleviate traffic. He referred to the senior complex and stated a 20-foot wide street could accommodate two-way traffic.

Commissioner McCluney stated the changes have improved the impacts to the traffic and schools. He stated the emergency vehicle access from Ward Street should be improved and considered an evacuation route.

Commissioner Deignan stated the changes were a step in the right direction.

Mr. James Holmes, Madrone Avenue, referred to the issue regarding internal circulation and stated there should be sidewalks on Rose Lane. The proposal for different colors and textures for the pavement was not practical for seniors and would be a safety hazard. He had concerns about the engineering of the T-shaped roads/alley ways and stated they should be big enough to accommodate a car that needs to turn around, etc.

Mr. Rick Adler, William Avenue, stated Doherty Drive should be widened to accommodate the increase in traffic. Left and right turn lanes and stoplights that could be controlled by pedestrians should also be added.

Ms. Marilyn River, Pepper Lane, stated it was important to consider a method of expanding Rose Lane to accommodate future traffic via a two-lane road off of Ward Street.

Mr. Carlos Bermudez, Meadowood Drive, stated he was concerned about the height of the buildings in the senior complex and thought they would overshadow some of the homes in the Meadowood neighborhood, particularly his home across the street.

Mayor Hartzell closed the meeting to public comments.

Mayor Hartzell asked for a vote on whether or not the revised site plan #2 minimizes impacts on traffic and schools.

M/s, Arlas/Lundstrom and approved 5-0 to that the revised Plan #2 minimizes impact to traffic and schools.

The Planning Director asked if the Council would like Mr. Bob Harrison, Traffic Engineer, to do any more analysis and calculations since the developers are adding units. Councilmember Arlas stated this was a concept plan. Councilmember Chu stated they do not need more analysis from Mr. Harrison at this time.

Councilmember Hillmer stated he was not ready to vote on location specific proposals at this point in time. He has some concerns about the configuration, circulation, and physical design of the multi-family part of the project. Councilmember Lundstrom noted the Council was deciding on general policies tonight.

Councilmember Chu stated this plan does not minimize the impacts but the developers have done as much as they could to achieve the balance and the different housing types the Council is seeking. He could support it conceptually.

Mayor Hartzell referred to page 7 of the staff report and asked for comments regarding Extraordinary Benefit #2- Incorporating a community facility into the design.

Councilmember Arlas stated he was very pleased with the generosity displayed by the developers.

Mayor Hartzell opened the meeting to public comments.

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

M/s, Lundstrom/Arlas and approved 5-0 to that the revised Plan #2 incorporates a community facility into the design and meets this extraordinary benefit.

Councilmember Hillmer stated he had a problem with the specific location.

Mayor Hartzell referred to page 7 of the staff report and asked for comments regarding Extraordinary Benefit #3- Minimizing single-family detached housing, and maximizing housing for persons 62 years or older and/or affordable housing, particularly workforce housing, with a preference for public service employees and/or those who work within a five mile radius.

Councilmember Hillmer stated he was satisfied with the housing benefits in Plan #2.

Councilmember Lundstrom stated she was pleased to see the senior cottages placed in the southeast corner since it makes the plan more walkable.

Councilmember Chu stated he was glad they mixed the affordable housing around within the different housing types. He was concerned that the Alternative Equivalent Action units would be left at the discretion of the homeowners. He noted there was no plan in place to designate specific units or prioritize them for public service employees or those who work within a five-mile radius.

Councilmember Arlas stated the developers have responded to the Council's previous comments given the site constraints. They have done a good job addressing the Council's previous concerns. The issues regarding the Alternative Action Equivalent units will always be troublesome and difficult to enforce. He stated the question remained: Does the plan provide extraordinary benefits such that they are entitled to more units? He stated the new mix of units including the new senior cottages and more one-bedroom units in the senior

complex does constitute an extraordinary benefit. He noted there were 29 single-family homes, or less than 1/3rd of the total.

Commissioner Heitkamp stated talking about units could be a misnomer since a "unit" can be 850 or 4,000 square feet. She appreciated the increase in the number of senior and affordable units and felt the spread of units was an improvement and now meets the intent of CLASP in terms of a mixture of unit types.

Chair Young stated he liked the addition of the second units and in general the mix of the units.

Commissioner McCluney stated the developers were on the right track.

Commissioner Deignan agreed with Commissioner McCluney. He stated information about the cottages and whether or not there was enough parking was vague. The revised plan does contribute to the requirement for extraordinary benefit.

Mayor Hartzell opened the meeting to public comments.

Mr. James Holmes stated "a bird in the hand is worth two in the bush" and three affordable units in reality is worth six on paper. He urged the Council to reject the proposed Alternative Equivalent Action. He was concerned about the three story elements in the senior complex and stated they should be required to maintain these buildings at two-stories as required by CLASP. Extraordinary benefits should be determined in the context of CLASP. The two-story elements could be accomplished by shaving off the size of the additional units. This would also further the concept of affordability.

Mr. Rick Adler, William Avenue, stated homes that were energy efficient, used solar energy, and captured, stored, and reused rainwater would be an extraordinary benefit.

Mr. Ed Jameson, Meadowood Avenue, stated three-story buildings were not appropriate in that area. He referred to the Alternative Equivalent Action and stated he would be surprised if the second units were rented out.

Mayor Hartzell closed the meeting to public comments.

Mayor Hartzell asked for clarification about the height of the senior complex buildings. Mr. Day stated CLASP has a height limit of 35 feet for multi-family units but does not prohibit three-story buildings. They are proposing some three-story units with very shallow pitched roofs. There will be single-story units around the edges, two-story units at the street and corners, and several stacked,

three-story units in the middle. Commissioner McCluney asked if the units would have elevators. Mr. Day stated “yes”.

Councilmember Arlas stated he had some concerns about the Alternative Equivalent Action and asked the developers to consider three more affordable units as opposed to six AEA units. He noted others on the Council have also expressed a concern. Councilmember Hillmer stated he has received several e-mails indicating that the proposed AEA second units were very effective housing types and he would support them. Councilmember Lundstrom stated she liked the idea of the second units but stated there were no guarantees they would be rented out. The Planning Director stated she understood the concerns but noted this was an opportunity for the City to get some “very low” income housing. Councilmember Chu stated if the Council agreed to the AEA they should all be at the “very low” income level and take the remaining 14 units and split those between the “moderate” and “low” income levels.

The City Manager stated, subsequent to the drafting of the CLASP document, staff was informed that Federal law prohibits restricting housing for public service employees or those who live within a five-mile radius.

M/s, Arlas/Lundstrom and approved 5-0 that the revised Plan #2, on a concept level, meets the criteria for extraordinary benefit #3, minus the language prohibited by Federal Law noted by the City Manager. The developer is asked to consider a design that would provide three more affordable units as opposed to the six designated in the Alternative Equivalent Action.

Councilmember Lundstrom asked if the three units would be for sale or for rent. She noted rental units are in high demand. Councilmember Arlas stated he could support that suggestion.

Mayor Hartzell referred to page 7 of the staff report and asked for comments regarding Extraordinary Benefit #4- Incorporating creative options contributing to more beneficial protection of the creek.

Councilmember Lundstrom referred to the applicant’s proposal for a small park like sitting area adjacent to the creek buffer and stated this does not address the protection of the creek. She asked about maintenance of the buffer area. The Planning Director stated staff has recommended all along that the homeowner’s association and not the City should maintain the area on the applicant’s property. Mr. Seeley stated they have three, detailed plans drawn up by a landscape architect. He referred to the cross section and stated they have agreed to pay for design, implementation, installation, and maintenance. He discussed Plan #1, Native Restoration Plan, Plan #2, Larkspur Creek Habitat Enhancement Plan, and Plan #3, Upland Habitat (enhancement on the south side of the creek). The

Planning Director noted that the improvements on the north side of the creek are required to be done by the applicant.

Councilmember Chu asked if the proposal for a passive area on the southeast corner would impact the restoration plans.

Mr. Seeley stated “no” and stated it would be between the restoration area and the single-family home property. A fence would separate the area restored.

Commissioner Heitkamp stated she was concerned about heavy storm water runoff and the potential destruction of the enhanced areas. She would be looking for some sort of protection for the site and the homes.

Chair Young stated he hoped the developers did not place a limit on the budget for this work and they do whatever it takes.

Commissioner McCluney stated he did not know what further enhancements were envisioned and they seem to have addressed the basics.

Commissioner Deignan asked staff if the CLASP called for the developer to perform enhancement and restoration of the entire creek, both the City and the applicant’s side. The Planning Director stated “yes” and that the Implementation Policy was amended through the hearing process to include this requirement. Commissioner Deignan asked if the applicant was doing work (plan and implementation) on the City side. The study that was done by the applicant, and reviewed and approved by the City’s consultant, concludes that the work on the south side has already been done.

Mayor Hartzell opened the meeting to public comments.

Mr. Doug Kerr, Monte Vista Avenue, stated they should find a creative way to get housing for municipal employees.

Mr. Rick Adler, William Avenue, was concerned about flooding and stated the watersheds drain into this one area. He stated the creek has three ninety-degree turns and he suggested they reroute the creek. He stated the rainwater that drains off the street is polluted and goes right into the creek.

Ms. Marilyn River, Pepper Avenue, stated she was concerned about flooding in the area and noted it was designated by FEMA as a “moderate flooding hazard area”.

Mayor Hartzell closed the meeting to public comments.

Councilmember Hillmer asked staff to discuss the FEMA requirements. The Planning Director stated the site was not currently shown to be in a 100-year flood plain; FEMA, however, is in the process of revising their flood maps. Areas

in a flood plain are required to have elevations set by FEMA and would be addressed at the engineering/building design stage.

M/s, Arlas/Lundstrom and approved 5-0 that the revised Plan #2 has incorporated options contributing to the protection of the creek, and at this concept level, they have met the requirements of extraordinary benefits.

Councilmember Hillmer stated he appreciated the work done by the applicant's and the progress being made. He pointed to the plans and stated he saw some problems from a community design and relationship perspective. Looking down parking alleys coming down Ward Street, either towards or away from Meadowood, is not the best image as a relationship to the new project. The compact design of the cluster of buildings is not anything seen in Larkspur. The fronting of the cottages along Doherty Drive is problematic. The senior complex should have a stronger relationship to the shopping center by providing a walking pathway. The community facility should be located at the entrance to the development from Doherty Drive across from Piper Park.

Councilmember Lundstrom stated the Council has already affirmed the location of the community facility. She noted that any individual Council suggestions, in terms of site planning, etc. could be presented to the Planning Commission.

Mayor Hartzell asked the City Attorney about the Council's options in terms of actions that could be taken on the application. The City Attorney stated the staff recommendations were outlined in the staff report and include: 1) Denial without prejudice, which would give the applicant the opportunity to put together a new application that would respond to the comments; or 2) Continue the hearing acknowledging that the initial proposal has been rejected and ask the applicant to revise the application consistent with the direction that has been provided and submit a complete application for site plan #2 which would be reviewed by the Planning Commission and City Council. If the application were simply referred back to the Planning Commission, State law requires that the Planning Commission act on this revised application within 40 days, but the Council could waive this requirement. The Planning Director stated the denial without prejudice would be of the original application.

Councilmember Arlas stated he would like to move forward and a continuance would show a good faith effort on the part of the Council.

M/s, Arlas/Chu and approved 5-0 to continue the application to a date uncertain pursuant to the staff report recommendation to require the applicant to submit all new information consistent with a new application that would be reviewed by staff for conformity with CLASP and City regulations and pursuant to CEQA, and waiving the 40 day requirement but directing both staff and Planning Commission to facilitate the processing of the application to the best of their abilities.

Mayor Hartzell thanked everyone for his or her comments.

ADJOURN MEETING

The Mayor adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary