

LARKSPUR PLANNING COMMISSION MEETING  
MINUTES OF MAY 25, 2004

The Larkspur Planning Commission was convened at 7:31 p.m. in the Council Chambers by Chair Ratner.

Commissioners Present: Chair David Ratner, Commissioners Monte Deignan, Helen Heitkamp, Chris McCluney, Jeff Stahl

Staff Present: Nancy Kaufman, Planning Director  
Neal Toft, Associate Planner

**OPEN TIME FOR PUBLIC EXPRESSION**

There were no comments.

**PLANNING DIRECTOR'S REPORT**

- At their May 19<sup>th</sup> meeting, the City Council approved the General Plan Amendment regarding Residential Floor Area RatioS, and an ordinance regarding Floor Area Ratio Exceptions. Their June 2<sup>nd</sup> agenda will include consideration of the changes to the Design Review Ordinance.
- The Commission is invited to the June 10<sup>th</sup> League of Women's Voters Breakfast. Vice Mayor Joan Lundstrom will be the guest speaker.
- She pointed out the changes to the Council chambers- staff repainted the walls and reupholstered the chairs.

Commissioner McCluney asked when he would be notified about the expiration of his term. Planning Director Kaufman stated the City Council would be conducting interviews soon and he would be notified of the date and time. The Council might not be able to get through all the applications by the end of June and may need to adopt a resolution extending terms until appointments are made.

**APPROVAL OF CONSENT CALENDAR ITEMS**

No items on the Consent Calendar

**PUBLIC HEARING ITEMS**

- 1. UP/DR 04-36: 20 Magnolia Avenue (AP #21-193-07); Marin Primary & Middle School, applicant; Larkspur School District, property owner. Request for a Conditional Use Permit and Design Review Approval for the addition of two new relocatable classrooms on the Marin Primary & Middle School grounds. One classroom is proposed to house a new Junior Kindergarten program and the other is to serve as a relocated Carpentry classroom.**

Planning Director Kaufman presented the staff report.

Commissioner Heitkamp had questions about the foundations for the proposed structures. She asked if the structures would sit on concrete or if any excavation would be required. Planning Director Kaufman stated she understood that they would sit on the asphalt. The applicant could address this issue.

Chair Ratner opened the Public Hearing.

Mr. Brock Wagstaff, architect, made the following comments:

- The applicants were trying to provide the best education for their students.

- The portables would sit on blocks to level them.
- There were a total of two ADA compliant rest rooms, not two per portable.

Commissioner Stahl asked if other locations were considered. Mr. Wagstaff stated they considered a number of different locations. They looked at trying to spread them out to provide more space between them, but regulations regarding fire lanes dictated that they be pushed together. The proposal seemed logical relative to how far the younger students had to go to their classrooms.

Commissioner Heitkamp stated the beech trees were surface rooting and the middle one was in a distressed state. She asked if the roots would jeopardize the structures or vice versa. Mr. Wagstaff stated there was plenty of space and air underneath the portables and he did not foresee any problems.

Commissioner Stahl asked if the portables near the corner were on concrete foundations. Mr. Wagstaff stated they were on concrete foundations and were intended to be more permanent.

Mr. David Hood, Marin Primary Boardmember, made the following comments:

- There would be no net impact to the enrollment- it was simply a matter of logistics.
- There was a need to introduce another class for pre-school kids from a programming standpoint.
- This proposal is intended to address a temporary problem and they will probably resubmit a broader application in the future.
- The location of the portables was intended to minimize the impact to the play area.
- They will set the portables as far from major walls and trees as possible.

Commissioner Stahl had questions about the enrollment. Mr. Hood reiterated there would be no increase in the number of students.

Chair Ratner closed the Public Hearing.

Commissioner Stahl provided the following comments:

- He was concerned about the location of the portables in relation to the three ballfields. He felt the portables would be impinging on that area and there would be a negative impact. He asked them to reconsider the location.
- He was concerned about the traffic in the area and would cautioned staff about the wording of the Use Permit relative to any future right to an increase in enrollment.

Commissioner Heitkamp provided the following comments:

- The proposed location for the portables was out of sight and a good distance from any residential areas. The trees would mitigate the industrial look of the structures.
- She did not assess the potential impacts to the ballfields.
- The lower area of the site would be closer to the residential areas.

Commissioner Deignan provided the following comments:

- He agreed with the comments made by Commissioner Heitkamp.
- There did not seem to be any other suitable location.
- He was satisfied with the proposed location.
- The Commission would be able to review any traffic studies if the applicant submits another proposal in the future that would expand enrollment.

Commissioner McCluney provided the following comments:

- This was a good application and he did not see any other possible location for the portables.

Chair Ratner provided the following comments:

- It was a good idea to make these structures temporary and not permanent to give the school flexibility in the future.
- He was not inclined to second-guess the applicants on how they should use their space for the education of their students.

M/s, Heitkamp/McCluney motioned and the Commission voted 4-1 (Stahl voted no) to approve UP/DR 04-36 based on the findings and conditions set forth in the staff report.

Chair Ratner stated there was a 10-day appeal period.

**2. TEXT 04-30: (Slope and Hillside Development Regulations); Citywide; City of Larkspur, applicant. Consider an amendment to Larkspur Municipal Code Chapter 18.34, Slope and Hillside Development Regulations, to clarify existing ambiguities relating to substandard size lots of record and to make other minor edits to the text. *This item continued from the April 27, 2004 Planning Commission meeting.***

Planning Director Kaufman presented the staff report.

Chair Ratner opened the Public Hearing.

There being no testimony, Chair Ratner closed the Public Hearing.

Commissioner Heitkamp provided the following comments:

- The amendments were good and she had no problem.

Commissioner Deignan provided the following comments:

- He agreed with Commissioner Heitkamp.
- The fine-tuning was appropriate.
- They were not giving up any controls.

Commissioner McCluney provided the following comments:

- He referred to Section 18.34.010, E. and the reference to “existing legally created parcels” and asked about the provision that allows for an 850 square foot minimum building size. Planning Director Kaufman stated this provision could be found in the Floor Area Ratio Chapter of the ordinance. There is a reference to this chapter in the first paragraph of Section 18.34.010.
- He stated they were moving in the right direction. He was glad to see the deletion of the term “lots of record” and would like to see this definition tightened up.

Commissioner Stahl provided the following comments:

- He was satisfied with the amendments.

Chair Ratner provided the following comments:

- He was not satisfied with the changes and felt this was a terrible step backwards.
- These changes would eliminate the minimum lot size required for preexisting lots and would expand the group of lots that are “grandfathered”.
- This would allow building on postage stamp lots and would gut the major accomplishments of the Slope Ordinance by saying that any lot established before the adoption of the ordinance could be built on. Commissioner Heitkamp stated this applies to new subdivisions. Planning Director Kaufman stated that, as has been the practice, a property owner with a small lot has the right to apply to build within the constraints of the ordinance and under the discretionary reviews that may be required. It does not give someone an outright “right to build”. She reiterated that the intent of the changes was to clear up the ambiguities and not to make any substantive changes to the ordinance.

M/s, Heitkamp/Deignan motioned and the Commission voted 4-1 (Chair Ratner voted no) to recommend approval of TEXT 04-30 to the City Council.

### STUDY SESSION ITEMS

- 3. TEXT 04-47: (Measurement of Residential Building Height); Citywide; City of Larkspur, applicant. Consider potential amendments to the regulations and measurement of residential building height. The Commission will discuss the current zoning regulations and methods employed by other jurisdictions to regulate residential building height.**

Associate Planner Toft presented the staff report.

Commissioner McCluney referred to page 3 of the staff report, under the Parallel to Grade Method, and had questions about the term hillside “village” character. Associate Planner Toft provided an explanation. Commissioner Heitkamp stated the Parallel to Grade Method could contain a clause that required Design Review if the site was visible from a distance. Associate Planner Toft stated Design Review would be required given the variety of triggers that are proposed to be instituted.

Commissioner Deignan discussed Figure B, Parallel to Grade Method, and stated it would allow the structure to step-up the slope. Figure D, Height Cap from Average Grade Below Structure, could result in a lot of lower retaining walls and would be more appropriate for areas with very steep hillsides. Associate Planner Toft agreed and stated the Parallel to Grade Method was the most commonly used. He noted there was some confusion on how it was measured. He stated one could end up with a massive building by taking the 30-foot height limit and running the building along the grade. Commissioner Deignan stated they could still apply for a height variance.

Commissioner McCluney asked if there were any height exceptions for gabled roofs. Associate Planner Toft stated he did not specifically research how different jurisdictions treat height variances. Some had exceptions that would allow an extra 8 feet between the plate line and the roof. One nuance to the Parallel to Grade Method in some communities is that it has a parallel measurement plus a maximum high/low that is still employed.

Commissioner Stahl stated Figure C, Height Measure Directly Above Grade Method, offers more clarity and seems to acknowledge that this can be quite complex. Figure B would be more subject to interpretation. He would be in favor of some kind of height limit with the ability to have minor exceptions for standard features (chimneys, dormers, vents, etc.).

Chair Ratner opened the Public Hearing.

Mr. Brock Wagstaff, architect, made the following comments:

- He was in favor of changing Larkspur’s unique way of measuring height.
- Figure C, Height Measure Directly Above Grade Method, was used by a lot of communities and works well. Allowing elements to penetrate through the height limit make a more interesting design.
- He was opposed to a height limit of 25 feet.

Associate Planner Toft read a letter that had been submitted earlier in the day from Mr. Tim Casey, architect:

- The present rules for measuring building heights should be limited to slopes of 10% or less. There should be different rules for measuring building height on slopes greater than 10%.
- He recommends the stepped profile.

Chair Ratner closed the Public Hearing.

Chair Ratner provided the following comments:

- Figure B, Height Measured Parallel to Grade Below the Structure, had the virtue of simplicity. The others were complicated.
- He would be in favor of Figure B with the flexibility of exceptions.

Commissioner Heitkamp provided the following comments:

- The goal should be to keep it simple and not labor intensive for staff. It should be understandable to professionals and homeowners.
- She was in favor of Figure B with some refinements.
- She liked the approach to flat vs. sloped lots and stated there could be different height setbacks for first and second floors.
- Design Review triggers would be a benefit in terms of long distance views.

Commissioner McCluney provided the following comments:

- He was in favor of the Figure B approach with exceptions to the height limit.

Chair Ratner asked if the Commission wanted to make a distinction between lots below and above a 10% slope. Commissioner Heitkamp stated each site was different and this could be handled through Design Review and second floor setbacks. Commissioner Stahl stated they should be more generous on sloped lots to help resolve the “ups and downs” of the topography. The solar access issue of flat lots could be mitigated by the second story setbacks.

Commissioner Deignan asked about the distinction between finished and existing grade. Associate Planner Toft stated the height is enforced by whichever is lower. He discussed the issue of whether height should be measured from the building floors or from where the building was exposed

Associate Planner Toft stated staff would come back with revised language and diagrams for the Commission.

M/s, Heitkamp/Deignan motioned and the Commission voted 5-0 to continue TEXT 04-47 to the June 22<sup>nd</sup> Commission meeting.

## **BUSINESS ITEMS**

### 1. Commission Reports

Commissioner Heitkamp suggested they send a “Thank you” note to Ms. Mary Tiscornia for her hospitality during their site visit.

### 2. Planning Commission Minutes of May 11, 2004

M/s, Heitkamp/McCluney motioned and the Commission voted 5-0 to approve the minutes of May 11, 2004 as submitted.

## **OPEN TIME**

Chair Ratner reopened the Open Time period.

Mr. Brock Wagstaff, architect, discussed the Omnibus Ordinance and the requirement for 4 off-street parking spaces where the value of the remodel exceeds 60% of the construction cost of the existing structure. He was concerned that there was no mechanism for figuring out the valuation of the existing structure. He added there would be an increase in variance applications as a result of this requirement.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary