

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF SEPTEMBER 21, 2004

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

Commissioners Present: Chair Helen Heitkamp, Monte Deignan, Chris McCluney, Jeff Stahl, Richard Young

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

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

There was no report.

APPROVAL OF CONSENT CALENDAR ITEMS

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

- 1. GP Amend 01-45 (General Plan Amendments): Citywide; City of Larkspur, applicant. Consider amendments to the Larkspur General Plan Land Use, Circulation, and Community Facilities and Services Elements to maintain internal consistency between the General Plan and the proposed Draft Housing element. Staff report combined with agenda item #2**

Upon the recommendation of Planning Director Kaufman, it was the consensus of the Commission to consider items #1 and #2 together.

Planning Director Kaufman presented the staff report. She stated the comment period for the Negative Declaration ended today at 5:00 p.m. Staff received two letters. Both the letters and the staff responses were included in the Commissioners' packets.

Planning Director Kaufman stated one of the significant issues was the mixed-use development North of Corte Madera Creek. She discussed the policy in the Circulation Element that states there can be no additional p.m. peak hour trips on already developed sites. Staff is proposing a revision to this policy to allow an exemption for affordable housing when added to an existing commercial site. The appropriate environmental analysis and traffic studies would still be required. Commissioner McCluney asked if this applied only to workforce housing. The Planning Director stated it would apply to any housing that has a certain percentage of very-low, low and moderate income housing. Commissioner McCluney asked for the reason for the change in this policy. Planning Director Kaufman stated the City Council was interested in there being the opportunity to add housing to the Bon Air or Larkspur Landing Shopping Center rather than the other sites. Commissioner McCluney stated this was an incentive to build on Sir Francis Drake Boulevard. Commissioner Stahl stated he viewed it more as the removal of an impediment. Planning Director Kaufman agreed.

Planning Director Kaufman stated another significant issue was the suggestion that senior units be allowed at 400 square feet as they are in the Downtown zoning districts. She noted that the C-1 and C-2 Districts did not include minimum unit size regulations and that the R-3 District is essentially built out. Chair Heitkamp stated the R-3 district

was very vulnerable to teardowns and perhaps the Commission might want to look at this issue.

Planning Director Kaufman mentioned the memo from staff dated 9-21-04 regarding the list of recommended revisions.

Chair Heitkamp opened the Public Hearing.

Mr. James Holmes, Madrone Avenue, made the following comments:

- He referred to page 3 of the resolution, #6, and had some concerns about the concept of “live/work units”. He questioned whether they were consistent with the concept of maintaining the small town character of Larkspur. He stated they were essentially an urban use and they were particularly inappropriate for the downtown area. He stated they were a source of abuse in San Francisco and were used to circumvent planning standards.
- He referred to page 4 of the resolution, #12, and suggested the impact on historic resources should be added to the list of potential impacts.
- He referred to page 4 of the resolution, #13 (3), and stated it was unclear whether the percentages were alternative or cumulative.
- He referred to page 4 of the resolution, #15, and stated this caused a great deal of controversy and would recommend it be deleted or softened. He stated the community does not want to see development on surplus property.

Ms. Betty Pagett, representing the Marin Housing Council, made the following comments:

- She thanked the City for their solid policies and programs.
- She supported the amendments and in particular the Housing Trust Fund and Inclusionary Housing Ordinance.
- She stated not all units are created equal- three, smaller, affordable attached homes can have the same footprint and traffic impact as one market rate home.
- She stated a development with 400 square foot senior living space should have a shared community space and laundry room.
- Most of the “live/work” ordinances in the county have a limit on the number of employees.
- She would like to see a jobs/housing mitigation ordinance.

Ms. Barbara Landy, Sycamore Avenue, made the following comments:

- She reiterated Mr. Holmes question regarding the percentages in #13 of the resolution. Planning Director Kaufman stated the first three percentages are cumulative.

Chair Heitkamp closed the Public Hearing.

Planning Director Kaufman concurred with the recommendation made by Mr. Holmes regarding #12. She referred to #15 and stated the policy is to “encourage” and these are valuable sites that may be needed for housing; the wording suggests that the housing be developed to meet the needs of the school district. The Commission should discuss the concept of live/work units and then, if they are in favor of the concept, set the parameters when discussing the ordinance.

Commissioner McCluney provided the following comments:

- He complimented staff on their efforts.
- He was surprised to see the percentage for the inclusionary housing raised from 15% to 20% but given that a number of sites have been removed from the list, he could accept this change.
- He commented on the change to the traffic generation policy and he understood that it was removing an impediment rather than creating an incentive.
- He agreed with Ms. Pagett’s suggestion regarding the senior housing.

- He was surprised with the increase in density at the McLaren property but he could support it and felt it was a small compromise in the grand scheme of things.
- He liked the concept of “live/work” units but appreciated the comments made by Mr. Holmes.

Commissioner Deignan provided the following comments:

- He stated staff did a great job of balancing all of the housing concerns while keeping the unique character of Larkspur in mind.
- Mr. Holmes had some good comments regarding “live/work” units. Perhaps the text in #6 should be changed from “are” to “may”. He stated they should be located in the commercial areas by the highway and not the downtown district.

Commissioner Stahl provided the following comments:

- He had a question about the wording in #6. Planning Director Kaufman stated the word “service” should be deleted and it would be appropriate to change the language from “are” to “may be conditionally permitted.”
- He had a question about the wording in #5. Planning Director Kaufman recommended that the words, “Housing units, as part of a planned development or as,” be deleted and the sentence begin with “Second-story...”
- He suggested the following edits to #13, “...(3) residential development projects where: no less than 15% of units are dedicated to very-low household *and* 10% to low-income households *and* 25% to moderate income, or *where 50% of the units are senior/disabled housing.*”
- He referred to #15 and stated school districts were looking at the possibility of developing housing for teachers on school property. He suggested some alternative wording. Commissioner McCluney stated the current wording was quite clear.

Commissioner Young provided the following comments:

- He has not experienced the evolution of the document but he was very impressed with the final product.

Chair Heitkamp provided the following comments:

- Many of her concerns have been addressed.
- She had questions about the Blue Rock remodel.

Commissioner McCluney had questions about the Use Permit process for converting residential space to commercial or office space. Planning Director Kaufman stated there were findings that would have to be made including conformity with the General Plan. There would be an analysis relative to whether or not units were being lost that were recognized in the Housing Element.

Planning Director Kaufman summarized the changes to the Resolution:

- The words, “Housing units, as part of a planned development or as,” be deleted and the sentence begin with “Second-story...”
- The amended wording to #6: “Industrial, *Restricted Commercial*, and Commercial”. “Live/work units *may be conditionally permitted*”. She would like to revise this wording further, if necessary for better clarity.
- The amended wording to #12: the impact to historic resources would be added to the list.
- The amended wording to #13: “...(3) residential development projects where: no less than 15% of units are dedicated to very-low household *and* 10% to low-income households *and* 25% to moderate income, or *where 50% of the units are senior/disabled housing.*”

Planning Director Kaufman discussed the changes to the Housing Element as noted in the staff report and the staff memo dated 9-21-04.

M/s, Stahl/McCluney motioned and the Commission voted 5-0 to recommend to the Council approval of GP Amend 01-45, General Plan Amendments and Draft Housing Element, with the suggested changes noted by the Planning Director and the Commission, and to recommend the adoption of the Negative Declaration.

- 2. GP Amend 01-45 (Draft Housing Element): Citywide; City of Larkspur, applicant. Consider an amendment to the Larkspur General Plan Housing Element with adoption of an Updated Housing Element pursuant to State Law. Staff report combined with agenda item #1.**

This item was considered and discussed along with item #1.

- 3. GP Amend 04-82 (Downtown Specific Plan Amendment) : Citywide; City of Larkspur, applicant. Consider amendments to the Larkspur Downtown Specific Plan to maintain consistency between the Specific Plan and the General Plan and updated Housing Element.**

Planning Director Kaufman presented the staff report.

Chair Heitkamp opened the Public Hearing.

Mr. James Holmes made the following comments:

- He referred to page 2 of the resolution, #1, regarding encouraging second story residences and stated it did not follow the corresponding language in the General Plan which states: "Senior housing is preferred".

Chair Heitkamp closed the Public Hearing.

Commissioner Stahl referred to page 2 of the resolution, #3 and asked if 2.5 parking spaces per 1,000 square feet of converted commercial or office space was the current standard. Planning Director Kaufman stated "yes".

M/s, McCluney/Deignan motioned and the Commission voted 5-0 to recommend to the Council approval of GP Amend 04-82, Downtown Specific Plan Amendments with the suggested change by Mr. Holmes regarding "senior housing".

- 4. TEXT 04-83 (Zoning Ordinance Amendment): Citywide; City of Larkspur, applicant. Consider amendments to Title 18 (Zoning Ordinance) of the Larkspur Municipal Code to maintain conformity between the Zoning Ordinance and the Larkspur General Plan and Housing Element.**

Associate Planner Toft presented the staff report.

Consistent with the Commission's early actions on item #1, Planning Director Kaufman referred to Sections 9 & 15 A. of the ordinance and suggested the first part of the sentence be deleted so it reads: "Second-story residential units...". The references to Planned Development were not necessary since standards can be varied through the Planned Development District process.

Commissioner McCluney referred to the traffic cap on Sir Francis Drake Boulevard and had questions about the traffic analysis. Associate Planner Toft stated the traffic impact study has implications and could require mitigation, including TSM (Traffic System Management) programs. C.E.Q.A. would still require an Initial Study and perhaps an E.I.R. The City could deny a project.

Chair Heitkamp opened the Public Hearing.

Ms. Barbara Landy, Sycamore Avenue, made the following comments:

- She expressed concern with Section 1 of the Ordinance and stated the specific exemption should not be written into the code. The city could deny incentives if they had adverse impacts to public health and safety.

Ms. Lori Ocheltree, Locust Avenue, made the following comments:

- There is no reason for Section 1 of the Ordinance and it should be deleted.
- Traffic is one of the major problems in Larkspur and this would compound that problem.

Mr. James Holmes, Madrone Avenue, made the following comments:

- He had concerns about Section 1 of the Ordinance.
- He referred to Section 1 b. and stated the percentages should correspond to those in the General Plan.

Planning Director Kaufman agreed with Mr. Holmes that the numbers should correspond and apologized for her mistake. She stated if the Commission does not make the revision to the Circulation Assessment Permit regulations relative to the one more trip generation provision it would be in conflict with the General Plan amendment. The change allows the City to consider mixed use residential north of Corte Madera Creek. She also suggested the following amendment to Section 1 b., "... but an exception to the "no greater than the average existing *p.m.* trip generation.....", to be consistent with the change in Section 1a.

Chair Heitkamp closed the Public Hearing.

Commissioner McCluney provided the following comments:

- He asked staff for more clarification regarding Section 1. Planning Director Kaufman stated this amendment merely opens the door so they developers can apply. It is not an incentive. Associate Planner Toft stated there would still be a traffic analysis, public hearings, environmental and design review.
- He stated he was comfortable with the amendments.

Commissioner Stahl provided the following comments:

- He suggested the word "given" be replaced by the word "considered". Chair Heitkamp suggested the word "shall" be replaced by the word "may". It was the consensus of the Commission to use the word "considered" instead of "given".

M/s, McCluney/Stahl motioned and the Commission voted 5-0 to recommend to the Council approval of TEXT 04-83, Zoning Ordinance Amendments with the changes noted by staff and the Commission.

The Commission took a 10-minute break at 9:05 p.m.

The meeting reconvened at 9:15 p.m.

5. TEXT 04-84 (Live/Work Ordinance): Citywide; City of Larkspur, applicant. Consider an amendment to Title 18 (Zoning Ordinance of the Larkspur Municipal Code to add Live/Work units as a conditionally permitted use in certain commercial and industrial zoning district.

Associate Planner Toft presented the staff report.

Commissioner McCluney had questions about the Conditional Use Permit process.

Chair Heitkamp stated there were other appropriate uses such as computer repair and felt the definitions section could be updated. Planning Director Kaufman stated the use was being added to an existing list, that included a number of different uses.

Commissioner Deignan asked if there were controls to prevent the problems encountered in San Francisco. Planning Director Kaufman stated that one of the main problems in San Francisco was the gentrification that occurred. Other jurisdictions have encountered a Building Code issue in terms of whether it is regulated as residential or commercial. She stated Section 18.16.260 C. (3) would address this issue.

Planning Director Kaufman suggested the following wording be added to page 3, Section C.(13), “No more than one employee shall be allowed.”. Commissioner Stahl asked about enforcement of office uses in the commercial zones. Associate Planner Toft stated this was handled through the Business License process.

Chair Heitkamp opened the Public Hearing.

Mr. Michael Hooper, Madrone Avenue, made the following comments:

- The Commission might want to consider allowing more than one employee since these units would be located in the commercial district.

Mr. James Holmes, Madrone Avenue, made the following comments:

- He discussed the problem in San Francisco and stated there were planning loopholes such as a reduction in fees, particularly school fees, and/or a lessening of standards.
- He stated these units would not be appropriate in the North Magnolia Avenue area.
- He referred to page 2 of the staff report, the first sentence in the third paragraph under discussion, and stated he was concerned with the wording “which could be modified through the use permit or planned development process”. He would not like to see a lessening of the standards.
- He referred to page 2 of the staff report, the first sentence in the fourth paragraph, regarding the “recording of a notice” and stated he did not see this reference in the ordinance.
- He stated the cities of San Rafael and Novato should be models to avoid and not followed. He asked if there were any other cities similar to Larkspur that have a “Live/Work” Ordinance.
- He referred to page one of the Ordinance, Section 1, and stated he was concerned about the reference to mechanical equipment and kilns.
- He referred to page 2 of the Ordinance, Section 18.16.260, B. and stated these units should be only conditionally permitted.
- He referred to page 2 of the Ordinance, C (1), and stated 750 square feet seems small.
- He referred to page 2 of the Ordinance, C (2) and stated the word “consistent” should be replaced with the word “comply”. He stated the sentence should be clear that neither space is exempt from the FAR standards.
- He referred to page 2 of the Ordinance, C (4) and stated the standard was 2.5 parking spaces for commercial.
- He referred to page 2 of the Ordinance, C (9) and stated this could be clarified.
- He referred to page 3 of the Ordinance, C (13) and agreed with Commissioner Stahl’s concern about enforceability. He supported a limit of one employee.

Ms. Betty Pagett, Marin Housing Council, made the following comments:

- She stated the ‘Live/Work’ units in San Francisco were all zoned commercial so they had to comply with the commercial Building Code. They were also exempt from all school fees.
- There are “Live/Work” provisions in all of the Housing Elements in the County. They are a way to reduce traffic.

Chair Heitkamp closed the Public Hearing.

Commissioner Deignan provided the following comments:

- The North Magnolia Avenue area was different from the other commercial areas and he could see excluding it from the provisions of this ordinance.

- He could support the changes suggested by Mr. Holmes.

Commissioner McCluney provided the following comments:

- He does not look at the North Magnolia Avenue area the same as east of the freeway. These units would be less appropriate in this area.
- He did not agree with Mr. Holmes' concern about possible modification of standards of approval. He could support the other changes suggested by Mr. Holmes.
- The most important aspect was the Conditional Use Permit process and this gives the Commission control.

Planning Director Kaufman referred to page 2 of the ordinance, C (2) and suggested the following modification: “...for the underlying zoning district. *The living portion...*”

Commissioner Stahl provided the following comments:

- “Live/work” units were about balancing jobs, work, and traffic but should also be about compatibility with the character of the neighborhood.
- He referred to page 2 of the ordinance, C (4) and discussed the parking requirements. Associate Planner Toft suggested the following wording be added: “Additional parking may be required by the Planning Commission”.

Commissioner Young provided the following comments:

- His questions have been answered.
- He referred to page 2 of the ordinance, C (9) and suggested more specific wording. Commissioner Stahl suggested the following wording: “The ... with all applicable *City* performance standards.”

Chair Heitkamp asked about the inclusion of the North Magnolia area. It was the consensus of the Commission to leave the ordinance as written.

Planning Director Kaufman discussed the issue brought up regarding the waiver of school fees. She suggested the following wording be added to the ordinance: “Each portion of the space shall be subject to applicable building and school fees.”

Commissioner Stahl stated this was not mentioned in any other ordinances and he suggested they not include this wording.

Planning Director Kaufman reiterated the changes to the ordinance;

- 1) Page 2, B, “Live/work uses may also be permitted... District *if specified in an approved Precise Development Plan*”.
- 2) Page 2, C (2), should read “Density for...shall *comply* with... zoning district. *The..*”
- 3) Page 2, C (4), the following wording should be added, “Additional parking may be required by the Planning Commission.
- 4) Page 2, C (8) will be reworded to include “shall be recorded”.
- 5) Page 2, C (9), the word “City” should be added.

She asked the Commission whether they wanted to change C (13) regarding the number of allowable employees. It was the consensus of the Commission to leave this as is.

M/s, Stahl/McCluney motioned and the Commission voted 5-0 to recommend to the Council approval of TEXT 04-84, Live/Work Ordinance, with the changes noted by staff.

6. **TEXT 03-106 (Housing Trust Fund & Inclusionary Housing Ordinance): Citywide; City of Larkspur, applicant. Consider an amendment to Title 18 (Zoning Ordinance) of the Larkspur Municipal Code to add a new Chapter 18.31 pertaining to Housing Trust Fund and Inclusionary/In-Lieu Fee requirement.**

M/s, McCluney/Stahl motioned and the Commission voted 5-0 to continue TEXT 03-106 to the October 12th Commission meeting.

7. TEXT 03-88 (Density Bonus Ordinance): Citywide; City of Larkspur, applicant. Consider an amendment to Title 18 (Zoning Ordinance) of the Larkspur Municipal Code to add a new Chapter 18.33 pertaining to Density Bonuses required by State Law.

M/s, McCluney/Stahl motioned and the Commission voted 5-0 to continue TEXT 03-88 to the October 12th Commission meeting.

BUSINESS ITEMS

1. Commissioner's Reports

There were no reports.

The meeting was adjourned at 10:12 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary