

LARKSPUR PLANNING COMMISSION MEETING  
MINUTES OF MARCH 22, 2005

The Larkspur Planning Commission was convened at 7:33 p.m. in the Council Chambers by Chair Deignan.

Commissioners Present: Chair Monte Deignan, Chris McCluney, Richard Young

Commissioners Absent: Commissioner Helen Heitkamp, Jeff Stahl

Staff Present: Neal Toft, Interim Planning Director  
Karl Guiler, Associate Planner

### OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

### PLANNING DIRECTOR'S REPORT

- The City Council will be holding its first public hearing on CLASP at the Hall Middle School Gym on Wednesday, March 30<sup>th</sup>. Prior to that, the Council will hear an appeal of the Planning Commission's decision to approve a Design Review application for a home addition at 41 Frances Avenue. The matter was appealed by a neighbor that has a concern with view loss.
- The Planning Commission and City Council will be holding a joint workshop on the Campus/Sanitary District property on April 6<sup>th</sup>. No new materials have been submitted at this time.
- Building Permits have been submitted for a new restaurant that would replace "Roxanne's" and staff is issuing permits for a new Starbucks at Larkspur Landing Shopping Center. The Larkspur Landing Management has also submitted an application to amend the Precise Plan and eliminate the requirement for a grocery store on the site.

### APPROVAL OF CONSENT CALENDAR ITEMS

No items on the Consent Calendar

### PUBLIC HEARING ITEMS

1. **DR/VAR 05-16: 41 Madrone Avenue (APN 21-112-45); Camden Hicks, applicant; Todd Schneider, property owner. Request for the following permits to allow for an approximately 392 sq. ft. two-story expansion of an existing single-family dwelling: (1) Design Review; (2) Variance to expand non-conforming portions of the existing accessory structure, located partially in the required 6-foot side yard setback; and (3) Variance to relocate pool equipment up to the west property line, where a setback of 5 feet is required**

Interim Director Toft presented the staff report. He noted there was one item of late mail on the dais.

Commissioner Young asked if the Redwood trees had been surveyed. Interim Director Toft referred to the arborist report.

Commissioner Young asked staff to clarify how the applicants were raising the height of the non-conforming structure. Interim Director Toft indicated on the plans how a small portion of the roof ridge would be extended south and the walls at the south portion of the structure would be raised from 7 to 9 feet. This would likely require replacement of those walls in their entirety.

Chair Deignan opened the Public Hearing.

Mr. Camden Hicks, architect, made the following comments:

- He discussed the rationale for the project and described the proposed changes to the non-conforming structure. They anticipated construction problems and decided to make it look better and lower the height. The new construction will conform to the Uniform Building Code, will be fire rated, and will enhance safety.
- The story poles are misleading. They show the end of the roof eaves- the building is actually 3' narrower and further away from the property line by about one foot.
- He discussed the relocation of the pool equipment and noted he never had a chance to speak to the neighbor. He had no objection to building an enclosure to mitigate the noise impacts and asked for a conditional approval of the application. Chair Deignan stated this was a gray area at this time since the Commission would normally have plans they could review. Commissioner Young noted there were options for the location of the equipment and found it odd that they would propose to locate it in the setback. He asked if they had explored other locations. Mr. Hicks stated "yes" and discussed the constraints of the site. There were three alternative locations, two of which would require a variance. He noted the unusual design of the pool.

Ms. Dee Freitas, West Baltimore Avenue, made the following comments:

- She lives directly across the street from the proposed construction.
- She voiced her concerns about noise (both human and mechanical) coming from the pool when it was originally constructed in the 1980's.
- The assertion that the trees would cover the noise was a myth.
- The pool was below street level and was directly opposite her bedroom.
- She asked the Commission to deny the variance to relocate the pool equipment.
- The accessory building was remodeled extensively last year.
- There have been 6 major remodels in the area during the last year. She discussed the rights of property owners to build vs. the rights of homeowners being able to enjoy their homes.

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

- He supported Ms. Freitas.
- He recommended the Commission include the following conditions: 1) the planting of evergreen trees as requested by the Beales, 2) the pool house shall be enclosed and insulated, and a test of its effectiveness shall be performed prior to the issuance of an Occupancy Permit.
- He recommended they find a way to soften the massing.
- He believed this would be a de facto demolition. The accessory building is a garage.
- He was troubled by the fact this would be an exacerbation of a non-conformity.
- There should be specific restrictions on constructions times.

Mr. Allen Monroe, W. Baltimore Avenue, made the following comments:

- The noise from the pool was within an acceptable level. He had no problem with the location of the pool equipment.
- He asked if there were variance requirements to convert a garage to living quarters.
- He discussed the type of foundation required for a living structure.
- In general, this seemed like a good plan.
- He was concerned about the conversion to living space in the required setback.

Chair Deignan stated the Building Inspector would review the structure for code compliance in terms of the foundation, etc. The proximity of the structure to the property line may trigger the need for 1-hour construction. Interim Director Toft stated the site has a two-car garage and accessory parking and does meet the parking requirement.

Chair Deignan closed the Public Hearing.

Commissioner Young provided the following comments:

- He discussed the roof modifications and increase in ceiling height to the accessory structure. Mr. Hicks stated they were lowering the ceiling height at the ridge and extending the roof to make it one, clean line. The net affect would be a slight increase in height by the storage area. Chair Deignan asked if the storage area was accessible only from the outside. Mr. Hicks stated “yes”. It would not be part of the living space.
- He would prefer that the accessory structure be reconstructed outside of the setback.
- He liked the design.
- He was uncomfortable with the proposed location of the pool equipment in the required setback.
- He was concerned about the noise issues brought up by the neighbors.
- He was comfortable with staff resolving the noise issue.

Commissioner McCluney provided the following comments:

- He agreed with the staff report.
- The addition was well designed.
- He was not concerned about the roof issue and was satisfied with the proposed plan.
- He was concerned about the noise issue and would like the level reduced as much as possible.
- He would prefer another location for the pool equipment but could support the proposal if the noise level were abated to a sufficient level.
- He was comfortable with staff working with the applicant regarding the noise issue.
- He would like the neighbors to get together to discuss the planting of the evergreen trees.

Chair Deignan provided the following comments:

- He would prefer to see a written plan regarding the pool situation.
- He could support the variance for the accessory structure. Although it was an exacerbation of a non-conforming use, it was not living area and was located behind the fence and fairly far back from the front setback.
- He could approve the application for Design Review.

Interim Director Toft expressed concern about staff dealing with open-ended conditions that are somewhat subjective. He discussed the noise issue and asked for clear, concise conditions.

M/s, McCluney/Young motioned and the Commission voted 3-0 (Heitkamp and Stahl absent) to approve DR/VAR 05-16, Design Review, and a Variance to expand the non-conforming portions of the existing accessory structure, but deny the variance, without prejudice, to relocate the pool equipment within the required 5-foot side yard setback, subject to the findings and conditions set forth in the staff report plus the following conditions: 1) the applicant shall submit a landscape plan approved by the neighbor at 47 Madrone Avenue.

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

2. **DR/FAR/VAR 04-103: 12 Sycamore Avenue (APN 20-241-15); Dan Peterson, AIA, applicant, Douglas C. Hendrickson & Julie A. Hersk, property owners. Request for the following permits to allow for the remodeling and additions to an existing nonconforming single family dwelling: (1) Design Review; (2) Variances to front, rear, and side yard setbacks, and (3) Variance to the parking requirements to allow 3 on-site parking spaces, where 4 are required.**

Associate Planner Guiler presented the staff report. He stated there were two items of late mail on the dais.

Commissioner Young asked whether the below grade basement area would count against the FAR. Associate Planner Guiler stated “no” since it was more than 50% below grade. Commissioner Young asked about the size of this area. Associate Planner Guiler stated he calculated it to be approximately 360 square feet.

Commissioner McCluney asked about the crawlspace beneath the garage. Associate Planner Guiler stated it did not look very extensive and seemed to be a storage area only several feet in height.

Commissioner Young had questions about the interpretation of the 15-foot rear yard setback (could also be considered a 6 foot side yard setback). Associate Planner Guiler stated this was an odd shaped lot and the Commission could conclude that the line should be considered a side lot line. The line is parallel and directly opposite to the front lot line. Interim Director Toft stated most front and rear yard setbacks are based on the concept of a rectangular lot. Larkspur has many lots of different forms, some with a multitude of lot lines. In this case there is an obvious front lot line and a fairly wide lot with a lot of frontage. There is the appearance of a rear lot line that is broken and shallow from the frontage extending further back and across. The applicant has questioned the interpretation.

Chair Deignan opened the Public Hearing.

Mr. Dan Peterson, architect, made the following comments:

- He distributed a handout to the Commission and discussed the definition of a rear and side lot line.
- There were a number of complexities with respect to the site and the existing house.
- Staff initially indicated this was a side yard and he designed the project accordingly.
- If this line is defined as a rear yard it leaves very little space on which to build.
- He discussed the project as if this were a side yard setback.
- The majority of the existing structure sits in the front yard setback with some of it encroaching in the side yard. A portion of the structure encroaches on the adjacent property.
- The majority of the setback variances that are needed apply to altering the existing structure to remove it from the encroachment of the property line and some features that would help break up and improve the scale of the building.
- The only encroachment of the proposed addition, based on his interpretation that this is a side setback line, is about 40 square feet, or 9% of the total area of the new addition.
- He discussed the demolition of the porch (enclosed) and construction of an unenclosed porch.
- The height of the addition is only 6 inches taller than the existing structure.
- He discussed the design approach that would provide more articulation.
- They feel they have addressed the neighbor’s concerns.
- The vaulted ceilings do not contribute to the bulk or mass of the structure. They are within the lot coverage requirements and height limits.
- The project would not be excessive or an example of overbuilding of the site.
- The FAR request was minor.

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

- She distributed some illustrations to the Commission.
- The story poles were installed at a late date.
- She objected to the excessive mass and the intrusion of the new addition into the rear yard setback.
- The design was very nice. It was too big for the lot.

- The neighbors would like the dilapidated cottage replaced by an attractive house that complied with the FAR.
- The house intrudes 9 feet into the 15-foot rear yard setback and would be 6 feet from the lot line. The 17 to 18 foot high wall of the structure would be very imposing and dominate her field of vision.
- The addition would impact her privacy and reduce the light to her garden.
- The proposal would be a financial gain for the owners and a financial loss for the neighbors. The value of the neighbor's property would deteriorate.
- The proposal would be a granting of special privilege.
- The petition that was circulated by the applicants contained some misinformation.
- She asked the Commission to deny the rear yard setback variance and the FAR Exception.

Ms. Julie Hersk, property owner, made the following comments:

- They thought they were building in their side yard.
- She discussed the mass of the project and stated they have tried to work with everyone in the neighborhood. It was not possible to please everyone.
- They were willing to make compromises.
- They were willing to adjust the FAR within reason.

Ms. Joan Wagner, Sycamore Avenue, made the following comments:

- She supported the application.
- The design was very attractive.
- The proposal would enhance all the properties in the neighborhood.

Ms. Pat Lock, Hawthorne Avenue, made the following comments:

- She is not directly impacted by the project.
- The house needs some renovation.
- The applicants approached her last summer about their plans, assuring her they would not need any variances. She signed the petition.
- She viewed the story poles from Ms. Landy's property. It was very clear that the new house would dramatically alter Ms. Landy's enjoyment of her back yard. The Holly family would be affected as well.
- The granting of exceptions and variances upset the delicate balance that exists.
- This is an area with a rural feeling that is quickly being "varianced" and "excepted" away.
- She urged the Commission to require that the applicant's modify their design so the existing neighbor's quality of life can be preserved.

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

- He referred to the interpretation issue and stated the singular includes the plural and vice versa where the context requires.
- Ordinances should be interpreted in such a way as to avoid absurd results.
- The existing home is not exceptionally small. Although compact, it is perfectly livable.
- There is an inverse ratio between the willingness to sign the petition and the closeness to the project. The petition should be taken "with a grain of salt".
- There is a serious issue with respect to these small, odd shaped lots.
- The proposal is very attractive but is too large for the lot.
- There is a clear conflict between the long time neighborhoods and a new homeowner with more extravagant desires.

Mr. Ray Johnson, Hawthorne Avenue, made the following comments:

- Construction on these odd shaped, non-conforming lots will be an on-going problem given the real estate market.
- He is not directly impacted by the proposal.

- There is a clear consensus in the community of respecting the neighbor's rights when granting variances. A high standard should be held by the Commission.
- The Commission should consider any negative impacts on the neighbors.
- The FAR and setback requirements for most neighborhoods were adopted with the concept of a normal, rectangular lot. The Commission should go beyond the standard of minimum setbacks when reviewing abnormally shaped lots.
- He was in support of Ms. Landy and the other neighbors that would be impacted.

Ms. Judith Lopez, Ward Street, made the following comments:

- She was not directly impacted by the proposal.
- She signed the original petition but was not aware of the variance requirements.
- She viewed the story poles from Ms. Landy's backyard and was quite taken aback. The structure would be massive from her point of view and would affect her enjoyment of her property.
- There should be a compromise that would be fair to both parties.

Mr. Chris Holly, Hawthorne Avenue, made the following comments:

- The proposal would result in a loss of his privacy.
- This was a very good design.
- He signed the petition thinking they would be addressing some of the problems of the existing structure. He changed his point of view when he found out this would be considered the rear yard.
- This was a difficult lot but they knew this when they purchased the property.
- They should redesign the project to limit the impact of the mass.
- He read two letters objecting to the proposal.

Ms. Jackie Tribolet, Locust Avenue, made the following comments;

- The house was beautiful and they have made many concessions. It would be very unimposing as seen from the street.
- She was concerned about the impact to Ms. Landy's back yard.
- The lot was very narrow. They deserve some type of variance for a reasonable house.

Ms. Natalie Semons, representing the owner at 11 Sycamore Avenue, made the following comments:

- The owner supported the plans and was in favor of any compromises.

Mr. Nick Desin, Willow Avenue, made the following comments:

- There are many nonconforming lots and the owner has a right to develop the property.
- The house does not look out of scale.
- He did not agree that the house would be too imposing on the neighbors.
- Ms. Landy's property would not be affected by the project.

Mr. Doug Hendrickson, owner, made the following comments:

- The petition was based on good intentions.

Chair Deignan closed the Public Hearing.

Commissioner Young provided the following comments:

- This was an attractive design and floor layout.
- The proposal was too large for the lot.
- The lot line issue was a difficult quandary and the architect's interpretation was the only way to have a buildable lot.

- He asked if the addition could be moved forward towards Sycamore to the location of the porch. This would provide more space in the rear.
- The design would be improved if the scale were softened to appear less massive.
- He would be more comfortable if the FAR were within the allowable limits.

Commissioner McCluney provided the following comments:

- He discussed the lot line issue and evaluated the project based on staff's interpretation. A variance would be required with any project so this is not the most important issue.
- This is a well design home.
- This is a difficult lot.
- The bulk and mass were reasonable.
- The Landy's will be impacted by the project.
- He would like to see the project pulled back somewhat.

Chair Deignan provided the following comments:

- He agreed with Commissioner Young's comments about the lot line issue.
- He stated it was troubling to see an addition built that far into a setback.
- Whatever they do on the property would require some sort of a variance.
- This is a handsome design.
- He was concerned about the FAR Exception coupled with all the variances.
- The project should be scaled down so it is more respectful of the setbacks.
- The project should be less massive.

Chair Deignan asked staff for direction regarding a continuance or a denial in relation to the Streamline Permit Act. Associate Planner Guiler stated staff was always working within deadlines but there was time for a continuance. Interim Director Toft stated the project did not greatly exceed the FAR limit. The Commission should also discuss the parking variance.

Commissioner McCluney discussed the lot line issue and asked if this was something that was open to interpretation. Interim Director Toft stated staff looks at the intent of the code in any situation where there is not an exact prescription. The variance process was always available to the Commission.

Mr. Peterson stated they would prefer a continuance. He stated they could meet the FAR allowance and treat the second floor as pseudo-attic space.

Chair Deignan asked the Commission about the parking situation. It was the consensus of the Commission that the variance to allow for 3 on site parking spaces was acceptable.

M/s, McCluney/Young motioned and the Commission voted 3-0 (Heitkamp and Stahl absent) to continue DR/FAR/VAR 04-103 to a date uncertain to allow the applicant to submit redesigned plans based on the Commission's discussion.

## **BUSINESS ITEMS**

### 1. Commissioner's Reports

Chair Deignan discussed the project at the corner of Laurel Avenue. Interim Director Toft stated the project went through several Public Hearings and was approved on appeal to the City Council. Chair Deignan stated the project was quite massive.

### 2. Planning Commission Minutes of March 8, 2005

M/s, McCluney/Young motioned and the Commission voted 3-0 (Heitkamp and Stahl absent) to approve the minutes of March 8, 2005 as submitted.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary