

LARKSPUR PLANNING COMMISSION MEETING  
MINUTES OF APRIL 12, 2005

The Larkspur Planning Commission was convened at 7:32 p.m. in the Council Chambers by Chair Deignan.

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

Commissioners Absent: Commissioner Chris McCluney

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

### OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

### PLANNING DIRECTOR'S REPORT

- The City Council will hold their second Public Hearing on CLASP on May 4<sup>th</sup>. Staff corrected some of the misinformation regarding the Planning Commission's recommendations that was on the flyer distributed by Citizens for Rational Growth.
- The next Commission agenda will be quite heavy and will include a correction to the Precise Plan for the Monahan Pacific project.
- Staff is currently reviewing the Star Academy application at 105 King Street for completeness.
- Staff received a letter in opposition to Consent Calendar item #3, 53 Elizabeth Circle. Copies of the letter were on the dais before the Commission.

### APPROVAL OF CONSENT CALENDAR ITEMS

1. **DR/VAR 04-95; 85 Ardmore Road (APN 21-135-03); Gustavo Kubichek, applicant; Patricia and Robert Ranum, property owners. Request for the following permits to allow for the expansion of an existing single family home: (1) Design Review and (2) Variance to the required 20-foot front yard setback to allow the proposed garage to encroach 11-feet into the setback. This item was continued from the Planning Commission's February 8 and March 8, 2005 meetings.  
Staff Recommendation: Continue to Commission meeting of April 26, 2005**
2. **DR/FAR/UP 04-96; 170 Corte Ramon (APN 70-313-13); Thompson Studio Architects, applicant; Margot Oven, property owner. Request for the following permits to allow for the improvement of a basement and crawl space, adding 232 sq. ft. of floor area beneath a single family home on a lot with an average slope of 48%: (1) Design Review of exterior alterations; (2) Floor Area Ratio (FAR) Exception to increase the FAR of 0.26 (3,518 sq. ft.) to 0.27 (3,750 sq. ft.) where a 0.05 FAR or a minimum 850 sq. ft. home and 400 sq. ft. garage is allowed; and (3) Slope Use Permit to allow 168 cu. yds. of grading and fill.  
Staff Recommendation: Conditional Approval**
3. **DR 05-19; 53 Elizabeth Circle (APN 22-730-27); Wagstaff Architects, applicant; Dan and Jill Heler, property owners. Request for the following permit to allow modifications and a 195 sq. ft. addition to the second story of a single family home: (1) Design Review.  
Staff Recommendation: Conditional Approval**

On the Consent Calendar, M/s, Heitkamp/Stahl motioned and the Commission voted 4-0 (McCluney absent) to approve DR/FAR/UP 04-96 and DR 05-19, and voted 3-0 (McCluney absent, Stahl recused) to continue DR/VAR 04-95 to the April 26, 2005 Commission meeting.

## **PUBLIC HEARING ITEMS**

- 4. DR/UP/FAR/TR/FHE 04-114: 170 La Cuesta Drive (APN 70-313-05); Jared Polsky Architects, applicant; Debbie and Forrest Rhoads, property owners. Request for the following permits to allow demolition of an existing single family home and construction of a new 4,301 sq. ft. family home on a 12,949 sq. ft. parcel with an approximately 31% slope: (1) Design Review; (2) Slope Use Permit to allow 340 cu. yds. of grading and fill; (3) Floor Area Ratio (FAR) Exception to construct a new home with a 0.31 FAR where a 0.19 FAR is allowed; (4) Heritage Tree Permit to remove an 81-inch circumference Heritage Cedar Tree; and (5) Fence Height Exception to install a 6-foot high wire mesh deer fence along the front property line and a stucco wall of up to 5-feet in height, where the maximum permitted fence height is 3 ½ feet.**

Senior Planner Toft presented the staff report. The project is under a Permit Streamlining limitation and further continuation of the application would require a 90-day extension. Planning Director Kaufman stated there were a number of oversights contained in the application and staff is recommending that the Commission discuss the merits of the various permits, provide direction to the applicant, and deny the application without prejudice.

Commissioner Young referred to the letter from the Greenbrae Property Owners Association (GPOA) and asked if they had concerns other than the fence height. Planning Director Kaufman stated the letter was not clear. The first paragraph seems to be concerned about the house itself. She also noted that representatives of the GPOA were in the audience and could clarify their concerns during the hearing.

Chair Deignan opened the Public Hearing.

Mr. Jared Polsky, architect/applicant, made the following comments:

- The existing house location seems to be the best location for a new house.
- They tested a number of siting strategies.
- They wanted to avoid the new garage being sited in a steep hole.
- They wanted to pull the driveway from the street and locate the garage at the main living level and not a half level below.
- They wanted to maintain as much distance as possible from the neighbors to the north with the second story. They pulled the second story almost 40 feet from the property line. The existing 1 ½ story house sits about 6 feet from the property line. The proposed house is shorter and has less building mass near the neighbor.
- They wanted to preserve as much flat land as possible.
- The proposed roof area is smaller than the existing roof area.
- They have maintained a 47-foot side yard setback to the property line to the south. This, along with the appropriate screen planting, will preserve privacy for both properties.
- When building on a hillside, it is not a good idea to stretch the house lengthwise. It is better to break the building up into smaller units and mass the house vertically.
- This will be a handsome house with reasonable off-site views. It will not overpower the site.
- He displayed the materials board and stated the colors would blend in well with the surrounding neighborhood.
- Staff and the neighbors have raised drainage and soils stability issues.
- He distributed a letter from the civil engineer addressing site drainage. He highlighted several of the points from the letter: the proposal reduces the impervious

surfaces on the site; there is less roof and hardscape area; the driveway will drain water off the site onto the street; an energy disbursement system has been designed that would reduce the velocity of water on the site and help to reduce erosion.

Mr. Vince Howes, geotechnical engineer with Salem Howes Associates, made the following comments:

- He has worked on several major slides in the Greenbrae area, including ones on El Paseo Drive and Eliseo Drive.
- He is very familiar with the geology of the area. It can vary from lot to lot.
- They did six test borings around the entire site and ran into hard, sandstone rock.
- The house will be entirely on drilled piers into bedrock. There are no sheared areas underneath or above it.
- They will attempt to spread the water over the area as if the house were not there.
- The pool will not need a pump.
- The existing house foundation is in good condition.

Chair Deignan asked if they plan to use any of the existing foundation. Mr. Howes stated it would be a complete tear down.

Mr. Jim Catlin, landscape architect, made the following comments:

- The main landscape elements consist of an outdoor sod/play area, a patio area, a fireplace, and a pool and deck.
- The fireplace is mainly an area to congregate. They are considering a gas insert to avoid burning wood.
- The landscape plan revolves around a new pool. The new pool will be located below the old pool site. The pool area will be recessed and will be approximately 30" lower than the upper patio and sod area. The pool will have a finishing edge and a trough that is terraced.
- The screen planting will provide a sense of privacy and they will rely on a mix of native plants.
- He met with the resident at 180 La Cuesta and discussed some options to enhance tree sizes and additional plantings.
- They plan to install a wooded wire deer fence along the front property line.

Commissioner Young asked Mr. Catlin to point out the trees that are being removed. Mr. Catlin pointed to tree #11 and a small Oak tree near the pool area. Senior Planner Toft stated tree #13 was the tree near the patio that was referred to in the staff report as a heritage tree. It was not identified as a heritage tree in the arborist report. Mr. Catlin stated this Cedar would probably need to be removed due to its proximity to the wall. They plan to add another Oak tree.

Chair Deignan asked about the height elevation difference from the edge of the pool to the grade below. Mr. Catlin stated it was about 4 ½ feet. Chair Deignan stated it looks like more in the illustration. Mr. Catlin stated the site section shows it more clearly.

Mr. Forrest Rhoads, property owner, made the following comment:

- He has lived in Marin all his life.
- He and his wife have two daughters.
- He wanted to keep his comments short.

Mr. Mark Litwin, Chair of the Greenbrae Property Owners Association (GPOA) Architectural Review Committee, made the following comments:

- The GPOA has their own review process and no drawings have been submitted for this address.
- The CC&R's prohibit any fences within the setback area for each lot. The CC&R's provide for a 10-foot setback for this property.
- A mesh deer fence at the front of the property is unlikely to receive approval of the Board.

- He asked when the applicants would be submitting plans for the review of the fence and the project design.

Mr. Polsky stated it has been their experience that the local jurisdiction would run the application through the relevant homeowners association. They were unaware they needed to do this directly. Planning Director Kaufman stated the planning application asks, if there is an applicable homeowners association, if they have approved the proposed plans. The applicant checked the box saying the project was not subject to the homeowner's association's review.

Mr. Stuart Greenberg, La Cuesta Drive, made the following comments:

- He has lived on La Cuesta Drive since 1956.
- He has seen many slides and drainage problems.
- Several years ago they had drainage from 170 La Cuesta flow down into their patio. It was corrected by the previous owner.
- He noticed 2 to 3 drain lines coming down emptying into a sump. A sump pump will not take care of all of the drainage going down the hill.
- It would be logical to pump it the street.
- He was concerned about the location of the new pool.
- He stated that he has pool and knows that they need to pump the pool when it rains.
- With an infinity pool, the water level will always be at the top level and when it rains it will flood down.

Mr. Dick Becker, La Cuesta Drive, made the following comments:

- They live to the north of the proposal.
- A window that had been proposed in the north wall of the garage would look directly at his property. There was an agreement that the window would be eliminated.
- He was not sure how the water would run off the flattened driveway. He was concerned it would flow onto his property.
- There was a major slide that occurred directly across the street.
- He was concerned about the size and mass of the building and felt it would block his sunlight.
- The applicants assured him that they would clean up the mess from the contractor around his pool area.

Ms. Josette Schwartz, La Cuesta Drive, made the following comments:

- Her house is located below the property and she noted her concerns about the previous slide at 180 LaCuesta.
- She was concerned about the relocation and weight of the pool.
- She was concerned about the sumps below the deck and additional drainage on to her property.

Mr. David Schwartz, La Cuesta Drive, made the following comments:

- He expressed concern about the weight and location of the pool.
- He noted the slide at 180 La Cuesta.
- They have sump pumps directly below their deck.
- He was worried about drainage and excess water flowing onto his property.

Ms. Tania Scheer, La Cuesta Drive, made the following comments:

- She noted that she had previously submitted a comment letter. Senior Planner Toft noted that the letter was included with the staff report.
- The master bedroom of the proposed house looks onto their property. They are working out a landscaping plan with the applicants to protect their privacy.
- She discussed the major landslide that occurred on her property. There are perforated drainage pipes located down the hill, as well as a large culvert, and a French drain. She wanted to make sure none of these were disturbed.
- She would like the project managed from a traffic and noise standpoint.

- Her entire house is supported by a retaining wall, and 50 piers and tiebacks.
- She wanted to make sure the geotechnical engineer reviews what happened on her property and assurance that nothing will happen to their property in future.

Ms. Cathy Wollard, Corte Ramon Drive, made the following comments:

- She noted that she lives next to a large retaining wall built due to a slide in the area.
- She objects to the Fence Height Exception.
- Any fence or wall should adhere to the existing setbacks.
- A 6-foot high, mesh deer fence does not belong in the front yard. It is not in keeping with the neighborhood.

Mr. Doug Lawrence, Corte Ramon Drive, made the following comments:

- He is concerned about the aesthetics of the project.
- The CC&R's address fencing in the area. The area is charming due to the open front yards. He was opposed to a "walled house" environment.
- His strongest concern was with the general mass of the house as viewed from the street. It will be out of keeping with the surrounding neighborhood.

Chair Deignan closed the Public Hearing.

Commissioner Heitkamp provided the following comments:

- She liked the overall design of the house.
- She initially winced at the size and square footage of the house, but realized there was a large distance between this house and the neighbors. Relative to the required findings, the project will not block any of the neighbors' views or sunlight.
- The design has composed the bulk in a better fashion than the existing house by pulling the garage up and making it one story. There is more open space between the project and the property to the north.
- She had no problem with the FAR.
- She has a major problem with the fence. It was out of scale with the neighborhood and the location would create a tunnel feeling since the road is quite narrow. She could not support the Fence Height Exception.
- She was concerned about tree #13 and stated it was leaning. Incense Cedars do not have a deep rooting system and have a problem with falling over. This tree would be hazardous if any of the roots were cut during construction.
- She had a problem with the grading and drainage. The proposal was too much of an overall change to a very sensitive site.
- Changing the pool site and creating an entire new drainage pattern on the slope was asking for trouble.
- The site has major drainage problems.
- She would like more research on the overall site plan in relation to grading and drainage. She was concerned about the adjacent slides.
- A large part of the excavation would occur under the house but she was not concerned with the amount of excavation for the house.

Commissioner Stahl provided the following comments:

- The basic location and design approach to the house was reasonable.
- The side setbacks will appear to be increased by the garage redesign and the location of the second story.
- This is an attractive design.
- The metal roofs were at a shallow pitch. He suggested they lower the lower levels of living space of the house a bit and include a more appropriate roof pitch.
- He could support the size of the house as proposed.
- He had concerns about the landscaping approach and felt it was awfully ambitious.
- They are moving the pool closer to the southern property line and he was concerned about noise. It should be pulled back a bit from the property line.

- The hardscape and terracing were on the ambitious side. He would like them to review this element.
- He would like further study of the drainage pattern.
- He was not that concerned about the fence proposal. He would look to the CC&R's for guidance on that issue. That type of fence tends to be quite transparent and the foliage in the front would make it disappear pretty quickly.

Commissioner Young provided the following comments.

- He agreed with the comments made by Commissioner Heitkamp and Stahl.
- The house is appropriate for the site.
- He would prefer to see the pool remain in its current location.
- He suggested a deck for the children's play area as opposed to the fill.

Chair Deignan provided the following comments:

- He agreed with the comments made by the other Commissioners.
  - He agreed with the staff report- this seemed to be a flat land development scheme applied to a steep hill.
  - He would like to see a more thorough review of the drainage and site work.
  - He would like to see a more scaled-back landscaping approach. The fence should conform to the requirements of the Greenbrae Homeowner's Association.
- He stated there was consensus from the Commission on the FAR and Design Review issues.

M/s, Heitkamp/Stahl motioned and the Commission voted 4-0 (Commissioner McCluney absent) to deny DR/UP/FAR/TR/FHE 04-114 without prejudice based on the staff report and the comments and concerns expressed by the Commission particularly the concerns with drainage and the extensive re-grading of the site relative to the Slope Ordinance Findings.

Planning Director Kaufman stated staff would bring the findings back as a business item at the next meeting.

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

## **BUSINESS ITEMS**

Mr. David Letterman asked the Commission if there were instances where the Commission had approved a FAR over .40. Commissioner Stahl stated "yes". Commissioner Heitkamp explained the exception process and findings that need to be made. She suggested Mr. Letterman speak to staff.

### **1. Commissioner's Reports**

Commissioner Heitkamp displayed a brochure about a house in Sweden that has "retractable" walls. The house can be reduced in size and pulled back over the lot line.

The Commission discussed the recent workshop session that was held with the City Council regarding the Campus Properties project. Commissioner Stahl stated he was a bit frustrated that the applicant came up with only one option. Commissioner Heitkamp stated she would have preferred more of a dialogue. Commissioner Young stated he appreciated the focus on the specific issues but would have liked more "workshop" in the session. Chair Deignan stated he would liked to have seen more options.

Commissioner Stahl discussed a recent article in the Independent Journal about an Oral History Project of California. One of the common themes was the difficulty in finding affordable housing in Marin County. Commissioner Heitkamp stated many public employees could not afford to live in Marin County.

2. Planning Commission Minutes of March 22, 2005

This item was continued to the next meeting due to lack of a quorum from the March 22 meeting.

The meeting was adjourned at 8:58 p.m.

Respectfully submitted,  
Toni DeFrancis, Recording Secretary