

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF JUNE 14, 2005

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

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

Commissioners Absent: Chris McCluney

Staff Present: Nancy Kaufman, Planning Director
Kristen Teiche, City Planner

OPEN TIME FOR PUBLIC EXPRESSION

There were none.

PLANNING DIRECTOR'S REPORT

- The City Council will hold a Public Hearing on CLASP tomorrow night at the St. Patrick's Gymnasium at 7:30 p.m. At their last meeting, the Council took a straw vote and preliminarily decided to set aside 3 to 4 acres of Subarea 3 for acquisition for some type of community facilities. They also decided on a 100-foot buffer for the creek.

APPROVAL OF CONSENT CALENDAR ITEMS

1. **DR 05-19 (rev): 53 Elizabeth Circle (APN 22-730-27); Wagstaff Architects, applicant; Dan & Jill Heller, property owners. Request to amend a previously approved application to allow a new 16 square foot ground floor addition to accommodate an expanded kitchen at the rear of an existing single family dwelling. The revised floor area would be 3,621 square feet. Staff Recommendation: Conditional Approval**
2. **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 dwelling: (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 April 26, 2005 meeting. Staff Recommendation: Conditional Approval**

3. **DR/FAR/VAR 05-32: 421 Elm Avenue (APN 21-223-09). Kimberly Jessup of Jessup Associates Architects, Inc. applicant; Larry & Girja Brilliant, property owners. Request for the following permits to allow exterior renovations and 958 sq. ft. of new floor area (including a new two-car garage and a rear bedroom addition) to an existing single family dwelling: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to permit a 0.30 FAR where not more than 0.25 FAR is permitted; (3) Variance to the front yard setback for a new, attached garage to be located 6'3" from the property line where 20 feet is required; and (4) Variance to off-street parking requirements to locate two required guest-parking spaces on the driveway within the Elm Avenue public right-of-way. Staff recommendation: Continue to the June 28, 2005 Planning Commission meeting**

Chair Deignan noted that two of the Planning Commissioners live in close proximity to the property in item #3, 421 Elm Avenue, and would not be able to deliberate and vote on this application. Therefore, there was not a quorum present that could deliberate on the application and staff has recommended that the item be continued to June 28, 2005. For purposes of the consent calendar, the two Commissioners in close vicinity to the property could vote to allow for a continuance.

On the Consent Calendar, M/s, Young/Heitkamp motioned and the Commission voted 4-0 to approve DR 05-19 based on the findings and conditions set forth in the staff report, to continue DR/FAR/VAR 05-32 to the June 28, 2005 Planning Commission meeting, and voted 3-0 (Stahl recused) to approve DR/VAR 04-95 based on the findings and conditions set forth in the staff report.

PUBLIC HEARING ITEMS

4. **SUP/DR/PPA 05-23: 52 Millard Road (APN 21-062-12). Richard and Maureen Hochschild, applicants/property owners. Request for the following permits to allow construction of a new single family dwelling and detached garage on a vacant lot with an average slope of 37%: (1) Design Review; (2) Slope Use Permit for the excavation of 1,150 cu. yds. of earth (200 cu. yds to be used as fill); (3) Plot Plan Approval to permit a detached garage up to 3' from the front lot line; (4) Grading Permit for excavation in excess of 1,000 cu. yds.; and (5) Heritage Tree Removal Permit for the removal of three heritage trees. This item was continued from the Planning Commission's May 10, 2005 meeting.**

City Planner Teiche presented the staff report. She stated there were several items of late mail.

Commissioner Heitkamp discussed the drainage issue and stated the area she was concerned about did not have a curb and dropped off precipitously. She distributed photographs to the Commission. She stated the applicant was addressing the up slope areas with the dissipaters but there would be a lot of sheet flow down the driveway. Chair Deignan opened the Public Hearing.

Mr. Richard Hochschild, applicant, made the following comments:

- They have addressed the issues brought up at the last meeting and he was available to answer questions.

Chair Deignan closed the Public Hearing.

Commissioner Young provided the following comments:

- The Commissions' concerns have been addressed.
- He could approve the proposal.

Commissioner Stahl provided the following comments:

- He agreed with Commissioner Young.
- The applicant addressed the previous concerns.
- He does share Commissioner Heitkamp's concerns about the drainage.
- He asked if they could impose the following condition: the drainage shall be reviewed after one rainy season.

Planning Director Kaufman stated the Commission could impose such a condition but there were two problems; 1) they might not get enough rain to accurately assess the situation and, 2) once the home is built and occupied, staff no longer had the "teeth" to force the homeowner to make any improvements. Commissioner Young noted that items #16 and #17 of the conditions of approval addressed the drainage and he asked if the Commission could be apprised of any recommended course of action during this field evaluation.

Commissioner Heitkamp provided the following comments:

- Conditions #16 and #17 addressed the on-site conditions and the dissipaters but there would be a great deal of sheet flow from the driveway.
- She stated there have been major problems with drainage from the site in the past.
- She would like to protect the City from being accused of exacerbating the potential damage to down slope houses.
- She discussed an area along the street that slopes towards a property that has no curb or retaining wall and drops off abruptly. The driveway for this proposal feeds directly into that area.

Planning Director Kaufman stated the current conditions would need to be documented.

Chair Deignan provided the following comments:

- He noted there was a concern about the drainage but he was concerned about second-guessing the City Engineer's report. Requiring a property owner to take care of something off-site was problematic and the City had no means of enforcement.
- He could support some "tweaking" of conditions #16 and #17.

M/s, Stahl/Heitkamp motioned and the Commission voted 4-0 to approve SUP/DR/PPA 05-23 subject to the findings and conditions set forth in the staff report plus the following additional condition: #16a) The project's Geotechnical Consultant shall conduct a field evaluation during the first rainy season after completion of construction to verify the adequacy of the site drainage systems, and to verify that runoff from this property to the street does not flood nearby downhill parcels. If the additional (to existing before project construction) site drainage to the street is found to adversely impact nearby downhill properties, the applicants shall, at their own expense, work with the project's Geotechnical Consultant and the City Engineer to solve the problem.

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

- 5. FHE 05-43: 945 Magnolia Avenue (APN 20-081-03). Erik & Jennifer Svensson, applicants/property owners. Request for a fence height exception to legalize an existing 6' high wood fence located within the 15' front yard setback, extend the wood fence within the 15' front yard setback to enclose the front yard, and install a 5'10" gate at the property line.**

City Planner Teiche presented the staff report.

Chair Deignan opened the Public Hearing.

Ms. Jennifer Svensson, applicant, made the following comments:

- She distributed photographs to the Commission.
- She stated they are trying to match what is existing and protect her children.
- Magnolia is a very busy street and they are the only property with a driveway on the four-lane section of the street.
- The only comparable property is the Escalle property, which has a tall, wooden fence.
- There are tall fences in the Hillview area.
- She was concerned a ball could bounce into the street from her driveway and cause an automobile accident. Gates could prevent this from happening.
- Her young son could get over a 3 ½ foot fence very easily.
- The house is very high up on the slope and very tall and the fence would not give the appearance of "walling in the property".

- The fence would not take away from the street scene.
- She did not want to disrupt the symmetry of the architecture of the house.
- She stated 1/3rd of what she wants to do would be an open, rod iron fence, and will span 20' of the driveway. The only part of the fence that would be solid wood, to match what is existing, is the part that is coming in to meet it.

Commissioner Heitkamp asked if the existing fence was 6 foot high. Ms. Svensson stated it was 5'10". Commissioner Heitkamp stated one of the staff recommendations is to approve the existing fence. Ms. Svensson stated she bought the house "as is" and thought everything had been approved. Commissioner Heitkamp asked Ms. Svensson why they were not interested in a more open fence. The amount of landscaping they have would help to hide the fence. Ms. Svensson stated it was a matter of opinion and she really likes what is there in terms of the solid fence.

Commissioner Young asked Ms. Svensson if they have considered installing a sliding gate. Ms. Svensson stated contractors have told her sliding gates pose a safety hazard for children. Mr. Svensson stated they would need to excavate a minor piece of the property and put in a small retaining wall. Commissioner Young asked if they considered reducing the opening from 16' to 12'. Ms. Svensson stated this would make maneuvering in their driveway very difficult.

Ms. Dorothy Sprey, Escalle Lane, made the following comments:

- She is very familiar with the neighborhood and has lived there for a long time.
- She is disturbed by the proposal- a tall fence along Magnolia would be out of character with the neighborhood.
- She stated this would set a precedent.
- She stated the minutes from the homeowner's association indicate that the fence was originally supposed to be 10 feet high.
- She asked for clarification as to whether the gates would swing over the sidewalk. Planner Teiche stated no.

Mr. Dan Brady, Escalle Lane, made the following comments:

- He is the builder of 945 Magnolia Avenue.
- He misunderstood how far back the fence should be located. The Building Official never mentioned there was a problem.
- The purpose of the fence is to hide the mechanical equipment for the house and to keep the deer out.
- The Escalle property has a 6-foot fence that is 300 feet long. He has never heard any complaints about this fence.
- There are unique qualities to the property- it is back on the lot, located on a four-lane street.

- The fence will not detract in any way from the property- the house sits up high on the hill and the fence will not enclose the property. Landscaping will help to hide the fence.
- There will be a small piece of the fence that will be at the 5'10" level.
- He urged the Commission to consider the safety issues.

Chair Deignan closed the Public Hearing.

Commissioner Heitkamp provided the following comments:

- The argument that the fence will be located up the slope does not ring true because the location on the upper bank would exacerbate the visual impact.
- The existing wood fence could be approved but there would still be a need for some connection between that and the gate in terms of enclosing the property.
- A 6' fence would not keep the deer out of the property.
- There are other options to the solid fence. It is a highly visual part of the site. She could probably make the findings for the height exception if it were an open type of fence.

Commissioner Stahl provided the following comments:

- He could not support the application.
- He discussed the context of the house in its setting. There is a fair amount of greenery in front of the Wood Lark Apartments and the Escalle Condos are set back quite a ways from the street.
- This house was placed nicely on the site in the context of a former open space.
- There is a sense of an openness and natural landscape along that frontage of Magnolia Avenue that visually continues into this property. He is very much against anything that would visually close this off. This would not be in character with the development of the house or that stretch of Magnolia Avenue.
- He shares their concern for the safety of their children. He noted that they had once moved from a house where they were concerned about their children's safety due to a steep drop off.
- He would like the proposal brought back with an open design that is within the height limit for the front yard. If her son can get over a 3-1/2' fence, he can also get over a 5' fence.
- He can accept the existing fence.
- The gate should not stay open longer than it takes for a vehicle to enter or exit the property.
- He would like to see an elevation drawing for the revised design.

Commissioner Young provided the following comments:

- He could support the proposal if it were transparent and covered with landscaping.
- He has no problem with the proposed height because of the children.

- He could approve the existing fence.

Chair Deignan provided the following comments:

- He agreed with the other Commissioners.
- He would prefer a more transparent fence.
- He had no problem with the existing fence.
- He would like the gate to be lower than 5' 10".
- He would like to see an elevation of the revised design.

Planning Director Kaufman asked if the Commission was looking for something other than a deer fence. Commissioner Stahl stated it should be something that fits in with the character of the architecture, such as a white, wood fence, etc. It did not need to be as transparent as a deer fence.

City Planner Teiche stated the applicants were hesitant to go in the direction of an automated gate due to the expense. Commissioner Young stated he would like to see the gate opening and closing mechanically. Commissioner Heitkamp asked the applicants to address the options.

M/s, Stahl/Heitkamp motioned and the Commission voted 4-0 to continue FHE 05-43 to the July 12th Commission meeting.

BUSINESS ITEMS

1. Commissioner's Reports

Chair Deignan stated he recently attended a Public Officials Leadership Forum held by the Urban Land Institute at the U.C. Berkeley campus. The forum included discussions regarding economics, communication skills, "smart growth", and strategies for successful in-fill development. Commissioner Stahl borrowed one of the brochures he received at the forum and he gave the other to staff.

2. Planning Commission Minutes of May 10 and May 17, 2005

M/s, Heitkamp/Young motioned and the Commission voted 4-0 to approve the minutes of May 10th as submitted and voted 3-0 (Stahl abstained) to approve the minutes of May 17, 2005 with the following correction: On page 9, under Commissioner's Reports, the second sentence should read: "She stated the ordinance could be refined to allow *only* a 10% increase for teardowns".

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary