

LARKSPUR PLANNING COMMISSION MEETING  
MINUTES OF JUNE 28, 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, Chris McCluney, Jeff Stahl, Richard Young

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

**OPEN TIME FOR PUBLIC EXPRESSION**

There were none.

**PLANNING DIRECTOR'S REPORT**

- She asked the Commission to consider some dates for upcoming special meetings at the end of the agenda.
- The City Council will consider the revisions to the Precise Development Plan Ordinance for the Drake's Cove Project at their next meeting. Staff was recently informed that the developers are proposing to sell off lots rather than build the homes. Staff has refined some of the conditions of approval to clarify things that need to be done before they can sell off the lots. Commissioner Stahl stated this new information reinforces his concern about the landscape plan. Commissioner Heitkamp stated there is a need for a coordinated landscape plan that covers the entire site. The individual lots will be very difficult to landscape. Planning Director Kaufman stated the developers never proposed to landscape the individual lots. Commissioner Heitkamp asked if the Commission would review the construction of the individual homes. Planning Director Kaufman stated not if they stick to the original plans. Commissioner Stahl stated it was not likely that someone would buy a lot and feel constrained to build it exactly the way it was drawn by the developers. The design guidelines and parameters for the development were based on one developer doing the entire site. He was concerned that there would be other architects and developers coming in with their own program. Planning Director Kaufman agreed but noted that the approved plan would be difficult to change.

**APPROVAL OF CONSENT CALENDAR ITEM**

1. **DR/FAR 04-97: 56 Hillcrest Avenue (APN 20-032-02); Caroline & Andrew Silverman, applicants/property owners. Request for the following permits to allow a new 25-foot tall foyer entry to an existing single family dwelling: (1) Design Review, and (2) Floor Area Ratio (FAR) Exception to allow a FAR of**

**0.20 (3,327.5 sq. ft.) where only a 0.17 FAR (2,805 sq. ft.) is permitted by code. Existing house has a FAR of 0.19 (3,195.5 sq. ft.)  
Staff Recommendation: Conditional Approval**

- 2. DR/FAR 05-26: 27 Redwood Avenue (APN 21-044-02); James Davidge & Anna Windle, applicants/property owners. Request for the following permits to allow new additions to both floors of an existing single family dwelling: (1) Design Review, and (2) Floor Area Ratio (FAR) Exception to allow a FAR of 0.29 (2,249 sq. ft.) where only a 0.20 FAR (1,532.6 sq. ft.) is permitted by code. Existing home has a FAR of 0.27 (2,039 sq. ft.)  
Staff Recommendation: Conditional Approval**

Chair Deignan asked if anyone wanted to speak on the consent calendar items. No one responded and he asked the applicants if they agreed with the conditions in the respective staff reports. They responded "yes".

On the Consent Calendar, M/s, McCluney/Young motioned and the Commission voted 5-0 to approve DR/FAR 04-97 and DR/FAR 05-26 based on the conditions and findings set forth in the staff report.

## **PUBLIC HEARING ITEMS**

Planning Director Kaufman asked the Commission to change the order of the agenda and continue Public Hearing item #2 since the applicant's architect could not attend tonight's meeting. She stated there was an issue of a quorum and she asked if Commissioners McCluney, Young, and Stahl would be at the July 26<sup>th</sup> meeting. They responded "yes".

- 2. 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.  
This item was continued from the Planning Commission's June 14 meeting.**

M/s, Stahl/McCluney motioned and the Commission voted 3-0 (Deignan and Heitkamp recused) to change the order of the agenda and hear item #2 prior to item #1.

M/s, McCluney/Young motioned and the Commission voted 3-0 (Deignan and Heitkamp recused) to continue DR/FAR/VAR 05-32 to the July 26<sup>th</sup> Commission meeting.

1. **DR/UP/FAR/TR 05-12: 345 West Baltimore Avenue, (APN 21-093-05); Tim Casey, architect/applicant; Ren Grendahl, property owner. Request for the following permits to allow for the demolition of an existing one-story dwelling and construction of a new two-story dwelling on an existing nonconforming lot: (1) Design Review; (2) Slope Use Permit for the excavation of 203 cu. yds. (cut & fill) from a property with a 44% average slope; (3) Floor Area Ratio (FAR) Exception to allow a FAR of 0.17 (2,296 sq. ft.) where only 0.06 FAR (850 sq. ft. dwelling & 400 sq. ft. garage) is permitted (use of split lot method is proposed); and (4) Heritage Tree Removal Permit to remove a total of five heritage trees.**  
*This item was continued from the Planning Commission's May 17 meeting.*

Associate Planner Guiler presented the staff report.

Chair Deignan opened the Public Hearing.

Mr. Tim Casey, architect, made the following comments:

- He thanked the Planning Department staff for the professional interface while processing this application. They were available, helpful, and communicative.
- This is a difficult site and a design challenge.
- They eliminated some of the downstairs area, resulting in a better relationship between the east elevation and the site. The interlocking of building and land is much more successful.
- They have added a terrace at the front door to create a transition between the street and the entrance to the house. It also provides a welcoming space and a place to interact with the street.
- The FAR is smaller than eight of the homes on the same side of the street. The average of those eight homes is 2,380 square feet. The average FAR for the neighborhood is 22.4%, the average for the eight homes is 23.1%, and the proposal is at 16.8%.
- Excavation has been reduced by 30%- from 241 to 167 cubic yards.
- The lot is quite large (13,569 square feet) but also quite narrow (50 feet). The width of the house is the critical dimension in terms of its perception from the street.
- The side setbacks total 22 feet, where 10 feet is allowed. The front setback varies from 25 to 35 feet, where 20 feet is required.
- They are seeking benefits enjoyed by other comparable properties in the neighborhood.
- They are working with an arborist to locate and configure the house in order to protect the Redwood trees. He discussed the structural approach- cantilevering the grade beams in the area of the trees. The foundation will be pier and grade beam

throughout with the floor elevations set so that the bottom of the grade beams “float” on the graded surface and are not excavated into the surface. The intention is to provide a minimum distance of pier to tree of 6 feet and a minimum distance of grade beam to tree of 4 feet.

- The proposal is compatible with the neighborhood pattern in terms of size, FAR, mass, height, and bulk.
- The difficult site and location of the trees present special circumstances.
- They have made a good faith effort to address the concerns of staff, the neighbors, and the Commission.
- They have made significant revisions.

Mr. Ed Strayback, W. Baltimore Avenue, made the following comments:

- The lot is too small for the size of the house they are proposing.

Ms. Temesia Donnally, W. Baltimore Avenue, made the following comments:

- She lives across the street and two houses over from the proposal.
- She continues to oppose the application.
- She could support some leeway to the FAR but not an additional 500 square feet.
- This will be the largest house on the smallest buildable lot in the neighborhood.
- The proposal would not blend in with the neighborhood.
- She was concerned about the Redwood trees and felt they should be protected.
- She urged the Commission to enforce the codes and reject the proposal. Granting the proposal would set a precedent.

Mr. Richard Cunningham, W. Baltimore Avenue, made the following comments:

- The Redwood tree closest to the cottage has, in 80 years, encroached upon it in a remarkable fashion. He distributed photographs to the Commission.
- The eaves of the house have been notched back to accommodate the growth of the tree. The tree has expanded against the concrete footings of the house, pushing it about 12 inches out of alignment.
- These trees are robust and grow quite rapidly. They are quite flexible and move in the wind.
- His arborist believes great caution should be taken to protect the trees.
- He acknowledged the revisions made by the applicant but is still overwhelmed by the height and spacing of the story poles.
- He characterized the various proposals as an attempt to “park a Hummer in a space clearly marked Compact Vehicles Only”. He continues to think this is an appropriate analogy.
- The house does not have to be this big to satisfy the market.
- He found it remarkable that they were proposing a house slightly larger than others in the vicinity, despite the fact that it is located on the smallest lot in the area that has a number of inherent problems.

- A smaller house should have been designed for the lot in the first place.
- The proposal violates the spirit and the concept of the FAR system.
- He believes the City is making a basic, technical and philosophical mistake by allowing the FAR exemption system to be premised on the size of proposals that are made by applicants in a bartering process. They should start instead from the size that is dictated by the FAR Ordinance and view exemptions as necessary.
- He thanked the Planning staff for being very helpful and forthcoming during this process.

Mr. Steve Havneross, W. Baltimore Avenue, made the following comments:

- He agreed with the comments made by Mr. Cunningham and stated Mr. Cunningham speaks for all the neighbors.
- The house is too large for the size of the lot.
- The tree is a great concern.

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

- He stated the Commission should not let themselves get “worn down”.
- The applicant made almost no revisions to the second submittal in terms of mass and bulk. There is now some progress but there should be one more cut.
- He stated the proposal does not comply with FAR Findings (B), (C), and (F).
- There has been only a 1% reduction in the lot coverage.
- They need to address the issues of size and mass.
- The perception of bulk should be minimized.

Ms. Betsy McGee, W. Baltimore Avenue, made the following comments:

- She agreed with the comments that have been made.
- She asked about the charter for the Planning Commission and how the Commission should interpret the Zoning Ordinance.
- The ordinance should be the starting point for projects.
- The proposal is 25% to 30% greater than what the FAR would allow.
- She did not understand how the exception could be granted and stated there should be a compelling reason to do so.
- The lot would not support a large house.
- She was concerned about the Redwood trees and stated there should be a plan to protect them.

Mr. Casey made the following comments:

- This is one of the largest lots in the neighborhood. The lot is narrow, but not small.

Chair Deignan closed the Public Hearing.

Commissioner Young provided the following comments:

- They would need to eliminate nearly all of the bedrooms and the office space to meet the FAR, leaving them with a living room, dining room, kitchen, family room, and garage.
- The house is proportional to the neighborhood.
- The applicant has done a very good job in the overall design and the proposal meets the criteria.

Commissioner Stahl provided the following comments:

- Baltimore Canyon is a very magical setting and he understood the neighbors concerns. Some of what is special about the neighborhood is the closeness of the houses with the setting.
- The FAR permit is an “exception” and not a “variance” and there is a lower threshold that allows more flexibility. It is not about granting special privileges. Exceptions are fundamentally a judgement call by the Commission. It is more a question of “does it fit?”
- The house would fit pretty well into the neighborhood.
- Before the house was too large and too “flashy” in front. The house has been reduced in size and the front of the house has been “quieted down”.
- The applicant has done a good job responding to the Commission’s concerns.
- There have not been any comments about the location of the house or the second story element.
- There is a legitimate concern about the eave line relative to the Redwood trees.

Commissioner Heitkamp provided the following comments:

- She stated she was first concerned about setting a precedent for this side of the street, but the parcel map indicates the lot is much bigger than other lots on that side of the street. It is very narrow but extends quite a ways up the hill. She asked staff about the accuracy of the map. Associate Planner Guiler stated the map was obtained from the County and is based on the Assessor’s parcel records.
- She agreed with Commissioner Stahl’s comments regarding the “exception” procedure and how this is a judgement call. It is an “exception” procedure, not a “variance” procedure.
- She referred to the split lot method and questioned whether it is appropriate.
- She appreciated the reduction in the house size and stated it is much more reasonable. If the house were reduced more, there would not be much left.
- Pulling the house back from the street with the front terracing minimizes the bulk in the front of the house.
- She has a major concern about the Redwood tree. She would like to add a condition that would address the questions about the eave line and the placement of that wall.
- She could support the proposal.

Commissioner McCluney provided the following comments:

- Putting a notch in the eave line to accommodate the tree was a minor issue.
- He concurred with the staff report and could support the proposal.
- The project was not out of line with others the Commission has dealt with on numerous occasions.

Chair Deignan provided the following comments:

- He could sympathize with the neighbors' position.
- The applicant has made compromises and the Commission concerns have been addressed.
- It would be unreasonable and unfair for the Commission to just stick to the allowable numbers and take a hard line with this single application and not grant an exception.
- He could make the findings.

M/s, McCluney/Young motioned and the Commission voted 5-0 to approve DR/UP/FAR/TR 05-12 subject to the findings and conditions set forth in the staff report plus the following condition: At time of building permit, the project arborist shall specifically address the proposed home's eaveline locations relative to the two Heritage Redwood trees and provide a letter as to the appropriate distance needed to avoid contact between the trees and home, anticipating the expected growth of the trees. Further, it is the recommendation of the Planning Commission that the home in that location be setback appropriately from the trees (without changes to other proposed setbacks) as advised by the project arborist. If home is not setback further as recommended, future removal of the trees shall not be approved should tree(s) impact home and a deed restriction to this effect shall be noted for future homeowner reference. Said deed shall be recorded at the Marin County Recorders Office prior to building permit issuance.

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

## **BUSINESS ITEMS**

### 1. Commissioner's Reports

Planning Director Kaufman discussed several dates for special meetings, including July 16, August 25, or September 8<sup>th</sup> for a possible hearing on the Oak Road EIR. The Commission agreed by consensus that September 8 would work best. They also stated they would be available for a special meeting on July 19 to consider the Campus project.

### 2. Planning Commission Minutes of June 14, 2005

M/s, Heitkamp/Stahl motioned and the Commission voted 4-0 (McCluney abstained) to approve the minutes of June 14, 2005 as amended.

The meeting was adjourned at 8:46 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary