

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF JULY 26, 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
Neal Toft, Senior Planner
Karl Guiler, Associate Planner

OPEN TIME FOR PUBLIC EXPRESSION

There were none.

PLANNING DIRECTOR'S REPORT

- The City Council will be hearing the Campus Properties proposal on August 17th.
- She will be on vacation from July 28th thru August 5th.

APPROVAL OF CONSENT CALENDAR ITEMS

No items on the Consent Calendar.

PUBLIC HEARING ITEMS

1. **DR 05-44: 207 Alexander Avenue (APN 21-232-08). Dan Hillmer, architect/applicant; Sharon and Randy Faccinto, property owners. Request for Design Review to demolish an existing detached garage and construct a new attached garage with second story above on the northerly side of an existing single-family dwelling. As proposed the structures will result in a floor area ratio of 0.38 where a 0.40 is permitted by code.**

Planning Director Kaufman presented the staff report and noted the correspondence on the dais.

Commissioner Heitkamp asked about the distance between the proposal and the adjacent neighbor and stated it seemed to be a good distance on the side yard. Planning Director Kaufman stated the neighbor's concern appears to be with the vicinity of the addition to their pool.

Chair Deignan opened the Public Hearing.

Mr. Randy Faccinto, applicant, made the following comments:

- The lot is unusual- the front is taken up by the driveway parking area and is undevelopable. The detached garage is in the back. They have two, rear lot lines that constrain the building area.
- It is unfortunate that the proposal would have some impact on the neighbor's pool.
- The windows would be high and they plan to put some large planters on the north end of the deck.
- They are designing the proposal to accommodate the privacy of both parties.
- The view would be oriented to the west and away from the neighbor's backyard.

Commissioner Stahl asked if there had been a lot line adjustment done in the past. Mr. Faccinto stated "yes" and pointed out the location of the former lot line.

Commissioner McCluney asked if they plan to plant anything between the building and the lot line. Mr. Faccinto stated "yes" and stated they would do some planting to increase privacy.

Mr. Cory Marcus, Alexander Avenue, made the following comments:

- He is the closest neighbor to the proposed addition.
- He is concerned about the impacts the two-story addition would have to his outdoor living space environment.
- He redesigned his yard to achieve greater privacy and a wonderful outside addition that would be as far away as possible from Joe Wagner Little League Field.
- The proposed two-story addition would be approximately five to six feet away from this primary outdoor living area.
- Their privacy, sunlight, and views, would be severely impacted.
- The placement of the structure would create a "soundboard" and resonate the traveling noise from the ballfield to his outside living area, master bedroom and bath.
- He was concerned that convenience and finances were driving the proposal.

Ms. Nancy Marcus, Alexander Avenue, made the following comments:

- She lives north of the proposal.
- The proposal did not comply with Design Review Finding B referred to on page 5 of the staff report.
- The deck on the proposed structure would affect their privacy, sunlight, and views.
- The two-story structure would encroach on her feeling of open space.
- The two-story structure would magnify the noise from the surrounding areas (Marin Primary and the ballfield). An acoustical engineer informed her the structure could make the situation worse.

- The proposal would negatively impact her quality of life and encroach into her personal and emotional boundaries.
- She asked the Commission to deny the application.

Chair Deignan closed the Public Hearing.

Commissioner Young provided the following comments:

- He appreciates the neighbors' concern with noise, but he did not think that the proposal would change the noise conditions and that the neighbors are already exposed to noise.
- The proposal conforms to all the requirements.
- He is impressed with the height of the proposal- it is 22 feet where 30 feet is allowed.
- He is impressed with the low roofline.
- He could support the application.

Commissioner Stahl provided the following comments:

- While looking at the plans he realized he should have walked down the bike path.
- The second-story does feel cramped in that corner.
- This is a fairly large, relatively flat site and there are other design options.
- The proposal does conform to all the requirements. However, the Design Review process allows for judgment calls.
- The garage could be placed in the front yard much closer to the street with a single-story addition. A second-story addition could be placed over a portion of the existing house.
- He did not see it as a problem site and could not support the project.

Commissioner Heitkamp provided the following comments:

- She disagreed with Commissioner Stahl and stated this was a difficult site. The backside is on the railroad right-of-way. It does have a slope. She could not see any other location suitable for the proposal.
- A second-story addition to the existing house could open a "can of worms" both financially and structurally.
- The proposal meets all the codes.
- The findings address the views and impact on the living structure.
- There are many small lots in Larkspur and one is often in close proximity to their neighbor.
- There is a lot of tree growth that will screen the proposal.
- She can make the findings.

Commissioner McCluney provided the following comments:

- He is leaning toward making the findings.

- The application meets all the code requirements.
- He can sympathize with the neighbor's concerns but felt they were a bit magnified above and beyond what would be a net result.
- The applicant will be placing trees to help mitigate the impacts.
- Nobody likes change.
- There probably are options that could pull the mass of the side back away from the neighbors.
- He concurred with the staff report condition that addressed the possible conversion of the ground floor into a second unit.
- The siting, colors, and materials are satisfactory.
- He urged the neighbors to find a way to maintain a good relationship.

Chair Deignan provided the following comments:

- He can make the findings.
- He can sympathize with the neighbors concerns.
- The noise issue is not created by the applicant but rather an outside source. They should not be responsible for the noise generated by another use.
- The neighbor's concerns are related to the use of the outdoor space and not the actual house itself.
- He can support the proposal and make the findings.
- He suggested the following condition: The landscape planting shall be enhanced on the north side to provide privacy for both parties.

M/s, McCluney/Heitkamp motioned and the Commission voted 4-1 (Stahl voted no) to approve DR 05-44 based on the findings and conditions set forth in the staff report and the following additional condition: 1) The applicant shall submit for review and approval a landscape plan for Planning Director approval indicating screening along the north property line. Landscaping shall be installed prior to the finalization of any building permits.

Commissioner Stahl stated he could not make Finding B, because the proposed structure does interfere with the privacy, light, and solar access, nor Finding C, because the proposed structure does not employ architectural features that minimize its bulk and mass.

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

- 2. DR/FAR/VAR/HT 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 no 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 front property line where 20 feet is required; (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; and (5) Heritage Tree Removal Permit to remove a 108" circumference Pine tree. This item was continued from the Planning Commission's June 28 meeting.

Chair Deignan and Commissioner Heitkamp recused themselves from this item since they live within 500 feet of the subject property.

Vice Chair Stahl served as Chair.

Senior Planner Toft presented the staff report. Planning Director Kaufman stated staff received one item of late mail.

Commissioner McCluney asked for clarification about the on-street parking issue. Senior Planner Toft stated the creation of on-street parking could be problematic due to the character of the streetscape, the hedge, and the proximity of the adjacent driveway.

Commissioner McCluney asked why an attached garage is prohibited in the setback while a detached garage is allowed. Senior Planner Toft stated that he believed the Zoning Code anticipates that an attached garage would be integrated with the main structure and create more of a presence on the street, while a detached garage would have less of a presence or impact on the street.

Vice Chair Stahl asked about the Tree Removal Permit. Senior Planner Toft stated the request is partially based on an appeasement of the neighbor's concerns. It would also be beneficial to the applicant's view as well.

Vice Chair Stahl opened the Public Hearing.

Ms. Kimberly Jessup, architect, made the following comments:

- The house has some problems in terms of up-keep and the interior space was difficult to work with.
- The driveway is very steep and the garage is unusable. It is used for storage.
- The goal is to upgrade the house and make it a nice improvement to the neighborhood. Another goal is to provide a two-garage.
- They looked at quite a few options for the design and location of the garage. They have a difficult backup situation.

- The house would have the least impact in the existing location.
- Pushing the garage up to the house as much as possible and incorporating the existing garage space into the house was the best solution.
- Pushing the garage further downhill and locating the guest parking on-site would obstruct the neighbors.
- The design is in keeping with the neighborhood. There are a minimum of 10 houses with a similar situation. The garages of the houses are as close as 22' to edge of pavement and they are proposing 23' to 26.'
- Variances are reasonable on hillside lots.
- They have worked with the neighbors who were concerned with natural light. They lowered the roof of the garage to let in more light and air to the neighbor's property. The neighbors' primary concern was with the views from their entertainment/living area.
- The addition was in keeping with the house and adds to its attractiveness.
- The horizontal siding helps with the bulk and mass issue.
- They are ambivalent about the on-street parking issue. They would like to do what is best for the neighborhood.
- The proposal would be a nice addition to the neighborhood.
- She distributed some photographs to the Commission.

Mr. Bob Pechoultres, Palm Court, made the following comments:

- He lives about 200 yards from the project.
- He was concerned about the impact of the project to the Richardson property
- He could support the project since the Richardsons were satisfied.

Mr. Dwayne Price, Elm Avenue, made the following comments:

- He was glad to see the on-street parking eliminated.
- He was concerned about allowing parking in the right-of-way.
- There is a parking problem up and down Elm Avenue and he did not want to see it exacerbated.

Mr. Larry Brilliant, applicant, made the following comments:

- He thanked the Planning staff for their assistance.
- There is no parking on the site today. The driveway is too steep and the garage is not accessible. He feels they are adding a net of 4 parking spaces (2 usable in the garage and 2 in the driveway).
- They would be happy to add one additional parking space off-site.

Ms. Joanne Richardson, Elm Avenue, made the following comments:

- She has lived at this address for 40 years.
- The proposal would greatly improve the property.

- The previous owners never parked in the driveway or the garage.
- A garage that would allow off-street parking was very appropriate.

Vice Chair Stahl closed the Public Hearing.

Commissioner Young provided the following comments:

- The documents are well done and the graphic scale is very helpful.
- He had no problem with the removal of the Pine tree.
- The exterior colors and materials are fine.
- He had initial concerns about the garage location and was concerned about the lack of parking. The architect's statements were persuasive.
- He did not want the trees in the front of the property removed and felt the driveway could accommodate two cars.
- He could support the project.

Commissioner McCluney provided the following comments:

- The rear part of the house made sense and it was tastefully placed.
- He could approve the removal of the tree.
- The location of the garage and additional parking was a common sense solution.
- There would be no variance requirement for a detached garage.
- The garage placement is not a precedent in the neighborhood.
- The exterior colors made sense.
- He could support the request for the FAR Exception.
- He was perplexed about the arguments for and against on-street parking.

Vice Chair Stahl provided the following comments:

- This was a common sense approach.
- He did not know why the property lines were arranged the way they were but this occurs a lot in the older neighborhoods.
- He did not want to see front yards eroded by on-street parking.
- They would be providing 3 additional parking spaces.
- He can make the Design Review Findings and the findings for the FAR Exception.
- They did a good job integrating the additional mass into the existing structure and the prevailing pattern of the neighborhood.
- He can make the variance findings for the attached garage. It is not a special privilege.
- He can make the variance findings to the off-street parking to allow 2 parking spaces in the right-of-way.

Planning Director Kaufman stated staff would draft findings of approval that would reflect the Commission's comments.

Senior Planner Toft referred to the late mail regarding the sewer line that runs between the tree and the downhill neighbor. The neighbors would like the line checked after the removal of the tree. This could be inspected as part of the construction.

M/s, McCluney/Young motioned and the Commission voted 3-0 (Deignan and Heitkamp recused) to approve DR/FAR/VAR/HT 05-32 based on the conditions set forth in the staff report and the following additional condition: The applicant shall make sure there is proper tree removal and inspection of the nearby sewer line. The Commission also directed staff to draft findings of approval based on the Commission's comments.

Vice Chair Stahl stated there was a 10-day appeal period.

- 3. DR/FAR/VAR/EXC 05-39: 30 Bay View Avenue (APN 21-235-21). David Holscher, applicant; Bay View Investors/Carol Knorrrp & Kerry Bogardus, property owners. Request for the following permits to allow the substantial demolition of an existing one-level single family dwelling and construction of an approximately 2,172 sq. ft. two-story single family dwelling: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to permit a 0.40 FAR where no more than 0.38 is permitted by code; (3) Variance to maintain a substandard parking arrangement: one primary parking space and two tandem guest parking spaces; and (4) Exception Permit to relocate windows and modify the roof height of an existing non-conforming portion of the structure located partially within the front setback and east side yard setback.**

Chair Deignan and Commissioner Heitkamp recused themselves from this item since they live within 500 feet of the subject property.

Vice Chair Stahl served as Chair

Senior Planner Toft presented the staff report. He stated the applicant is requesting a .40 FAR and not a .45 FAR as incorrectly stated on the notice. Staff received several items of late mail.

Vice Chair Stahl opened the Public Hearing.

Ms. Kerry Bogardus, property owner, made the following comments:

- She thanked the Planning staff for their assistance.
- They have been members of the community for almost 30 years and consider the residents on Bay View and the surrounding communities to be their neighbors.

- They take the concerns about neighborhood character seriously.
- They have attempted to visit the immediate neighbors and sent a letter offering to show their plans and hear their thoughts. They received one response.
- The structure is currently 905 square feet and they want to expand it to fit a family.
- They would like to keep the existing garage that is set back off the street.
- The design encompasses approximately 2,100 square feet. They feel this is a modest sized structure and smaller than a lot of neighboring houses.
- The request is for a 2% variance (102 square feet) over the allowable FAR.

Mr. David Holscher, applicant, made the following comments:

- They spent a lot of time analyzing the site and liked the old-fashioned style of the side yard coming into the garage with a green front yard.
- They tried to keep the envelope in the existing area and in the center of the site.
- The existing house is quite small.
- There are 5 very distinct parts of the front façade. The mid to high gables break up the front façade as viewed from the street (the story poles are somewhat confusing).
- One can not see out of the high windows facing the north. The windows are 5' over plate height.
- The house will feel to scale due to the breaking up of the mass by various methods.

Mr. Dwayne Price, Elm Avenue, made the following comments:

- He liked the idea of keeping the garage in the back. However, there will only be one car parked in the back because people will not want to park in tandem.
- The residents will park on the street.
- There are many people walking and biking along that street.

Ms. Dorothy Meyer, Pepper Lane, made the following comments:

- She has lived at this address on Pepper Lane for 52 years.
- The traffic along Bay View is very heavy.
- Cars park on both sides of the street.
- The residents will not park their cars in the garage but rather use it for storage. They will park on the street.

Mr. Doug Andeline, Bay View, made the following comments:

- He agreed with the comments made about parking.
- There are 12 children living on the street. Parked and speeding cars make it dangerous for the kids.
- The story poles were misleading and he heard another one was added.
- He respected the architectural details of trying to hide the mass, but it needed to be stepped back more.

Mr. Peter Cook, Elm Avenue, made the following comments:

- His deck overlooks the property.
- The house has been vacant for some time.
- The proposal would impact his view and privacy. They will be looking at the bulk of the structure from their deck.
- The design is fundamentally flawed relative to the size of the property.
- Numerous cars park on both sides of the street and impact traffic flow. The full parking requirement should be maintained.
- They are remodeling their lower level and they would be looking into the neighbor's windows.
- They should reduce the size of the second story and step it back.

Ms. Cathy Dennison made the following comments:

- She has known the property owners for over 20 years and can vouch for their character.
- A tremendous amount of thought and effort have gone into this design by an experienced team of professionals.
- This is a modest sized remodel. The existing home needs upgrading.
- The proposal is only 25 feet in height where 30 feet is allowed.
- It is well within the scale of the neighborhood.
- The property owners are willing to work with the neighbors.

Vice Chair Stahl closed the Public Hearing.

Commissioner McCluney provided the following comments:

- He is fascinated by the evening's discussion on parking and how it varies from neighborhood to neighborhood.
- The architect has done a nice job on the Craftsman style building.
- He agrees with the staff report and feels the proposal has too much bulk and mass.
- He would like to see some mass reducing techniques.
- The design is well articulated and he could not fault the look of the house.
- He felt the Craftsman style would fit into the neighborhood of ranch and tract homes.
- He agreed with the staff report regarding the one vs. two-car garage. He would prefer the narrower one-car garage.
- The FAR Exception request does not bother him too much, but he would prefer a slight reduction of the mass and bulk.
- He could approve the Exception Permit to relocate the windows and modify the roof height.
- He would like to continue the application so the applicant could "tweak" the design.

Commissioner Young provided the following comments:

- He agreed with the comments made by Commissioner McCluney.
- The building is top-heavy and he would like to see the mass broken up.
- The verticality of the building is disturbing.
- Although it is only 25 feet high, it appears to be much taller.
- He has not problem with the parking and the existing garage, but since this is an extensive remodel and addition perhaps something should be done to accommodate a proper garage.
- He is concerned about the overall mass and appearance of verticality without relief.
- He would like to continue the application and have the applicant's come back with revisions.

Vice Chair Stahl provided the following comments:

- The FAR does not overwhelm the site.
- He would like to see some reduction in the second story to solve the visual problem.
- The parking arrangement is reasonable for the site. He was comfortable with leaving it a one-car garage, although he feels no one will ever park there and it will become a home office. They are relying on the two parking spaces in the driveway.
- He was concerned about the height, mass, and bulk. The proposal suffers from "gable overload" on the front elevation (a hip might settle it down).
- The second story is set back quite a bit from the street but it feels like "a row house that is missing its neighbors." It is tall and filling out its bulk in a robust manner because it is right up to the edges of the site. He is particularly concerned about the east elevation.
- Craftsman style homes typically set the second story within the first story. There may be a need to step back some second story walls in some places or notch out corners to make things look like bay windows.
- The proposal needs some fine-tuning.

Vice Chair Stahl asked the applicant whether they would like a continuance or a denial without prejudice. Mr. Holscher stated they would prefer a continuance.

M/s, McCluney/Young motioned and the Commission voted 3-0 (Deignan and Heitkamp recused) to continue DR/FAR/VAR/EXC 05-39 to the August 23rd Commission meeting.

- 4. DR/EXC 05-40: 6 Boardwalk One (APN 22-240-16). Joan Collett Brown, applicant/property owner. Request for the following permits to legalize improvements and alterations made to unit 3 of an existing nonconforming dwelling group: (1) Design Review; and (2) Exception Permit to legalize improvements and alterations.**

Commissioner McCluney recused himself since he lives within 500 feet of the subject property.

Associate Planner Guiler presented the staff report.

Commissioner Heitkamp stated the area to the east (or south) of the house is part of the lot and this property is quite large in comparison to others along the Boardwalk. Associate Planner Guiler stated it was originally 3 parcels and is the largest lot on the Boardwalk.

Chair Deignan opened the Public Hearing.

Ms. Joan Brown, applicant, made the following comments:

- She thanked Associate Planner Guiler for his time and efforts.
- The lot is 19,436 square feet and is huge compared to others along the Boardwalk.
- This is the oldest Ark on the Boardwalk.
- Unit 3 has the following involuntary damage: 1) failing roof, walls, windows, and siding, 2) flooding, 3) serious electrical issues.
- The setbacks would respect the neighbor to the north.
- There would be minimal impact to the neighbors.
- The property provides necessary affordable housing.

Mr. Barry Phegan, Boardwalk One, made the following comments:

- He lives 8 feet from one of the walls and is looking forward to it becoming 10 feet.
- He is pleased to see the property being improved.
- He discussed an original permit application for this property that was for roofing and electrical work, but the entire structure was taken down. He was concerned the Building Department did not catch the change in work and did not coordinate with the Planning Department. He felt something fell through the cracks.
- He said that the application should be considered as though it were properly applied for.
- He was glad for the improvements, but was concerned with the process.

Associate Planner Guiler stated the Building Inspector was aware of what occurred at the residence and informed the Planning Department.

Mr. Herbert Launer, Boardwalk One, made the following comments:

- The building was originally on the property line.
- The applicant has made nothing but improvements to the property and the neighborhood. She should be allowed to finish.
- He supports the project.

Mr. Chris Schuepbach, Boardwalk One, made the following comments:

- He complimented the applicant for the overall improvements to the property and the neighborhood.
- He appreciates the efforts and improvements she has made.

Chair Deignan closed the Public Hearing.

Commissioner Heitkamp provided the following comments:

- This is definitely an improvement and the code was written in order to prevent the exacerbation of non-conforming structures.
- She has no problem with the proposal.
- She can make the findings.

Commissioner Stahl provided the following comments:

- He can support the application.
- He commended staff for their analysis of the application.

Commissioner Young provided the following comments:

- He supports legalizing the improvements.

Chair Deignan provided the following comments:

- He concurred with the other Commissioners.
- He liked the interpretation made by staff that takes into account the specific circumstances, the locale of the Boardwalk, and the intent of the original non-conforming situation. There was a good case for approval.

M/s, Heitkamp/Stahl motioned and the Commission voted 4-0 (McCluney recused) to approve DR/EXC 05-29 based on the findings and conditions set forth in the staff report and the staff interpretation of the ordinance.

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

BUSINESS ITEMS

1. Consider canceling the August 9, 2005 meeting.

Planning Director Kaufman stated there were no items for the August 9th agenda. It was the consensus of the Commission to cancel the August 9, 2005 meeting.

2. Commissioner's Reports

Commissioner Stahl stated the new restaurant next to City Hall is using the entire front curb for valet parking. He stated they should not have valet service at the expense of on-street parking. Planning Director Kaufman stated they are allowed to use one space. Staff will look into the situation.

3. Planning Commission Minutes of July 12, 2005

M/s, Stahl/Heitkamp motioned and the Commission voted 5-0 to approve the minutes of July 12, 2005 as submitted.

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary