

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF SEPTEMBER 27, 2005

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

Commissioners Present: Vice Chair Jeff Stahl, Helen Heitkamp, Chris McCluney, Richard Young

Commissioner Absent: Chair Monte Deignan

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 Commission will meet on October 4th for the Oak Road EIR Public Hearing.
- She stated that the November 22nd Commission meeting is often canceled due to the holiday and she asked the Commission to consider meeting on November 15th instead of the regularly scheduled meeting of November 8th.
- She asked the Commission to consider continuing item #4 depending on the amount of time given to the other items.

APPROVAL OF CONSENT CALENDAR ITEMS

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

1. **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 2,129 sq. ft. two-story single family dwelling with an existing 248 sq. ft. garage: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to permit a 0.39 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. This item was continued from the Planning Commission's August 23, 2005 meeting.

Commissioner Heitkamp recused herself since she lives within 500' of the subject property.

Senior Planner Toft presented the staff report. He stated staff received one item of late mail.

Vice Chair Stahl asked if the Building Department was consulted about the proximity of the second story to the chimney. Senior Planner Toft stated the applicants have indicated it would be a gas fireplace.

Vice Chair Stahl opened the Public Hearing.

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

- He confirmed that the fireplace would be gas and it was a faux chimney.
- They finessed the design and worked a lot with the gables.
- Mullings were added to the upper portion of the windows. Horizontal siding was added along the lower band, and the railing is now open.
- The FAR has been reduced to .39.
- The mass of the east elevation was broken up and has four distinct planes moving back.
- The rear roof was modified to be consistent with the other gables.
- The garage was changed back to the way it is, without the added doors.
- The color scheme was simplified and blends in with the surrounding.

Vice Chair Stahl stated they eliminated the roof piece on the east elevation between the first and second story and he asked if the first floor pushed in or the second floor pulled out. Mr. Holscher stated they pushed in the first floor.

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

- Many of the neighbors are still concerned about the proposed parking and how it affects the cars on the street and pedestrians.
- The variance for the parking is not warranted.
- He was encouraged by the Commission's guidance to reduce the size of the top floor; however, it has been increased. He would like to see the size of the top floor reduced substantially.

- Much has been done to the front façade but he was disappointed that not very much was done to the north elevation. The revisions to the north elevation are detrimental.
- He was concerned about the change in the eyebrow windows. The windows are increased in size and the french doors have been moved outward toward his property.
- The revised proposal is a big negative step from the prior proposal.
- The privacy issue still exists and has been further detracted from.

Vice Chair Stahl closed the Public Hearing. He noted that the Planning Commission had previously reached consensus on the parking proposal and the exception for the windows and roof. The primary focus is on the design.

Commissioner McCluney provided the following comments:

- He concurred with the staff report and was ready to approve the project.
- The design changes, at this point in time, were minor and each iteration was simply a matter of fine-tuning.
- The architect has the right to add his “two cents” to the design of a traditional Craftsman style home.
- He disagreed with Mr. Cook’s concern about the windows and stated the distance between the two homes was so great that there would be no privacy issue.
- He approved the proposed parking and the garage.

Commissioner Young provided the following comments:

- He agreed with the comments made by Commissioner McCluney.
- The design has come some distance through a slow and painful process. He can approve the design.
- The FAR is approximately 70 square feet over what is permissible and is reasonable.
- The distance between the two homes is approximately 83 feet and, given the landscaping, there would not be a privacy issue.
- The parking arrangement was acceptable.
- He had no problem with the exception to relocate the windows.

Vice Chair Stahl provided the following comments:

- The design did not go in the direction he had imagined or expected. However, there was progress and it was not at the point where it would be rejected.
- The parking will be adequate for the site.
- The house would be a good fit in the neighborhood.
- There is adequate separation between the two homes to provide privacy.
- He is ready to approve the application.

M/s, McCluney/Young motioned and the Commission voted 3-0 (Heitkamp recused herself, Deignan absent) to approve DR/FAR/VAR/EXC 05-39 based on the findings and conditions set forth in the staff report.

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

2. **PP 05-24: Drake's Cove Subdivision, north side of East Sir Francis Drake Boulevard east of Larkspur Landing Circle and the Historic Brick Kiln property (formerly APN 018-191-41; Lots 1-23). Larkspur Capital Partners, LLC (aka Monahan Pacific), applicant/property owner. Request for Heritage Tree Removal Permit for sixteen (16) heritage trees located within permitted development areas as approved under the Precise Development Plan for the Drakes' Cove Subdivision. A site landscaping plan and tree restoration plan has been submitted to establish compliance with condition g. of the Revised Development Standards and Conditions of Approval for the Precise Development Plan.**

Senior Planner Toft presented the staff report. He stated staff received two pieces of late mail.

Planning Director Kaufman stated the applicants tried to submit a landscape plan prior to the City arborist's review and conclusions. Staff did not accept the plan and asked them to wait for all comments so they could submit a completely revised plan. Staff has had problems with the applicant submitting plans with minor revisions instead of comprehensive revisions that are contained in a single plan.

Commissioner Heitkamp stated there have been changes in the whole program for the project and she was concerned about the removal of trees in the development areas. She asked if purchasers of the lots would be locked into the approved building footprint and design. Planning Director Kaufman stated "yes". Commissioner Heitkamp asked who would build the homes. Planning Director Kaufman stated if the lots were sold the individual homeowner would choose a builder. Commissioner Heitkamp stated she was concerned that the homeowner would want to be able to choose a design and have a say in the plans. Planning Director Kaufman agreed and added the applicant must make any potential buyer aware of the approved plans. Commissioner Heitkamp asked if it were possible to hold off on approving the removal of trees in the development areas until the lots were purchased since the buyers would want to capitalize on the views and try to achieve some open space. Planning Director Kaufman stated that might work for some of the trees but additional grading was required in lots #16 through #19. She was concerned about the lots being sold prior to the completion of the preliminary grading. This could result in a substantial amount of grading going on after people have moved in. In addition, the grading and tree removal permits would be a burden on the future property owners.

Vice Chair Stahl asked for clarification on the issue of off-site planting of replacement trees. Senior Planner Toft stated the conditions of approval are not specific in terms of

how the replacement would occur but it does specify a ratio of 2:1 or 4:1 depending on the size. The Tree Ordinance is not specific to location; however, unauthorized removals have to be replaced with similar species and size. Given the amount of replacement trees that are needed, other areas around the site or off-site might be suitable.

Vice Chair Stahl opened the Public Hearing. He noted that two letters were received on the dais, one from Marin Audubon Society and the other from Monahan Pacific.

Mr. Victor Gonzales, representing Monahan Pacific, made the following comments:

- The original thought was that each house would come in with their own tree removal permit request.
- Throughout the entire process they knew there were trees in the building footprints and they had little flexibility to move the houses due to the clustered nature of the project.
- It was difficult to locate many of the trees on the site given the slope and thick brush.
- Many areas of the site were not inventoried (around the PG&E tower, etc.).
- The approved landscape plan he referred to in his letter is the Precise Plan approved landscape plan.
- It makes more sense to plant the trees on-site and there are many areas available for this. There are four to five acres of open space.
- The new trees will need two years of temporary irrigation. This would be difficult to guarantee off-site.

Commissioner McCluney asked Mr. Gonzales how many units they were going to build and how many they were going to sell. Mr. Gonzales they have not made that decision. Commissioner McCluney asked when this idea came up. Mr. Gonzales stated it was always an option in their minds and may have not been communicated well to the City. This is a very common practice in other communities. Commissioner McCluney asked about the on-site vs. off-site issue and the placement of trees. Mr. Gonzales stated they would try to locate trees so they would not block views and to use them as screening and clustering. They would be placed in common and conservation areas for the most part.

Commissioner Young asked about the criteria for the removal of the trees and felt that some may be far enough away from development to allow them to remain. Mr. Gonzales stated the arborist would determine this and development in the canopy of the tree would effect the root system. They are into the canopy of all of these trees. Planning Director Kaufman stated some of the trees might be impacted by grading.

Vice Chair Stahl asked if the applicants were required to do the rough grading. Planning Director Kaufman stated “yes” and there was a significant amount of grading still to be done. Some of the grading crosses property lines. Vice Chair Stahl was concerned that if the master developer could not protect the trees how could they expect 23 individual

homeowners to do so. He asked Mr. Gonzales or the landscape architect for a comprehensive idea of the overall landscape approach.

Vice Chair Stahl had questions about the Homeowners Association Easement (HOAE). Mr. Gonzales stated there were two areas that were not home development areas. The homeowner's easements were areas of formal landscaping with irrigation that were located up the road. As you drive up the road you get a traditionally landscaped view. This is the responsibility of the homeowner. The small bit in front of #1, #2, #3, #4 is also homeowner areas. As you view the project from Sir Francis Drake you will get a formal feeling of landscaping. Beyond that it is predominately conservation areas-between the houses, at the PG&E tower, up on the corner, and along the connecting road. Vice Chair Stahl asked how the plans indicate what is within the individual homeowners' scope to landscape as they wish and what areas are restricted. Mr. Gonzales stated "inside the development area". Planning Director Kaufman stated the Precise Plan originally stated that homeowners would install the fencing around the property. Revisions to the Precise Plan require some fencing to delineate the conservation and homeowners association areas. There will be 3 foot high fencing throughout the development prior to the sale of lots, some of which the homeowners will be able to replace per the approved fencing plans.

Mr. Ralph Alexander, landscape architect, made the following comments:

- He discussed the landscape plan. He stated that the revised plan showed 96 Oaks and the landscaping approved by MMWD Planning Director Kaufman asked Mr. Anderson the date of the plans. Mr. Anderson stated they were dated 9-12. Planning Director Kaufman asked Mr. Anderson not to discuss any plan that has not been reviewed by staff or the City arborist.
- He addressed the issues by number that were brought up on pages 6 & 7 of the staff report: 1) and 2) have been addressed by Mr. Gonzales and will be negotiated, 3) the original plan had all 24" box specimens and they are open to mixing up the sizes, 4) the Bishop Pine was not his favorite choice, the Canary Island Pine is messy, the Italian Pine is very slow growing, and he suggested substituting the Pines with Oaks, 5) the Red Maple would be a good choice along frontage, 6) they could add some trees in the very narrow corridor of units 5-8 but he would prefer not to; he referred to units 1-4 and stated trees near the street would provide more screening and have less chance of blocking the view; trees would be located at least 10' from the street, 7) the lower growing Manzanita and Coyote Brush are considered non-pyrophytic if properly irrigated and are listed by UCLFP as fire resistant, 8) there is only one conservation easement that has groundcovers and shrubs and they are all natives.
- They have tried to do a planting scheme that is water conserving and native and natural in character.

Commissioner Heitkamp stated there should be an identity/focal point at the western entrance corner at Sir Francis Drake Boulevard. Mr. Anderson stated there would be a

sign with the name of the development surrounded by cluster of Red Sunset Maples. Commissioner Heitkamp suggested they add a more dramatic tree such as an Oak or Buckeye Tree. Mr. Anderson stated this was a good idea.

Vice Chair Stahl referred to the tree survey plan and stated some of the trunks have “X’s” on them. Mr. Gonzales stated that was a composite of the entire grading plan and those “X’s” indicate trees that were marked for removal.

Commissioner Young asked if the tree numbering referred to the tag numbers and not the Heritage number. Mr. Gonzales stated “yes” and added most of the trees were not Heritage trees.

Mr. Bob Burton, Mill Valley resident, made the following comments:

- He is horrified by this project and how it is progressing- massive retaining walls, huge cuts, more than twice as many trees removed than approved, and endless problems. He can not believe the project got a Mitigated Negative Declaration and stated they would not have had all these problems if an EIR had been done.
- This project is an outrage and a burden on the community.
- He urged the Commission to not approve the removal of more trees and to listen to the Audubon Society.

Vice Chair Stahl closed the Public Hearing.

Vice Chair Stahl stated there were a number of circumstances that occurred including the discrepancies between the initial survey and development plans, the over excavation, and the additional tree removal. However, the issue before the Commission was the request to remove 16 trees and how the trees removed should be replaced.

Planning Director Kaufman stated the development has had problems and mistakes have been made. However, when the project was reviewed by the City they were looking at a clustered development in order to preserve more land and quite a bit of acreage has been preserved. They also saw the opportunity to gain needed affordable housing. They should try to keep the positive aspects of the project in the forefront.

Commissioner McCluney provided the following comments:

- There were positive aspects to the project including the potential for workforce housing units.
- He addressed the issues brought up on pages 6 & 7 of the staff report: 1) the more Oaks the better; 2) it was hard to believe there would be an overcrowding situation on the site and he did not see why the replacement trees should be located off-site; 3) there may be an advantage to the smaller trees; 4) he had no problem substituting the Oak for the Pine; 5) this point is moot; 6) he would like to see some landscaping under units #5-8, if possible; regarding units #1-4, he would prefer to keep the tree

planting closer to the road; 7) there were good arguments on both sides; 8) he would prefer natives.

- He agreed with the staff recommendation regarding the removal of more trees, but he was not sure why #s 134, 210, and 104 were proposed for removal.. He did not understand why some of these trees were not marked long ago.
- He was glad there was a fine for the trees that were “inadvertently” removed.

Responding to a question from the audience regarding the affordable housing component, Planning Director Kaufman clarified that the developer did donate a parcel of land to EAH to build 24-units of affordable housing and that EAH was willing to accept the property. The property was transferred to EAH and unfortunately they have run into financing problems relative to the project.

Commissioner Heitkamp provided the following comments:

- She stated there have been major problems with this project and they have lost her trust.
- The project is an eyesore and a bleak exposure of the hillside. They need to alleviate this problem and make a project that is visually tolerable.
- She liked the rhythm of the Oaks going up the street.
- She liked the idea of a Buckeye tree at the entrance corner.
- She has a problem with the Manzanita and Coyote Brush. It might make more sense to maintain the rhythm of planting that goes along that street (Lantana, Lillies, etc.)
- Smaller trees make a steep curve in growth and then level off. They would have a better chance of adapting in the more constrained locations.
- She liked the idea of switching the Pines to Oaks.
- The major problem she has is with the removal of trees on future development parcels. She objected to future homeowners having to “foot the bill”.
- She could not move on the application tonight since there were a number of issues that are not resolved, including inconsistency in the plans.

Commissioner Young provided the following comments:

- He agreed with Mr. Burton and stated this project should have had a full EIR. Environmental monitoring of the site during rough grading and development would have been beneficial.
- He was in favor of an increase in Oak trees.
- He was in favor of planting some of the trees in Miwok Park.
- He would like to see a 48” box tree planted along with each 15 gallon. This would provide more variety in size.
- He was in favor of substituting the Oak for the Pine.
- He liked the idea of a Buckeye tree at the entrance.
- There could be some additional planting between areas #6 and #7 and to the west of #8.

- He would leave the issue about the Manzanita and Coyote Brush up to the City's arborist.
- Native plants were preferable.

Vice Chair Stahl asked if there was anything preventing them from planting trees on Parcel A. Senior Planner Toft stated that trees could be planted in Parcel A, but that there was a PG&E easement running through the parcel. Planning Director Kaufman stated staff would prefer to see additional trees planted around the area of tree #104.

Vice Chair Stahl provided the following comments:

- There is a general sense of frustration among the public, Commission, and staff.
- He feels they never had a "full deck of cards with which to play" and it was difficult to truly understand the intent of the development.
- He thought part of the PUD process would include a comprehensive look and plan for development and not a piecemeal approach.
- It was unrealistic to think that an individual would spend an enormous amount of money and not want to build his or her custom home.
- The process seemed to be unraveling. He would like to use any mechanism possible, including a Heritage Tree Permit, to tighten up the City's position and ability to direct this development.
- He would like to see presented an overall vision for the landscaping and he has always felt it should be an integration of the private space around individual homes with a sense of integrity of an overall natural landscape plan.
- He wanted to know why they were not putting trees back into the development areas. He was concerned that they were leaving at will the redevelopment of the landscape area around the homes.
- They should think about requiring that a certain number of Oak trees be planted within the individual development areas of the individual parcels.
- He felt they could not act on the application tonight.
- He would like to reexamine where the trees would be planted- not based on decorating the margins of the roadway but rather creating an integrated environment.
- He would like to see more clarity in the process because he does not feel good about what has been done on the site.

Commissioner Young stated he would like to see the development plans for sites #16 through #19 reconsidered and felt that half those trees could be saved. Vice Chair Stahl stated this was a good point. Commissioner Heitkamp reiterated that she was not in favor of trees being removed in the development parcels. Planning Director Kaufman stated the footprints are approved as a part of the Precise Plan and changes to the footprints would require an amendment to the ordinance by the Planning Commission and City Council. Commissioner Young stated they were approved without proper

information. Commissioner Heitkamp stated she would like to get some direction from the City Council on how to proceed.

Commissioner McCluney stated he does not remember any discussions about the development of lots by individual homeowners. Planning Director Kaufman stated the initial submittal stated the applicants planned to “subdivide and construct”. Beyond that she found no reference to who would develop the lots. She stated she has never seen a development that did not offer at least three to five design options when selling a vacant lot in a PUD. Commissioner McCluney stated this has been a fundamental miscommunication and he would like this issue to remain in the forefront. Planning Director Kaufman stated the revised Precise Plan incorporates some conditions that clarifies what needs to be done before the lots are sold. Staff would like the applicants to plant the trees and wrap up the project.

Planing Director Kaufman stated staff’s recommendation is for the Commission to continue the landscape plan to enable the applicants to revise the plan according to the Commissions concerns.

Mr. Gonzales stated there is an option to bond for the trees in the revised ordinance. They are working with inches and not feet in the building footprints. They donated 2.5 acres to Miwok Park.

Vice Chair Stahl provided the following comments:

- There should be a higher percentage of Oak trees in the mix. This should be left to staff to negotiate.
- He would like to consider a program to encourage planting of Oaks in individual development areas. He would suggest a bonding program to ensure installation.
- He asked for comments about possible off-site locations. He stated the staff suggestion of more trees along the access road to the Sanitary District site was a good idea. Locations should be flexible for staff to make recommendations.

Commissioner McCluney stated he would like to remain somewhat flexible. Commissioner Heitkamp stated Vice Chair Stahl’s suggestion was the best- replacement should be within the denuded areas and some should go to the homeowners to plant as an amenity. Each lot should have at least one Oak tree. Planning Director Kaufman stated they could require that one to two Oaks be available per lot that they be bonded.

- Vice Chair Stahl stated the 15-gallon trees would establish root systems more vigorously. Planning Director Kaufman suggested a certain percentage mix of 48” and 24” boxes and 15 gallon, to be determined by the City arborist.
- Pines should be swapped for Oaks.
- There was a consensus to add a Buckeye as a possible swap for the Red Sunset Maples.

- He was in favor of additional landscaping below units #5-8 and #1-4, if feasible; also, east and west of #5-8.
- There was a consensus for a continuation of the rhythm of planting along Sir Francis Drake Boulevard (i.e., similar softscape to properties along E. Sir Francis Drake).
- There was a consensus for native groundcover, shrubs, and trees.
- He asked for comments about a different development strategy for lots #16 through 19.

Commissioner Heitkamp stated if the grading requires removal of the trees then they have no choice. She has a problem with the change in the parameters of the project and would like feedback from the City Council. Commissioner McCluney did not agree that it needed to be sent to the Council. Commissioner Young stated he would not vote to remove the trees and he would like the lots recast and would be in favor of the possibility of other building footprints and reconfigured lots. Planning Director Kaufman stated there was a slide in the area of lots #18 and #19 and it might not be possible to save the trees. She discussed the possibility of saving trees #332, #339, and #366. She stated lot configurations could not be changed since they were part of a Final Map.

- ◆ Vice Chair Stahl stated he could support coming back with a “sharper pencil” about what trees it might be possible to save by better strategies about protecting the trees or some amount of re-grading.

Mr. Gonzales stated this was the last bit of grading they need to do to get the site ready for the winter and that they wanted to get started before October 15. He would be willing to withdraw trees #339, #332, and #366 from this request and come back with a more specific house plan on that site. Commissioner Heitkamp asked about lot #13. Mr. Gonzales stated that was a questionable one since the tree canopy was within the house footprint. Commissioner Young asked about using pier instead of spread footings. Mr. Gonzales stated that would not matter. He would be willing to remove tree #134 off the list.

Vice Chair Stahl asked if they could approve some trees outright and make the approval of others contingent on further analysis or review. Planning Director Kaufman stated “yes”.

M/s, Heitkamp/McCluney motioned and the Commission voted 4-0 (Deignan absent) to approve the removal of trees on lots #18 and #19, and tree #104 on Parcel A, based on the findings set forth in the staff report and the fact that the grading crosses property lines and needs to be done. The Commission will reserve judgement on all other trees pending further analysis. There was a consensus on items #1 through #8 as delineated by Vice Chair Stahl.

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

3. **DR/UP/VAR 05-31: 19 Greenbrae Boardwalk (APN 21-012-32). Kimberly Jessup, Jessup Associate Architects, applicant; Lura Crossley, property owner. Request for the following permits to allow for the reconstruction of an existing single family dwelling and accessory building on the Greenbrae Boardwalk: (1) Design Review; (2) Conditional Use Permit; (3) Variance to the applied T-R district *height* regulations to allow a new 17-foot tall building, where 15 feet is the limit; (4) Variances to the applied T-R district setback regulations to allow for the reconstruction of the main dwelling and accessory building with the following encroachments (*in italics*) within the required 20-foot front yard (7.5 feet), 5-foot side yard setbacks (*approximately 4-feet*), and 6-foot rear yard setback (*less than 2 feet*), and (5) Variances to the applied T-R district *lot coverage* regulations to allow a lot coverage of 71% where 40% is the limit.**

It was the consensus of the Commission to deal with this item as a Consent Calendar item.

As a Consent Calendar item, M/s, Young/Heitkamp motioned and the Commission voted 4-0 (Deignan absent) to approve DR/UP/VAR 05-31 subject to the findings and conditions set forth in the staff report.

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

4. **STUDY SESSION to consider possible future amendments to Section 18.35 of the Larkspur Municipal Code regulating floor area ratio standards and limitations for residential districts.**

It was the consensus of the Commission to continue this item to October 11, 2005.

BUSINESS ITEMS

1. Commissioner's Reports

The Commission presented Associate Planner Guiler with a Certificate of Recognition for his outstanding work and wished him well in Boulder, Colorado.

2. Planning Commission Minutes of September 13, 2005

M/s, Young-Heitkamp motioned and the Commission voted 3-0 (Deignan absent, McCluney abstained) to approve the minutes of September 13, 2005 as submitted.

The meeting was adjourned at 10:05 p.m. in honor of Associate Planner Karl Guiler.

Respectfully submitted,

Toni DeFrancis
Recording Secretary