

LARKSPUR PLANNING COMMISSION
SPECIAL MEETING
MINUTES OF OCTOBER 4, 2005

The Larkspur Planning Commission was convened at 7:30 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
Lorraine Weiss, Contract Planner

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- She asked the Commission to comment at the end of the meeting about the e-mailing the agendas and staff reports.
- The City Council will hold a CLASP Public Hearing tomorrow at the Hall Middle School Gymnasium at 7:30 p.m.

PUBLIC HEARING

1. **CAP/SUB/UP/HT 04-79: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE OAK ROAD MERGER/SUBDIVISION PROJECT. Pacific Design Group, applicant. Project location: the approximately 2.2 acre project site is located on Oak Road from its intersection with Wilson Way to its northerly terminus, in the City of Larkspur's Madrone Canyon neighborhood. The project includes assessor parcels: 21-037-03, -10, -12, & -13; 21-032-01, -02 & -07; 21-031-01, -03 & -04, and the Oak Road right-of-way. The road improvements for the project also cross over APN 21-032-07. Project description: The project applicant, Pacific Design Group, proposes the merger of nine existing single-family residential parcels into three lots for future construction of three single-family residences. The proposed resubdivision and road construction actions would facilitate future single-family residential development on a fourth off-site lot (APN 21-032-09) that would be served by the new road and associated storm drainage, sewer, water, and other utility improvements. The proposed project includes reconstruction of 959 feet of Oak Road (20 feet wide) from the intersection of Oak Road/Wilson Way to the**

northerly terminus of the Oak Road right-of-way. The proposed roadway improvements have been designed to meet City engineering standards, and would include construction of a system of hillside retaining walls.

Contract Planner Weiss provided a brief staff report and indicated that the purpose of the meeting was to receive public comments on the Draft EIR and not on the merits of the project. She introduced the applicant and the EIR consultant.

Chair Deignan opened the Public Hearing.

Mr. Richard Berling, representing Pacific Design Group, made the following comments:

- He discussed the history of the project.
- They purchased nine lots many years ago and the major issue has been the improvement and widening of the road.
- They purchased an easement in order to widen the turn radius.
- The road width went from 16 feet to 18 feet to 20 feet.
- The project includes a 20-foot wide access to Parcels #1, #2, and #3. Two lots will be merged into one to create Parcel #1; three lots will be merged into one to create Parcel #2; and four lots will be merged into one to create Parcel #3.
- They were asked to do an EIR in 2002.
- The road design has been approved by Mr. John Hill, the City's consulting engineer.
- The road will have significant drainage improvements.
- The wall will be planted with fig ivy and trees will be planted near the turn.
- The intersection at Wilson Way and Oak Road will be designed so a driver can see both ways.
- He reviewed the approximate lot sizes and stated they are more than adequate.

Mr. John Wagstaff, representing Wagstaff & Associates, the EIR consultant, made the following comments:

- He discussed the EIR process, the scope of the EIR, and presented the major findings of the EIR.
- They are under contract with the City and the EIR is an independent analysis.
- He distributed a handout to the Commission and identified eight environmental issues that were analyzed in detail in the EIR: aesthetics, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, public services and utilities, and transportation and circulation.
- He described the aesthetics impacts of the project and explained the visual simulations in the Draft EIR. He noted that the document shows what would be allowed at the absolute maximum permitted by code without any variances. He

added there are no residential designs for the project at this time and that the home sites shown were provided by the applicants as possible home locations.

- The Final EIR should be available around mid-November and ready for consideration of certification in December.

Mr. Ray Pendro, representing Wagstaff & Associates, made the following comments:

- He gave an overview of the impact analysis relative to geology and soils, public services and utilities, transportation and circulation, and other impacts including biological, hazards, hydrology and water quality, and land use and planning.
- He noted the EIR did not identify any significant unavoidable impacts.
- He summarized the alternatives as described in the EIR.

Commissioner Young asked whether or not Viewpoints #2 and #3 were shown with massing at the maximum height of 30 feet. Mr. Wagstaff stated “yes” and explained that the maximum height limit was shown even though the applicants have proposed lower building heights.

Commissioner Deignan opened the public hearing.

Mr. Glen Cox, Oak Road, made the following comments:

- He was most affected by the project.
- He referred to Figure 4.2 in the EIR and stated there is a 5-foot high rock wall and 3 feet of dirt overhang at the corner of his property. He is concerned that the trees removed in front of his property would destabilize the soil that holds the overhang and corner together. He wanted assurance that the proposed retaining wall would wrap around the corner of his property and that it would not be 6 feet high but larger to preserve the overhang, root system, and corner of his property.
- He stated that when he was installing a drainage pipe, he met with the Public Works Director and that the Director had recommended not putting the drainage pipe at the corner due the instability of the slope.
- The proposed retaining wall footings would come within one foot of his house.
- He noted his property is surrounded on three sides by utility wires and he was concerned that additional wires would be added around his property. He asked if the utilities associated with the project would be undergrounded. He was particularly concerned about high voltage wires being installed near his property.

Chair Deignan noted the EIR does take into account his concerns. Mr. Wagstaff referred to Impact and Mitigation 6-3 which requires that the design-level geotechnical study address the undercutting impacts of the roadway construction.

The Commission had a brief discussion about whether questions should be addressed at this meeting or just collected for response in the Final EIR. The Commission agreed that questions with just one sentence responses could be responded to.

Mr. David Thompson, Wilson Way, made the following comments:

- He referred to Figure 4.2 and asked if a stop sign or traffic signal would be installed at the intersection of Oak Road and Wilson Way. He asked if this was included in the analysis, and if it was not included, why not.

Ms. Lisa Davonen, Hatzic Court, made the following comments:

- She referred to Impact 11.2, Mitigations F and G and stated there is only one way in and out of the canyon area and she was concerned about construction impacts along the roads.
- Notification of road blockages by mail would not help in the event of an emergency. Emergency vehicles need to be placed on both sides of the road blockage.
- She asked about the location of the staging of equipment and worker's vehicles.
- Documentation of road conditions would need to be done since construction vehicles will use Hatzic Court and Polhemus to turn around.
- The condition that drivers stay in their vehicles will not work because they will not move for her to get around.
- Additional, detailed mitigation is necessary to ensure that residents can egress the canyon area.
- The mitigations cited for construction impacts need to be required of all streets not just those noted in the EIR.

Ms. Leigh French, Oak Road, made the following comments:

- She noted that a friend spoke for her at the scoping meeting.
- She stated it was difficult to read the small print on the maps in the EIR.
- She distributed photographs to the Commission of her house and the road. (Note: she collected the photographs back at the end of the meeting.)
- She met today with the applicants on the site.
- She has lived at this address for 38 years but is currently living in L.A. She plans to move back in a couple of years when she retires.
- The aesthetic impact on her property will be enormous when the trees and vegetation are removed.
- She will have only one space for parking. She had a carport at the back of the property but the City made her remove it.
- She maintained the road herself until she moved to L.A. She wants to continue to have access to the back of her property.
- She just finished rebuilding her staircase and the plans show that it will be moved because it is in the right-of-way. The EIR does not address where it will be

relocated. She wanted to know how she would her property both by foot and vehicle and what would be the appearance and design of the staircase.

- There are no retaining walls in the area and it is completely rural.
- They are turning the area into a subdivision.
- There will be huge aesthetic impacts to her property and the surrounding area.
- She is concerned about parking impacts.
- There is a sheer drop in front of her property and the hill will be compromised when the trees are removed and they cut into the hill.
- The access to her house would change and she would like to know how she could maintain reasonable access to her property.

Albert and Linda Goldberg, Oak Road, make the following comments:

- She was concerned about the aesthetic impacts to her property since this was not addressed in the EIR.
- She distributed “before and after” photographs of the road above her house.
- They love living in a rural area and a concrete wall and guardrail are incongruous with the area.
- They wanted to know why the guardrail was shown where it is, when other areas are steeper. They also wanted to know if the guardrail was necessary for the full span.
- Their steps are not shown in the right location.
- The fire hydrant is in direct view from their property and they wanted to know if it could be moved 15 feet so it was not visible from their deck.
- They were concerned that the creeping fig ivy would take 3 to 5 years to mature and the EIR is vague on how it would be taken care of in the long-term.
- They presented a large copy of the project plan with the drainage channels and new drains highlighted.
- The swale across their property may be able to handle the water flow proposed, but the analysis does not include the build up of rocks, leaves, and debris. A portion of the swale failed once before. They were concerned about the build-up of debris and wanted to know who would clean it out. The EIR does not address the debris.
- They would be in favor of the proposal indicated on page 8-13 which would reroute the water to Parcel #3.
- They noted a portion of the road is failing at 6 Oak Road and they wanted to know what would be done if it does fail.
- They would like to see a “rent-a-fence” installed in front of their driveway since it is very wide and would be used by construction vehicles as a turn around.
- They would like the developer bonded in case there is any damage done to their property.
- There is no mention in the plan of sidewalks for pedestrians on Oak Road.
- They wanted to know if the owner of the fourth lot would be assessed to help pay for the road.

Mr. David Ratner, Polhemus Road, made the following comments:

- Overall the EIR is a good summary of the impacts and problems that would be created by the project.
- Polhemus Road and Wilson Way would be impacted by the project.
- He asked for clarification on whether the road would go all the way to the end where a hammerhead was previously proposed. He asked if anything was proposed at the end of the road facing the homes on Polhemus Road and Wilson Way.
- He referred to Parcels #1, #2, and #3 and the proposed location and size of the homes. He stated the location and size of the home on Parcel #1 would be visible from his deck and would impact his, and his neighbor's, view of the ridgeline.
- He asked whether approval of the EIR was approval of house sites. He noted that the mitigations deal with design review and not the location of the homes. He asked if they could be moved after approval of the EIR.
- If the applicants could acquire the Harnett property and merge theirs with it, this would help mitigate views.
- He stated it should be noted that approval of the EIR is not an entitlement to the house locations and sizes, particularly floor area ratio (FAR).
- The EIR does address the removal of trees- not removing trees would be the biggest mitigation measure of his and his neighbor's views.
- He is concerned about the impact on the roads and the construction management plan.
- Emergency vehicles need to have access at all times.
- The roads are in bad shape and this needs to be taken into account with the proposed extent of construction.

Mr. Jim Hollander, Wilson Way, made the following comments:

- The EIR inadequately addresses life and safety issues in the canyon. He is concerned about emergency vehicles trying to get in while others are trying to get out. Improvements need to be made before approval of a major lot merger.
- They should look at Madrone Avenue between Jones and Redwood- it is impossible to pass when trucks come down the road. This should be addressed by a traffic engineer.

Ms. Cindy Daly, Wilson Way, made the following comments:

- This is an excellent document.
- She had concerns about the construction management plan, in particular the staging of vehicles in the canyon area and where workers would park.

- She asked if the Harnett lot was a buildable lot and how many homes could be developed on this parcel. She was concerned about a piecemeal approach. This site needs to be addressed.
- She asked about a construction management plan for the water line along Wilson Way.
- There should be an emergency plan when the water is turned off.

Ms. Linda Goldberg, Oak Road, made the following comments:

- She had questions about the Zabrowsky property and stated there were three abandoned structures on it. She asked whether it would be a part of the proposed project.
- She asked if development of this property was taken into account.

Ms. Leigh French, Oak Road, made the following comments:

- Her neighbor, Mr. Marino, is concerned about the trees in front of his property being removed and the cutting away of the front of his property.
- Her home, along with Mr. Marino's home, would be severely challenged as the nature of Oak road changes due to this project. This would result in a radical alteration of their lifestyle.

Chair Deign closed the Public Hearing.

Commissioner McCluney provided the following comments:

- He asked why the issue of Indian middens was not addressed in the EIR.
- He noted there were no variances or FAR Exceptions requested.
- He asked if the size of the homes shown complied with development standards.
- The comments made addressed most of his concerns.

Commissioner Heitkamp provided the following comments:

- The report did a good job on assessment of the road.
- She is concerned about the feasibility of developing the sites and the future grading and excavation of the sites. She was also concerned about construction management for the future homes.
- She was concerned about the feasibility of building small homes on these lots considering the costs to build, and future requests for variances and FAR exceptions. The Commission would need to make the appropriate findings to approve this subdivision without any future variances.
- There will be significant grading to develop the sites which will be quite a challenge- particularly Parcel #3 which is very linear.
- She stated they could not create sites that were contrary to the Slope Use Permit Ordinance and the General Plan.

Planning Director Kaufman noted that the project was merging existing lots, which is allowed under the Slope Use Permit Ordinance.

Commissioner Stahl provided the following comments:

- He agreed with several of the comments made by Mr. Cox, specifically the condition of the road, lighting impacts, proposed power lines, and aesthetics. All of these issues should be addressed in the EIR.
- He asked if there was a lighting plan for the roadway.

Commissioner Young provided the following comments:

- Most of his concerns have been addressed relative to the impacts of the development on the site.
- He is concerned about the aesthetics of the wall, its height, and whether or not it could be broken into more manageable segments.
- He is concerned about the geotechnical feasibility of the home sites.

Commissioner McCluney provided the following comments:

- He would like to see an economic analysis of the value of the lot vs. home size if no variances were granted.

Planning Director Kaufman stated an economic analysis is not required as part of the EIR process and it would be unusual for the Commission to require one for a project of this size. Staff would consult with the City Attorney about this request. Commissioner Heitkamp stated it could be a CEQA problem if the lots are not large enough for the house sizes relative to making the project economically feasible. Mr. Wagstaff stated if homes are proposed larger than what is in the EIR than a supplemental analysis would be required. Planning Director Kaufman stated that since single family homes are exempt from CEQA and the mitigation measures are primarily design review and implementation of the City's other regulations, it could not be said definitely that additional analysis would be required.

Chair Deignan provided the following comments:

- He asked if the analysis could include a scenario of homes 50% over what is allowed.

Commissioner Heitkamp stated that she was concerned about not being able to make the findings for approving a subdivision. Planning Director Kaufman noted that merging the lots from nine into three would be an improved situation. Mr. Pendro stated the developer is not requesting approval of the houses at this time.

Chair Deignan thanked everyone for his or her comments.

BUSINESS ITEMS

1. Commissioner's Reports

The Commissioners gave feedback on the e-mailed agenda and staff reports and suggested that in the future she include a request in the e-mail to confirm receipt since the electronic receipt confirmation did not work in all cases.

Commissioner Stahl stated he would not be at the October 25th meeting.

Commissioner Heitkamp discussed the vineyard planted at the end of Post Street.

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary