

LARKSPUR PLANNING COMMISSION MEETING  
MINUTES OF OCTOBER 11, 2005

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

Commissioners Present: Chair Monte Deignan, Chris McCluney, Jeff Stahl,  
Richard Young

Commissioner Absent: Helen Heitkamp

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

**OPEN TIME FOR PUBLIC EXPRESSION**

There were none.

**PLANNING DIRECTOR'S REPORT**

- The City Council will hear an appeal of the Planning Commission decision on the Drake's Cove Tree Permit at their November 2<sup>nd</sup> meeting.
- The next CLASP Public Hearing is scheduled for October 26<sup>th</sup> and will be held at the Hall Middle School Gymnasium.

**APPROVAL OF CONSENT CALENDAR ITEM**

1. **DR/FAR/VAR 05-53: 81 Diane Lane (APN 21-202-03). Wagstaff Architects, applicants; Alex & Luda Medvedev, property owners. Request for the following permits to allow for the reconstruction of an existing one-story dwelling: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to allow a FAR of 0.49 (2,141 sq. ft.) where only a 0.40 FAR (1,760 sq. ft.) is permitted by code; (3) Variance to required front yard setbacks for structures and porches; (4) Variance to required 40% lot coverage limit; and (5) Variance to required parking requirement. Staff Recommendation: Conditional Approval.**

On the Consent Calendar, M/s, Stahl/Young motioned and the Commission voted 3-0 (Heitkamp absent, McCluney abstained) to approve DR/FAR/VAR 05-53 based on the conditions and findings set forth in the staff report.

## STUDY SESSION

### **2. 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.**

City Planner Teiche presented the staff report.

Commissioner McCluney asked about staff's concerns with the difficulties related to the FAR calculations and about asking applicant's to obtain topographic information. City Planner Teiche stated there was a lot of time and money expended by applicants to hire a surveyor and have a topographic map prepared to determine what the FAR for the lot. Also, the provisions for allowing a split lot calculation added to a very onerous process that often results in debate. Some applicants try to abuse this method to gain a greater FAR. Staff would like to see a more simplified and straightforward process.

Chair Deignan noted that staff had presented the option of not regulating FAR. He asked how staff would convey appropriate size limits to applicants when using Design Review guidelines instead of a FAR or square footage basis. City Planner Teiche stated neither San Anselmo nor San Rafael require FAR for single family homes on flat lots and it seems to work. They regulate it through lot coverage and setbacks and the applications are subject to Design Review. San Anselmo has more restrictive setbacks. Some cities restrict the second floor to a certain percentage of the first floor. There is no debate about square footages, what is and is not FAR, etc. It would be an easier process to set all this aside and focus on design.

Planning Director Kaufman stated Larkspur has a high residential height limit of 30 feet and much of the mass and bulk builds out to that 30 feet. Most cities have a height limit of 25 to 28 feet.

Commissioner Stahl asked if San Anselmo had design guidelines. City Planner Teiche stated she was not sure and she would find out. She stated Larkspur's ordinance could add language that encouraged articulation of the second floor (shifting the bulk and mass around to the best of their ability) and perhaps requiring larger setbacks for second stories.

Commissioner Young stated the staff report indicated that people were taking advantage of low ceiling heights for "storage rooms" and cutting out the hillside. City Planner Teiche stated that the concern is the creation of basements or rooms with low ceilings and inadequate windows for exiting that are exempt from the FAR calculation but are later converted to living space. These rooms are not "habitable" under the UBC. Planning Director Kaufman stated that the additional issues were: 1) how the FAR

standards relate to the bulk and mass associated with new homes and major remodels, and 2) the requirements for calculating slope and FAR sometimes seem extreme for small additions. The revised ordinance allows for an exception for 200 square foot additions if they are one story but they are not exempt from natural state, which still requires the calculations to be done.

Chair Deignan asked about the cost for a topographic map and having all the contours done. Mr. Brock Wagstaff, architect, stated it costs between \$4,000 to \$6,000. Chair Deignan discussed implementing a cap on the FAR Exception and asked how that has worked in other jurisdictions. City Planner Teiche stated most jurisdictions do not have a flexible FAR and a variance is needed to exceed the limit. Other jurisdictions regulate bulk and mass through other means (height limit and setbacks) and they do not argue about the square footage but rather whether or not the proposal is appropriate for the site. City Planner Teiche referred to the table in the staff report and noted that many of the towns base FAR on lot size, which allows larger homes on larger lots.

Planning Director Kaufman asked the Commission to review the document submitted by Commissioner Heitkamp.

Chair Deignan asked how lots located on very steep slopes would be handled. City Planner Teiche stated that these lots would still go through the Slope Use Permit process and applicants would need to get topographic information.

Commissioner Stahl discussed the new requirement for design review for teardowns and second story additions. He noted that many of the projects were previously “as of right” development.

Commissioner McCluney stated the Design Review process has given them more control over this type of development. He stated most communities seem to have their own idiosyncrasies. His initial thought was to put a cap on FAR but he no longer thinks that may be appropriate. Simplifying and clarifying the process for staff and the community would be a plus. He did not want the goal or objective of the Commission to be saying “no” all the time and he was not necessarily opposed to excavation or 6’10” ceilings. He stated they need to look to the future. The arguments in the staff report make good sense.

Planning Director Kaufman stated there is a Building Code related to ceiling heights and some applicants lower the ceiling to avoid the FAR count. This area then becomes living space that does not meet code. Anything above 6 feet should be counted towards FAR because it is a safety issue.

Chair Deignan stated he would like to make the process simple to understand and eliminate the loopholes.

Commissioner McCluney stated he would like to see some scenarios suggested by staff since they deal with this issue every day.

Commissioner Stahl stated they should discuss their goals and then decide whether or not the ordinance needs major revisions or just minor “tweaking”. He asked if they want to further restrict development, tighten up what is allowable, etc.

Planning Director Kaufman noted the Commission recently reviewed several applications that were considered “too top-heavy” and the applicants went through several iterations where they made minor changes to the upper floor setbacks; perhaps one alternative would be to set some guidelines for setbacks on the second floor. Chair Deignan stated it should be clearly defined so applicants have a reasonable expectation and do not come back to the Commission three to four times.

City Planner Teiche asked the Commission if they wanted to pursue any changes to the ordinance. Commissioner Young stated he would like to see some uniform, clear direction across the board and some evenhandedness. Chair Deignan stated the ordinance might simply need a set of “tweaks” instead of a rewrite. He would like to get more control on some of the applications that are pushing the envelope. Commissioner McCluney stated he would like to see a pamphlet of some type with illustrations for the applicants since the process can be overwhelming for the average resident. He would like to move ahead with simplifying the process. Commissioner Young stated he was surprised at how the various communities deal differently with the issue and he would like to find some commonality. Planning Director Kaufman stated design review seemed to be the only commonality.

Chair Deignan opened the meeting to public comments.

Mr. Brock Wagstaff, architect, made the following comments:

- Larkspur is a difficult place to do work even though he knows all the loopholes.
- The Slope Ordinance requirements are very complex and could be simplified.
- A cap on FAR would be great, however many of Larkspur’s lots are very small.
- The City counts some things twice that others do not, such as stairways and fireplaces.
- The Commission does a great job on design review. It is a difficult process.
- Design review is not an objective process and there should be room for creativity.
- The design review criteria do not allow for much flexibility.
- The ordinances in Larkspur are ancient and convoluted.

- Every community wonders if people are “getting too much”.
- Digging into a hillside is not necessarily a bad thing because it brings the mass down and gives people livable space. Back East there are basements everywhere.
- Consistency and clear direction is important, but with so many factors in design review, it is not always consistent.
- Architects are hired to get as much square footage as they can.
- He urged them to maintain flexibility.
- He stated that they shouldn’t create “wedding cake” standards.

Commissioner Stahl noted that in Mill Valley homes appear to be overbuilt, but he doesn’t get that impression in other towns.

Mr. Don Olson, architect from Sausalito, made the following comments:

- He is working on an addition in Greenbrae and here to listen and learn.
- He agreed that bulk and mass is more critical than FAR.
- How the project relates to its individual environment and neighbors it very important.
- He stated that in Mill Valley what is permitted is so large, they are buildings but not homes.
- In other communities, bulk and mass are more of an issue than FAR.

Mr. Andrew Fideli, Via La Cumbre, made the following comments:

- He is observing the meeting from an applicant’s perspective.
- The FAR on their lot is .15 and, given their 6,770 square foot lot, their house is already too big to allow any additions.
- He does not want to see more “monster homes”.
- The FAR is inflexible in the sense that a reasonable addition, with no objections from the neighbors, should be allowed.

Mr. Wagstaff made the following comments:

- There is a huge difference in sloped and flat lots and a smaller lot is penalized due to the slope regulations.

Ms. Heather Fideli, Via La Cumbre, made the following comments:

- There is value in focusing on the issue regarding “the view from the street”.
- She discussed her proposal.
- Objectivity is great and numbers are wonderful, but there is an element of reality that is being lost in the process.

Planning Director Kaufman discussed the City’s current exemption of ground-level additions and the problem of additions over a five to seven foot crawlspace, which give the appearance two stories.

Commissioner Stahl stated it felt like there were many “trip wires” in the process and he asked staff if that reduced applicants expectations. He discussed eliminating FAR and relying on design review and how that might take the control mechanism off of applicants’ expectations. City Planner Teiche stated the other options would be to explore a FAR based on lot size and not slope, which is pretty standard. Commissioner Stahl stated it would still be a numbers based analysis even if changes to the FAR were made. He asked if staff was concerned about the numbers having a different meaning. City Planner Teiche stated it would probably bring many of the homes into conformity. Commissioner Stahl suggested staff apply the new standard to some of the recent applications. He stated basing the FAR on lot size seems the most intuitive since Larkspur has unique circumstances.

Commissioner McCluney stated he was a bit ambivalent about this issue and agreed with Commissioner Stahl’s suggestion about setting some goals. He asked if the system was really broken or not working. The discussion should be focused around what needs to be improved. He would like to simplify the amount of work done by staff and reduce costs for the applicants. He would like to be convinced that they need to make some big changes.

Planning Director Kaufman stated most projects do turn out acceptable in the end but after much frustration on the part of staff, the Commission, and the applicants. She stated they could create some design guidelines. She would like to bring the following information back to the Commission for their review: 1) examples of how the FAR, based on lot sizes, would effect recent applications, 2) design guidelines, 3) some “tweaking” of the definition of FAR. Senior Planner Toft stated one of the problems is the lack of information on file for most lots and that staff is often unable to tell an applicant or prospective buyer what can or can not done on a lot.

Commissioner McCluney stated he was sympathetic to the person buying a lot on the hillside. In terms of design review in general, he is not very comfortable critiquing the appearance of a house. If they are going to strengthen the design review process they should do more to objectify it. He would feel more comfortable if they had criteria with which to work. Mr. Wagstaff encouraged the Commission not to do that and stated the more they try to objectify it the more difficult it would be for architects to work within the system. Chair Deignan stated design review, by its very nature, was subject to interpretation.

Planning Director Kaufman asked the Commission to review the table reflecting the standards for Aspen, Colorado. She wanted to know if this was something the Commission would like to explore. Commissioner Stahl asked if they have an exception process.

Commissioner Young asked staff how they would simplify the slope calculations. City Planner Teiche stated in terms of FAR it should not be based on slope. They would still need to calculate average grade for the Slope Use Permit. Commissioner Stahl stated that made sense along with implementing some design guidelines. He was worried about any unintended consequences from major changes to the ordinance.

Senior Planner Toft explained that FAR is usually applied as a ratio to the size of the lot but because of the Hillside Ordinance they factor in the slope. They are constantly having to do exceptions to rise above the .15 or .20. Staff is recommending they eliminate the up-front slope calculation as being the criteria for the FAR.

Commissioner Stahl stated he was still concerned about the exception to the below grade construction because it was an incentive to dig a hole in the ground. There is something inherently wrong with 29-foot retaining walls on properties as they can become a hazard over time if they fail

It was the consensus of the Commission to review the standards from Aspen, Colorado. Planning Director Kaufman stated staff would bring this information back to the Commission as soon as possible.

## **BUSINESS ITEMS**

### 1. Commissioner's Reports

Chair Deignan discussed a real estate advertisement for a house in Heather Gardens.

### 2. Planning Commission Minutes of September 27, 2005

M/s, Stahl/Young, motioned and the Commission voted 3-0 (Heitkamp absent, Deignan abstained) to approve the minutes of September 27, 2005 as amended.

The meeting was adjourned at 9:05p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary