

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF NOVEMBER 15, 2005

The Larkspur Planning Commission was convened at 7:33 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
Kristin Teiche, City Planner

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- The City Council overturned the Commission's decision on the Drake's Cove Project Tree Removal Request (7 trees). Campus Properties has requested a rehearing on tree #104, the tree in the way of the connector road.
- The City Council will hold a CLASP meeting tomorrow night in the Council Chambers and not the Hall Middle School Gymnasium.
- She asked the Commission to consider scheduling a Special Meeting for the Oak Road and Drake's Cove Projects.
- Staff will be interviewing seven candidates for the Assistant Planner position on Friday.
- She stated the Annual Commissioners' Seminar at Sonoma State University would be held on December 3rd.

Commissioner McCluney had questions about the CLASP process. Planning Director Kaufman stated that on the dais she had provided the Commissioners with a copy of the staff report to the City Council for the Council's November 16 meeting on CLASP. She explained that the Council had discussed traffic mitigations at the last meeting and will be discussing Subareas 2 and 3 at the upcoming meeting. Commissioner McCluney asked about the decision against a connection between Ward Street and the CLASP area. Planning Director Kaufman stated that issue did not have a full consensus. The majority felt it was already too congested on Ward Street to allow that connection. One or two Council members were willing to look at a limited connection to a community center facility or a small portion of residential development.

In terms of schedule, once the Council has completed providing their direction to staff, the Plan will be redrafted per that direction. Staff is recommending that the Plan come

back to the Commission for a final recommendation. Commissioner McCluney asked about the status of the plan that the Niven family and developer has submitted. Planning Director Kaufman stated though there were drawings provided during the development of the Plan, an application for development has never been submitted.

APPROVAL OF CONSENT CALENDAR ITEMS

PUBLIC HEARING ITEMS

- 1. DR/FAR 05-72: 29 Lark Court (APN 21-142-27). Henry Taylor Architects, applicant; Carol and Edward Lehrman, property owners. Request for the following permits to allow for construction of 476 square feet of additions to an existing 2,829 sq.ft. single family dwelling: (1) Design Review; and (2) Floor Area Ratio (FAR) Exception to permit additions resulting in a 0.33 FAR where 0.30 is the maximum permitted by code.
Staff Recommendation: Conditional Approval.**
- 2. DR/FAR 05-71: 380 Bretano Way (APN 70-233-30). Jim and Jessica Lazor, applicants/property owners. Request for the following permits to allow exterior modifications and the addition of approximately 1,247 sq.ft. onto an existing 2,488 sq.ft. single family dwelling: (1) Design Review; and (2) Floor Area Ratio (FAR) Exception to permit a 0.25 FAR where no more than a 0.22 FAR is permitted by code due to lot slope.
Staff Recommendation: Conditional Approval**

Commissioner Heitkamp asked for the removal of item #2 for discussion.

M/s, Stahl/Heitkamp motioned and the Commission voted 5-0 to approve DR/FAR 05-72, 29 Lark Court, subject to the findings and conditions set forth in the staff report.

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

PUBLIC HEARING ITEMS

- 3. DR/FAR 05-71: 380 Bretano Way (APN 70-233-30). Jim and Jessica Lazor, applicants/property owners. Request for the following permits to allow exterior modifications and the addition of approximately 1,247 sq.ft. onto an existing 2,488 sq.ft. single family dwelling: (1) Design Review; and (2) Floor Area Ratio (FAR) Exception to permit a 0.25 FAR where no more than a 0.22 FAR is permitted by code due to lot slope.
Staff Recommendation: Conditional Approval**

Senior Planner Toft presented the staff report.

Chair Deignan opened the Public Hearing.

Mr. Jim Lazor, applicant, made the following comments:

- The addition was necessary to accommodate the size of their family.
- The addition will blend in with the neighborhood.
- The colors are earthtone and will blend in with the hillside.
- They plan to install more landscaping in the front of the property.

Commissioner Heitkamp stated she realized she looked at the wrong house during her site visit. She had no problem with the application but would abstain from voting.

M/s, McCluney/Young motioned and the Commission voted 4-0 (Heitkamp abstained) to approve DR/FAR 05-71 subject to the findings and conditions set forth in the staff report.

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

- 4. DR/FAR/VAR 05-64: 44 Elm Avenue (APN) 21-233-33). Ken Linsteadt, Architects, applicant; John and Lynn Gerson, property owners. Request for the following permits to allow substantial demolition of an existing 2,574 sq.ft. single family dwelling (including an accessory building) and construction of a new two story 3,151 single family dwelling: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to permit a 0.41 FAR where 0.35 FAR is permitted by code; (3) Variance to permit continuation of a nonconforming 15' front yard setback where 20' is required; and (4) Variance to permit a nonconforming guest parking space to continue to partially encroach into the unimproved portion of the Elm Avenue right-of-way.**

Chair Deignan and Commissioner Heitkamp recused themselves since they live within 500 feet of the project.

City Planner Teiche presented the staff report. She stated staff received two pieces of late mail.

Acting Chair Stahl referred to page 1 of the staff report and the reference to the proposal to “substantially demolish” the existing residence. He asked if there was an existing basement. City Planner Teiche stated “no”.

Commissioner McCluney asked if the purpose of the demolition was to dig a basement. City Planner Teiche stated they do not plan to demolish the ground floor above where the

basement is but it is a likely scenario. Commissioner McCluney asked if the proposed excavation would entail the removal of 148 cubic yards. City Planner Teiche stated “yes”.

Acting Chair Stahl opened the Public Hearing.

Mr. John Gerson, applicant, made the following comments:

- He discussed the history of the project.
- They are active members of the community.
- They explored other options and made the decision to stay in their home.
- They hired an architect and contacted most of the neighbors.
- They have letters of support from several neighbors.
- They were aware of the sensitivity of the next-door neighbors. They had tried to involve them in the process and take their feedback into consideration.
- He asked the Commission to approve the plans.

Mr. Ken Linsteadt, architect, made the following comments:

- He referred to the staff report and disagreed that this was a “substantial remodel”- they are saving the garage, front living room, the master bedroom upstairs, and the front porch.
- He stated he worked on the house at 26 Monte Vista and distributed pictures. He stated this project would be similar in scope and scale, and have similar dormers and roof pitch.
- They tried to keep the mass of the project at an acceptable level to the neighbors.
- The residents at 48 Elm requested that they keep the rear of the property clear and the mass to the forward part of the property. He felt this would be a win-win situation since the two properties are staggered and everyone would get maximum light and air.
- He distributed a more complete site diagram to the Commission.
- The idea was to have the main kitchen and family space open up to the backyard and move the children’s bedrooms upstairs towards the front of the property.
- The roof is steep and reaches a height of 30 feet but only at the middle part of the property.
- The colors are natural cedar with dark trim and roofing materials so they blend in with the neighborhood.
- The FAR Exception is in keeping with others in the neighborhood.
- They explored several options on the massing of the house.
- He distributed photographs to the Commission depicting the view from 48 Elm.
- The neighbors would retain great views from all the major living spaces. The view from the upstairs front bedroom would be impacted by the second story addition. He does not consider this a primary view corridor.

Commissioner McCluney asked about the advantage to extending the second floor dormer and creating a sloped roof design. Mr. Linsteadt stated the new element is currently a split-level design.

Commissioner Young asked if they had done any shadow studies. Mr. Linsteadt stated “no” and added he did not think shadows would be part of the issue due to the staggering of the homes.

Acting Chair Stahl asked if the ground floor of the living room would be raised. Mr. Linsteadt stated “no” and added it would remain in its current location.

Acting Chair Stahl had questions about the middle dormer on the Elm Avenue elevation. Mr. Linsteadt stated it was located above the stairway to bring in some light. It is similar to a clerestory window. Acting Chair Stahl asked why they would include such a tall roof in the design, along with 5’ or 6’ of attic space, when they knew there were view considerations on the part of the neighbors. He asked if another design approach was considered. Mr. Linsteadt stated they tried to minimize the apparent mass and turned the ridge in order to be sensitive to the neighbor’s views. Acting Chair Stahl stated this street has an irregular edge of homes sitting at an angle and the other homes do not appear as bulky as the proposal.

Mr. Paul Smith, land use consultant for the Brysons, owners of 48 Elm Avenue, made the following comments:

- He agreed with the staff report that the variances are not a significant problem.
- The Brysons’ are concerned about some design issues- the roof pitch, the extremely high ceilings in some areas where it does not seem necessary, and a second story element that reaches out to the setbacks on both sides.
- The scale of the house is a bit on the high side for the neighborhood. The square footage is not the issue but rather the way the house presents itself in a massive, bulky way.
- The house was remodeled in the past and the Brysons’ lost some views at that time.
- They would like to work with the applicants on some design modifications.
- The chimney will impact the Brysons’ views.
- He asked the Commission to continue the application to allow the parties involved to work on some design modifications that would minimize the impacts.

Mr. Richard Bryson, Elm Avenue, made the following comments:

- He distributed photographs to the Commission depicting what the addition would look like from his home.

- He presented a letter from a local architect and a petition from 5 families in the neighborhood in opposition to the project.
- The FAR Exception is too big and not in keeping with the neighborhood.
- The average size of homes in the neighborhood, including the garage, is 2,400 square feet. The project as proposed, including the basement, would be 3,700 square feet.
- The project would have an impact on their privacy, solar access, and light on not only the second floor of their residence but also the first floor. Their views of Mt. Tamalpais would be eliminated.
- He is considering putting solar panels on his roof and felt the project would impact this plan.
- He stated there should be an updated survey prepared for projects of this magnitude.
- He was concerned about the amount of dirt being removed. He stated a contractor familiar with the property recommended a soils report.
- The sewer line in back of the property has ruptured several times.

Ms. Lynn Gerson, applicant, made the following comments:

- The proposal is not as big as the home at 48 Elm Avenue.
- The properties are staggered but the majority of her house is set back 15 feet from the sideyard.
- She disagreed with the assertion that the project would eliminate the Bryson's view of Mt. Tamalpais and referred to the photographs. The project would preserve all the views except the one from the master bedroom.

Ms. Susan Bryson, Elm Avenue, made the following comments:

- The current height of the story poles is not sensitive to their privacy and views.
- She asked the architect to stay on the first floor, pull the house out back, and pull the living room forward. If they chose to go up she wanted them to stay forward over the living room and dining room and to not go above what was already a second story.
- They have created a third floor roofline by going up over the current master bedroom and garage and pulling the house about 3 feet towards her house.
- The project would completely destroy their views of Mt. Tamalpais and Christmas Tree Hill from their sunroom and master bedroom.
- The design is not the issue but rather how it affects the neighbors.

Mr. Gerson made the following comments:

- He felt that nothing they do would be acceptable to the neighbors.
- He has a lot of support from the other neighbors.
- Their home, after the addition, will be shorter than the Bryson's.
- They removed the back 10 feet of the home to accommodate what they were told was important to the neighbors.

- He would like to move forward, in cooperation with the neighbors, to complete the project.

Acting Chair Stahl closed the Public Hearing.

Commissioner Young provided the following comments:

- This is a handsome house with a well-designed floor plan.
- It is 487 square feet over the allowable FAR which is considerable.
- This is the type of house he would expect to see on a much larger lot.
- The project does present some bulk and is a bit excessive.
- He is concerned about the height and added that any second story would block the neighbor's views and light.
- He would recommend they set the house down a bit and reduce the slope of the roof.

Commissioner McCluney provided the following comments:

- He stated that between the neighbors there was a "failure to communicate".
- The Commission was presented with contradictory photographs.
- He agreed with many of the points made in the staff report.
- The applicants will eventually end up with a nice project.
- He was concerned about the loss of the views of Mt. Tamalpais.
- He would like to see more communication and some degree of compromise- the neighbors' will lose some views and the applicants will need to reduce the scope of the project.
- The upper story is long, and on the bulky side.
- There are numerous alternatives that could be explored and they need to find some middle ground.
- He could approve the parking and setback variances.
- He would like to see a reduction in the size of the project.
- The FAR Exception is not the overriding issue.
- He could support a continuance.

Acting Chair Stahl provided the following comments:

- He is in agreement with the staff report.
- The house is a little ambitious in terms of the size and he is concerned about the impact the mass would have on the immediate neighbors and the neighborhood in general.
- The beautiful Craftsman style cannot disguise the fact that this is too much building program.

- He wondered why the design almost maxed out the overall height limit given the neighbor's concerns about views. There is a lot of excess volume in the upper stories that can be diminished.
- He is more concerned about the apparent mass as opposed to the square footage. He pointed out there were 8' sill heights in wardrobe spaces, etc.
- He would like the architect to go back to the drawing board and come up with a solution that everyone can live with.

Commissioner Young provided the following comments:

- Any second story would result in a loss of views.

Commissioner McCluney provided the following comments:

- Mt. Tamalpais views have a higher priority.

Planning Director Kaufman discussed a continuance or a denial of the project without prejudice and stated continuances work well when the Commission would like some minor modifications. There is no significant cost difference except for the cost of noticing. Staff will try to expedite the project as much as possible if a new application is submitted given that the Commission has reviewed the project once. She also noted that an action by the Commission allows for an appeal.

Commissioner McCluney stated he would not oppose a continuance since this was not a fundamentally flawed design. Commissioner Young stated this could be a major redesign since they were asking for a substantial reduction in the height and bulk. Acting Chair Stahl agreed.

In responding to one speaker's request for a new survey, Planning Director Kaufman stated there was a survey on file and staff did not see any need for a new survey. The Commission agreed.

Acting Chair Stahl asked the applicants if they would like a denial without prejudice or a continuance. They asked for a denial without prejudice.

M/s, McCluney/Young motioned and the Commission voted 3-0 (Deignan and Heitkamp recused) to deny VAR/FAR/DR 05-64 without prejudice based on the staff report and the comments made by the Commission.

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

Chair Deignan and Commissioner Heitkamp returned to the dais.

5. **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 nine (9) of sixteen (16) heritage trees, originally requested for removal, located within permitted development areas as approved under the Precise Development Plan for the Drake's Cove Subdivision. Seven (7) of the sixteen (16) heritage trees were approved for removal at the Commission's September 27 meeting; on appeal, the Commission's decision was overturned. A site landscaping plan and tree restoration plan, submitted to establish compliance with condition g. of the Revised Development Standards and Conditions of Approval for the Precise Development Plan, was conditionally approved at the Commission's October 25 meeting. Consideration of the nine (9) remaining tree requests was continued from the Planning Commission's October 25, 2005 meeting. The applicant has withdrawn their Heritage Tree Removal application and intends to submit a revised application. They have requested a special meeting to consider their revised application; see Business Items below.**

Planning Director Kaufman stated this application has been withdrawn.

BUSINESS ITEMS

1. a) Consider canceling the November 22, 2005 Planning Commission meeting.

M/s, McCluney/Heitkamp motioned and the Commission voted 5-0 to cancel the November 22, 2005 Planning Commission meeting.

- b) Consider scheduling a special meeting for December 6 or 20 to consider the revised Heritage Tree Removal request for the Drake's Cove Project

Planning Director Kaufman stated City Hall would be closed from December 26th through the 30th so the December 27th Commission meeting was cancelled. The Commission decided not to hold a meeting on December 6th or 20th.

It was the consensus of the Commission to hold a Special Meeting on January 17, 2006, along with the Regular Meetings of the 10th and 24th.

2. Commissioner's Reports

Planning Director Kaufman asked the Commission to let her know by the end of the week whether or not they would like to attend the Commissioners Seminar at Sonoma State University.

2. Planning Commission Minutes of October 11, 2005 and October 25, 2005

M/s, Stahl/McCluney motioned and the Commission voted 4-0 (Heitkamp abstained) to approve the minutes of October 11, 2005 as submitted.

M/s, Young/McCluney motioned and the Commission voted 3-0 (Deignan and Stahl abstained) to approve the minutes of October 25, 2005 as submitted.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,
Toni DeFrancis
Recording Secretary