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LARKSPUR PLANNING COMMISSION MEETING  
MINUTES OF JANUARY 10, 2006

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  
Kristen Teiche, City Planner  
Deric Licko, Assistant Planner

**OPEN TIME FOR PUBLIC EXPRESSION**

There were no comments.

**PLANNING DIRECTOR'S REPORT**

- The City Council will hold a CLASP Public Hearing tomorrow night in the Council Chambers. They will be discussing housing issues for Subarea 3, the Niven Property. The Council has set a tentative date of February 1<sup>st</sup> for another CLASP Hearing.
- She pointed out the new lighting, speakers, and ceiling in the Council Chambers and stated it was part of an energy demonstration project.

**INTRODUCTION OF NEW ASSISTANT PLANNER, DERIC LICKO**

Planning Director Kaufman introduced Assistant Planner Deric Licko and stated he previously worked in Alameda County. The Commission welcomed Assistant Planner Licko.

**APPROVAL OF CONSENT CALENDAR ITEMS**

**PUBLIC HEARING ITEMS**

1. **DR/FAR 05-85: \_\_\_\_\_ (APN 70-321-06). David & Christina Gallegioni, applicants/owners. Request for the following permits to allow for a 563 sq. ft. addition to the rear of an existing 2,610 sq. ft. single family dwelling: (1) Design Review; and (2) Floor Area Ratio (FAR) Exception to allow for a 0.21 FAR where no more than 0.16 FAR is permitted due to lot slope. Staff Recommendation: Conditional Approval**

DRAFT

Chair Deignan asked the applicants if they had any objections to the conditions in the staff report. They responded “no”.

M/s, Heitkamp/Young motioned and the Commission voted 5-0 to approve DR/FAR 05-85, 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**

- 2. DR 05-84: 34 Lark Court (APN 21-142-23). Jaimi Baer, applicant; Brad and LeiAnne Werner, property owners. Request for Design Review approval to allow minor additions and exterior remodeling to both levels of the existing split level residence. Proposed additions will comply with the permitted floor area ratio, height, setbacks, and other applicable zoning regulations  
Staff Recommendation: Conditional Approval**

Chair Deignan asked if there was anyone in the audience who objected to or had concerns regarding the application for 34 Lark Court. No one raised an objection or expressed concerns regarding the project. Chair Deignan asked the applicants if they had any objections to the conditions in the staff report. They responded “no”.

It was the consensus of the Commission to handle this application as a Consent Calendar item.

M/s, Heitkamp/Young motioned and the Commission voted 5-0 to approve DR 05-84 subject to the findings and conditions set forth in the staff report.

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

- 3. DR/FAR/VAR 05-25: 10 Ridgeway Lane (APN 21-066-08). Carl Edward Wisner, Architect, applicant; Patricia Marra & Leo Terbieten, property owners. Request for the following permits to allow the partial demolition and substantial restructuring of an existing 1,001 sq. ft. split level residence on a 3,210 sq. ft. lot, to support an upper level addition of 592 sq. ft.; (1) Exception Permit to maintain the existing nonconforming side yard setbacks on two sides and the rear existing nonconforming rear yard setback; (2) Variance for a reduced side yard setback for the new addition; (3 & 4) Variances for reduced side yard and rear yard setback for an existing illegally constructed deck; (5) Variance from lot coverage limits to permit 0.41 lot coverage where 0.40 is permitted by code, to legalize rear yard deck; (6) Floor Area Ratio (FAR) Exception to permit**

DRAFT

**additions that will increase the residence to 1,593 sq. ft. and 0.50 FAR where 1,251 sq. ft. and 0.40 FAR is permitted by code; (7) Variance from on-site parking requirements to allow only two uncovered parking spaces; and (8) Design Review**

Planning Director Kaufman stated staff received a letter from the applicant's attorney asking for a continuance because they were unaware of the staff's negative recommendation for the project. Staff does not recommend a continuance since the project will probably need to be substantially redesigned. She noted that staff had sent the applicants two letters notifying them that their application was incomplete and that staff felt they were asking for too much. Copies of the letters were provided for the Commission on the dais.

Mr. Todd Smith, attorney with Ragghianti/Freitas, stated he was requesting a continuance to allow them time to process the information in the staff report. There are many issues and findings that need to be addressed.

Chair Deignan stated they might benefit from hearing comments from the Commission tonight. Mr. Smith stated they have not have time to read and digest all the pertinent comments and to address the findings in the report.

City Planner Teiche presented the staff report. She distributed photographs and a small color board to the Commission.

Commissioner McCluney stated Mr. Smith alluded to issues in the staff report that the applicants were unaware of and asked staff to discuss any new issues. City Planner Teiche stated the only new issue pertained to the proximity of the chimney to the tree.

Chair Deignan asked about the history of the application. City Planner Teiche stated the application was originally submitted in March of 2005. It was deemed incomplete in April 2005 and again in July 2005 after the applicant submitted revised materials. The applicants submitted revised materials again in December and the application was deemed complete. Staff notified the applicants in the very first notice about the problem with the FAR and the numerous variances and exceptions that the proposal would probably require. Staff also suggested they resolve some of the problems with the property such as the rear yard deck. The second letter reiterated these suggestions more strongly.

Mr. Smith stated they were not contesting the fact that the application was submitted a year ago or the fact that they received two letters, but rather the fact that the way staff has laid out the findings is new to them and they only had two days to process the

## DRAFT

information in the staff report. They are requesting more time to respond to the issues in the staff report.

Commissioner Heitkamp stated a denial without prejudice (as recommended by staff) would allow them time to review the information and come back immediately. Chair Deignan stated a continuance works well for projects that simply need “tweaking”. Commissioner McCluney stated a denial without prejudice is not a “black mark” against them.

Mr. Smith stated it sounded like the Commission had predetermined that they are going to deny the application and all they were asking for was a fair hearing. He is of the opinion that a denial is far different than a continuance.

Planning Director clarified that the Commission was discussing the differences between a denial and continuance because of the request from the applicants for a continuance based on the staff report and the staff recommendation was for denial without prejudice.

Commissioner Stahl suggested the Commission hear the application tonight.

Chair Deignan opened the Public Hearing.

Mr. Leo Terbieten, applicant, made the following comments:

- The proposal would be good for his family and the neighborhood. They plan to live in Larkspur for a long time.
- The area could use some upgrading and this proposal would contribute to that.
- He is surprised that the neighbors are concerned about the proposal since they have been very supportive until last week.
- It is not possible to do a project and not impact someone.

Mr. Jay Bloomenfeld, Ridgeway Avenue, made the following comments:

- They are concerned about the significant impact to their property as indicated by the story poles.
- They saw some schematic drawings that did not represent how the house would sit adjacent to their house.
- The proposal would cut off all of the light to their home in some locations and the view corridors on both levels.
- They are opposed to the 592 sq. ft. addition.
- They are in support of beautification that improves the well-being of the neighborhood; however, this proposal detracts from the value of their home due to the negative impacts.

## DRAFT

Mr. Carl Wisser, architect, made the following comments:

- He has done many second story additions and is known for being sensitive in his approach.
- There has never been any encouragement to negotiate or make changes.
- They have gone to a lot of trouble to satisfy many of the objections, but more can be done.
- The applicant would be willing to cut the deck back right at the property line.

Chair Deignan closed the Public Hearing.

Commissioner Heitkamp provided the following comments:

- This is an example of one of the problems in Larkspur- very small lots, some of which are overbuilt.
- The staff report was very thorough and well done.
- Expectations cannot be set too high on these small lots.
- Buildings on these small lots should meet the code requirements.
- The adjacent buildings with high FAR's were probably built before the FAR code was adopted.
- The proposal is in excess of what should be built on the site.
- She cannot make the required variance findings.
- The nonconforming element should not be legalized.
- She agrees with the staff findings for denial.

Commissioner Stahl provided the following comments:

- He agreed with Commissioner Heitkamp and stated the proposal was overreaching on a number of levels.
- The neighbors seem willing to work out a solution that would be agreeable to all.
- They need to fix as many of the issues as possible.
- They are living in such close quarters that the actions of one neighbor have the potential to greatly impact another neighbor.
- This is a very ambitious proposal.
- The proposal will end up being a significant rebuilding of the house.
- The size of the second story addition will end up impacting the neighboring property.
- He suggested moving most of the addition to the south side, giving more "breathing room" between the houses that are closest together.
- There should be a fundamental reorganization to the approach to the second story addition. It should not run the entire length of the house.
- He recommended they deny the application without prejudice.

## DRAFT

Commissioner McCluney provided the following comments:

- He would like better communication in the future.
- The view line and light issues should be addressed.
- He would like the rear deck brought into conformance.
- He appreciated the Building Inspector's point of view regarding the estimated costs of construction.
- He would like the applicants to do their best to retain the Heritage Trees.
- He agreed with Commissioner Stahl's suggestion to utilize the space on the south side.
- He referred to page 4 of the staff report and noted foundation improvements and an increase in the ceiling heights could increase the FAR.
- He could be "swayed" into approving a .50 FAR if everything else were in conformance.
- He agreed with the staff recommendation about the parking- two or more is reasonable and three would be great.
- He agreed with the staff recommendations about the setbacks for the existing house.
- He could not make the findings for the proposal tonight and would support a denial without prejudice.

Commissioner Young provided the following comments:

- He agreed with the comments made by the other Commissioners.
- He agreed with Commissioner Heitkamp and felt there was too much house for the property.
- He is primarily concerned with the height of the building, its close proximity to the adjacent property, and the views that would be lost.
- He suggested they jack up the house a foot or two to get the space they need.
- He cannot support the application tonight.

Chair Deignan provided the following comments:

- He agreed with the comments made by the other Commissioners.
- Staff has identified a number of problems.
- This is a tight area, with small lots, and structures in close proximity.
- They need to be sensitive to the other neighbors.
- He is concerned about the impact to the neighbor's light and views.
- He asked the applicants to work with the neighbors.

Planning Director Kaufman noted a denial without prejudice would open up the appeal period, whereas a continuance would not.

DRAFT

M/s, Heitkamp/McCluney motioned and the Commission voted 5-0 to deny DR/VAR/FAR 05-25 without prejudice based on the staff report and the comments made by the Commission.

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

**BUSINESS ITEMS**

1. Discussion of whether to hold a public workshop on parking sponsored by TAM.

Planning Director Kaufman stated the Transportation Authority of Marin is offering to hold a workshop on parking and she asked the Commission if they were interested.

Commissioner Heitkamp stated she would like to review the Downtown Parking Study. She asked about the status of the ordinance for in-lieu fees. Planning Director Kaufman stated fees could not be instituted unless there is a project upon which to base the fees. Staff has not been able to identify lands on which to put parking and a City cannot develop a fee and then develop the project at a later date. Commissioner Heitkamp discussed the CLASP and the potential for parking on the Niven site.

Chair Deignan asked the Commission about the workshop. Commissioner Heitkamp stated it could be very beneficial. Commissioner Young agreed.

Planning Commissioner Kaufman stated TAM was looking at either January 31<sup>st</sup> or February 21<sup>st</sup>.

It was the consensus of the Commission to hold a workshop on parking sponsored by TAM on February 21<sup>st</sup>.

2. Election of Officers

M/s, Heitkamp/McCluney motioned and the Commission voted 5-0 to elect Commissioner Stahl as Chair.

M/s, McCluney/Young motioned and the Commission voted 5-0 to elect Commissioner Heitkamp as Vice Chair.

Commissioner Heitkamp thanked Chair Deignan for his leadership during the last year and presented him with several gifts.

3. Commissioner's Reports

DRAFT

Chair Deignan discussed a project on Elm Avenue.

Commissioner McCluney asked about the status of an appeal to the City Council. Planning Director Kaufman stated the appeal was denied and the appellant is being asked to remove the fence and landscaping. The appellant will likely be back before the Commission to legalize some of the work he has already performed. Commissioner McCluney stated he was concerned that the City did not have enough “teeth” in its enforcement and property owners often just do what they want.

4. Planning Commission Minutes of November 15, 2005

M/s, Stahl/McCluney motioned and the Commission voted 5-0 to approve the minutes of October 11, 2005 as submitted.

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The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary