

LARKSPUR PLANNING COMMISSION MEETING  
MINUTES OF FEBRUARY 14, 2006

The Larkspur Planning Commission was convened at 7:30 p.m. in the Council Chambers by Chair Stahl.

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

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

**OPEN TIME FOR PUBLIC EXPRESSION**

There were no comments.

**PLANNING DIRECTOR'S REPORT**

- ? She noted the sensitivity of the new microphone system in the Council Chambers.
- ? The City Council held a CLASP Public Hearing on February 1<sup>st</sup> and continued the hearing to March 15<sup>th</sup> to discuss unit numbers for Subarea 3.
- ? At the end of the meeting, she would like to discuss the TAM Parking Workshop that had been tentatively scheduled for February 21<sup>st</sup>.

**APPROVAL OF CONSENT CALENDAR ITEMS**

1. **DR/VAR/FHE 04-103 Rev: 12 Sycamore (APN 20-241-15) Brock Wagstaff, AIA, applicant; Douglas Hendrickson & Julie Hersk, property owners. Request for the following permits and design modifications to the prior design review and variance approvals for renovation and expansion of a single-family residence: (1) Design Review; (2) Variance for an 8'6" front porch and stairway setback; (3) Fence Height Exception for a proposed 8'5" high arbor in the front yard.  
Staff Recommendation: Conditional Approval**
2. **DR/FAR/UP/TR 05-68: 215 Wilson Way (APN 21-271-45). Michael Thomas, applicant; David Thompson, property owner. Request for the following permits to allow exterior renovations and additions to expand an existing single family dwelling from 2,273 sq. ft. to 2,469 sq. ft.: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to increase the existing 0.27 FAR to 0.295 FAR where no more than 0.13 FAR is permitted due to lot slope; (3) Slope Use Permit to grade approximately 205 cubic yards of earth (129 cu. yds. excavation and 76 cu. yds. of fill) to accommodate expansion of the basement area and new exterior patios on a parcel approximately 37% slope; and (4) Heritage Tree Removal Permit to remove four Heritage Trees (three Oak and one Pine tree) located near or within the proposed construction zone.  
Staff Recommendations: Conditional Approval**
3. **DR/FAR/VAR 05-83: 65 Corte Amado (APN 70-291-15). Daniel Weaver, Point of Entry Architecture, applicant; Charles and Isabelle Hamker, property owners. Request for the following applications to permit an addition of approximately 700 sq. ft. to an existing 2,860 sq. ft. single family dwelling: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to permit a 0.28 FAR where a 0.05 is permitted by code; and (3) Variance to the natural state requirements to further reduce the natural state from 52% to 50% where 70% is required.  
Application withdrawn by applicant for redesign: No action necessary**

Chair Stahl asked if anyone on the Commission or in the audience wanted to speak on any of the items on the consent calendar. No one did and he asked the applicants if they agreed to the conditions set forth in the staff report. The applicants responded "yes".

On the Consent Calendar, M/s, Heitkamp/Young motioned and the Commission voted 5-0 to approve DR/VAR/FHE 04-103, 12 Sycamore, and DR/FAR/UP/TR 05-68, 215 Wilson Way, subject to the findings and conditions set forth in the staff report.

Chair Stahl stated there was a 10-day appeal period. Planning Director Kaufman stated when the 10<sup>th</sup> day falls on a Friday or the weekend then the period ends on the following Monday.

## PUBLIC HEARING ITEM

- 4. DR/UP/VAR/FHE 05-71: 108 Pepper Avenue (APN 21-233-09). Brant Fetter, Wagstaff Architects, applicant; Tim and Kristin Bennett, property owners. Request for the following permits to allow substantial renovations and expansion of an existing single family dwelling from 2,667 sq. ft. to 4,866 sq. ft.; (1) Design Review; (2) Slope Use Permit; (3) Variance to parking standards to maintain two guest parking spaces partially within the public right-of-way; and (4) Fence Height Exception to construct a new 5' high fence within the Pepper Avenue right-of-way, with 6-foot high stone pillars, where no more than 3.5' of height is permitted.**

Commissioner Heitkamp recused herself since she lives within 500 feet of the proposed project.

Senior Planner Toft presented the staff report.

Commissioner McCluney had questions about the drainage and the reduction of natural state, and asked if an easement would be required if the house were built without any grading. Senior Planner Toft stated the need for the easement would probably not exist if they were not reducing the natural state. It is a question of degree that ultimately needs to be decided by the engineers. There is a lot of space for absorption on the property as it currently exists. The Slope Use Permit findings address the amount of impervious surface.

Chair Stahl opened the Public Hearing.

Mr. Brant Fetter, architect, made the following comments:

- ? Staff did a very thorough job on the review.
- ? They were able to begin discussions with two of the neighbors to the south about an easement. They believe they will be granted an easement.
- ? The slope across the entire lot is 11%- it is steep in front and mild near the pool area. The cut and fill evens out.
- ? They can meet the conditions of approval.
- ? They will adjust the plantings so the neighbors to the south have more privacy.
- ? The mass of the second story steps back so it is almost 60' from the neighbor to the north. It is in excess of the required setbacks.

Commissioner Young asked if the pool would be accessed from the family room. Mr. Fetter said "yes". Commissioner Young asked if they could drop it down by three risers to reduce the fill. Mr. Fetter stated that would require an additional cut and would not abrogate the cut and fill calculations. It would lower the pool level a bit and that would be a compromise. It would also raise the ceiling of the family room.

Commissioner McCluney asked about the possibility of realigning the pool (perpendicular) to reduce the amount of cut and fill. Mr. Fetter stated any area would need to be leveled, but aligning the pool parallel to the slope would reduce the amount of cut and fill.

Commissioner McCluney asked about the pump and stated he would prefer a gravity system. Mr. Fetter stated gravity was preferable but the pump was for overflow. In addition, it is a dual system where there are two pumps, one as a backup as well as a generator. Commissioner McCluney asked Mr. Fetter to point out the location of the pump on the plans. Mr. Brock Wagstaff stated he would also prefer gravity. The engineer has designed this system for this landlocked, downslope site. It is a two-pump system that has an automatic backup generator. The Public Works Director has suggested a dispersion system which they are willing to provide if they cannot get the easement. Commissioner McCluney asked Mr. Wagstaff to describe the dispersion system. Mr. Wagstaff stated it was similar to a giant French drain.

Mr. Ed Tischbern, landscape architect, made the following comments:

- ? The preferred location for the pool is the one shown on the plans. This south side location gets good sun exposure and allows access off of a bathroom and family room.
- ? The pool is level by its nature. It is 38' long and 14' wide.
- ? The front third of the property (facing Pepper Avenue) has an existing 16% to 20% grade. The rear third of the property averages 7% to 8%. The area where the work will occur is less than 10% grade.
- ? They stepped the terraces and are not proposing to change the grade significantly.
- ? There will be a balance of cut and fill.
- ? They could have submitted two, separate projects, neither of which would have been subject to the Slope Use Permit process.
- ? There will be dense vegetation as a buffer next to the pool.
- ? They shared the plans with the neighbors to the south and the neighbors had no objections.

Commissioner McCluney stated water would move more slowly with the decreased slope and he asked if there would be better absorption given the lower gradient. Mr. Tischbern stated there would be a measurable increase in absorption

Commissioner McCluney stated there would be more soil placed near the east property line and he asked about any drop offs or plans to contain erosion. Mr. Tischbern stated there would be 6' solid wood fences along the eastern and southern property lines. There will also be a wood retaining wall with filtered fabric, gravel, and a drain.

Chair Stahl asked about the height of the pool deck on the east end. Mr. Tischbern stated it would be about 4 feet high. Chair Stahl asked if the neighbors understood that the applicants would be several feet over the top of the fence while on the deck. Mr. Tischbern stated the applicants met with the neighbors.

Planning Director Kaufman asked the applicants to show the location of the pool equipment. Mr. Tischbern stated it was shown on Sheet LO.1. It will be located near the pump at the southeast corner of the site.

Mr. Lane Chrisman, Pepper Avenue, made the following comments:

- ? He is the property owner to the north.
- ? The project will greatly impact his property. It would obstruct the sunlight into his southern exposure patio and living area.
- ? The project would unreasonably interfere with his privacy, light, and view of the hills from his second floor.
- ? The overall composition of the proposed second floor addition would become a prominent accentuated structure.
- ? He would like the second floor addition moved to a location that would be acceptable.
- ? His backyard gets flooded in the winter and if the applicants raise their lawn area it could affect his property. Chair Stahl asked if the applicants were down slope from his property. Mr. Chrisman stated "yes" but would be level if it were raised.
- ? He stated the proposal would devalue his property.

Commissioner Young asked about the location of his house relative to the property line. Mr. Chrisman stated it was about 20 feet. Mr. Fetter stated Mr. Chrisman's house was about 35 feet from the property line. Commissioner Young asked for plans depicting this situation. Mr. Fetter submitted some drawings. Planning Director Kaufman noted staff has not had an opportunity to review or verify these drawings.

Mr. Tischbern made the following comments:

- ? He discussed some of the landscape site improvements.

Chair Stahl closed the Public Hearing.

Commissioner McCluney provided the following comments:

- ? He could approve the parking Variance and felt the one-foot encroachment was minimal.
- ? He concurred with staff on the Fence Height Exception and the issue of the pillars.
- ? He stated this was a fine looking Craftsman style home that sits well on the property and does not require a FAR Exception. He had no problem with the appearance of the project.
- ? He is reasonably convinced by the applicant's arguments and could support the grading, pump, and pool.
- ? There were no complaints about the pool from the neighbor on Alexander Avenue.
- ? He could support the pump vs. gravitational flow and the use of the French drain.
- ? He was very sympathetic to the loss of views but felt there was sufficient distance between the applicant's home and the neighbors to the north. He is leaning in favor of the applicant but would like to see attempts to mitigate the situation.

Commissioner Deignan provided the following comments:

- ? The staff report identified a number of things that could be easily approved- the parking Variance, and Fence Height Exception.
- ? He could not approve locating the stone pillars in the right-of-way.
- ? This would be one of the larger homes in the area at nearly 5,000 square feet, yet it complies with the FAR requirements.
- ? This is a large, elaborate house that seems to dictate an equally elaborate amount of site work (i.e. impervious surfaces). Many of these decisions are elective (where to place the pool, do the improvements) and result in other problems.
- ? It is a nice plan and scheme for too small of a lot.
- ? The landscaping scheme is overly grand for the neighborhood.
- ? He could not make the findings for the Slope Use Permit.
- ? He could not support the project at this time.

Commissioner Young provided the following comments:

- ? This is a very handsome design.
- ? He could approve the parking Variance and the Fence Height Exception. He could not approve the location of the pillars in the right-of-way.
- ? He stated the elevation of the pool and patio on the south side may be excessive and he would like it dropped by about 18". This would help with the privacy issue.
- ? He would like them to reconsider the use of impervious materials around the pool to allow on-site drainage percolation.
- ? He wondered how they planned to meet the fencing requirements for the pool.

Chair Stahl provided the following comments:

- ? He agreed with Commissioner Deignan's comments about the elective improvements. This is an area of concern.
- ? He has no problem with the design and parking Variance, including parking in the right-of-way. He could not support the Fence Height Exception and was not sure why it was needed for a down slope lot. He asked for clarification on the fencing around the pool.
- ? He is concerned about the location of the pool and the impact to the neighbor in terms of noise, activity, and view.
- ? This is a large house on a relatively flat lot and there are alternatives for the pool location. They have a lot of yard to work with.
- ? The family room could be dropped a bit.
- ? He would like them to increase the amount of pervious paving.
- ? He could not support the application.

Commissioner McCluney asked about the pump vs. gravity issue. Chair Stahl stated he would like them to make the pump as "unnecessary as possible". Commissioner Deignan agreed and would like them to minimize the dependency for the pump.

Planning Director Kaufman stated this application was continued once due to the problem with the noticing. The Commission would need to ask the applicants to request, in writing, a 90-day extension or deny the application without prejudice should they decide not approve the application.

Mr. Wagstaff stated the easement for the drainage would solve the hardscape issues. They were asked by staff to combine the two applications (landscaping and house); they would not need a Slope Use Permit if they had submitted two applications. Senior Planner Toft noted that the landscaping plus the pool account for over 150 cubic yards of grading. Mr. Wagstaff asked if the Commission could approve the house and driveway and request the applicants to resubmit the landscaping and the pool. Chair Stahl stated it should be an integrated approval process since one drives the other equally in terms of a design solution. A Public Hearing is not the place for negotiations.

Mr. Tischbern stated they would be willing to move the stone pillars as suggested. The pool sits entirely in the setbacks and the height of the family room and patio could be lowered.

Mr. Tim Bennett, applicant, made the following comments:

- ? There are two large Heritage Trees on the east side of the property. Relocating the pool would put it in the corner against two fence lines and in the steepest part of the lot.
- ? They propose to cover the pool to satisfy the fencing requirement.
- ? He is confident he will be able to obtain an easement and there will be no need for a pump.
- ? They could lower the patio/pool area and install a fence extension to solve the privacy issue.
- ? The sub-drains and surface drainage they are proposing would help all the neighbors.

Commissioner McCluney stated there was a lot going on that was not “on paper” and much that was said by the applicants did not address the Commission’s concerns. He was not ready to approve the application with the addition of a couple of conditions.

Commissioner Deignan stated the applicants seem to have a good understanding of the Commission’s concerns but he would like to see it put on paper. They are on the right track.

Commissioner Young stated he could approve the application tonight.

Chair Stahl reiterated his concern about the location of the pool. It was not appropriate to place the pool right up against the side yard setback given the alternate locations available. They need to consider how the property would be used in the future and the possible sources of contention.

Chair Stahl asked the applicants if they would like to request a 90-day extension or have the Commission deny the application without prejudice since there did not appear to be a majority vote in favor of the application.

The applicants requested, in writing, a 90-day extension.

M/s, Deignan/Young motioned and the Commission voted 4-0 (Heitkamp recused) to continue DR/UP/VAR/FHE 05-71 to March 14<sup>th</sup> based on the Commission’s comments and the comments in the staff report.

## **BUSINESS ITEMS**

### **1. Commissioner’s Reports**

Commissioner Young distributed some information from Zillow.com, showing the type of property information that could be accessed at that particular web site.

Planning Director Kaufman stated TAM did not want to hold a public workshop on parking but rather hold an informal meeting with staff, two Councilmembers, and two Planning Commissioners to review their study. The Commission discussed the Downtown Parking study. Commissioner Heitkamp asked about implementing in-lieu fees on the Niven and Nazari sites. Planning Director Kaufman stated they would need to do a cost analysis (how much to buy and improve the land, number of parking spaces, etc.) and then do an analysis of how much each property owner involved in the assessment would pay. Commissioner Heitkamp stated TAM could help them in this effort. Planning Director Kaufman stated their workshop was more about how to reduce parking through mixed-use parking, parking along transit, etc. Chair Stahl stated this might be worthwhile if Larkspur were a growing city. Commissioner Young stated the report was very informative but he was not sure that meeting with TAM would be worthwhile. It was the consensus of the Commission not to meet with TAM.

Commissioner Heitkamp asked about the status of the proposed Twin Cities Police Facility. She asked about the status of the tennis courts. Planning Director Kaufman stated the plan is to relocate two of the courts. Staff and the Twin Cities Police Authority were working on the conceptual drawings and financing for the facility.

2. Planning Commission Minutes of January 17 and January 24, 2006

M/s, Heitkamp/Deignan motioned and the Commission voted 5-0 to approve the January 17 and January 24, 2006 minutes.

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

Respectfully submitted,

Toni DeFrancis  
Recording Secretary