

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF APRIL 18, 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
Kristen Teiche, City Planner
Deric Licko, Assistant Planner

OPEN TIME FOR PUBLIC EXPRESSION

Mr. James Holmes, Madrone Avenue, discussed the local political history of the 1906 Earthquake.

PLANNING DIRECTOR'S REPORT

- The next CLASP Public Hearing is tentatively schedule for May 10th. The Council will continue their discussion regarding the number of units on Subarea 3.
- The City received an appeal for 121 Sycamore. The neighbor is asking for a condition that requires the applicant to prepare a survey and place the common fence along the property line.

APPROVAL OF CONSENT CALENDAR ITEMS

Business Item

- 1. Approval of findings for the following application which were denied without prejudice at the March 28, 2006 meeting: DR/VAR/PP 05-88: 101 Pepper Avenue (APN 21-231-22). Greg & Marliss Riddle, applicants/property owners. Request for the following permit approvals to allow demolition of an existing carport structure, construction of a two-car garage and second level "pool room" and a kitchen expansion on the main dwelling structure: (1) Design Review, (2) Variance to reduce the existing non-conforming Natural State; and (3) Plot Plan Approval to construct an accessory garage structure in the front yard setback. Staff Recommendation: Approval of findings for denial.**

On the Consent Calendar, M/s, McCluney/Heitkamp motioned and the Commission voted 5-0 to approve the findings for denial for DR/UP/VAR/FHE 05-71, 108 Pepper Avenue.

PUBLIC HEARING ITEMS

- 2. DR/FAR 06-10: 337 Bretano Way (APN 70-232-14). Sandra Huyser, applicant/property owner. Request for the following permit approvals to allow for the expansion of a single-family residence including a second story addition: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to allow a .41 FAR (3,119 sq. ft.) where a 0.40 FAR (3,038 sq. ft.) is permitted by code. Staff Recommendation: Conditional Approval**

Planning Director Kaufman stated staff received a letter regarding this application and she recommended the Commission take this item off of the Consent Calendar.

It was the consensus of the Commission to remove this item from the Consent Calendar.

Assistant Planner Licko presented the staff report.

Commissioner Heitkamp had questions about the relationship of the proposal to the adjacent home.

Chair Stahl opened the Public Hearing.

Ms. Sandra Huyser, applicant, made the following comments:

- The addition is quite small.
- They tried to take all the neighbors into consideration.
- They have eliminated the window that was inadvertently shown on the floor plan and plan to add a skylight instead.
- She was given the opportunity to read the letter from the neighbor and to her knowledge the neighbor did not have a view of Mt. Tam.
- She noted that the other homes nearby were one story and did not have second level views.

Mr. Joe Lazor, Bretano Way, made the following comments:

- He lives directly behind the proposal.
- He noted that his lot was originally planned as a pool and park. The other homes are built around him and looked down at him.
- The proposal would block his views and impact his privacy.
- He is unable to have drapes that he can open and close due to being in wheelchair.
- He asked if something could be done to the roofline.

Chair Stahl stated there would be no windows on the second story addition facing his property and they are staying under the 30' limit.

Chair Stahl asked Mr. Lazor if his home was a single story. Mr. Lazor stated "yes". Chair Stahl asked about the distance between the two homes. Mr. Lazor stated it was equal to the width of the Council Chambers.

Commissioner McCluney asked for clarification regarding the location of Mr. Lazor's lot noting that it is land-locked and has a very narrow access.

Mr. James Holmes, Madrone Avenue, made the following comments:

- This section of Greenbrae was planned as one-story houses.
- Two-story additions and their impacts were an aberration to what had been anticipated.

Chair Stahl closed the Public Hearing.

Commissioner Young provided the following comments:

- The story poles depict a low-profile addition.
- The proposal was very compatible with the neighborhood.
- The proposal would not impose itself on the surrounding neighborhood.

Commissioner Deignan provided the following comments:

- The appearance of the house is consistent with the neighborhood.
- There were no restrictions on second-story additions in the neighborhood.
- The proposal is a minor amount over the limits.
- Any view or privacy impacts would be minimal and not significant.

Commissioner McCluney provided the following comments:

- When he reviewed the report and plans, he thought this was a "slam-dunk".
- He was unaware of the location of Mr. Lazor's home and suggested a continuance.

Commissioner Heitkamp provided the following comments:

- She would like to see the location of 345 Brentano on the plans to see if the neighbor's concerns were valid.
- She did not think there was a problem but she would like to check it out.

Planning Director Kaufman stated staff did go to the back of the property and noted there were standard setbacks from the rear of the homes. The addition is pushed forward on the house to avoid impacting any neighbors. Chair Stahl asked about any visual impacts to the house to the east. Assistant Planner Licko stated they were planning one small window on the side of the addition facing the neighbor to the east. The addition on the adjacent neighbor's home is on the back whereas the proposed addition is placed on the front of the house.

Chair Stahl provided the following comments:

- He did not get a chance to visit the site.
- He would be in favor of a continuance.
- He would like the adjacent neighbor's house plotted on the site plan.
- From the plans, the proposal did not appear to impact the neighbor at the rear.

Commissioner Young stated he would like to see the adjacent properties on all submittals and graphic scale so they can measure distances. In addition, he was unable to locate a replacement furnace and water heater in these plans.

M/s, Heitkamp/Young motioned and the Commission voted 5-0 to continue DR/FAR 06-10, 337 Bretano Way, to the May 9th meeting.

PUBLIC HEARING ITEMS

- 3. DR/SUP/FAR 06-07: 263 W. Baltimore Avenue (APN 21-113-02 & 03). Michael Sands, architect/applicant; Stephen Shaw, property owner. Request for the following permits to allow for the remodel and construction of additions to an existing single-family residence on a lot with an average grade of 35%: (1) Design Review, (2) Slope Use Permit for grading (cut and fill) totaling 144 cubic Yards earth on a lot that exceeds an average grade of 25%; (3) Floor Area Ratio (FAR) Exception to construct additions of approximately 446 sq. ft. resulting in an approximately 2,782 sq. ft. residence and .35 FAR where 1,180 sq. ft. and .15 FAR are permitted by code; (4) Variances to permit additions within the 20' Front yard setbacks required from both street frontages (West Baltimore and Coleman Avenue); and (5) Heritage Tree Removal Permit to allow the removal of one heritage tree, a California Bay.**

City Planner Teiche presented the staff report.

Chair Stahl noted the attic was counted towards FAR and he asked whether or not it could be converted to living space. City Planner Teiche stated it would be possible but they would probably need some source of light, such as a dormer, and a secondary form of egress.

Commissioner McCluney asked about any required parking variances. City Planner Teiche stated according to the demolition plan, most of the house would remain in place and the proposal would not be exceeding 60% of the value of the structure which would trigger the need for additional parking. The applicants have indicated in their Construction Management Plan the possibility of improving Coleman Avenue right-of-way to provide more parking. Such an improvement would require Public Works' approval and the applicant could not claim the space as their own. It is obvious from the floor plan that they intend to reorient the access to Coleman thus making the garage on W. Baltimore less convenient.

Commissioner Heitkamp asked if the official address of the property could be changed. City Planner Teiche stated there has been no formal request for a change in the address. Commissioner Stahl commented that the property owner could put up an address on Coleman and UPS and others would find it.

Commissioner Young stated staff was recommending removal of the two sheds and cutting back of the overhang at the property line. City Planner Teiche stated staff could not issue a building permit for work over the property line. In addition, the existing kitchen crosses over the property line. The applicant proposes a full bath where the kitchen is currently located. Reducing the full bathroom to a half-bath is a feasible alternative and could move the encroachment back to the property line.

Chair Stahl opened the Public Hearing.

Mr. Michel Sands, architect, made the following comments:

- This is a fairly modest addition with most of it underground to reduce the bulk and mass.
- They are respecting the existing architecture.
- They are not adding any bedrooms or triggering additional parking.
- This is a tight sight and a modest proposal given the size of the lot.
- The entrance has been off of Coleman Avenue for many years.
- There could still be deliveries on West Baltimore; they are not removing the stairway on the West Baltimore side.
- The City Engineer was debating whether or not to allow the encroachment of the existing kitchen to remain since this was strictly an interior remodel.
- The smaller, one-story feeling coming off of the larger form is part of the charm and they would not want to cut it back to match the property line. It is only 27 square feet that would encroach.
- The sheds are charming but they would be willing to remove them.
- He discussed the FAR for other homes in the area- five have a .35 FAR or larger, and four have a .45 FAR or larger.
- They had an arborist look at the plan and saw no problems with the Redwoods.
- The attic space is not accessible from the house and there are no plans to use it. It is neither a penalty nor an asset.
- There is one non-designated parallel parking space in front of the property. There is the opportunity to create two more spaces that would be non-designated parallel spaces. They would be happy to do this.

Commissioner Heitkamp asked if a repair of the foundation triggered the excavation proposal. Mr. Sands stated, “No,” that the house is in need of many repairs and excavating creates a more liveable space and provides for a new mechanical room. The new kitchen is the bulk of the addition. Commissioner Heitkamp asked about the condition of the existing garage and retaining walls. Mr. Sands stated they would have to do a lot of retaining wall repairs. The garage is in pretty good shape. There may be some drainage issues. Commissioner Heitkamp asked if they considered other options- the lot is difficult and access is tricky. There is an access point from the lower, east corner. Mr. Sands stated W. Baltimore was the most logical spot for deliveries during construction. There would be some access from the lower east corner but it was not the preferable location.

Commissioner Deignan noted they were planning to match the transite shingles and asked if most of the shingles would remain. Mr. Sands stated “yes” and added they were in pretty good shape. Commissioner Deignan noted they should follow all applicable state and federal regulations if they disturb any shingles.

Ms. Susan Schmidt, Piedmont Avenue, made the following comments:

- She has lived there for eight years.
- She is concerned about the safety issue with the proposed redesign and entry on Coleman. It is an extremely narrow street and only one car can pass at a time. It is very difficult for trucks to negotiate the turn.
- There are eight small children that live on the street.

- There are no sidewalks and many people walk along that street. It is a popular hiking path.
- There have been a number of minor accidents on the street.
- The visibility is very poor coming around that sharp curve.
- There is a tremendous amount of competition for parking along Coleman Avenue, by evening they are all taken.
- She is concerned about construction trucks blocking access.

Mr. James Holmes, Madrone Avenue, made the following comments:

- This is one of the oldest homes in the canyon. He provided some of the history of the home and stated it should be treated “gently”.
- He did not have a great problem with what was being proposed.
- The old kitchen is small and quaint and should not be changed.
- He was concerned about changing the entrance.
- The sheds are quite charming and should be retained; they should either be left alone or restored.
- He noted the neighbors’ issues with Coleman Avenue.
- The historic character of the home should be retained.

Commissioner Stahl asked if he basically like the proposal. Mr. Holmes said, “yes, but that they should listen to the neighbors.”

Ms. Phyllis Matyi, Piedmont Road, made the following comments:

- She lives behind the proposal.
- Staff addressed some of her concerns.
- She is glad they are preserving the home.
- The former occupant did not use the parking space in front on Coleman.
- She is concerned about parking and would like parking to be provided on West Baltimore.
- She discussed the Construction Management Plan and noted that the Plan recognizes the constraints. The Plan seems to indicate that there would not be large trucks on Coleman.
- She would like the entrance to remain on West Baltimore.
- She was concerned about the extension of the roofline and felt it could be detrimental to the Redwoods and would be used as living space in the future. They could come back an ask to install dormers.
- She did not want the house painted yellow and asked them to “think taupe”.
- She was concerned about the bright lights coming from the windows to her hot tub area.

Ms. Sandra Vercoutter, West Baltimore, made the following comments:

- Parking is also a problem along West Baltimore.
- She asked for an explanation on floor area ratios. She referred to the home across from the project site that used the creek in their FAR calculation. City Planner Teiche explained FAR calculations and what is and is not exempt, including the size of the proposed with and without the exempted space.

Ms. Bernice Gilardi, Coleman Avenue, made the following comments:

- She is the only house facing Coleman Avenue.
- Emergency vehicles get confused about the numbering.
- Putting the entrance on Coleman Avenue would be a mistake.
- Vehicles pick up a lot of speed where Coleman comes off of Piedmont Road.
- It is very difficult to back out of driveways in the area.

Ms. Joyce Ortega, Piedmont Road, made the following comments:

- She distributed a photograph to the Commission of the view from her house next door.
- She asked if they would use the garage given that the front door is at the top.
- She stated that there is a very dangerous blind curve on Coleman Avenue.
- Residents on Piedmont Court also would be affected by this project.
- There would be visual impacts from her house. A flat roof would be acceptable. She recommended they put a small roof above the addition and not one that extends out.

Mr. Holmes referred to the plans and recommended removing the gabled roof and maintaining the existing profile of the house.

Chair Stahl closed the Public Hearing.

Chair Stahl stated staff received eight letters regarding the proposal.

Commissioner McCluney provided the following comments:

- He is in favor of the proposal.
- The personality of the house begs to be maintained.
- This is a minor addition. It is done tastefully.
- He concurred with the staff report.
- The Construction Management Plan would address many of the safety concerns. There are always concerns about construction in a tight neighborhood. Generally speaking, he would be surprised if the project generated a lot of traffic on Coleman.
- He liked the sheds and would not mind if they were not removed.
- He was not that concerned about the issue regarding the Redwood trees and the eave line.
- It seems logical to change the entrance from West Baltimore to Coleman Avenue, but he did not want to increase the hazards on the upper road and expressed an interest in what the other Commissioners thought about the issue.
- He had questions about the encroachment issue. Planner Teiche stated that the Building Official does not issue permits for building over the property line.
- He liked the design and could approve the project.

Commissioner Heitkamp provided the following comments:

- She liked the design and appreciated the preservation of the house.
- She is comfortable with the FAR- eight out of eleven of the homes on Coleman are over .30 FAR and five are over .35 FAR.
- The lattice adds to the bulk and she would like it eliminated.
- She has no problem with the variances.

- She is concerned about the Redwoods and the roofline. Redwoods grow vigorously and it would be safer to pull that part of the addition back.
- She has a major concern about the access. This is a very difficult site on both sides. Some alternative access from the lower corner up to the lot should be explored.
- Construction impacts the neighborhood and is a heavy burden on roads and parking. Coleman Avenue could not handle this burden. There is not enough parking for construction vehicles on West Baltimore and access should be provided from the lower corner of the site.
- This will be a “family” home and parking needs will increase.
- She had no strong feeling about the encroachment issue.

Commissioner Deignan provided the following comments:

- He agreed with many of the comments made by Commissioner Heitkamp.
- Staff has laid out good rationale for the findings.
- This is a sympathetic and compatible design and it was nice to see the preservation of an old building.
- They are substantially altering the structure and it should be pulled back so it does not encroach into the right-of-way.
- The plans do not indicate any significant access to West Baltimore and there would be parking on Coleman Avenue.
- The concerns expressed by the neighbors should be addressed.
- He is not concerned about the sheds.

City Planner Teiche stated that the plans show that the shed would be remodeled and the applicant stated that he intends to restore them. Chair Stahl asked if they would be expanded. City Planner Teiche stated she was not sure.

Commissioner Young provided the following comments:

- This is a delightful house and he is pleased to see the “light touch”.
- He does not have a strong feeling about reducing the encroachment because he likes the way the house sits on the site.
- The functional space remains the same. There is a strong entry on the lower level and stairs that will serve to bring people to the upper level. There is no need to relocate the entry and the front door should remain where it is.
- The remodeling would not impact the traffic pattern or impact the roads as they exist. It is a very modest addition.
- He liked the form of the addition and did not think a flat roof would serve the proposal.
- The color was fine and restoring the sheds might be a good idea.
- He has no problem with the FAR.
- He could support approval of the project.

Chair Stahl provided the following comments:

- In general, he is in favor of the proposal. This is a very respectful addition.
- He has no concern with the Slope Use Permit application or the FAR Exception; the home won’t appear much larger and the addition is not a problem.
- He is comfortable with the front yard setback Variance.

- His concerns center around the Design Review with the entry and parking.
- He is concerned about building “into harms way” with the trees and a future request to remove the trees. Some adjustment to the roof eave of the addition would be appropriate. There is no reason it should be as tall as proposed. It could be lower and pulled back.
- He did not want to diminish the Building Official’s concerns, but was not concerned about the encroachment and stated it has existed for many years.
- He would not be opposed to restoring the sheds.
- He was concerned about the proposed entry on Coleman Avenue. It is a dangerous street. This is a “double-edged sword,” more parking spaces, but more traffic.
- He could support the Tree Removal Permit.

Chair Stahl stated it was the consensus to approve the Slope Use Permit, FAR Exception, front yard setback Variance, Tree Removal Permit, and the sheds. The issues for further discussion are the Design Review related to the proposed roofline relative to the tree, parking/entry on Coleman Avenue and encroachment over the property line. Commissioner McCluney asked if they were supportive of the Construction Management Plan. City Planner Teiche stated the Public Works Director must approve the plan.

Commissioner McCluney provided the following comments:

- He would like to see the eave line pulled back to preserve the tree.
- He had no problem with the encroachment issue.
- He was generally satisfied with the Construction Management Plan as long as only small delivery trucks use Coleman. He thought it should be left to staff to tighten up the Plan.

Commissioner Heitkamp provided the following comments:

- They will need space for storage and staging of debris bins and construction equipment. It shouldn’t happen on Coleman.
- She had no problem with the encroachment over the property line. The Commission should advise the Building Official that they did not have a problem with it.
- The roofline should be pulled back from the trees.

Commissioner Young provided the following comments:

- He could support the Construction Management Plan.
- He felt strongly that the entry remain on West Baltimore. A second door would be valuable to the homeowner but it should not be the main entrance
- Trees need breathing room.
- He had no problem with the encroachment.

Commissioner Deignan provided the following comments:

- The eave line should be pulled back from the tree.
- If the entry is from Coleman then parking needs to be added since it would be reconfiguring and intensifying the use.
- He could support the Construction Management Plan.

Chair Stahl provided the following comments:

- He was satisfied with the adequacy of the Construction Management Plan.

- There was consensus to support the continuance of the encroachment. It is ultimately up to the discretion of the Building Official.
- There is a consensus that there should be as much space as possible between the addition and the trees.
- There is a consensus to discourage access to the home through Coleman Avenue.

Mr. Sands discussed the existing access and stated they could explore the access issue from West Baltimore. Commissioner Heitkamp stated she appreciated the offer to explore the lower portion of the lot. City Planner Teiche clarified that this could require more excavation and a modification to the requested Slope Use Permit. The grade is very steep and it would require cutting into the hillside to gain vehicular access. Mr. Sands clarified that if there would be a loss of parking spaces along West Baltimore if they tried to create spaces or access at the lower corner; from that corner it could be pedestrian access only.

Commissioner McCluney stated he would like to flush out the pros and cons of new parking spaces on Coleman Avenue.

M/s, Deignan/McCluney motioned and the Commission voted 5-0 to continue DR/SUP/FAR 06-07, 263 W. Baltimore Avenue, to the May 23rd meeting based on the concerns of the Commission and the neighbors.

- 4. HT/VAR 05-82: Lots 13 and 16 through 20 of the Drake's Cove Subdivision, a 10.2 acre parcel on the north side of East Sir Francis Drake Boulevard and east of Larkspur Landing Circle and the Historic Brick Kiln property (AP #'s 018-250-14, 17, 18, 19, 20 and 21 Lot #'s 13, 16-20) (formerly APN 018-191-41) Larkspur Capital Partners, LLC (aka Monahan Pacific), applicant/property owner. Request for the following permits (request revised from previous application to remove 16 heritage trees, one being Tree #104 which has since been approved for removal and relocation): (1) Heritage Tree Removal Permit to remove four heritage Oak trees (two on Lot 16 and two on Lot 19); (2) Heritage Tree Removal Permit to remove and relocate five heritage Oak trees (one on Lot 16, three on Lot 17, and one on Lot 20); and (3) Various Variances to the Precise Plan (file: PP 05-24, Ordinances #923 and 947) approved setbacks for front, side and rear yards for Lots 13 and 16 through 20 to allow for the rotation of house footprints to provide for the preservation of heritage trees. Some setbacks are increased and some decreased.**

Planning Director Kaufman presented the staff report.

It was the consensus of the Commission to discuss the matter on a lot-by-lot basis.

Chair Stahl opened the Public Hearing.

Chair Stahl asked for comments regarding Lot #13.

It was the consensus of the Commission to support the recommendation in the staff report. Mr. Victor Gonzales, representing Monahan Pacific, concurred with the staff report.

At the suggestion of staff, the Commission agreed to review the remaining lots in reverse order. Chair Stahl asked for comments regarding Lot #20.

Mr. Gonzales stated he concurred with the staff report. He added they did not want to remove any more trees than necessary.

Commissioner Young asked Mr. Gonzales if they planned to relocate Tree #160. Mr. Gonzales stated “no”. Commissioner Young discussed the pros and cons of relocating the tree and stated he would like them both relocated. Chair Stahl asked Mr. Gonzales if he would be willing to relocate both trees. Mr. Gonzales stated he did not want to create an opening where they would be required to relocate more trees than required. Commissioner McCluney stated that this was a special circumstance and staff had recommended moving the non-heritage tree. Chair Stahl stated that the minutes would note that.

It was the consensus of the Commission that special circumstances apply in this situation and both trees (#s 159 and #160) should be relocated.

Chair Stahl asked for comments regarding Lot # 19.

Mr. Gonzales stated he concurred with the recommendation in the staff report.

Chair Stahl asked for clarification on the wall height and previous approvals. He was concerned about making the wall taller. He would like to see options that preserve the trees and do not raise the retaining wall. The house does not have to be in that configuration. Mr. Gonzales stated the wall would be five feet higher.

Mr. Gonzales stated he met with Mr. Bob Burton regarding a reconfiguration to preserve the trees. If the house were moved forward it would appear taller from the street.

Commissioner McCluney asked how many trees were removed under the original approval. Mr. Gonzales stated all four trees were indicated in the building footprint all along. Planning Director Kaufman stated the trees were not shown as heritage on the plans.

Chair Stahl stated the house should be stepped down the hill instead of grading the lot as a flat pad. The house depth could be reduced and the master bedroom could be moved down and to the south.

Commissioner Young suggested they rotate the master bedroom and master bath.

Mr. Gonzales expressed concern that they will “box themselves in” with the other improvements. They would be willing to take another look at this lot.

It was the consensus of the Commission to continue Lot #19 to a date uncertain.

Chair Stahl asked for comments regarding Lot #18.

It was the consensus of the Commission to support the staff recommendation.

Chair Stahl asked for comments regarding Lot #17.

Commissioner Heitkamp had questions about the drainage around the treatment plant where the tree is proposed to be relocated. Mr. Gonzales stated it was level and it drained towards the street. Commissioner Heitkamp stated she was not concerned about the applicant's proposal to screen the treatment plant.

Commissioner Young had questions about the elevation of the rear of the house. He noted the elevation drawing indicated the height would be 37 feet. Senior Planner Toft stated that the elevation is misleading because the roof slants as it goes up the hill.

It was the consensus of the Commission to approve the relocation of Trees # 294, #295, and #296 per the developer's plans.

Chair Stahl asked for comments regarding Lot #16.

Commissioner McCluney asked the arborist what percentage of the trees being moved would survive. The applicant's arborist, Dave Teuschler, stated that it was hard to determine but most projects are typically 100%.

Chair Stahl asked if an arborist would be on site. The arborist stated "yes".

Chair Stahl stated they should add a condition to allow staff review and approval for an alternative relocation site. The Commission agreed.

Senior Planner Toft explained the rationale behind the recommendation of relocating Tree #340 rather than #332. He stated that Tree #340 is a better candidate. Mr. Teuschler stated that a single trunk tree is more stable. Commissioner Heitkamp stated that she preferred that Tree #340 be relocated.

It was the consensus of the Commission to support the staff recommendation.

Planning Director Kaufman summarized the decision of the Commission, which was consistent with the staff recommendation except as noted: 1) Lot #13- the building height shall not exceed 29', corner of the house shall be cut back to retain the original 15' setback, and the deck could be relocated to the other side; 2) Lot #16- approve removal of Heritage Trees #332, #337, #341, with the condition that tree #340 be relocated, setbacks shall be as shown on the plans, 3) Lot #17- approve relocation of Heritage Tree # 294, #295, #296 per the applicant's plan, setbacks shall be as proposed, 4) Lot #18- setbacks shall be as proposed and the building height shall not exceed 28', 5) Lot #19- this lot will be continued to a future date, 6) Lot #20- approve relocation of Heritage Trees #159 and #160; submission for review and approval of a preservation plan by a qualified tree management company is required for all Heritage and non-Heritage trees, replacement ratio is 4:1 or 2:1 depending on the size of the tree, there shall be a three year maintenance and monitoring plan, staff shall approve alternative relocations if the proposed locations do not work, FAR's and lot coverage shall not exceed those of the Precise Plan, and

final grading permits are subject to the approval of the Public Works Department.

Mr. Gonzales asked that they not be required to grade Lot #19 before selling the lots. Planning Director Kaufman stated this condition was in the Precise Plan Ordinance and it would take an amendment to the Ordinance to change the condition.

M/s, Heitkamp/Deignan motioned and the Commission voted 5-0 to approve HT/VAR 05-82 as amended with the continuation of Lot #19 to a date uncertain.

BUSINESS ITEMS

1. Commissioner's Reports

There were no reports from the Commission.

2. Planning Commission Minutes of March 28, 2006

M/s, McCluney/Deignan motioned and the Commission voted 5-0 to approve the minutes of March 28, 2006 as submitted.

The meeting was adjourned at 11:34 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary