

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF MAY 23, 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,
Richard Young

Commissioners Absent: Chris McCluney

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

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- The City Council concluded their CLASP Public Hearings. She would like to give the Commission time to review the revised document before placing the item on the agenda. She discussed several possible dates.
- She discussed the new recording system and stated it continues to record during breaks.

APPROVAL OF CONSENT CALENDAR ITEMS

PUBLIC HEARING ITEMS

1. **CAP/DR 06-23: 800 Magnolia Avenue (APN 20-121-15). Pacific Design Group, applicant; Dennis Gilardi, property owner. Request for the following permits to allow conversion of an existing 6,000 sq. ft. office use to a medical facility: (1) Circulation Assessment Permit for conversion resulting in a net increase of 12 PM peak hour trips; and (2) Design Review for modifications and improvements to a commercial parking lot, adding six spaces and one loading space.
Staff Recommendation: Conditional Approval**
2. **DR 06-17: 28 South Green Court (APN 22-262-24). Jonathan Kellen, applicant/property owner. Request for Design Review approval to allow for the expansion and**

remodel of a single-family residence, including construction of a new second-story addition with a roof deck.

Staff Recommendation: Conditional Approval

Chair Stahl asked if anyone wished to speak on any of the consent calendar items. There was no response. He asked the applicants if they had any objections to the conditions in the staff report. They responded “no”.

M/s, Deignan/Heitkamp motioned and the Commission voted 4-0 (McCluney absent) to approve CAP/DR 06-23, 800 Magnolia Avenue, and DR 06-17, 28 South Green Court, subject to the findings and conditions set forth in the staff report.

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

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 a 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. This item was continued from the Planning Commission's April 18, 2006 meeting.**

City Planner Teiche presented the staff report.

Commissioner Heitkamp asked if the two parking spaces shown on the plans on W. Baltimore were new. City Planner Teiche stated they were existing spaces. Commissioner asked if the tree being removed was a Bay. City Planner Teiche stated “yes”. Commissioner Heitkamp referred to page 11 of the staff report and asked that the reference to the removal of the sheds be deleted. City Planner Teiche stated she would make that amendment. Commissioner Heitkamp referred to page 11 and stated the Commission had decided that the encroachment issue would be determined by the Building Inspector. City Planner Teiche stated this was in the conditions.

Chair Stahl opened the Public Hearing.

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

- They have addressed the entry and delivery issues. The entry would be off of W. Baltimore instead of Coleman Avenue and there would be no parking or deliveries off of Coleman.
- They shifted the new addition and foundation away from the Redwood trees.
- They altered the design of the dining room roof to minimize the bulk and mass.
- They lessened the square footage by about 117 square feet. This also lowered the FAR.
- There is a new path shown on the site plan that connects the lower east corner as well as the entry step landing. It comes up between the two existing sheds and the new deck and serves as another access point.
- They added a new stair due to the access to the lower shed.
- They are not cutting down the Magnolia tree.
- They are not adding parking on Coleman Avenue or W. Baltimore.

Chair Stahl asked about the new lawn area. Mr. Sands stated the area where they are bringing the path up between the sheds was incorrectly shown as a new lawn area. There is a four to six foot drop and it would become a landscaped area. They are not changing the slope.

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

- She is very pleased with the revisions.
- She asked where the construction supplies would be stored. Commissioner Heitkamp stated the unloading would be done on W. Baltimore and the supplies would be stored on the upper lawn area.
- She described the current parking situation in the neighborhood and stated that parking was a major issue and she would like additional parking spaces provided on Coleman Avenue. She stated that a space could be added along Coleman that would not conflict with driveways.

Ms. Dona Cohn Payne, W. Baltimore Avenue, made the following comments:

- She discussed fire safety issues.
- She stated her kitchen and the applicant's kitchen were about two feet apart and she would like them to install a "fire wall".
- She discussed the parking problem in the area and stated it was very congested.
- The applicants should be required to have a two-car garage and that other projects in the area have been required to increase on-site parking.
- The applicants should be required to extend the retaining wall on Coleman Avenue to provide two public parking spaces.

Chair Stahl closed the Public Hearing.

Commissioner Heitkamp provided the following comments:

- She appreciated the changes that were made.

- Retaining the character of the building was wonderful.
- She is sympathetic to the parking issue. She was not sure where parking could be added to the lower part of the property. Parking on Coleman Avenue would be in the public right-of-way.

City Planner Teiche stated that would require an encroachment permit. Planning Director Kaufman stated the previous concern was that if parking were added along the Coleman frontage than the owner would use Coleman as their entry. If the City requires them to provide an additional space along the Coleman right-of-way, the applicants would have the right to use it. She also noted that this project has not met the threshold for requiring improved parking on-site.

Commissioner Deignan provided the following comments:

- The applicant responded to the Commissions' concerns.
- He noted that the majority of the neighbors did not want parking Coleman and the project has not triggered the requirement to provide additional on-site parking.
- He could make the findings to approve the project.

Commissioner Young provided the following comments:

- He agreed with Commissioner Deignan.
- He stated that the applicant's had done a good job of addressing the concerns that had been raised by the Commission.
- With regard to the uphill parking, it was the Commission's intent to discourage additional congestion and parking.
- He could make findings to approve the project.

Chair Stahl provided the following comments:

- The "firewall" issue was not within the purview of the Commission and would be addressed by the Building Department.
- All of the issues raised by the Commission were thoughtfully addressed.
- Though neighbors have written regarding the parking issue, the Commission needs to balance between encouraging access from W. Baltimore and the parking concerns on Coleman.
- The applicant has been very responsive to the public comments.

M/s, Heitkamp/Young motioned and the Commission voted 4-0 (McCluney absent) to approve DR/SUP/FAR 06-07, 263 W. Baltimore Avenue, subject to the amended findings and the conditions set forth in the staff report.

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

- 4. LLA/DR/SUP/GR/TR 04-90: 57 & 59 Olive Avenue (APN 21-054-06 & 07); Evan Cross/Pahana Known Architects, A.I.A., architect/applicant; Fred Keyhan and Hamid Sigaroudinia, property owners. Request for the following permits to allow construction of a new 6,490 square foot single family dwelling including grading and modifications to the parking area and driveway at 57 Olive Avenue: (1) Lot Line Adjustment to transfer 481 square feet of parcel area from 59 Olive Avenue to 57 Olive and permit recordation of a 481 square foot access easement across 57 Olive Avenue to serve 59 Olive Avenue; (2) Design Review; (3) Slope Use Permit to grade approximately 1,014 CY (cubic yards) of earth (808 CY excavation and 206 CY fill) on 59 Olive Avenue and grading 49 CY of earth (40 cubic yards excavation and 9 CY of fill) on 57 Olive Avenue; (4) Grading Permit to grade more than 1,000 CY of earth; (5) Heritage Tree Removal Permit to remove nine (9) heritage size trees (4 Coast Live Oaks, 4 Bay Laurels, and 1 Madrone). This item was continued from the Planning Commission's April 25, 2006 meeting.**

Chair Stahl recused himself from this item since he was not in attendance at the April 25th meeting.

Senior Planner Toft presented the staff report. He stated staff received one item of late mail. He noted staff provided an errata sheet for two changes to the conditions of approval and the elevations provided by the applicant showing the neighboring properties.

Acting Chair Heitkamp asked about the plan to use an independent site monitor after a stop work order was issued. She stated the timing was too late. Senior Planner Toft stated the City does not typically require an independent site monitor for a single-family residential project. Commissioner Heitkamp stated this was not a typical single-family home project. Commissioner Young stated it would be worthwhile to have someone on site monitoring the project. Commissioner Deignan stated he had some hesitation in requiring the applicants to spend more money before they have established a bad "track record." He stated staff could check on any complaints from the public and there could be a lesser threshold than a stop work order. Planning Director Kaufman stated they may wish to require someone on-site during the grading since that is when the most impacts could occur..

Acting Chair Heitkamp stated she would like some assurance that the City would not be faced with another lot split or proposal for the remaining land. Senior Planner Toft stated the project proposal would use up most of the development entitlements for the property. At .04 FAR the reduction in lot size would have to be a small percentage of the existing lot (perhaps 1/5th or 1/6th). As proposed, it is nearing its maximum FAR. Any lot line adjustment or further subdivision of the lot would have to comply with both the lot area per dwelling unit requirement as well as access and frontage requirements, etc. This proposal would essentially take up the development entitlements for the property. Planning Director Kaufman stated it would not have

any access to the public right-of-way and it would be difficult to come through the adjacent property because of the way the project is configured (wraps around the adjacent lot).

Acting Chair Heitkamp opened the Public Hearing.

Mr. Evan Cross, architect, made the following comments:

- He referred to his letter dated May 19, 2006.
- They physically and visually reduced the home's foreground or downhill mass in relationship to the neighbors and the street.
- They reduced the entry pavilion by 3'4" by tying the first stair roof into the pavilion roof.
- They restrung each dimension from left to right across the garage (including reducing each garage door to 9'6") and then balanced the wall surfaces on either side of the series of doors and came up with a 3'6" overall reduction in width.
- They are about 50 feet back from the edge of the roadway, 70+ feet from the neighbors to the south, and 50+ feet from the neighbors to the north.
- They articulated the wall masses with railings.
- They removed two guest parking spaces by shortening the driveway by about 13 feet. Commissioner Young asked if there were six spaces for tandem parking. Mr. Cross stated "yes" and they could stack cars up the driveway.
- They worked diligently to address the concerns of the Commission and the neighbors.

Mr. Carl Oshiro, Olive Avenue, made the following comments:

- He asked about the requirement to repave Olive Avenue after the completion of the project. Senior Planner Toft referred to page 8, condition #15, of the staff report.
- He referred to page 10, Design Review Finding (B), Compatibility with neighbors, and stated this finding could not be made. He disagreed with staff's rationale in making this finding and asked that a survey of the square footage of homes in the neighborhood be done. He objected to the use of the term "eclectic" in this finding and in others to justify the project. He stated that to refer to the neighborhood as "diverse" is one thing, but it cannot be used to justify the project.
- He referred to page 10, Design Review Finding (C), Bulk, and stated the mass, height, and scale of the project was out of character with the neighborhood. He stated that the homes are different in size, it is not a reason why this proposal is consistent with the neighborhood.
- He referred to page 11, Design Review Finding (D), Overall Design, and stated the project was not in keeping with the neighborhood.
- He referred to page 11, Slope Use Permit Finding (B) and stated this finding could not be made. He stated that the finding limits grading to reasonable development and that reasonable development is different than maximum FAR.
- He asked about the development rights that are left on the property.

- He would support a project on this site that was similar in scale to the neighborhood and would enhance the neighboring properties.
- He urged the Commission to deny this project due to the inability to make the findings.
- He requested that staff be directed to conduct a systematic analysis of elevations and FARs along Olive Avenue and within a quarter mile of the site.

Mr. Tom Serleth, Olive Avenue, made the following comments:

- The project was out of scale with the neighborhood.
- He would rather see two smaller homes designed together- one at 57 Olive and one at 59 Olive.
- The current proposal is worse in terms of FAR than the original proposal.
- He was concerned about the Eucalyptus and Acacias in the area. They need to go beyond simple debris cleanup. Many of the trees have lost limbs or have fallen. He wanted some resolution of the trees that overhang his house.
- Future access for cleanup would be constrained by the development.

Acting Chair Heitkamp closed the Public Hearing.

Acting Chair Heitkamp asked staff to address the debris cleanup issue. Senior Planner Toft stated the Fire Marshal informed him that the City does not have an enforcement program for healthy Eucalyptus or Acacia trees. There has not been a survey of the debris but there is a condition that the Fire Marshal shall conduct a site inspection with the applicant prior to the grading to make sure they have followed the established program for fire safety. There is no opportunity to create vehicular access further up the hill but there would be ground access. He discussed the development potential and rights that would remain and stated the development is proposed to be .04 FAR where .05 is the maximum allowed. That leaves .01 amount of FAR or the equivalent of 1,600 square feet of floor area remaining. A full acre would be required to create a new site and the site does not have the frontage available. There could possibly be a lot line adjustment but not a new lot.

Acting Chair Heitkamp asked about the potential for a second unit on this property. Planning Director Kaufman stated that was dictated by State law. Acting Chair Heitkamp asked if they could add a condition that the construction of this home at this scale uses up the development rights. Senior Planner Toft stated “no”.

Commissioner Deignan stated they have been talking about the development potential for a separate lot should it be split off from 59 Olive. He asked if an arrangement could be made for 57 to do a lot line adjustment to pick up more space. Senior Planner Toft stated the most that could be transferred would be the equivalent of about 1,600 square feet of floor area.

Commissioner Deignan asked about the size of the existing structure at 57 Olive Avenue. Senior Planner Toft stated he was not sure and thought it was about 1,200 to 1,500 square feet.

Planning Director noted that the speaker who addressed the findings had not quoted the entire findings. The recommended findings are not based solely on the term “eclectic.”

Commissioner Deignan provided the following comments:

- The applicants listened to the comments previously made by the Commission. There is some reduction in the building- he would have preferred more.
- The building steps up the hill and is broken up. They have used mass reduction techniques and landscape screening.
- He could be persuaded that this project meets the threshold of what the Commission wants.
- He would like to hear comments from the other Commissioners.

Commissioner Young provided the following comments:

- He is satisfied with the revisions that were made.
- They listened carefully to the Commissions comments.
- This is a large house but about 1/3rd of the plan is actually the garage and internal circulation, which reduces the livable area.
- This is a very difficult lot.
- The size of the lot could justify and support a house this size.
- He could support the project.

Acting Chair Heitkamp provided the following comments:

- She appreciated the changes made, especially the height reduction, the railings, the lowering of the area of the parking.
- It is difficult to assess the way the house would be visualized from the street.
- There is a 50-foot setback from the street and a grade level change and one would not be able to see anything beyond the cupola above the garage.
- Stepping the house up the hill is the right approach- it minimizes the grading and sets the house into the site.
- Given the size of the lot, the proposal is equivalent to a main house and second unit. She referred to the application they recently considered in Greenbrae for a second unit. The size of the lot could accommodate a large house and a second unit.
- The scale works in this location.
- It is a reasonable development.
- There is a minimal amount of visual impact.
- The tree hazard question has been addressed.
- She stated that site monitoring should occur during the grading phase.

- She could make the findings.

M/s, Deignan/Young motioned and the Commission voted 3-0 (Stahl recused, McCluney absent) to approve LLA/DR/SUP/GR/TR 04-90, 57 and 59 Olive Avenue, based on the findings and conditions set forth in the staff report and the following conditions: 1) There shall be an independent on-site monitor during excavation and tree cutting, paid for by the applicant, 2) The changes on errata sheet provided by the staff shall be incorporated.

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

Chair Stahl returned to the dais.

- 5. DR/FAR 06-19: 75 Tulane Drive (APN 20-113-10). Jared Polsky, Polsky Architects, applicant; Jennifer and Brent Lauchle, property owners. Request for the following permits to allow for the interior remodel and first-floor expansion of a single-family residence, and construction of a second-story addition: (1) Design Review and (2) Floor Area Ratio (FAR) Exception to allow a 0.45 FAR (3,387 sq. ft.) where a 0.40 FAR (3,000 sq. ft.) is permitted by code.**

Assistant Planner Licko presented the staff report.

Chair Stahl opened the Public Hearing.

Mr. Jared Polsky, architect, made the following comments:

- This is a neighborhood in transition.
- Almost 20% of the neighborhood has second story additions and 1/3rd of those are on the side of the house.
- They spent a lot of time discussing the plans with the neighbors. They have letters of support from all the surrounding neighbors.
- The neighbor at 63 Tulane has concluded that a centered addition would block his view from a future addition.
- He attempted to give the project some architectural interest.
- The FAR is on the high end of what will be the average but that the home is surcharged 100 sq. ft. for the stairwell.
- The neighbor to the east (63 Tulane) has no significant windows and there is a large, covered patio with a big tree. The neighbor has no view of Mt. Tam except from a far corner of the backyard.

Assistant Planner Licko stated he has been in this backyard and you can clearly see Mt. Tamalpais from almost every vantage point.

Mr. Brent Lauchle, property owner, made the following comments:

- The design would allow them to grow as a family and to live in the house during construction.
- They installed the story poles early to try to get a consensus from the neighbors. The neighbors are very supportive.
- He distributed some photographs to the Commission.

Chair Stahl closed the Public Hearing.

Commissioner Young provided the following comments:

- The site plan is exemplary.
- He is in favor of the project and is not concerned with the fact that it is offset.
- The design flows well internally and permits them to live in the house during construction.

Commissioner Deignan provided the following comments:

- He understood the staff contention that a centered addition is preferred with this type of development.
- This addition is stepped back from the front substantially. This helps to soften and break up the mass.
- This is a good design and he could see the logic to it.

Commissioner Heitkamp provided the following comments:

- She concurred with the other Commissioner's comments
- The key was the neighborhood support.
- She usually cringes at off-centered second story additions.
- There is a minimal amount of intrusion.
- The rear view includes a parking lot and commercial building.
- She liked the design touches that give character to this tract house.
- The design creates a private patio.
- Being able to stay in the house was very important.
- She has no problem with the proposal.

Chair Stahl provided the following comments:

- He does not dispute the comments made by the other Commissioners.
- The design is fine.
- He asked about the conditions of the site that justified putting all of the new construction where it would impact the afternoon solar access for the neighbor. The neighbors would now look at a big, two-story wall.

- The Commission has encouraged centering additions for two reasons: 1) a better opportunity of blending in the added mass of the second story, and 2) it tends to have the less impact on the neighbors.
- He understood the benefits to the applicants. The Commission has to make their judgments based on the conditions of the site and not the conditions of the applicant or the quality of the architect.
- He could not support the application.

Commissioner Heitkamp stated the project was on a north/south diagonal and would not block the neighbor's light since the addition was to the rear of the house.

Planning Director Kaufman stated staff was a bit confused and would like direction from the Commission regarding the criteria for off-centered vs. centered second story additions. She stated that this proposal was southwest of the neighbors yard and does appear that it would block the solar access to the neighbor's yard. Commissioner Heitkamp stated that King Mountain and the trees already impact the solar access to the yard.

Commissioner Heitkamp stated proposals are taken on a case-by-case basis. She considers the design elements as well as the preservation of the neighbor's homes. Commissioner Deignan agreed and stated this is not a "one size fits all" issue and they consider proposals on a case-by-case basis. Good design can mitigate a lot. Commissioner Heitkamp stated communication with the neighbors was key. Commissioner Young stated it was a case-by-case judgment call.

Commissioner Young asked staff if they performed a shade study. Assistant Planner Licko stated "no".

Commissioner Heitkamp stated the findings for Design Review can be made: (B) Compatibility- the bulk and scale of the proposal is consistent with the neighborhood, it would not have major interference with light, solar access, or views; (C) Bulk- the design treatment minimizes the perception of excessive bulk; (D) Overall Design- there were a number of very nice touches that change it from a tract house to a more attractive residence; (E) Other Plans and Regulations- the proposal meets all codes. The finding for the FAR Exception can also be made- the applicant has been sensitive to the neighbors.

M/s, Heitkamp/Deignan motioned and the Commission voted 3-1 (Stahl voted no, McCluney absent) to approve DR/FAR 06-19, 75 Tulane Drive, based on the findings cited by Commissioner Heitkamp, the findings cited by the applicant in his letter dated March 10, 2006, and the conditions set forth in the staff report.

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

BUSINESS ITEMS

1. Commissioner's Reports

Commissioner Heitkamp reported on the Job Faire for volunteers to help with Larkspur's Heritage Book and the City's 100th Birthday that would be held on May 31st in the Council Chambers from 5:00 p.m. to 7:00 p.m. Plans are being made for the City of Larkspur's Centennial Celebration and the rewriting of the book entitled Larkspur, Past and Present.

2. Planning Commission Minutes of May 9, 2006

M/s, Heitkamp/Young motioned and the Commission voted 4-0 (McCluney absent) to approve the minutes May 9, 2006 as submitted.

The meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary