

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF JUNE 13, 2006

The Larkspur Planning Commission was convened at 7:31 p.m. in the Council Chambers by Chair Stahl.

Commissioners Present: Chair Jeff Stahl, Monte Deignan, Chris McCluney

Commissioners Absent: Helen Heitkamp, Richard Young

Staff Present: Nancy Kaufman, Planning Director
Deric Licko, Assistant Planner
Diane Henderson, Planning Consultant

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- The City Council will hear the appeal of two planning applications at their June 21st meeting: 337 Bretano Way and 59 Olive Avenue.
- The lights in the Council Chambers are on motion detectors.
- She distributed some photographs of some very large trees being relocated at the Drake's Cove Project.
- The next agenda would include a preliminary discussion on parking.

APPROVAL OF CONSENT CALENDAR ITEMS

PUBLIC HEARING ITEMS

1. **DR/SUP/HTR 06-14: 31 Paseo Way (APN 070-261-12). Richard Perlstein, Polsky Architects, applicant; John & Janet Polachek, property owners. Request for the following permits to allow for the construction of a new single story detached pool house: (1) Design Review; (2) Slope Use Permit to allow excavation of approximately 137 cubic yards of earth (reduced from 190 cubic yards); and (3) Heritage Tree Removal Permit to allow the removal of one 18" diameter heritage Pine. This item was continued from the Planning Commission's May 9, 2006 meeting.
Staff Recommendation: Conditional Approval**
2. **DR/FAR/VAR 06-29: 65 Corte Amado (APN 70-291-15) Daniel Weaver,**

architect/applicant; Isabelle and Charles Hamker, property owners. 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 51%: (1) Design Review; (2) Floor Area Ratio Exception to construct additions of approximately 551 sq. ft. resulting in a 3,411 sq. ft. residence and 0.26 FAR where a 0.05 or an 850 sq. ft. residence with a 400 sq. ft. garage is permitted by code; and (3) Variance to permit a reduction in Natural State to 52% from 54% where 70% is required

Staff Recommendation: Conditional Approval

3. **DR/EXC/UP/VAR 06-28: 2140 Redwood Highway (APN 023-012-2, -3, -14, -15, 023-031-11, -12, -19) Gayle Permar, applicant; Doris Bertram, property owner. Request for the following permits to allow for the reconstruction of an existing nonconforming office/residential building, including a new laundry facility, with a new maximum height of 18 feet 3 inches where 14 feet is the maximum allowed: (1) Design Review; (2) Exception Permit to allow the reconstruction of a nonconforming building; (3) Conditional Use Permit to recognize the existing recreation vehicle park use, and to allow the relocation of an existing laundry facility to the proposed structure; and (4) Variance to allow a building height of 18 feet 3 inches where 14 feet is the maximum allowed by code.**

Staff Recommendation: Conditional Approval

4. **DR 06-27: 700 Lincoln Village Parkway (APN 18-191-15 & -17) Andrew Raymundo, RSS Architecture, Inc., applicant; Werdell Hill, Equity Residential property owner. Request for Design Review approval to reside the existing stucco walls, replace balcony and entry stair railings and paint exterior facade of the Lincoln Shores apartments.**

Application withdrawn by applicant for redesign; No action necessary

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. Applicants for the first two agenda items responded "no". The property owner for 2140 Redwood Highway stated that she had not had an opportunity to review the staff report. Chair Stahl stated no action was required on item #4 since it had been withdrawn.

On the Consent Calendar, M/s, Deignan/McCluney motioned and the Commission voted 3-0 (Heitkamp and Young absent) to approve DR/SUP/HTR 06-14 (31 Paseo Way) and DR/FAR/VAR 06-29 (65 Corte Amado) subject to the findings and conditions set forth in the staff report.

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

Chair Stahl stated the Commission would give the applicants for Consent Calendar item #3 some time to read the staff report.

PUBLIC HEARING ITEMS

- 5. Grad/HRT 06-05: 2000 Larkspur Landing Circle (APN 018-171-32). Campus St. James Larkspur LLC, applicant; Ross Valley Sanitary District of Marin County (Sanitary District 1), property owner. Request for the following permits: (1) Preliminary Grading Permit to allow the cutting of approximately 30,000 cubic yards of soil from the project site, and placement of approximately 30,000 cubic yards of fill to raise the level of the lower site areas for a balanced plan; and (2) Heritage Tree Removal Permit to allow the removal of 24 heritage trees. The project applicant proposes the interim grading of the 10.675-acre 2000 Larkspur Landing Circle project site, which received Preliminary Plan approval from the Larkspur City Council in September, 2005. The proposed grading would facilitate the orderly relocation of Sanitary District No. 1 operations from various locations on the overall project site to a 1.5-acre portion of the property, consistent with Preliminary Plan approval. The interim grading would also allow the surcharging of the lower portions of the project site.**

Planning Consultant Henderson presented the staff report.

Commissioner McCluney had questions about what would happen in the area of the isthmus. Planning Consultant Henderson stated the existing Sanitary District facilities were spread throughout the 10 acres and this plan would relocate them to about an acre and a half at the northeast corner. The Sanitary District and the hotel are linked because they share the common lower parking area. There is a retaining wall that runs between the lower lot of the hotel and the Sanitary District and the upper lot which is where the Sanitary District yard and parking would be located. Commissioner McCluney asked for clarification regarding the wall heights and elevations. Planning Consultant Henderson stated the lower and upper areas would be separated by a 10' to 13' retaining wall. There is a significant difference in grade. The upper lot is accessed from Lincoln Village Circle and the lower area is accessed from Larkspur Landing Circle. Commissioner McCluney asked if this was the first time the Commission has been informed about the extent of the grade difference. Planning Consultant Henderson stated it might not have been said that way precisely but the plans for the Sanitary District office show a 2-story building with access to both floors and the two parking lots at different levels. Commissioner McCluney stated the developers want to get the grading done in the back now so the Sanitary District can get themselves moved in. Planning Consultant Henderson agreed. This would essentially set the final grades for the Sanitary District, the hotel, the Connector Road, and the other main road in the development. The residential final grades would not be set until the

Commission looks at the Precise Development Plan. Planning Director Kaufman stated she has not received anything from the Sanitary District but she understood that, at this time, they no longer plan to build the building they had proposed and plan to move in portable buildings instead. She also noted that the Drake's Way EAH Project is at a higher elevation.

Commissioner McCluney asked how they plan to excavate the rock in the back of the site. Planning Consultant Henderson stated it was not the intent of the developers to blast the rock and they have been informed that it is chippable. If they do have to blast the rock then staff would need to do additional environmental review since those noise impacts were not studied.

Commissioner McCluney discussed the 2:1 tree replacement ratio and asked if the trees would be located on other parts of the site. Planning Consultant Henderson stated that would be a part of the landscape plan and the trees would probably be planted in the residential area. Commissioner McCluney asked if some of the trees could be located at Tubb Lake. Planning Director Kaufman stated "yes".

Commissioner McCluney had questions about the proposed Tubb Lake improvements. Planning Consultant Henderson stated the geotechnical reports had some recommendations regarding improvements to Tubb Lake and there is some question as to whether or not they could be required. The City Attorney is of the opinion that those requirements, if necessary, could be added at the subdivision stage. Planning Director Kaufman stated one of the recommendations is the installation of an "outfall" that would release water gradually in the case of an emergency.

Chair Stahl opened the Public Hearing.

Mr. Robert Upton, representing Campus Properties, made the following comments:

- The site is balanced and they do not anticipate bringing in or taking off any dirt. The Preliminary Development Plan anticipated bringing in about 20,000 cubic yards of dirt.
- They improved the situation regarding the removal of Heritage trees. Their original proposal included the removal of 26 trees. Of the 24 they plan to remove, only 16 are Oaks and the rest consist of Plums, Willows, and Pines.
- The Sanitary District has changed its plans and they are not going to build the building in the Preliminary Development Plan as approved. They plan to bring in some portable buildings. Campus Properties has the right to approve the design of those buildings.
- The rock would be crushed down to about a 4" size and will be compacted. This would be done on-site and there would be some noise. The rock is very crushable and is a Franciscan mélange.

Commissioner McCluney stated there was a fair amount of discussion in the report about differential settling and he asked for clarification about the strategy to get everything compacted. Mr. Upton stated a part of the front area of the site was Bay mud and they plan to bring the material in there, stack it to a depth of four or five feet, and leave it there for about nine months

to create the settlement. Then the material is spread across the front of the site to create the pads. Commissioner McCluney asked if there would be any deep pilings in that area. Mr. Upton stated "no".

Chair Stahl had questions about the curb cut and new drive apron along Sir Francis Drake Boulevard. Mr. Upton stated that was for the Sanitary District's new pump station and it would be used by trucks coming in to service the pumps. Planning Consultant Henderson stated this curb cut must be approved by the City Engineer.

Chair Stahl had questions about the extent of the 10' to 13' retaining wall. Mr. Michael Tarnoff, civil engineer, stated it would be a couple hundred feet long and would run along the west side of the district property. Chair Stahl asked if the hotel would obscure the tall part of the wall. Mr. Tarnoff stated "yes".

Chair Stahl asked about the footprint of the Sanitary District building as originally proposed vs. the current proposal. Mr. Tarnoff stated the current proposal would be smaller. Mr. Upton stated the buildings would be behind the hotel.

Commissioner Deignan referred to condition of approval #28 that addressed the reduction of the quantity of dust generated during excavation or construction and asked that that condition apply to other adjacent properties. Mr. Upton stated they would do dust control as a matter of course and water when necessary. They would follow the normal "best practices". Chair Stahl asked if that was spelled out in the Construction Management Plan. Planning Director Kaufman stated "yes". Commissioner Deignan discussed a project near his residence and stated there was a lot of visible airborne emissions and particulate matter. He suggested a condition that would require enhanced controls if these emissions migrate off the site. Planning Director Kaufman stated it was difficult to quantify and locate the origin of dust. She wanted to make sure the condition was enforceable. Chair Stahl stated he would like a reasonable standard that had some "teeth". Commissioner Deignan suggested a requirement for a site watering or dust control coordinator.

Chair Stahl had another question about the Sanitary District site and asked what was proposed for the far right-hand end of the site where the building was originally proposed. He asked about the extensive grading proposed for this location. Mr. Upton stated the district was very tight on space and that area would be used for parking and storage. It would be screened with a fence. Chair Stahl stated he did not want to hold up the Campus Properties project but they would be approving a grading plan that would suggest to the Sanitary District that they approved of what they want to put on those grading pads. He did not want to create that impression. Planning Director Kaufman stated they would be approving a Grading Plan that was consistent with the Preliminary Plan. Staff has not heard from the Sanitary District. The district has said they would come to the City with their plans. Chair Stahl asked about the jurisdictional issue. Planning Director Kaufman stated the district was a separate entity and a special district that is exempt from City regulations. Chair Stahl asked how they could encourage the District to

consider the City's interests and Campus Property's interests. Planning Director Kaufman stated the City Council has been struggling with that question for some time and that Campus Properties seems to have more control over the District's project through their contractual agreements. Mr. Upton stated Campus Properties has contractual rights and a large stake in this project. They have reviewed the District's plans and find the proposed buildings to be nice and compatible with their project.

Commissioner McCluney asked about the status of the EAH project. Planning Director Kaufman stated they would hear about possible funding from HCD at the end of the month. She asked Mr. Upton to also take into account EAH interests in their negotiations with the Sanitary District, since the EAH site is located above the Sanitary District site.

Chair Stahl opened the Public Hearing.

Ms. Ann Peterson, representing the owners of 2200 Lincoln Village Circle, made the following comments:

- She was concerned that they were putting the "cart before the horse" by approving a grading plan prior to the Precise Development Plan.
- They do not have enough information on the hotel or the plans from the Sanitary District.
- The building she works in has major outside areas that are frequently used and she wanted to make sure they were protected from dust, particularly with the dumping of fill near their end of the site.. They should be afforded the same consideration as the childcare center.
- She referred to conditions #28 and #29 and asked who they should call to file a complaint.
- She referred to condition #28 (k) and stated her building was below the site and she would like to make sure they would be protected against silt run-off.

Mr. Rich Hall, owner of the Brick Kiln, made the following comments:

- He agreed with the comments made by Ms. Peterson.
- The Sanitary District creates a man-made waterway around the edge of their property and the issue of run-off onto his site is serious.
- He was concerned the rock crushing and tree removal would occur and the Sanitary District building would not be built.
- He was concerned about the noise and dust from the rock crushing.
- They have outside decks on their buildings as well as air conditioning and cooling equipment on the roof.
- The plan to buildup 5' to 6' of rock and let it settle for 9 months could complicate the run-off issue.

Chair Stahl closed the Public Hearing.

Chair Stahl asked Mr. Tarnoff to address the concerns about the placement of crushed rock and the possibility of affecting drainage patterns. Mr. Tarnoff stated they were designing a drainage ditch to match existing conditions and that they would not be moving the water course. Mr. Upton stated they were not building out to the Brick Kiln property line and there would be a grassy swale and a landscape buffer area. The surcharge area would be setback by about 50 feet. Mr. Tarnoff stated they would be following Regional Water Quality Control Board standards and guidelines.

Commissioner McCluney asked about any noise abatement during the rock crushing process. Mr. Upton stated they prepared a noise report and it indicated it would be about 85 decibels. Planning Director Kaufman noted this activity would be at the back of the site. Commissioner McCluney asked if they could use some type of insulating material on the machinery. Mr. Tarnoff stated they were baffled and there would not be a constant sound at peak levels.. In addition, not all 30,000 yards needs to be crushed. The crushing would occur for a couple of weeks and any disruption would occur for a short period of time.

Commissioner McCluney asked staff to address the concerns about dust and a contact number. Planning Director Kaufman stated the individual could call the number for the construction management person who could require more watering or call a halt to the activity. If the individual did not get a response he or she could call the City and an inspector would be sent to the site. Commissioner McCluney referred to condition #29 and asked if 24-hour response time was standard. Planning Director Kaufman suggested the following revision: *“This person shall respond to complaints within 8 hours or less depending upon the urgency of the problem, and have the authority to take corrective action or City Officials may take corrective action.”*

Commissioner McCluney referred to condition #28 (k) and the concern about silt run-off. Mr. Tarnoff stated this was regulated by the Regional Water Quality Control Board. Planning Consultant Henderson stated this was covered in condition #36 as well.

Commissioner McCluney provided the following comments:

- He stated they were not “putting the cart before the horse” and the Precise Plan could not vary much from the Preliminary Development Plan. Planning Director Kaufman stated the Preliminary Plan was very precise and the Precise Plan review would be mainly Design Review.
- He was glad they were able to balance the cut and fill.
- The Heritage Tree Removal request seemed reasonable.
- He was in favor of granting the permits.

Commissioner Deignan provided the following comments:

- He would like some provisions to beef up the dust control.
- He could approve the permit requests.

Chair Stahl provided the following comments:

- He is in support of the proposal.
- He was concerned about the part they have the least control over.
- The number of trees being removed was not excessive given the extent to which dirt and rock is being moved around the site.

M/s, Deignan/McCluney motioned and the Commission voted 3-0 (Heitkamp and Young absent) to recommend approval of Grad/HRT 06-05, 2000 Larkspur Landing Circle, by the City Manager and City Engineer, subject to the findings and conditions set forth in the staff report with the following revisions to the conditions: 1) #28, “The project sponsor shall employ....demolition of existing structures, *construction of new structures, and/or grading activities*”. 2) #28 (a) “Water to control dust generation.... and break-up of pavement *and/or rock, and during fill operations,....*”. 3) #29, “This person shall respond to complaints within 8 hours or less depending upon the urgency of the problem, and have the authority to take corrective action or City Officials may take corrective action”. 4) #40, “Portable generators *and rock crushing equipment...* and residences, *and adjacent commercial buildings,* and the contractor...”.

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

Consent Calendar Item #3

Chair Stahl asked if anyone wished to speak on consent calendar item #3. There was no response. He asked the applicants if they had any objections to the conditions in the staff report. They responded “no”.

Chair Stahl asked for a motion on consent calendar item #3.

On the Consent Calendar, M/s, McCluney/Deignan motioned and the Commission voted 3-0 (Heitkamp and Young absent) to approve DR/EXC/VAR 06-28, 2140 Redwood Highway, subject to the findings and conditions set forth in the staff report.

BUSINESS ITEMS

1. Review of City’s Four-Year Capital Improvement Program Budget FY 2006-10 for conformity with the City’s General Plan.

Planning Director Kaufman presented the staff report.

M/s, Deignan/McCluney motioned and the Commission voted 3-0 (Heitkamp and Young absent) to make the finding that the CIP Budget FY 2006-07 conforms to the General Plan.

2. Commissioner's Report

Commissioner Deignan discussed a house for sale on Marina Vista that has very large retaining walls that had been approved by the Commission. He stated after viewing the finished product he was not sure he would have voted the same way. He was concerned about the degree of development of the house and the wall. Planning Director Kaufman stated the grading was not done properly and the wall at the back is higher than it should have been because they did not cut the slope correctly.

Commissioner McCluney asked about the status of the Geiger project. Planning Director Kaufman stated staff asked for "as built" drawings. The property owner needs to come back before the Commission.

Chair Stahl had questions about the June 27th meeting agenda. Planning Director Kaufman stated she would like the Commission to begin discussion on the parking issue at the end of the evening.

Chair Stahl stated he would like the Commission to consider discussing sustainable development standards. He discussed LEED, an organization that has come up with a "green building" rating system. Planning Director Kaufman stated she, along with the Senior Planner, have gone to several "green building" workshops. She would see if the representative from the County would give a presentation to the Commission. Chair Stahl stated he would like to get something in place prior to any future, large developments such as CLASP. Planning Director Kaufman stated the Commission could recommend adding a policy to CLASP to encourage the use of "green building" materials. Commissioner McCluney stated he would like Larkspur to stay in the forefront on this issue.

Commissioner Deignan asked when CLASP would be before the Commission. Planning Director Kaufman stated probably at the end of July.

3. Planning Commission Minutes of May 23, 2006

The Commission continued the approval of the May 23, 2006 minutes since they did not have a quorum to vote on the minutes (Commissioner McCluney was absent at the May 23 meeting).

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary