

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF JULY 25, 2006

The Larkspur Planning Commission was convened at 7:33 p.m. in the Council Chambers by Chair Stahl.

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

Staff Present: Neal Toft, Senior Planner
Deric Licko, Assistant Planner

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- The Commission would hold a CLASP Public Hearing tomorrow night at the Hall Middle School Gymnasium at 7:30 p.m. The second CLASP meeting is tentatively scheduled for Wednesday, August 16th.
- The City Council, at last week's meeting, levied a fine against the Drake's Cove property owners for illegally removing 36 trees. The fine was \$1,000 per tree.

Chair Stahl congratulated Commissioner's Heitkamp and Young for their recent reappointment to the Commission.

APPROVAL OF CONSENT CALENDAR ITEMS

PUBLIC HEARING ITEM

1. **DR/FAR/VAR 06-22: 63 Meadowood Drive (APN 022-263-09). Marie and Dennis Melka, applicant/property owner. Request for the following permits to allow for the construction of a new 67.5 square foot covered entry located within the required side yard setback: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to allow a 0.37 FAR (2,803 sq. ft.) where a 0.27 FAR (2,026 sq. ft.) is permitted by code; and (3) Variance to allow a one-foot side yard setback where a six-foot setback is required by code.**
Staff Recommendation: Conditional Approval

BUSINESS ITEMS

2. **GPC 06-54: Alta Street Right-of-Way Northeast of Cedar Avenue (No. AP#). Consideration of a General Plan Conformity Finding for the quitclaim of the City's claim to the Alta Street right-of-way northeast of Cedar (adjacent to 82 and 84 Cedar Avenue, APNs 21-20-110 and -29, respectively) Staff Recommendation: Finding of General Plan Conformity**

Chair Stahl if anyone had any questions or concerns about either of the Consent Calendar items.

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

- He has concerns about abandoning public property.
- He asked if this represented a complete abandonment of Alta Street. Senior Planner Toft stated this was an abandonment of the downhill portion and the stub on the other side serves as a pull out along Cedar Avenue. Mr. Holmes stated that made sense.
- He suggested the City "recycle" abandoned street names.
- He would like these decisions passed on to mapmakers.

Commissioner Heitkamp stated there were three parcels that abut the street and she asked staff to be specific in terms of the parcel numbers.

On the Consent Calendar, M/s, Heitkamp/McCluney motioned and the Commission voted 5-0 to approve DR/FAR/VAR 06-22, 63 Meadowood Drive, and GPC 06-54, Alta Street Right-of-Way Northeast of Cedar Avenue (No. AP#), based on 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/FAR/VAR 06-37: 44 Elm Avenue (APN 21-223-33). Ken Linsteadt Architects, applicant; John and Lynn Gerson, property owners. Request for the following permits to allow the substantial demolition of an existing 2,574 square foot single-family residence (includes the demolition of an existing rear accessory structure) and construction of a new two story residence of 3,260 sq. ft.: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to permit a new residence with a .43 FAR where .35 is permitted by code; (3) Variance to permit the continuation of a nonconforming 15' front yard setback to the garage at the southeasterly front corner of the structure where 20' is required; and (4) Variance to permit a nonconforming guest parking space to continue to**

partially encroach into the unimproved portion of the Elm Avenue right-of-way. Note: The front lot line of this property is located approximately 20' in from the edge of the paved roadway.

Commissioner Heitkamp and Deignan recused themselves from this item since they live within 500 feet of the subject property.

Senior Planner Toft presented the staff report. He stated a request for a 90-day extension of time would be required should the Commission wish to continue the item.

Commissioner McCluney asked staff about the suggestion to lower the roof another 6" to one foot. He asked if staff was suggesting a lower of the roof pitch, the ridge, or both. Senior Planner Toft stated staff was suggesting lowering the roof pitch since it would be difficult to lower the plate heights any further. Acting Chair Stahl asked if he was referring to the north/south ridgeline. Senior Planner Toft stated "yes".

Commissioner Young asked if staff was also suggesting lowering ceiling heights in the lower floor by one foot. Senior Planner Toft stated it could be reduced.

Commissioner McCluney asked about the logic in deleting the basement. Senior Planner Toft stated the applicant could address this question.

Chair Stahl asked about the staff suggestion for paring some area out of the project. Senior Planner Toft stated there were some areas that could be consolidated including the master bedroom vestibule area. They were asking for a .43 FAR on a sloped site and they could further minimize the appearance of bulk and the impact to views. Any second story addition will impact one view or another to some degree. Chair Stahl asked if removal of the vestibule would result in the face of the second story master bedroom lining up with the living room below. Senior Planner Toft stated "yes".

Chair Stahl opened the Public Hearing.

Mr. Ken Linsteadt, architect, made the following comments:

- They sought to lower the height of the building per the direction of the Commission.
- He sought to redesign the building based on photographs of the previous story poles and the affecting high ridge that was oriented in an east/west direction. He wanted to open up the view of Mr. Tamalpais.
- They met with the Brysons and they were satisfied with the height of the building but did not like the chimney in the back, the window facing their master bedroom, or the bathroom projection. He eliminated the bathroom projection and lowered the chimney.

- The applicants would like to keep some sense of ventilation and light in the bedroom that is creating the privacy issue so he lifted it up to a 5'6" sill and 8' high window hoping that would achieve some privacy. The Bryson's master bedroom is approximately 6' higher than the project's finished floor.
- They eliminated the basement due to the cost. They tried to retain some of the storage elements elsewhere in the house.

Commissioner McCluney asked Mr. Linsteadt to respond to the three staff recommendations on page 6 of the staff report. Mr. Linsteadt stated they have lowered the ridge into a zone that opens up the view of Mt. Tamalpais. They would like to retain the roof pitch due to architectural concerns, however, he would be willing to lower it if absolutely necessary. He referred to the suggestion to remove the easterly facing bedroom window and stated the burden was on the downhill neighbor in terms of privacy. The window is very small and they are trying to get some ventilation. He would be opposed to eliminating the vestibule in the master bedroom because that would necessitate redesign of the bathroom in the master bedroom. He was trying to keep the "right side" element as a secondary element.

Commissioner Young asked if the window in question could be obscured glass. Mr. Linsteadt stated they were trying to maintain light and ventilation. Commissioner Young asked why the window was so small. Mr. Linsteadt stated they were trying to maintain some privacy.

Ms. Susan Bryson, Elm Avenue, made the following comments:

- She is the upslope neighbor.
- She distributed photographs to the Commission.
- She thanked the Commission and staff for their efforts to uphold the codes and regulations in a fair and equitable manner.
- They let the applicants know, from the beginning, that their main concern was to maintain their views and vistas.
- They were surprised at the Craftsman style proposal that is known for very high-pitched roofs and large dormers.
- The first plan seemed massive, bulky, and dismissive of their Mt. Tamalpais and Christmas Tree Hill views.
- The new plans have made some modifications but they are not material modifications to reduce the bulk and mass. They have actually added square footage.
- They will look out from their living room, sunroom, master bedroom, and backyard and see a massive east and north facing wall and a large roof.
- She was opposed to the proposed .43 FAR.
- The project is too ambitious for the lot size and the neighborhood.

- She felt there was room to set the house down further but not expand it out or back. This could be accomplished by lowering the 9' ceiling in the first floor, lowering the plate height between floors, and lowering the attic space.
- They are requesting the removal of the bedroom window facing their master bedroom.
- They are concerned about the light coming from the stairwell skylight.

Chair Stahl asked Ms. Bryson if they met with the applicants to address the concerns. Ms. Bryson stated they met with the architect and showed him their concerns on a room-by-room basis. She stated any lowering of the building would be helpful.

Ms. Lynn Gerson, applicant, made the following comments:

- She distributed photographs to the Commission.
- The Bryson's' home towers above her main floor and patio. It impacts their privacy.
- She read a letter they sent to the Brysons.
- The modifications represent significant sacrifice and compromise on their part.
- They have made a sincere attempt at trying to arrive at a plan acceptable to both parties.

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

- This situation poses issues that go beyond this particular site and neighborhood.
- He agreed with the comments made by Ms. Marilyn River in her letter dated July 19, 2006.
- This is not a small, unlivable house but rather one that is perfectly serviceable. It was recently remodeled. It makes more sense to give greater weight to the legitimate concerns of the affected neighbors.
- The proposal is overbuilt with the mass in the front. The mass should be set back but this would interfere with the neighbors. The house is too large for the lot.
- He is concerned with the use of the public right-of-way as part of the front yard. The setbacks should start from the property line.
- The house is too large for the lot. It is overbuilt and excessive.
- Height limits are too liberal (30 feet) and setbacks should be greater for higher houses.

Mr. Rick Bryson, Elm Avenue, made the following comments:

- He thanked the staff for coming over to their house.
- He would request a 90-day continuance so they could meet with the neighbors to try to work this out. They are very close.
- He is convinced that the proposal exceeds 40% lot coverage.
- The design is too big and the house needs to be set down significantly.
- The new submittal represents an increase in FAR from .41 to .43.

- The proposal needs to get in synch with the pattern of the neighborhood.
- There is building neighborhood opposition to the Craftsman style house on a 15% slope.
- They need to reduce the FAR, lower the ceiling heights, lower the space between the first and second floors, reduce some of the attic space, and remove the skylight that was installed last week.

Commissioner McCluney asked about the petition. Senior Planner Toft stated it was in the late mail.

Chair Stahl closed the Public Hearing.

Chair Stahl asked if staff had heard from the neighbors to the west. Senior Planner Toft stated notices were sent out and no correspondence was received. Ms. Gerson stated she had numerous conversations with the executor and she had no problem with the proposal. The house is not occupied. Senior Planner Toft stated he was aware that the realtor representing the estate for that property was in contact with staff and aware of the project.

Chair Stahl referred to the front yard setback and asked staff if other homes in the area encroach into the setback. Senior Planner Toft stated they have not surveyed this specifically but there are situations along Elm Avenue that require variances to the front setback to achieve parking. Chair Stahl asked if the corner of the house that is closest to the property line predated the remodel that was done about 10 years ago. Senior Planner Toft stated he was not sure but there undoubtedly was some existing condition that was nonconforming.

Commissioner McCluney provided the following comments:

- The parking variance was not a concern.
- He was previously concerned about the view from the neighbor's property and was pleased with the revisions.
- He did not concur with the argument that the Craftsman style was not appropriate for the neighborhood.
- This is a nice home as it exists but he was not in favor of not allowing anything to be done to this property.
- He referred to the staff recommendations on page 6: 1) he did not feel there was a need to lower the ridge height, 2) he would be in favor of reducing the square footage, 3) a window in that location was reasonable.
- He was not convinced that the light from the skylight would impact the Brysons.
- He deferred to staff regarding the lot coverage issue.
- He is leaning in favor approving the application with some type of modifications.

Commissioner Young provided the following comments:

- He agreed with the comments made by Commissioner McCluney.
- This request was not unreasonable.
- He could approve the parking variance.
- He referred to the staff recommendations on page 6: 1) he did not think that lowering the ridge height would help, 2) he was not in favor of the proposal to reduce the master bedroom and pull it back to align with the balance of the façade, thereby reducing the overall area by 52 square feet, 3) he was in favor of keeping the window and perhaps making it larger, and felt the skylight was appropriate.
- He was in favor of the project.

Chair Stahl provided the following comments:

- This is a much better proposal than the first one. The original proposal was not an appropriate design solution for the site or the neighborhood.
- Lowering the ridgeline another 6 or 8 inches would improve the responsiveness of the design solution. It would address the neighbor's concerns and not significantly impact the design.
- The home was remodeled 10 years ago and it is not the place of the Commission to tell them to be content with what they have.
- He agreed with staff- this is such a significant teardown that it should be considered as a new home. Issues such as massing and placement on the site are "fair game".
- He referred to the staff recommendations on page 6: 1) he would be in favor of lowering the ridge height- this could be achieved by flattening out the pitch, lowering the plate line, taking height out of the lower story, or dropping the ground story, 2) he did not feel strongly about reducing the bulk of the upper story, 3) the window poses more of a privacy issue for the applicant than the Brysons.
- The second story bedroom is kind of perched over the porch and pushing it back could be a good thing.
- The additional skylight over the stairwell would not have a significant impact.
- He was comfortable with the parking variance and encroachment into the right-of-way.

Commissioner Young stated the roof height limit was 30 feet and the building was pushing 28 feet. Senior Planner Toft stated the actual elevation of the roof has gone down 3'5" but the measured height is 28' from grade. Chair Stahl stated the existing height was 21' and the new height was 27'11". He asked if these were measure from the same point. Senior Planner Toft stated "yes". Commissioner Young stated the height was not unreasonable but he would not object if the other Commissioners wanted to

reduce it by 6 inches. Chair Stahl stated this is such a significant teardown that all efforts should be exhausted to try to minimize view impacts.

Mr. Linsteadt stated lowering the floor is a big issue but they could handle a reduction of 6 inches in the roof ridge.

M/s McCluney/Young motioned and the Commission voted 3-0 (Heitkamp and Deignan recused) to approve DR/FAR/VAR 06-37, 44 Elm Avenue, based on the findings and conditions set forth in the staff report including the following additional condition: 1) the major north/south roof ridge height shall be reduced as much as reasonably possible, at the least by 6", in a manner acceptable to staff.

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

4. **TEXT/PPA 05-22: Larkspur Landing Shopping Center, Larkspur Landing Circle (APN 18-191-01). James Neubauer, Inland Pacific Property Services, LLC, applicant; Inland Western Larkspur, LLC, property owner. Request to consider an amendment to Ordinance No. 912, regulating specific uses in the Precise Plan Development for the Larkspur Landing Shopping Center. The applicants are requesting approval to eliminate Section V of Ordinance No. 912, which requires that no less than 3,300 square feet of floor are in buildings 3, 4 or F be dedicated to a neighborhood-serving grocery store. At the request of staff, the Planning Commission also will be considering amendments to Section 1.A of Ordinance No. 912, which restricts the site to a maximum Average Daily Traffic (ADT) rate of 55 trips per 1,000 sq. ft. of commercial space.**

Senior Planner Toft presented the staff report.

Chair Stahl opened the Public Hearing.

Mr. John Leones, manager of the Larkspur Landing Shopping Center, made the following comments:

- They had their broker make a serious attempt at finding a grocery store tenant for 1601 Larkspur Landing Circle, Building F. but there were no takers.
- They continue to work in the direction of finding a tenant. Brokers communicate to them that this is a problematic assignment.
- Nobody will start a business that they know will fail.

Chair Stahl asked Mr. Leones his opinion of the traffic study. Mr. Leones stated the study was done during Christmas time which is not much different than the rest of the season in terms of traffic and the number of shoppers. The Center is generally busier during the summer.

Mr. Michael Hooper, representing Campus Properties, made the following comments:

- The shopping center was upgraded and renovated four to six years ago and it was turned around for the benefit of the community. There was a huge uplift in value of the property. Part of that uplift in value was the release of the 54 cents per square foot Albertson's space.
- There is a need for a grocery store in the center and there will be more of a need in the future with the current and future development proposals. It does not have to be 3,300 square feet and something smaller could address the needs.
- The City does not want to encourage people to cross the freeway to go to Molly Stones or somewhere else for staple, etc.
- The requirement for a grocery store was a condition for releasing the Albertson's space to Bed, Bath, and Beyond. It is an obligation.
- The market is dynamic and he gave examples of chain retailers that have gone towards smaller convenience outlets and shopping centers that have managed their own small grocery/convenience operations.
- He urged the Commission to ask the owners to continue to work on finding a tenant.

Ms. Nancy Blair, Business Manager of Larkspur Courts, made the following comments:

- The center needs a grocery store/convenience store. It does not have to be 3,300 square feet.
- She agreed with the comments made by Mr. Hooper.
- She is responsible for 248 apartments and she stated the demographics were slowly changing. She is getting more senior citizen residents. It would be nice to have something right across the street.
- She was concerned about more restaurants in the area serving alcohol and people loitering around.

Ms. Danielle Addleman, Larkspur Courts, made the following comments:

- She agreed with the comments made by the previous speakers.
- Traffic congestion in the area is terrible.
- A grocery store within walking distance would be convenient.

Ms. Lisa Dour, Larkspur Courts, made the following comments:

- There is a lot of traffic congestion in the area.
- A mini mart at the center would serve the residents of the apartment buildings, the employees of the center, the guests of the Marriott Hotel, etc.
- The center would not support a large market.
- She called the leasing agent because she is interested in opening a mini mart/deli at 1601 and was amazed to find out that the rent was \$9.00 per square foot or \$12,000 per month.

Ms. Shishi Huscer, Larkspur Courts, made the following comments:

- A small grocery store in the center would be very convenient. She does not want to have to get in the car to go to Molly Stones for a loaf of bread or some milk.

Mr. Robert Davidson, 500 Village Circle, made the following comments:

- He was one of the original residents of Larkspur Landing Circle, before all the apartments were finished.
- There have been three grocery stores in 28 years and they all failed.
- A company will make an investment that will give them the best return. This property is not going to generate enough income.
- There are too many stores in the area and not enough volume of patrons.
- This is not a location that is conducive to impulse buying.
- A grocery store would generate traffic in an area that is already congested.

Mr. Riley Miller, Larkspur Landing Circle, made the following comments:

- A grocery store could create “community” and add to the viability of the area.
- She asked the Commission to support the people who live in the area.

Mr. Ken Traverka, Larkspur Courts, made the following comments:

- He would like to see a “mom and pop” grocery store at the center since a larger grocery store would not be viable.

Mr. Hank Richmond made the following comments:

- He stated on the East Coast some businesses were given a very low tax base. The rent was based on the bottom dollar.

Chair Stahl closed the Public Hearing.

Commissioner Young provided the following comments:

- They were talking “apples and oranges” when talking about the failure of the large stores.
- 3,300 square feet was not an extraordinary amount of space to set aside for a community need.

Commissioner Deignan provided the following comments:

- He agreed with the sentiments of the nearby residents and stated it was a worthy goal to try to achieve.
- However, they have been looking for a tenant for six years without success.
- The City performed a “peer review” and came up with the conclusion that it did not make sense.

- He is not sure they should impose a requirement that has been given a six-year trial and failed.

Commissioner Heitkamp provided the following comments:

- This center is in a unique, isolated location and the intent on allowing the density and other elements was based on creating a neighborhood that had some type of grocery store.
- A small “mom and pop” grocery store of about 3,300 would be a reasonable size.
- The density allowed for former and future development was predicated on reducing the traffic by having local, on-site uses.
- A grocery store becomes a more important element in this center given the future development proposals.
- The grocery store could include a pharmacy, a deli, take-out food, stationary items, etc.
- The requirement for a grocery store should continue and management should continue to seek out a tenant.

Commissioner McCluney provided the following comments:

- He agreed with the comments made by Commissioner Deignan.
- He discussed the free market model that has been pursued. Many of these ideas sound wonderful but may not come to fruition. They need to respect the assessment made by the management company and the brokers.
- He is in favor of a healthy, vibrant economy but does not want to require some form of a business model that might not be successful.

Chair Stahl provided the following comments:

- He found parts of both arguments to be persuasive.
- A reasonably good faith effort was made to find a tenant but there were no “takers” in the traditional sense.
- This is a tough location and there may not be enough of a community to make it work.
- He would like to give it more time until the area was finally developed.
- He stated a business similar to the Twin Cities Market might work. There is no end to the demand for expensive food in Marin County.

Commissioner Young provided the following comments:

- He was concerned about people getting in their cars and driving elsewhere to get some milk. A local store would benefit traffic in the area.
- He was concerned that the rent might be too high.

Commissioner Heitkamp provided the following comments:

- It would be premature to rule out a grocery store at this time given the current development proposals.
- She would like to give it a chance and wanted to persevere.

Commissioner McCluney provided the following comments:

- They would not be “ruling out” a grocery store by amending the ordinance but rather “not require” one.
- A tenant will come if the economics dictate it.
- A grocery store would not necessarily reduce traffic.

Commissioner Deignan asked if the peer review report was based on current or levels or build-out. Senior Planner Toft stated the report was based on build-out.

Chair Stahl provided the following comments:

- It makes economic sense for people to shop at Costco, etc. He was not sure that “neighborhood convenience” was a viable economic model.
- It would take a very creative tenant to be successful.

Commissioner McCluney provided the following comments:

- He suggested a distinct timeline (another year) and the formation of a mini Citizen’s Advisory Committee. Commissioner Heitkamp stated that was a good idea.

Mr. Hooper asked to speak again. He stated a store selling just staples would not be viable and they need to take a creative approach. He stated they need to hire a local broker to find the right person.

Ms. Sharlene Hassler, representing Inland Pacific Property Services, made the following comments:

- She is the former manager of the center.
- One of the key components about leasing is that many leases have exclusive uses. The idea is to keep competition away from individual tenants.
- She stated there was a Farmer’s Market every Saturday.

Commissioner Deignan stated they were making a recommendation to the City Council. He suggested they hold the center to their obligation for one year and ask Mr. Hooper and the neighbors to network and try to come up with a solution. The Commission liked this suggestion. Senior Planner Toft stated he would submit some language to the Commission at the next meeting, based on their discussion.

Commissioner McCluney stated he would like to see some discussions between the community and the property managers.

Chair Stahl asked for comments regarding the matter of ADT and PM peak hour trip generation.

Commissioner McCluney provided the following comments:

- He is in favor of deleting the ADT and using PM peak as the major counting device.
- He concurs with the staff recommendation and Mr. Harrison's point that the PM peak traffic is the major "bottleneck".
- He is happy with the language in the draft ordinance.

Commissioner Deignan provided the following comments:

- He agreed with the staff recommendation and felt that ADT was outdated and PM peak should be used as a basis for the traffic cap.

Commissioner Young provided the following comments:

- He agreed with the staff recommendation.

Chair Stahl and Commissioner Heitkamp agreed.

Senior Planner Toft stated he would bring this matter back as a Business Item at the next meeting.

BUSINESS ITEMS

1. Commissioner's Reports

Commissioner Heitkamp stated when the Commission allows a second story they are also approving the demolition of part of the house. She added the Commission should be aware of the amount of demolition necessary for each project.

Commissioner Deignan agreed and stated they also need to be aware of whether or not the project constitutes a teardown.

Senior Planner Toft stated staff often classifies a project as a "substantial demolition" so that the Commission can consider whether the project should be looked at as a "new house".

Commissioner McCluney had questions about the format of the CLASP Public Hearing scheduled for the next evening.

2. Planning Commission Minutes of July 11, 2006

M/s, Heitkamp/Young motioned and the Commission voted 4-0 (Chair Stahl abstained) to approve the minutes of July 11, 2006 as submitted.

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary