

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF AUGUST 8, 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, Helen Heitkamp,
Chris McCluney, Richard Young

Staff Present: Neal Toft, Senior Planner

OPEN TIME FOR PUBLIC EXPRESSION

There were none.

PLANNING DIRECTOR'S REPORT

- Planning Director Nancy Kaufman was on vacation.
- The Planning Commission will hold a CLASP Public Hearing on August 16th in the Hall Middle School Gymnasium.

APPROVAL OF CONSENT CALENDAR ITEMS

BUSINESS ITEM

1. **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 area 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. This item was continued from the July 25, 2006 meeting of the Planning Commission for drafting of The Commission's recommendation to the City Council. Staff Recommendation: Approve recommendation as drafted**

Commissioner Heitkamp stated it should be acknowledged that the original traffic densities were predicated on having a grocery store on the site. This was part of the rationale for retaining the requirement. Senior Planner Toft stated the Commission is making a recommendation to the Council and they would have the minutes of that discussion as well..

Commissioner McCluney stated the Commission was clear in their desire to have a proactive element that would include the neighbors with a one-year time frame. He saw no reference to the time frame in the staff report or recommendation. Senior Planner Toft responded that he was not sure what impetus was being accomplished by applying a time limit. The recommendation is to not change the language and this puts the onus on the property owner to try to resolve the matter. Commissioner McCluney stated they have given the landlord some time to try to find a tenant and there should be an end point if the property owners are able to demonstrate a one-year good faith effort. He would ultimately like to bring an end to this requirement. Senior Planner Toft believed that the Commission agreed it was premature to eliminate the requirement at this time and the Commission would like the property owners to come up with a solution with help from the neighbors. He noted build-out was part of the rationale for continuing the requirement, and that would probably take more than a year. A time limit is usually set to give the applicant time to “perform something” as opposed an opportunity to try again later. Commissioner McCluney stated he would like this burden lifted if it proves untenable and economically unfeasible.

Senior Planner Toft suggested the following additional recommendation: “If the applicant, in concert with the neighbors, demonstrates that they have made a good faith effort to resolve this matter per item #2, they may return for further review by the Commission in one year’s time”.

Commissioner Heitkamp agreed that the matter would have to be reviewed again and would not be a fait accompli.

On the Consent Calendar, M/s, McCluney/Heitkamp motioned and the Commission voted 5-0 to recommend approval of the draft ordinance to the City Council, with the inclusion of staff’s three recommendations.

- 2. DR 06-04: 33 Locust Avenue (APN 20-243-31). David Ludwig, architect/applicant; Keith Fontana, property owner. Request for Design Review approval to allow for the demolition of an existing garage, and construction of a new two-story single-family residence with a detached garage. (Note: Previous Heritage Tree Removal permit is no longer requested).
Staff Recommendation: Continue to September 26, 2006 at request of the applicant.**

On the Consent Calendar, M/s, Heitkamp/McCluney motioned and the Commission voted 5-0 to continue DR 06-04, 33 Locust Avenue, to the September 26, 2006 meeting at the request of the applicant.

PUBLIC HEARING ITEM

- 3. DR/VAR/SUP 06-32: 3 Piedmont Avenue (APN 21-121-10). Robert Wilkinson, Wilkinson Architectural Group, applicant; Kurt & Julie Houtkooper, property**

owners. Request for the following permits to allow substantial demolition and expansion of an existing 1,851 sq. ft. single family dwelling, resulting in a new single family dwelling of approximately 3,118 sq. ft.: (1) Design Review; (2) Variance to remodel and expand an attached garage structure located approximately 10 inches from the property line where six feet is required; and (3) Slope Use Permit for grading approximately 150 cu. yds. To expand lower floor of the structure, widen the driveway, and re-contour portions of the rear yard.

Senior Planner Toft presented the staff report.

Chair Stahl asked if any of the basement area was not counted towards the FAR. Senior Planner Toft stated “very little” and about 95% of the basement area was counted towards FAR. Chair Stahl stated he was concerned about granting the side yard setback variance when the garage was being demolished. He asked if there were conditions of the site that prevented them from conforming to the setback. Senior Planner Toft stated it was located very near the intersection at Magnolia. It was not a well-designed turn and could present a conflict with cars backing onto West Baltimore. Cars tend to drive fast into that area. It seemed to be a way to use the existing cut and keeping the driveway and parking as far from the intersection as possible.

Chair Stahl opened the public hearing. He asked the applicant to address the side yard setback issue.

Mr. Rob Sutton, architect with Wilkinson Architectural Group, made the following comments:

- They want to keep the garage as far away from the intersection as possible for safety reasons. The proposed location is also best for the aesthetics of the house.
- They did look at other locations for the garage on the site, including the rear. This would require an easement from the neighbors and make for a long walk uphill for the property owners.
- There are other houses in the area that have similar garage configurations.

Chair Stahl asked Mr. Sutton if they were raising the main level of the house. Mr. Sutton stated “no” and added they were digging down and putting the garage underneath.

Ms. Ilene Murray, Piedmont Avenue, made the following comments:

- Her house is located next door to the applicants on the side where the pool is located.
- She was shocked when she saw the story poles.
- The project would cut off half of her view of King Mountain from her deck.

Chair Stahl asked what room was adjacent to the deck. Mr. Murray stated it was her living/family room.

Mr. Sutton made the following comments:

- They originally looked at a two-story addition but felt it would block views and impact the neighbor's privacy.
- The property owner's priorities are volume, space, and light.
- They feel the project would not unduly infringe on the neighbor's view.

Chair Stahl closed the public hearing.

Chair Stahl provided the following comments:

- The variance findings require that the project is not exacerbating existing conditions.
- They are digging a deeper hole, removing what is there, and making a longer wall along the property line.
- The neighborhood includes mostly single car garages and a two-car garage does not fit the pattern of the neighborhood. In addition, it would be 10 inches away from the property line.
- The parking could be provided via a tandem arrangement within the required setbacks.
- This is substantially a teardown and he wondered why they could not comply with the requirements.

Commissioner Young provided the following comments:

- He had no problem with the overall design. It was very straightforward.
- He had no problem with the Slope Use Permit.
- He had no problem with the variance for the garage before this evening and would like to discuss this further.
- He did not think the view issue was a problem.

Commissioner Deignan provided the following comments:

- The owners are being honest and not saying they would try to preserve and hold onto old parts of the building.
- He could make the findings for the variance for the garage due to the proximity to the intersection and the fact that this corner of the property line would not make a huge impact on the adjacent neighbors because of the established pattern of development and the fact that the garage currently exists.
- The City has been a big force in trying to provide more off-street parking. Tandem parking ultimately does not become utilized.
- The view of the lower portion of King Mountain would be obscured from the neighbors deck but he felt this was not a significant impact. They have tried to keep the height down and it falls within the height limit.
- He could support the application.

Commissioner McCluney provided the following comments:

- He agreed with the comments made by Commissioner Deignan.
- The design was attractive.
- He could support the Slope Use Permit application.

- The view from the neighbor's deck was not significant enough to request a change in the project.
- He could approve the project.

Commissioner Heitkamp provided the following comments:

- She appreciated the retention of the character of the house.
- There was a 30 to 40 foot distance between the project and Ms. Murray's property.
- The height of the project was only 22 feet- the height limit is 30 feet.
- The driveway would be set lower due to the excavation and they would not be exacerbating but rather improving the situation.
- She had no problem with redoing the garage in that location.
- On- street parking is very difficult in that location. They need to get as much parking on the site.

Chair Stahl provided the following comments:

- The house would look good on the site and the design does a good job of having a variety of roof forms and changes in plane that would minimize the additional bulk of the structure.
- He is sympathetic to the loss of view from the neighbor's property but he would not deem it to be significant.
- He can accept the findings for the Slope Use Permit.
- He could not reconcile the variance request for the garage. There are other solutions available, such as tandem parking, which would allow them to maintain the required setbacks. He could not make the findings for the variance.

M/s, Deignan/McCluney motioned and the Commission voted 4-1 (Chair Stahl voted no) to approve DR/VAR/SUP 06-32, 3 Piedmont Avenue, based on the findings and conditions set forth in the staff report.

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

BUSINESS ITEMS

1. Commissioner's Reports

There were no reports.

2. Planning Commission Minutes of July 25, 2006

M/s, Heitkamp/McCluney motioned and the Commission voted 5-0 to approve the minutes of July 25, 2006 as corrected.

3. Consider canceling meeting of August 22, 2006, if there are not any applications ready as of the August 8 meeting.

It was the consensus of the Commission to cancel the August 22, 2006 meeting.

The meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary