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LARKSPUR PLANNING COMMISSION MEETING  
MINUTES OF SEPTEMBER 12, 2006

The Larkspur Planning Commission was convened at 7:30 p.m. in the Council Chambers by Acting Chair Heitkamp.

Commissioners Present: Acting Chair Helen Heitkamp, Monte Deignan,  
Richard Young

Commissioners Absent: Chair Jeff Stahl, Chris McCluney

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

**OPEN TIME FOR PUBLIC EXPRESSION**

There were no comments.

**PLANNING DIRECTOR'S REPORT**

- The City Council will hold a CLASP Public Hearing on September 20<sup>th</sup>.
- The September 26<sup>th</sup> Commission meeting would include the Oak Road retaining wall design and the continued application for 33 Locust.
- The Twin Cities Market representatives have been talking to the management company for the Larkspur Landing Shopping Center. The Council would review the changes in the Ordinance, relating to a market in the Larkspur Landing Shopping Center, on October 4<sup>th</sup>.

**APPROVAL OF CONSENT CALENDAR ITEMS**

**BUSINESS ITEM**

1. **DR 06-59: 700 Lincoln Village Parkway (APN 18-191-15, 17, 18 & 24). Andrew Raymundo RSS Architecture, Inc., applicant; John Hyjer, Equity Residential, property owner. Request for design review approval to re-side the exterior stucco walls, replace balcony and entry stair railings, replace the asphalt shingles with metal standing seam roofing and paint the exterior façade of the Lincoln Village apartments. Staff Recommendation: Conditional Approval**

Acting Chair Heitkamp asked the applicants if they agreed with the conditions in the staff report. They stated "yes".

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On the Consent Calendar, M/s, Deignan/Young motioned and the Commission voted 3-0 (Chair Stahl and Commissioner McCluney absent) to approve DR 06-59, 700 Lincoln Village Parkway, subject to the findings and conditions set forth in the staff report.

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

**PUBLIC HEARING ITEMS**

- 2. DR/UP/VAR 05-76: 295 Sir Francis Drake Blvd. (APN 22-040-15). Thomas Schoenstein, Tait & Associates/Shell Oil Products Co., applicant; Equilon Enterprises, LLC, property owner. Request for the following permits to legalize the unauthorized conversion of three (3) automobile service bays to 24-hour convenience store in conjunction with an existing gasoline sales operation at the above referenced location: (1) Design Review; (2) Use Permit to convert approximately 1,260 square feet of automobile repair bays and service facilities to a food & beverage convenience mart; and (3) Variance for new commercial signage to exceed the maximum number of signs per the limitations of LMC Section 18.60.060(A).**

Senior Planner Toft presented the staff report.

Acting Chair Heitkamp opened the Public Hearing.

Mr. Tom Schoenstein, representing Tait & Associates, made the following comments:

- There is a new representative for Shell Oil Products and that person did not have time to review the staff report.
- Shell Oil would not be opposed to the elimination of the secondary price sign on Barry Way but would prefer to keep the light standard to keep some light on the driveway.

Acting Chair Heitkamp asked Mr. Schoenstein if he was comfortable with the Commission moving ahead. Mr. Schoenstein stated he would prefer a continuance. Planning Director Kaufman stated that the station has been in violation since 1992 and it has taken a lot of staff time to get them to this point. Staff would prefer that the Commission take action so that the use permit can be put into place. The staff recommendations are not significant or costly.

Senior Planner Toft referred to the price sign along Barry Way and stated staff was not recommending the elimination of a light at that location, only that the price sign be relocated. Mr. Schoenstein stated that would be acceptable.

Acting Chair Heitkamp closed the Public Hearing.

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Commissioner Young provided the following comments:

- He was in favor of approving the application based on the fact that there are no substantial changes to the building.
- It has been in operation as a convenient mart since 1992 and it should be legalized.
- It was important that the conditions of approval be upheld.

Commissioner Deignan provided the following comments:

- He agreed with Commissioner Young's comments
- Staff has come up with some good compromises.
- He could support the application.

Acting Chair Heitkamp provided the following comments:

- She agreed with the comments made by the other Commissioners.
- The building is very dated looking and owners should want to improve the landscaping.
- She could approve the application.

Senior Planner Toft stated condition 1 (c) should read: "The existing *price sign on the* light standard should be removed and relocated....."

M/s, Deignan/Young motioned and the Commission voted 3-0 (Chair Stahl and Commissioner McCluney absent) to approve DR/UP/VAR 05-76, 295 Sir Francis Drake Boulevard, subject to the findings and conditions set forth in the staff report, and the amendment to condition #1 (c) as suggested by staff.

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

- 3. DR/FAR/SUP/VAR 06-55: 47 Laurel Avenue (APN 021-072-18). John Mayerhofer, applicant/property owner. Request for the following permits to allow for the expansion of a single-family residence: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to allow a 0.45 FAR (5,461 sq. ft.) where a 0.10 FAR (1,202 sq. ft.) is permitted by code due to lot slope; (3) Slope Use Permit to allow an additional construction within 100 vertical feet of a ridgeline; (4) Variance to allow a maximum building height of 35 feet 2 inches, where a maximum building height of 30 feet is permitted by code; and (5) Variance to allow a portion of an addition underneath an existing carport to encroach approximately 8 feet into the required front yard.**

Assistant Planner Licko presented the staff report.

Commissioner Young asked if the proposal would be 4,200 square feet over the permissible FAR. Assistant Planner Licko stated "yes".

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Acting Chair Heitkamp wanted to confirm that the applicant had legal title to View Street. Assistant Planner Licko stated staff is in possession of a title report showing quitclaim deeds for the acquisition of this property and a survey based on the title report. Acting Chair Heitkamp stated the intent of the ordinance regarding nonconforming lots and structures was to allow some expansion or enlargement of homes on substandard lots but to not allow the exacerbation of the nonconformity. Planning Director Kaufman stated the exception process accommodates expanding on a nonconforming lot, but that the general intent of the Zoning Ordinance is to not allow the exacerbation of nonconforming situations. Acting Chair Heitkamp stated it would come down to scale. Planning Director Kaufman agreed. Acting Chair Heitkamp stated the lot, even with the addition of the land on View Street, was substandard for what was being proposed. Assistant Planner Licko agreed and stated current standards would require a lot of about 35,000 to 40,000 square feet for a lot with an average slope of 40%.

Acting Chair Heitkamp opened the Public Hearing.

Mr. John Mayerhofer, applicant, made the following comments:

- He made a Powerpoint presentation indicating the needs of the family and why he feels this is the right thing for the neighborhood. He presented a model of the proposal.
- They have a large family and they need more space. They plan to remain in Larkspur.
- The proposal would be 120 feet away from the closest home.
- The property is steeply sloped in multiple directions and the proposal would not be in anyone's view line. This is a heavily wooded area.
- The lot is relatively large.
- They have support from all the surrounding neighbors.
- He discussed the project history and his design goals.
- His family needs more space including more storage. He needs an office for his use and a guest room for his visiting relatives. The decks are to provide outdoor areas.
- The variances are no different than what they have now.
- They would like to minimize costs.
- They are not being greedy.
- The proposal includes: adding a 16' X 16' room, adding deck space, enclosing the carport, and making repairs.
- They currently have 2,200 square feet of livable space. They are adding 2,000 square feet.
- They are preserving the trees and excavating a minimum amount.
- He showed a picture of the Bay tree relative to the carport and objective to the cost of getting an arborist report.
- This would not be the biggest house in the neighborhood.
- There are many enclosed, connected carports in the neighborhood.
- Enclosing the carport is a safety issue. He distributed an article regarding the increases in children being run over by SUVs.

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- The proposal would be a positive impact on the neighborhood. There would be no negative impacts to the neighborhood.

Commissioner Young stated that he could understand that a 16' x 16' room was better than a 12' by 12' room but weren't two family rooms being proposed adjacent to each other? Mr. Mayerhofer stated they wanted two rooms so that the kids could be in one room that is separate and sound proof.

Mr. Chris Hollenbeck, Laurel Avenue, made the following comments:

- He lives across the street from the proposal but cannot really see the house.
- He supported the proposal.
- He was in favor of enclosing the carport from a visual standpoint.
- The applicants have asked for feedback from the neighbors.
- They are taking a reasonable approach and efficiently using the space.
- The size and mass of the proposal is reasonable for their family and the neighborhood.

Mr. Roger Diehmel, Laurel Avenue, made the following comments:

- He drives this loop every day.
- The plan is great. The addition is setback from the street, behind trees, and would not be visible.
- He was in favor of the enclosed carport and stated it would provide a nicer view of the house.
- The proposal would be a big improvement to the neighborhood.

Mr. Jim Burrows, Laurel Avenue, made the following comments:

- He lives to the north of the proposal but cannot see the house.
- He supports the proposal and urged the Commission to approve it.
- He understood that enclosing the carport created more mass, but that it was a safety and security issue.
- The square footage issue should be looked at differently for projects that build down rather than across the slope.

Acting Chair Heitkamp closed the Public Hearing.

Commissioner Young provided the following comments:

- He commended the applicant for working with the neighbors and doing his homework. The presentation was comprehensive and he appreciated the model.
- He was concerned that the proposal would be the largest house in the area and two times the average.
- He had a problem with the addition to the south.

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- He could understand the need for the elevator and felt it made sense. The storage enclosure at the top level was unnecessary; a covered walkway to the elevator should be sufficient.
- Some of the mid-level addition was also unnecessary.
- He had a problem with enclosing the carport but could sympathize with the need to do so.
- The design is good and he liked the colors and materials.
- The plan is functional and flows well.
- He had a problem with the FAR and felt it was excessive.
- He had no problem with the Slope Use Permit or the variance for the building height.
- The area designated as a playroom should be open. The mid-level patio does not need to be enclosed. He had no objection with development underneath the carport or the addition of the bedroom at the middle level.

Commissioner Deignan provided the following comments:

- He agreed with Commissioner Young and stated the FAR was excessive. He noted it is hard to separate the square footage from the bulk and mass, but the Slope and Hillside Ordinance addresses the intensity of development and shows that this is too intense a development.
- Enclosing the storage, elevator, and garage area exacerbates the addition on the south side. They add to the bulk and mass.
- Parking is very tight in the area and the intensity of development would exacerbate this problem. If property is developed too intensely there will be more cars.
- As stewards of the community, the Commission is concerned with overcrowding on hillsides and related safety issues.
- The proposal is too big for the lot.
- He cannot make the findings for Design Review and FAR.
- He could support the wider driveway, the variances for height and the front yard setback, and the Slope Use Permit.

Acting Chair Heitkamp provided the following comments:

- She agreed with the comments made by the other Commissioners.
- She appreciated the neighbors' support.
- The findings do not address personal issues and problems but rather the building, the site, and the relationship to the neighborhood.
- The intent of the FAR and Slope Ordinance is to avoid overbuilding on steep, hillside lots or exacerbating substandard lots on hillsides.
- The scale of the proposal is out of line with what would be consistent on the site.
- Some enlargement might be possible. The southern addition is excessive.
- This is a small, substandard lot even with the additional property gained from View Street.
- Recent traffic studies have shown that larger homes generate more traffic.
- She had no problem with the storage and laundry area under the carport. The rest of the proposal is contrary to the General Plan, the Slope Ordinance, and FAR Ordinance.

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- The carport should not be enclosed since it was part of the deed restriction from earlier construction. It would also present a sight line problem. This is a one-lane road with restricted views.
- The existing home is already over what is allowed and this proposal would be exacerbating the non-conformity.

Planning Director Kaufman stated the Commission could continue the application to allow for a redesign. If the application were denied, without prejudice, this would allow the applicant to resubmit or he could appeal the Commission's decision to the City Council.

Chair Heitkamp further explained the alternative actions to the applicant. Mr. Mayerhofer had questions about the alternatives and asked for specific directions from each of the Commissioners on how his project should be redesigned. Chair Heitkamp explained that the Commission does not design projects and that he should consult with staff regarding the comments from the Commission.

Mr. David Williams, architect, asked if a denial without prejudice would involve new fees and a new application. Planning Director Kaufman stated that a new application and fees would be required, but that the charges are based on staff time and materials, which would be charged to review a revised or a new application; monies not used would be refunded.

M/s, Young/Deignan motioned and the Commission voted 3-0 (Chair Stahl and Commissioner McCluney absent) to deny, without prejudice, DR/FAR/SUP/VAR 06-55, 47 Laurel Avenue, based on the comments made by the Commission.

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

### **BUSINESS ITEMS**

#### 1. Commissioner's Reports

There were no reports.

#### 2. Planning Commission Minutes of August 8 and August 16, 2006

M/s, Deignan/Young motioned and the Commission voted 3-0 (Chair Stahl and Commissioner McCluney) to approve the minutes of August 8<sup>th</sup> and August 16<sup>th</sup> as submitted.

The meeting was adjourned at 9:02 p.m.

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Respectfully submitted,

Toni DeFrancis  
Recording Secretary