

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF OCTOBER 10, 2006

The Larkspur Planning Commission was convened at 7:32 p.m. in the Council Chambers by Chair Stahl.

Commissioners Present: Chair Jeff Stahl, Helen Heitkamp, Richard Young

Commissioners Absent: Monte Deignan, Chris McCluney

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

OPEN TIME FOR PUBLIC EXPRESSION

There were none.

PLANNING DIRECTOR'S REPORT

- She reported that a tree had fallen down on Magnolia Avenue in front of Rulli's Café.
- The City Council meeting scheduled for October 18th will include an appeal of the Planning Commission's decision on the 47 Laurel Avenue application.
- There is a joint meeting of the City Council and the Planning Commission tentatively scheduled for December 6th.

APPROVAL OF CONSENT CALENDAR ITEM

BUSINESS ITEMS

- 1. GPC 06-61: General Plan Conformity Finding for the quitclaim of the City's claim to a portion of the Tamalpais Avenue Right-of-Way to the adjacent property owner at 11 Tamalpais (APN 21-071-22). R-1 District Zoning**
Staff Recommendation: Finding of General Plan Conformity

Commissioner Heitkamp referred to the additional land being added to the property and asked if there was the potential down the road to create two parcels. Planning Director Kaufman stated the existing parcel appeared to be about 11,700 square feet and the area added is around 6,000 square feet. She stated it is a relatively flat site and there is potentially enough area for two parcels, but access would be difficult. Commissioner Heitkamp stated it would be useful for the Commission to get the history about vacated paper streets so they could be aware of the legal ramifications. Planning Director Kaufman stated staff would try to accommodate this request although it could take extensive research.

Mr. Bill Epidendio stated they do not intend to build on this property and it will be recorded as one lot.

Chair Stahl asked Commissioner Heitkamp to clarify her request for history regarding vacated paper streets. She stated that she would like to know the history of the recent street vacations that occurred as a result of a legal challenge. Planning Director Kaufman stated she would check on that information for the Commission, but it may have been due to a requirement that if land is dedicated to the City for a specific purpose and it is not used for that purpose, it may revert back to the original owner.

On the Consent Calendar M/s, Heitkamp/Young motioned and the Commission voted 3-0 (Deignan and McCluney absent) to recommend approval to the City Council of GPC 06-61 based on the staff findings.

Workshop Item

- 2. TEXT 06-73: Public workshop to consider text amendments to various sections of Chapter 18, Zoning Ordinance, of the Larkspur Municipal Code to resolve inconsistencies in the code, delete or amend antiquated and/or superceded language,**

provide clarification on current policies and procedures, refine current definitions, and address recently enacted State planning and development law requirements.

The Commission agreed to go through the items one-by-one and take testimony as they go through the items.

Chair Stahl referred to the draft ordinance, page 1, and asked for comments regarding Section 1, #1, "Zoning Administrator".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 1, and asked for comments regarding Section 1, #2, "Definition of Accessory Structure".

Commissioner Heitkamp asked if there was a square footage limit and whether or not they should define the term "subordinate". Planning Director Kaufman stated this has never been a problem. Assistant Planner Licko stated the structures would still be restricted as to maximum floor area and lot coverage. Chair Stahl asked if this would apply to a second unit. Planning Director Kaufman stated a second unit could be in an accessory structure if it were detached.

Mr. Rich Perlstein, architect, asked if a concrete slab with pool equipment but no roof would be considered an accessory structure. Planning Director Kaufman stated "yes".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 1, and asked for comments regarding Section 1, #3, "Definition of Floor Area".

Mr. Perlstein referred to the current requirement for high ceiling space and asked if it is counted double at a certain height. Assistant Planner Licko stated "yes". The proposed amendment is not a change but merely a clarification. Mr. Perlstein referred to 3(D) and asked if this now includes chimneys that project outside of the building as floor area. Assistant Planner Licko stated chimneys were always counted and this is a clarification of that fact.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 2, and asked for comments regarding Section 1, #4, "Definition of FAR".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 2, and asked for comments regarding Section 1, #5, "Definition of Fence Height".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 2, and asked for comments regarding Section 1, #6, "Definition of Home Occupation".

Commissioner Young stated the terms "structure" and "building" seem to be used interchangeably and he asked if one was preferable. Planning Director Kaufman stated "structure" is a broader term. Staff will try to be more consistent. Assistant Planner Licko noted that the definition of "building" said, "See structure."

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 2, and asked for comments regarding Section 1, #7, "Definition of Lot Coverage".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 3, and asked for comments regarding Section 1, #8, "Definition of Lot Width".

Chair Stahl asked for clarification on “measured at the midpoint between the front and rear lot lines.” He stated in some instances this might be impractical to use in determining the average. Assistant Planner Licko agreed that there were some complex situations. Chair Stahl stated language that was somewhat vague could be interpreted to fit a particular lot and was not necessarily a bad thing.

Planning Director Kaufman stated staff would come back with some suggested language.

Chair Stahl referred to the draft ordinance, page 3, and asked for comments regarding Section 1, #9, “Definition of Parking Space”.

Commissioner Young stated they have taken out the width and length of the space and left it “up for grabs”. They will end up with all substandard parking spaces. Planning Director Kaufman stated size is determined in the Parking section of the Ordinance. This simply defines what a space is and the Parking section of the ordinance defines minimum or compact size.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 3, and asked for comments regarding Section 1, #10, “Home Occupation Restrictions”.

Chair Stahl asked if “commercial vehicle” would be a better term than “business vehicle”. Commissioner Heitkamp stated one of the problems is that contractors leave equipment on the street.

It was the consensus of the Commission to support the recommended amendments with the change suggested by Chair Stahl.

Chair Stahl referred to the draft ordinance, page 3, and asked for comments regarding Section 1, #11, “Height Limits”.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 3, and asked for comments regarding Section 1, #12, “Obstruction Limits at Intersections”.

Mr. Perlstein asked if the term “commercial driveways” excludes multi-family driveways. Planning Director Kaufman stated “yes”

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 3, and asked for comments regarding Section 1, #13, “Fence Height”.

Planning Director Kaufman stated the Zoning Administrator gets many requests for fence height exceptions and arbors. The intent is to make it more flexible.

Chair Stahl stated he could not walk through an entry gate or arbor that was only six feet tall. Assistant Planner Licko agreed and stated that, prior to the meeting, the Zoning Administrator had recommended that the wording be changed to an eight-foot high limit to provide clearance under the cross beams.

It was the consensus of the Commission to support the recommended amendments with the suggested change to “eight feet”.

Chair Stahl referred to the draft ordinance, page 4, and asked for comments regarding Section 1, #14, “Allowed Yard Projections”.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 4, and asked for comments regarding Section 1, #15, “Restrict Paving of Front Yard”.

Commissioner Heitkamp stated they should differentiate between “pavers” and “paving”. Planning Director Kaufman stated “pavers” count towards natural state but not lot coverage. Stepping-stones are not considered paving.

Mr. Perlstein stated the intent was to allow some greenery in the front yard and asked if they could add something that addresses ‘soft scape’.

Assistant Planner Licko stated the intent was not to require homeowners to install landscaping but to limit the amount of parking in the front yard. Planning Director Kaufman stated staff would research a definition of “paving”.

It was the consensus of the Commission to support the recommended amendments

Chair Stahl referred to the draft ordinance, page 4, and asked for comments regarding Section 1, #16, “Civic Events”.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 4, and asked for comments regarding Section 1, #17, “Special Events”.

Commissioner Young asked how people would know they need a permit to hold a candidates tea, etc. Planning Director Kaufman stated they were trying to address bigger events in commercial areas. Chair Stahl asked if they could limit it to the commercial areas. Planning Director Kaufman stated “yes” but they were also trying to cover somebody disrupting the neighborhood. Chair Stahl asked if they could put in some type of threshold regarding the number of people in attendance. Commissioner Heitkamp noted that the Winehaven property is zoned residential and parking can be an issue.

Planning Director Kaufman stated it could be changed to apply only to commercial areas.

It was the consensus of the Commission to support the recommended amendments with the change to commercial areas.

Chair Stahl referred to the draft ordinance, page 4, and asked for comments regarding Section 1, #18, “Recycling Provisions”.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 5, and asked for comments regarding Section 1, #19, “Animals”.

Commissioner Heitkamp had a question about (D) and stated she would like to add: “Location.... no animal other than a dog or *cat*....”.

Chair Stahl stated asked if there were ducks that didn’t quack and suggested that it refer to noisy animals. He also noted that the wording in (D) should be “Location of animals and structures *housing animals*”

It was the consensus of the Commission to support the recommended amendments and changes suggested by the Commission.

Chair Stahl referred to the draft ordinance, page 5, and asked for comments regarding Section 1, #20, “Lot Coverage”.

Commissioner Young asked if this applied to the primary and accessory structures. Planning Director Kaufman stated it would apply to any and all structures.

Chair Stahl stated the term should be “permeable *surfaces*” rather than “areas.”

It was the consensus of the Commission to support the recommended amendments and change suggested by the Chair Stahl.

Chair Stahl referred to the draft ordinance, page 5, and asked for comments regarding Section 1, #21, "Garage in front yard".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 6, and asked for comments regarding Section 1, #22, "Heritage Board Review".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 6, and asked for comments regarding Section 1, #23, "Change in parking requirement".

Chair Stahl asked if the term "main building" was defined in the ordinance. Commissioner Young stated it is used in other areas of the code. Senior Planner Toft stated it is defined as the primary building.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 6, and asked for comments regarding Section 1, #24, "Lot size for second units".

Chair Stahl asked if the intent of the change was to make it consistent with State Law. Planning Director Kaufman stated it was intended to make it consistent with the changes that were previously made to other sections of the ordinance to recognize legal lots of record.

Commissioner Heitkamp stated some of the substandard, legal lots of record would not be appropriate for a second unit. Planning Director Kaufman stated State Law would allow a second unit but they must also meet the other standards, such as parking requirements. Currently, to have a second unit, there must be four parking spaces for the main unit and an additional space for the second unit. The requirement for four parking spaces may change in the future should the Council and Commission decide to do so.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 6, and asked for comments regarding Section 1, #25, "Lot coverage in TR District".

Commissioner Young stated a boardwalk four feet or less in width seemed too narrow. Assistant Planner Licko stated this was the standard width for a sidewalk. This does not restrict width and they could have a wider boardwalk if necessary. The width only identifies the portion of the boardwalk that would not be counted as lot coverage.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 6, and asked for comments regarding Section 1, #26, "Lot Coverage in R-2".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 6, and asked for comments regarding Section 1, #27, "Garage in front yard".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 6, and asked for comments regarding Section 1, #28, "Heritage Board Review".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 7, and asked for comments regarding Section 1, #29, "Change in parking requirement".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 7, and asked for comments regarding Section 1, #30, "Lot Coverage".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 7, and asked for comments regarding Section 1, #31, "Garage in front yard".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 7, and asked for comments regarding Section 1, #32, "Heritage Board Review".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 7, and asked for comments regarding Section 1, #33, "Change in parking requirement".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 7, and asked for comments regarding Section 1, #34, "Permeable areas".

Chair Stahl noted it should read "Permeable *surface*".

It was the consensus of the Commission to support the recommended amendments with the change suggested by Chair Stahl.

Chair Stahl referred to the draft ordinance, page 7, and asked for comments regarding Section 1, #35, "Requirement for Slope Use Permit".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 8, and asked for comments regarding Section 1, #36, "Slope Use Permit".

Commissioner Heitkamp had a question about (G), "Revocation".

Assistant Planner Licko asked the Commissioner to refer to page 5 of the staff report and the four bullets in #36.

It was the consensus of the Commission to support the recommended amendments and to have the Design Review, Variances and FAR Exceptions read the same: one-year extension with Planning Director approval and an additional year subject to Planning Commission approval.

Chair Stahl referred to the draft ordinance, page 8, and asked for comments regarding Section 1, #37, "Permeable areas".

Chair Stahl noted it should read "Permeable *surface*".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 9, and asked for comments regarding Section 1, #38, "Grading Control".

Mr. Perlstein asked for clarification on (D), "Cumulative Grading".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 9, and asked for comments regarding Section 1, #39, "Waiver of height and setback requirements".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 9, and asked for comments regarding Section 1, #40, "Floor area exemptions."

Commissioner Young asked for clarification.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 9, and asked for comments regarding Section 1, #41, "FAR Table 35-2".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 9, and asked for comments regarding Section 1, #42, "Exception Permit process".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 9, and asked for comments regarding Section 1, #43, "RMP District".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 10, and asked for comments regarding Section 1, #44, "A-P District".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 10, and asked for comments regarding Section 1, #45, "SD District".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 10, and asked for comments regarding Section 1, #46, "GD District".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 10, and asked for comments regarding Section 1, #47, "C-1 District permitted uses".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 10, and asked for comments regarding Section 1, #48, "C-1 District conditional uses".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 10, and asked for comments regarding Section 1, #49, "TD District".

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 11, and asked for comments regarding Section 1, #50, "C-2 District conditional uses".

Commissioner Heitkamp asked if they need any criteria. Planning Director Kaufman stated it was a conditional use.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 11, and asked for comments regarding Section 1, #51, "L-1 Conditional uses".

Commissioner Heitkamp stated there could be an issue regarding a live-in unit for a manager in the industrial area and she suggested this be a conditional use. Planning Director Kaufman stated “caretaker quarters” are listed as a conditional use.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 11, and asked for comments regarding Section 1, #52, Delete redundant section.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 11, and asked for comments regarding Section 1, #53, “Termination of PUD Districts”.

It was the consensus of the Commission to support the recommended amendments.

Chair Stahl referred to the draft ordinance, page 11, and asked for comments regarding Section 1, #54, “Termination of PD Districts”.

It was the consensus of the Commission to support the recommended amendments.

Planning Director Kaufman acknowledged the work of Assistant Planner Licko.

BUSINESS ITEMS

1. Commissioner’s Reports

Chair Stahl had questions about the CAP and TIP Ordinances and asked if the funds could be used to support the Twin Cities Shuttle. Planning Director Kaufman stated those funds are used for capital not operational purposes. The TIP Ordinance includes a list of identified improvements. Chair Stahl stated he would like to include support of the shuttle on the list since it is a traffic mitigation measure. Planning Director Kaufman stated the TIF fees were one-time fees and something like construction of a bus shelter would be appropriate, but not ongoing operational costs.

Chair Stahl stated he would like to proceed with “Green Building” regulations. Planning Director Kaufman stated this would be a topic at the joint meeting with the City Council. Commissioner Young asked staff to make sure the Council has the pamphlets provided by the County.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary