

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF OCTOBER 24, 2006

The Larkspur Planning Commission was convened at 7:30 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, Acting Planning Director
Diane Henderson, Contract Planner

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- Planning Director Kaufman was on vacation.
- The City Council denied the appeal and upheld the decision of the Commission regarding the application for 47 Laurel Avenue.

APPROVAL OF CONSENT CALENDAR

No items on the Consent Calendar.

PUBLIC HEARING ITEMS

1. **PREC/DR 06-30: 2000 Larkspur Landing Circle (APN 018-171-32); Campus St. James Larkspur, LLC, applicant, Ross Valley Sanitary District of Marin County (Sanitary District No. 1), property owner. Request for the following permits/approvals to allow for 126 for-sale multi-family residential units to be constructed in nine multiple-family residential buildings: (1) Amendment to the Preliminary Development Plan to allow Exceptions to the Zoning Ordinance with regard to setbacks, open space, storage, lot area, lot coverage and off-site sign requirements; (2) Precise Development Plan approval; and (3) Design Review. A Mitigated Negative Declaration was prepared for the project and adopted by the Larkspur City Council on August 17, 2005.**

Contract Planner Henderson presented the staff report.

Commissioner McCluney had questions about the decision to sell the underlying fee to individual homeowners of the Greenway Townhouse units. Planning Consultant Henderson stated it was a market decision and the applicants could speak to this issue.

Commissioner McCluney had questions about the exception request for the smaller balconies. Planning Consultant Henderson stated they were requesting an exception to the minimum dimension of balconies counted as private open space and counted toward the total useable open space requirement for certain units. The width of the balconies is four feet and the code requires a width of no less than six feet. She stated the architect could expand on the rationale for this request.

Commissioner McCluney asked if the applicants would be coming back to the Commission with more detailed plans. Planning Consultant Henderson stated they need to apply for a Tentative Map which would be reviewed by the Commission.

Commissioner McCluney asked about the status of the EAH project. Planning Consultant Henderson stated that was an approved project and they were seeking funding.

Commissioner McCluney asked about the applicant's proposal regarding the Lower Via Casitas apartment complex. Planning Consultant Henderson stated they made an application to provide the required affordable housing for this project at the Lower Via Casitas location. The City Council heard testimony from many of the existing residents who stated they would not qualify and would have to move.

Commissioner McCluney asked about the status of the Sanitary District project. Planning Consultant Henderson stated there were discussions about the district consolidating with the Central Marin Sanitary Agency (CMSA) but the City has not received any formal notification. It is likely, however, that the district would not build the plans that were shown as part of the Preliminary Development Plan. Commissioner McCluney asked if that space could remain vacant. Planning Consultant Henderson stated it could remain vacant and any change would need to be reviewed by the City as an amendment to the Preliminary Development Plan.

Commissioner McCluney referred to the below market rate units and asked if they were proposing the three ranges- very low, low, and moderate. Planning Consultant Henderson stated the units would all be less than 120% of the County median. The applicants are working with Marin County Housing Authority.

Commissioner McCluney had questions about the staff recommended crosswalk. Planning Consultant Henderson stated this was a painted crosswalk that would be part of the improvement plans.

Commissioner Heitkamp referred to the proposed open space “trade-off” and asked if that area was level. Mr. Michael Hooper, representing Campus Properties, stated the area below the dam was flat. Commissioner Heitkamp stated she was concerned that the access to Miwok Park through the Sanitary District and the EAH sites might not happen. She asked how people would access the park. Chair Stahl asked the applicants to address that question during their presentation.

Commissioner Heitkamp asked if the proposed “paseos” were the lobbies to the buildings and noted she did not consider that open space. Planning Consultant Henderson stated the lobbies were separate from the paseos.

Commissioner Heitkamp stated she liked the fact that the affordable housing units were distributed and asked if the storage and parking shortages were within those units. Mr. Hooper stated he would address this in his presentation.

Commissioner Deignan asked for an update on the proposed hotel. Planning Consultant Henderson stated staff received an application for a Precise Plan and Design Review for the hotel.

Chair Stahl referred to the affordable units and asked about the distribution of one, two, and three bedrooms. Planning Consultant Henderson noted the following distribution: 1) 30 one-bedroom units- six would be affordable, 2) 84 two-bedroom units- 18 would be affordable, 3) 12 three-bedroom units- one would be affordable.

Chair Stahl opened the Public Hearing.

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

- The request for an exception to the setbacks is a technical issue and there is no change to the plans. It was always their intention to do Townhomes instead of condominiums but they apparently did not communicate this to staff.
- The hotel sign is very important and is part of their deal with the hotel. They prefer that it just be a hotel sign and do not feel it would set a precedent.
- They have requested justification from the City Attorney for condition #8 regarding Tubb Lake and feel there should be a nexus. They have gotten no response and request that this condition be deleted.
- The Sanitary District is having discussions with CMSA regarding consolidation.
- They would be shortage of storage by a very small amount for a couple of units.
- They are meeting the parking requirements.
- There was never going to be access to Miwok Park from the Sanitary District site. There will be access across the EAH property. He pointed out a trail to the park and the location of the dam.

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

- The one foot, eight inch deficiency in the balconies is on the upper levels only. The concept is to step them back slightly for aesthetic reasons.
- The shortchanging of storage was not occurring in the affordable units. That was certainly not the intent. Commissioner McCluney asked about the “car lockers” noted in the staff report. Mr. Hooper stated the cages were located in the Tam View and Parkside basement parking areas. They are intended for bulky items. Commissioner McCluney asked if they would sit above the hood of a vehicle. Mr. Hooper stated “no”.
- He pointed out the walkway through the “pocket park” to Miwok Park. The configuration of the open space in that area has not changed.

Commissioner Young noted the elevations depict that the upper balconies were not as deep or as wide as the lower balconies. The architect agreed and stated this was done for aesthetic purposes. He stated it was a decision about the design of the verticality of the project and he felt it would keep the building from looking top-heavy. Commissioner Young stated he did not agree with this concept and would like to see them as large as the others. Mr. Hooper stated there was no requirement for the width of the balconies.

Commissioner Young asked if there was a difference in the stone material. The architect stated “no”. Commissioner Young asked if the project included any brick material. The architect stated “no”.

Commissioner McCluney asked if there had been any thought to the future of the Sanitary District property. Mr. Hooper stated the district owns the land but there is quite a bit of flexibility to design alternatives.

Chair Stahl had questions about the location of the trash enclosures and how they would be picked up on trash day.

Chair Stahl asked if the utilities would be underground. Mr. Hooper stated “yes” except those existing.

Chair Stahl noted the clubhouse was moved and he asked if there were other physical changes to the footprints of the buildings, alignment of roads, etc. Mr. Hooper stated “no”. This is the set of plans reviewed by the Commission in February.

Chair Stahl asked where the unit layouts were depicted. Mr. Hooper stated they were on the A2 series of drawings.

Chair Stahl referred to A411, unit F1D and stated it looks like a two-bedroom unit. He asked how this would affect their parking. Mr. Hooper stated they would add one car for each of those units. Mr. Upton stated this was a good point but there would be 126 units and some would have only one person with one car so it becomes a numbers game. Mr. Hooper stated the garage was parked exactly right for this distribution with one covered space per unit. The need would be for external additional parking and would end up being a trade-off for landscaping.

Chair Stahl referred to the retaining wall near the parking for the proposed hotel adjacent to the Greenway Townhomes and asked if the hotel parking was raised relative to the sidewalk. Mr. Hooper stated it was the other way around. This allowed them to provide handicapped access.

Chair Stahl asked if the City Engineer had reviewed the site lighting layout. Mr. Hooper stated “yes”.

Commissioner Heitkamp asked if they needed to make a decision regarding the signage tonight and she was concerned about the potential for confusion between the hotel and the first building. It might make more sense to wait until the first building was completed. Planning Consultant Henderson stated the signage would require an amendment to the Preliminary Plan as well as Design Review and it was appropriate to look at it now.

Mr. Jim Moore, Larkspur Landing area resident, made the following comments:

- Every exception to the Zoning Ordinance builds in value for the developer.
- The density of the project was upsetting and it would look like a “parking lot”.
- Every bedroom would require a car and the residents would be parking throughout the area.

Mr. Charles Gill, representing Larkspur Hospitality Hotels, made the following comments:

- They hope to be the developers of the hotel property.
- The sign is considered a “remote sign” and would not be immediately adjacent to the hotel.
- A sign on Sir Francis Drake Boulevard with simply a logo would not accomplish anything and it should have text with the name of the hotel.
- The sign would be nestled in a berm and would not appear to be connected with the residential units.

Chair Stahl closed the Public Hearing.

Chair Stahl referred to the staff report, page 5, and asked for comments on requested exception #1, regarding zero setback lines for the Greenway Townhouses and Clubhouse.

Commissioner McCluney provided the following comments:

- He is disappointed this issue came up at the last minute.

- He could approve the exception.

Commissioner Heitkamp provided the following comments:

- She was disturbed at the change at first and then realized the configuration of the design has not changed.
- She could approve the exception.

Chair Stahl provided the following comments:

- This is a technicality and he could approve the exception.

Commissioners Young and Deignan agreed.

Chair Stahl referred to the staff report, page 5, and asked for comments on requested exception #2, regarding substandard balconies.

Chair Stahl provided the following comments:

- He put this in the context of a “math issue”.

Commissioner Heitkamp provided the following comments:

- She was concerned the balconies were not functional. They should be usable since this would be the only outdoor space for tenants.
- She had reservations.

Commissioner McCluney provided the following comments:

- He agreed with Commissioner Heitkamp.
- He would like to see as generous a balcony as possible.
- He asked if each balcony would be for a unique unit. Mr. Upton stated these were all individual balconies and there were no shared balconies.

Commissioner Young provided the following comments:

- The balconies should be 6’ deep and he did not buy the argument with regard to aesthetics.
- There was no benefit to reducing the width and depth of these balconies.

Commissioner Deignan provided the following comments:

- He had no problem with the smaller balconies.
- He did not want to micro-manage the project.

Chair Stahl provided the following comments:

- He could appreciate what they were trying to do aesthetically. He did not want a “top-heavy” look.
- He could approve this exception.

Chair Stahl stated there was a consensus to not allow the substandard balcony to count towards the open space requirement.

Chair Stahl referred to the staff report, page 5, and asked for comments on requested exception #3, regarding the minimum storage requirements.

Commissioner Heitkamp provided the following comments:

- She did not have a problem with this exception if it did not apply to the larger units.

Commissioner McCluney provided the following comments:

- He asked if it would be possible to meet this requirement. Mr. Upton stated nothing was impossible but it would be very difficult and it would require pushing out the basement walls.
- He asked how many units would be shortchanged. Planning Consultant Henderson stated five units.

Commissioner Young provided the following comments:

- He asked if they could be staked. Mr. Hooper stated they have done all the staking they could.

Chair Stahl provided the following comments:

- Buyers of those units would live with less storage space and this issue would probably not be a factor in their decision.

Chair Stahl stated it was the consensus of the Commission to accept that exception.

Chair Stahl referred to the staff report, page 6, and asked for comments on requested exception #4, regarding the minimum lot sizes for the Townhouses.

Chair Stahl stated it was the consensus of the Commission to accept this exception.

Chair Stahl referred to the staff report, page 6, and asked for comments on requested exception #5, regarding 100% lot coverage for the Townhouses.

Chair Stahl stated it was the consensus of the Commission to accept this exception.

Chair Stahl referred to the staff report, page 6, and asked for comments on requested exception #6, to allow off-site signage for the Hotel.

Commissioner Heitkamp provided the following comments:

- She felt signage was important but there was the potential for confusion.
- The signage should not be combined and there should be some differentiation.
- She could approve some type of monument sign.
- The applicant's request was preferable.

Commissioner McCluney provided the following comments:

- He did not agree with the staff recommendation.
- He agreed with the comments made by Commissioner Heitkamp.

Commissioner Young provided the following comments:

- He agreed with the other Commissioners.

Chair Stahl provided the following comments:

- This is a PD Zone and he could come up with the rationale to allow this hotel to have a sign but not the Marriott. Acting Planning Director Toft pointed out the entire Larkspur Landing Center was a PD Zone. This would be setting a precedent. Commissioner Heitkamp stated she would be open to allowing a sign for the Marriott.

Chair Stahl stated it was the consensus of the Commission to allow the signage as requested by the applicant.

Commissioner McCluney provided the following comments about the conditions of approval:

- Condition #7, Noise from Rowers, was the "tail wagging the dog" issue. The residents should have a right to complain.
- He would like this condition deleted.

The other Commissioners endorsed this suggestion.

Commissioner McCluney provided the following comments:

- He responded to Mr. Moore's comments. He agreed that this project would be more dense than the Niven property but not more dense than the apartments and condominiums behind the shopping center. This is a special zone and it allows for higher density.
- He discussed "Green Building" techniques and would like to see more solar. Chair Stahl these were good suggestions but the struggle was coming up with the mechanism. Mr. Upton stated they did agreed to install solar heating for the clubhouse and the hotel has agreed to

perform a detailed study for solar. They have given a lot of thought to “Green Building” and would like to position this as “green” a project as possible.

Commissioner Heitkamp provided the following comments about the conditions of approval:

- She referred to condition #8 regarding Tubb Lake and felt strongly that the applicant should share in the cost to repair the dam. They would be the first ones hit if something happened to the dam. Commissioner McCluney stated he did not agree and stated this was City owned land. Commissioner Heitkamp stated they were building in the channel. Mr. Hooper stated the issue goes back to 1997 when the City hired Miller Pacific to do a preliminary geotechnical review of the dam. Their geotechnical engineer believes that no additional work is necessary. Their attorney is of the opinion that there is no nexus and there should be no obligation on their part. Commissioner Deignan asked Mr. Hooper if they would be happy seeing the dam left in its current condition. Mr. Hooper stated “yes” and they did not want the process slowed down. Commissioner Deignan asked about the cost of the work. Mr. Hooper stated the physical cost of construction was about \$80,000 but the permitting was costly and time consuming. Planning Consultant Henderson stated the “nexus” question was a legal one. The condition simply puts the applicants on notice. She suggested the following amended wording: “The applicant *may be required* to share in the cost... *pending a determination by the City Attorney.*”

It was the consensus of the Commission to support this amended wording.

Chair Stahl asked for comments on the Precise Development Plan.

Commissioner Young provided the following comments:

- He was pleased with the reduction from 16 to 9 buildings and stated this was a great improvement.
- He is pleased with the course this project has taken.

Commissioner Deignan provided the following comments:

- The project has progressed well though the various phases and iterations.
- This is a handsome project and would be a good addition to the area.

Commissioner McCluney provided the following comments:

- He agreed with the comments by the other Commissioners.

Commissioner Heitkamp provided the following comments:

- The ordinance does not mention the affordable housing contribution. Planning Consultant Henderson stated that was included in Attachment C.
- They have done a good job in distributing the affordable housing units. Chair Stahl wondered why all the below market rate units were congregated on the second floor. He

would like them distributed on different floors. Mr. Upton stated they did not want them on the third floor for marketing reasons. Mr. Hooper stated they could move two of the one-bedroom units to the first floor.

Commissioner Young provided the following comments:

- The applicants did a great job.

M/s, Heitkamp/McCluney motioned and the Commission voted 5-0 to recommend approval of PREC/DR 06-30, 2000 Larkspur Landing Circle to the City Council based on the findings and conditions set forth in the staff report plus the additional amendments: 1) Exhibit C, page 5, #9, “Signs”, delete the parentheses; 2) Ordinance amending Ordinance No. 948, page 2, Section 4 (1) b. shall be deleted; 3) exception #2 regarding balconies shall not be granted, 4) the hotel sign shall be allowed off-site as requested by the applicants; 5) condition #7 regarding the rowers shall be deleted; 6) two of the below market rate units shall be located from the second floor of the Parkside Building to the first floor; 7) condition #8 regarding Tubb Lake shall be amended as suggested by the Planning Consultant.

Chair Stahl stated this application would be forwarded to the City Council.

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.

Acting Planning Director Toft presented the staff report.

Acting Planning Director Toft referred to item #42, “Exception Permit process” and stated staff was trying to make all the time limits for permits consistent. Permits would be valid for two years and the Planning Director could grant a one-year extension if conditions have not changed. The applicant could then apply for an additional one-year extension to the Planning Commission. Staff was suggesting a cap of four years.

Commissioner Heitkamp referred to #36, “Slope Use Permit” and had questions about (G), “Revocation”. She was concerned about construction that does not conform to the plans. Acting Director Toft indicated that this language was attempting to discourage such activities.

Commissioner Heitkamp referred to #3, “Definition of Floor Area” and asked if basements were counted. Acting Planning Director Toft stated they have not changed the definition for basements.

Acting Planning Director Toft stated staff would be coming back to the Commission with Phase II of this process and then the ordinance.

BUSINESS ITEMS

1. Commissioner's Reports

There were no reports.

2. Planning Commission Minutes of September 26 and October 10, 2006

M/s, Young/Heitkamp motioned and the Commission voted 5-0 to approve the minutes of September 26, 2006 as submitted.

M/s, Young/Heitkamp motioned and the Commission voted 3-0 (Commissioner McCluney and Deignan abstained) to approve the minutes of October 10, 2006 as submitted.

The meeting was adjourned at 10:03 p.m.

Respectfully submitted,

Toni DeFrancis, Recording Secretary