

LARKSPUR PLANNING COMMISSION
MEETING MINUTES OF FEBRUARY 13, 2007

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

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

Commissioners Absent: Monte Deignan

Staff Present: Neal Toft, Senior Planner
Diane Henderson, Planning Consultant
Kristen Teiche, City Planner
Deric Licko, Assistant Planner

OPEN TIME FOR PUBLIC EXPRESSION

There were none.

PLANNING DIRECTOR'S REPORT

- Senior Planner Toft noted the following late mail placed on the dais: 1) a letter of support for the application at 55 Walnut, 2) an errata sheet containing changes to the conditions of approval for Consent Calendar item #1, 3) Draft Design Guidelines that would be included in the Zoning Amendments.
- The City Council will discuss the following items at tomorrow night's meeting: 1) San Quentin has issued a Notice of Preparation for an EIR to demolish a historic building and replace it with a new medical building, 2) Alternative design proposals for a new Corporation Yard to be located in Piper Park.
- Staff has received the Preliminary Development Plan for the Niven site submitted by Larkspur Capital Partners. The plan shows a lot of consistency with the goals and policies contained in the CLASP. There is no target date set for presentation to the Commission. Chair Heitkamp asked if the plan would need an additional EIR. Senior Planner Toft stated staff was not anticipating an EIR as long as it follows the requirements of the Specific Plan.

APPROVAL OF CONSENT CALENDAR ITEM

1. **SUB 06-63: 2000 Larkspur Landing Circle (APN 018-171-32 portion). Campus St. James Larkspur LLC, applicant; Ross Valley Sanitary District of Marin County (Sanitary District No. 1), property owner. Project applicant proposes to subdivide 9.19 acres into four parcels. Proposed land uses are as follows: Parcel One (1.48 acres)- future hotel site; Parcel Two (1.52 acres) and Four (1.82 acres)- future condominium sites and park dedication area (Parcel four); Parcel Three (4.37 acres)- future single family attached townhomes. Proposed buildout includes a hotel and 126 for-sale multi-family residential units in nine buildings with landscaping and a clubhouse facility with**

swimming pool. A Mitigated Negative Declaration was prepared for the project and adopted by the Larkspur City Council on August 17, 2005. This item was continued from December 12, 2006 and the January 9 and 23, 2007 Planning Commission meetings.

Staff Recommendation: Conditional Approval

On the Consent Calendar, M/s, Young/McCluney motioned and the Commission voted 4-0 (Deignan absent) to approve SUB 06-63, 2000 Larkspur Landing Circle, subject to the findings and conditions set forth in the staff report.

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

2. **DR/EXC/FHE/V 06-82: 128 Hawthorne Avenue (APN 020-243-23). Richard Berling, Pacific Design Architecture/applicant; Ray Johnson, property owner. Request for the following permits to allow for the expansion of a single-family residence with expanded off-street parking: (1) Design Review; (2) Nonconforming Structure Exception Permit to allow exterior changes to the front of a building with a nonconforming front yard setback; (3) Fence Height Exception to allow a 6-foot high fence located in the required front yard; and (4) Variances to allow three parking spaces where four spaces are required, with two parking spaces located within the public right-of-way; and, to allow continuation of existing building walls providing side yard setbacks of 4 feet 4 inches on the south side and 5 feet and 9 inches on the north side where 6-foot setbacks are required.**

Staff Recommendation: Conditional Approval

Commissioner Stahl asked if the proposed new driveway configuration would put it right at the property line. Assistant Planner Licko stated “yes” that it would be within a foot of the adjoining property. Commissioner Stahl asked if this was a typical condition in that neighborhood. Assistant Planner Licko stated “yes.” Chair Heitkamp noted this was an R-3 zone.

On the Consent Calendar, M/s, McCluney/Young motioned and the Commission voted 4-0 (Deignan absent) to approve DR/EXC/FHE/V 06-82, 128 Hawthorne Avenue, subject to the findings and conditions set forth in the staff report.

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

3. **DR/FHE/HB/HT/V 06:41: 55 Walnut Avenue (APN 21-102-11) Ken Linsteadt, architect/applicant; Carol and John Knorpp, property owners. Request for the following permits to allow remodeling, additions and site improvements to an existing single-family residence listed on Larkspur Inventory of Historic Resources: (1) Design Review; (2) Fence Height Exception to allow construction of a 6’ wood fence within the 20’ front yard setback and a wood frame with welded wire mesh fencing within the 10’ street side yard setback required for a corner lot; (3) Heritage Tree Removal Permit to allow the removal of one 36” and one 38” diameter Eucalyptus tree(s) located in the rear yard separating 55 Walnut and 30 Palm Avenue and one 44” diameter Pine tree located along the southwesterly side lot line adjacent to Palm Avenue; and (4) Variance**

to the 30' height limit to allow site grading and excavation that result in increasing the measured nonconforming height of the residence (32.8' where 30' is permitted), and installation of new roof dormers in excess of the permitted 30' height limit.

Staff Recommendation: Conditional Approval

City Planner Teiche stated she received a call from the neighbor from 33 Palm requesting that the Commission consider adding a condition requiring the applicant to plant an additional green buffer zone at the rear of the property to replace the Eucalyptus trees that would be removed. The neighbor would like some privacy. The applicant agreed to this additional condition.

On the Consent Calendar, M/s, Stahl/McCluney motioned and the Commission voted 4-0 (Deignan absent) to approve DR/FHE/HB/HT/V 06-41, 55 Walnut Avenue, subject to the findings and conditions set forth in the staff report and the additional condition requested by the neighbor at 33 Palm Avenue.

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

PUBLIC HEARING ITEMS

- 4. DR/FAR/HT/SUP/V 06-79 7 Palm Court (APN 021-223-05) Michael Folk, applicant/property owner. Request for the following permits to allow for construction of a new single-family residence: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to allow a 0.25 FAR (3,646 sq. ft.) where a 0.07 FAR (850 sq. ft. and 400 sq. ft. garage) is permitted by code due to lot slope; (3) Heritage Tree Removal to allow removal of two Oak trees, 54 inches and 56 inches in circumference, to accommodate construction of a new driveway; (4) Slope Use Permit to allow approximately 480 cubic yards of grading (209 cubic yards of excavation and 271 cubic yards of fill) , and to allow construction of a new dwelling within 100 vertical feet of a prominent ridgeline; and (5) Variances to allow a garage front yard setback of approximately 13 feet where a 20-foot setback is required, and to allow three guest parking spaces located partially within the unimproved portion of Palm Court public right-of-way.**

Chair Heitkamp stated she would recuse herself from this application since she near the subject property. Vice Chair Young presided as Chair.

Assistant Planner Licko presented the staff report.

Commissioner Stahl had questions about the proximity of the proposal to the ridgeline and whether or not that triggered the Slope Use Permit. Assistant Planner Licko stated "yes."

Acting Chair Young opened the Public Hearing.

Mr. Jared Polsky, local architect, made the following comments:

- He consulted with the applicant and designer about siting, layout, massing, and floor plans.
- The proposal would not appear too massive from off-site or the street.

- The proposal is sited along, and not perpendicular, to the topography. It is broken into smaller masses vertically and horizontally. The only projecting gable is narrow and set back from the front of the house.
- Most of his clients require larger homes with interior spaces similar to the proposal.
- There is no correlation between square footage and traffic or intensity of use.
- This proposal has 674 square feet under ground and only 2,775 of the square footage would be visible. This is not a “monster home”.
- The cut and fill is balanced. The existing driveway is a scar and they were going to correct that.

Mr. Fabian LeNoy, designer, made the following comments:

- He presented aerial photographs with overlays and photographs depicting the perspective of the proposal from the intersection of Elm and Pepper Lane.
- The proposal follows the contours of the hillside.
- He used the existing footprint and space of the existing driveway.
- He relocated the garage to make it more accessible.
- The roof follows the natural slope of the lot.
- The proposal steps down along the slope to integrate it into the site.
- There are large homes in the neighborhood and the proposed density is not that excessive.
- He used a series of mass reducing techniques.
- He created a series of setbacks on the south side to avoid a “boxy” appearance.
- He tried to create an “ecologically responsible” proposal.
- The existing landscaping would help hide the south facade.
- The windows would be protected from glare by the overhang.
- The use of natural materials would help to integrate the proposal into the building site.
- The formal living room space is the most visible but the least used room.

Commissioner Stahl asked Mr. LeNoy to point out the trees that would be removed.

Mr. Jim Bradanini, landscape architect, made the following comments:

- The majority of the significant trees on the site would be saved.
- The new garage would require the removal of two trees.
- The Oak by the main entry is next to an existing wall and should not be impacted by the new construction.
- They plan to maintain a portion of the existing driveway for off-street parking.
- There is no grading proposed for the west side and it would remain in a natural state. They will provide additional vegetation for screening and privacy.
- The lower terraces will connect to the bottom floor of the house to provide on-grade outdoor activities and lawn areas. They removed an unsafe deck that was close to the south boundary line.
- They are proposing additional trees and shrubs on the south side to supplement the existing screening.
- They are looking at importing some materials to fill out the terraces. They could achieve a balance of cut and fill on site if they reduced some of the terraces by about 6”.

Commissioner McCluney asked Mr. Bradanini to outline the proposed flattened yard area.

Acting Chair Young asked about the height of the retaining walls. Mr. Bradanini stated there would be a 24" wall on the uphill side of the house, which would hold the grade back. There would be a wall located 10' above the lower terrace that would have shrubs added for screening. He pointed to a 6' wall that moves up the slope that would diminish in height to 36 inches. He pointed to another wall that would be in the 6 to 7 foot range with plantings proposed in front of it. Acting Chair Young asked if the 24" wall existed. Mr. Bradanini stated "no" but it coincides with the existing wall.

Mr. Michael Folk, property owner, made the following comments:

- The bottom wall is replacing an existing wall.
- The requested FAR (.25) is below the average of the neighborhood. The square footage is above the average but within the range of the neighborhood. The proposal is smaller than three others in the neighborhood.
- The assumption that a larger house has more people is not necessarily true.
- He submitted some letters of support.
- He made an effort to speak to all the neighbors.
- He disagreed with the assumption that square footage relates to vehicle trips but felt that people relate to trips.
- The neighbor at 26 Elm Avenue has concerns about impacts to light, views, and privacy but the homes are about 120 feet from each other with an approximate 50-foot change in elevation and a lot of vegetation.
- The home would be very energy efficient and use "Green Building" methods.
- They are creating a fundamentally modern structure that will have traditional surfaces.
- They currently live on Elm Avenue and want to remain in Larkspur.

Ms. Meredith Pechoultres, Palm Court, made the following comments:

- She met with the applicant prior to the development of the proposal.
- The FAR is the "master plan" for Palm Hill and the owner knew the limits when he bought the property.
- The applicant is trying to make the "hill fit the house" instead of making the "house fit the hill".
- The proposal should use the existing driveway and comply with the front yard setback.
- The parking and garage location should be entirely on the applicant's property and not on the unimproved portion of Palm Court. The road is very narrow, with twists and turns, and is a dead-end. It would be unsafe to have cars parked on the road.
- The proposal to cut down two trees to build a street level garage is unnecessary and should be rejected. These large Oak trees are part of a canopy that gives the area character.
- She supports the staff recommendation for denial.

Ms. Julie Gullen, Elm Avenue, made the following comments:

- She read an e-mail from the owner of 5 Palm Court (Mr. Hecht) in opposition to the project.

Mr. Phil Alwitt, Elm Avenue, made the following comments:

- The contemporary design and aesthetics of the proposal are fine.
- The story poles indicate the massive nature of the proposal.
- Topping of the trees would probably increase the visibility of the proposal and it would appear massive from the Pepper Avenue intersection.
- The proposal would be out of character with the neighborhood.
- He was concerned about the intrusion of light during the night and proposed the following three solutions: 1) extend the deck to shield the light, 2) add a solid railing, 3) set the proposed living room back.
- The issue of erosion should be investigated.

Mr. Dave Gullen, Elm Avenue, made the following comments:

- He agreed with the findings in the staff report.
- He agreed with the comments made by the neighbors.
- He stated the proposal would have a negative impact on the neighborhood and the surrounding Larkspur community.
- The bulk and mass of the proposal was out of character with the site and the neighborhood.
- The “boxy” design includes two stories simply “stacked” on top of each other.
- The intrusive scale of the proposal would degrade the natural ridgeline scenery.
- The proposal would force a flat house design on a steeply sloped lot and disregards the natural characteristics and constraints of the slope.
- He was concerned about the unforeseen risks and consequences to the hillside and surrounding community.
- The amount of glass surface was excessive and would cause glare during the day and a “lantern effect” at night.
- The proposed garage would negatively change the natural landscape.
- He urged the developer to consider alternatives that would work in harmony with the rules and desires of everyone.

Mr. Rick Adler, William Avenue, made the following comments:

- He spoke on behalf of the trees. He recommended a replacement ratio of 10:1 with a maintenance requirement of 5 years. The city should “change out” the Acacias in the Baltimore Park area.
- He supported the use of “Green Building” methods and materials.

Mr. Folk made the following comments:

- He supported the idea of planting additional trees.
- The existing driveway can accommodate only one car and has no turn around. Relocating the driveway to the top of the property would use all the flat area.
- A comprehensive civil report was done that addressed the drainage.
- The proposal would improve the site drainage, which would go through the lower lot.

Ms. Meredith Pechoultres made the following comment:

- If they changed the grade of the driveway they would not need to worry about backing up such a steep grade.

Acting Chair Young closed the Public Hearing.

Commissioner Stahl provided the following comments:

- The drawings were difficult to understand.
- There were a number of retaining walls that are indicated on the plans but not on the elevations (north and south side).
- The contemporary design solution was delightful and refreshing. He was not concerned about the aesthetic approach.
- He was concerned about the massing and siting of the proposal. He noted the east elevation was the source of a lot of issues (essentially flat, with no articulation).
- The proposal fits on the west side of the site but is “piled up” on the east side. This causes it to look like a big house, and he was concerned with the loss of view for the east neighbor.
- He could not find any justification for the removal of the two Heritage Oak trees. It is a significant grove along the street.
- The existing driveway already provides access to the site and is a workable solution.
- The neighbor to the east would lose a significant loss of view (to the west).
- The underground portion of the proposal is an overall element of the mass and bulk regardless of how it is addressed by the ordinance.
- It might be possible to build a house of this size on the lot but this is not the right solution.
- The proposal needs significant reworking.
- He was not concerned about the front yard variance.
- The Variance for the guest parking was a plus since it would improve the street parking.
- He could support both Variance requests.

Commissioner McCluney provided the following comments:

- The modern design and general “look” of the house is on the right track.
- He supported the “Green Building” component.
- He is not overly concerned with the issue regarding glare and any “lanterning effect” at night.
- He would like to see a solution that would preserve and maintain the heritage trees, but notes that there is logic in reconfiguring the driveway and parking as proposed.
- He had difficulty getting a good feel for the layout from the drawings alone, but the presentation was good and made the project easier to understand.
- The size of the house fits into the space reasonably well. They are pushing the envelope but he could be convinced that something this size is reasonable.
- He disagreed with the comment that the proposal is a “flat lot” design. The proposal is well placed into the side of the hill.
- He discussed the Slope Use Permit and stated a cut and fill neutral situation would be ideal.
- Lowering the height of the retaining walls would be a good idea.
- He was not concerned about the Variance requests.
- The drainage issues would be reviewed.
- Extra police protection (mentioned in Mr. Hecht’s e-mail) is not necessary.
- He commended all parties involved with the way they have worked together.

Acting Chair Young provided the following comments:

- The contemporary design was quite good.
- He agreed with the comments made by Commissioner Stahl about the massing. This would be a big house that would stand out.
- A FAR of .25 is a bit excessive, and would like the size of the house somewhat reduced.
- He was concerned about the height and extent of the retaining walls. A 10' high retaining wall would not be attractive.
- He would like to save the trees if possible.
- The size of the proposal would alter the character of the neighborhood and it should be somewhat reduced.
- The view of the house volume from below was a concern in terms of its bulk and mass.
- The design could better consider the slope of the site.
- Window glare would not be a problem.
- He commended the applicant for the "Green Building" considerations.
- Using a portion of the existing driveway in the right-of-way for parking should not be allowed, as suggested by staff.

Commissioner Stahl stated that he was not concerned with the front yard variance in concept. He felt the garage would be the most prominent feature on the ridgeline.

Commissioner McCluney was concerned that requiring the use of the driveway would require a substantial change to the proposed layout.

Commissioner Stahl stated that this was prominent hillside site and the Commission should not do everything to accommodate parking.

M/s, Stahl/McCluney motioned and the Commission voted 3-0 (Chair Heitkamp recused, Deignan absent) to deny DR/FAR/HT/SUP/V 06-79, 7 Palm Court, without prejudice, based on the staff report and comments made by the Commission.

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

Chair Heitkamp returned to the dais.

BUSINESS ITEMS

1. Commissioner's Reports

There were no reports.

The meeting was adjourned at 9:35 p.m.
Respectfully submitted,

Toni DeFrancis
Recording Secretary