

LARKSPUR PLANNING COMMISSION
MEETING MINUTES OF MAY 27, 2008

The Larkspur Planning Commission was convened at 7:34 p.m. in the Council Chambers by Chair Young.

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

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

OPEN TIME FOR PUBLIC EXPRESSION

Mr. James Holmes, Madrone Avenue, stated local architect Jared Polsky had expressed concern at the last meeting about the amount of preliminary work required by an applicant prior to the Public Hearing. Mr. Holmes acknowledged that the work would need to be done prior to construction but it might be worthwhile to explore the possibility of making the approval of a project contingent on the technical studies. Applicants could get feedback from the Commission prior to spending a great deal of money. Planning Director Kaufman stated there is a history to the process used by staff and the issue could be discussed at an upcoming meeting.

PLANNING DIRECTOR'S REPORT

- The Public Hearing for the Rose Garden Project (Niven property) was scheduled for Thursday, June 5th at 7:45 p.m.
- The City Council will be considering the Fiscal Year 2008-09 Budget at their June 4th meeting.
- She stated she placed some information on the dais for the Commission regarding the Marin Pedestrian and Transit Oriented Tool Kit (parking standards).

Commissioner McCluney asked when Public Hearing Item #1, 800 Magnolia Avenue, would be rescheduled. Planning Director Kaufman stated the property owner has not acquired the access rights for trucks to cross the neighboring property. The applicant submitted, and then withdrew, an alternate plan on Friday that included trucks backing out onto Bon Air Avenue. They are working on another plan. The item should be continued to a date uncertain. Commissioner McCluney had questions about the ownership of the adjoining properties.

APPROVAL OF CONSENT CALENDAR ITEM

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

- 1. GPA/RZ/DR/CAP/V 07-66: 800 Magnolia Avenue (APN 020-121-15) Pacific Design Group, applicant; Dennis Gilardi, property owner. The proposed project includes a 490 square-foot addition to the existing building, resulting in a total of 6,802 square feet of floor area to accommodate a proposed hardware store. Other proposed alterations to the site and structure include a new rooftop mechanical equipment and enclosure, elimination of the drive-thru facility, reconfiguration of planter areas and walkways, striping of five (5) new parking spaces, ADA access improvement, creation of a two loading access areas, and two accessory outdoor storage/utility yards. The request of for (1) a Larkspur General Plan Amendment to re-designate the subject property from Administrative & Professional Offices to Restricted Commercial; (2) a rezoning of the site from Administrative Professional (A-P) District to Restricted Commercial (C-1) District to permit conversion of an existing office building to a retail store use; (3) Design Review for the proposed site improvements; and (4) Variance from the parking standards to allow for 28 parking spaces where 33 spaces are required by Code. The public hearing on this item is cancelled and this application is continued to a date uncertain.**

Planning Director Kaufman recommended the Commission continue this item to a date uncertain since staff does not have a complete application at this time.

M/s, Heitkamp/McCluney motioned and the Commission voted 5-0 to continue GPA/RZ/DR/CAP/V 07-66, 800 Magnolia Avenue, to a date uncertain.

- 2. DR/FAR/HT/SUP/V 08-10: 7 Palm Court (APN 021-223-05) Michael Folk, applicant/property owner. Request for the following permits to allow construction of a new single-family residence: (1) Design Review; (2) Floor Area Ratio (FAR) Exception to allow a 0.20 FAR (2,968 sq. ft.) where no more than a .07 FAR (850 sq. ft. house and 400 sq. ft. garage) is permitted due to lot slope; (3) Heritage Tree Removal to allow removal of one multi-trunk Oak with an aggregate circumference of 71+ inches, to accommodate construction of a new driveway; (4) Slope Use Permit to allow approximately 170 cubic yards of grading (60 cubic yards of excavation and 110 cubic yards of fill), and to allow construction of a new dwelling within 100 vertical feet of a prominent ridgeline; and (5) Variance to allow a garage front yard setback of approximately 13 feet 3 inches where a minimum 20-foot setback is required, with two guest parking spaces to be located partially within the unimproved portion of the Palm Court public right-of-way.**

Commissioners Heitkamp and Deignan recused themselves since they live within 500 feet of the project.

Senior Planner Toft presented the staff report. He noted staff received three items of late mail.

Commissioner Stahl referred to the proposed parking in the right-of-way and asked why no variance was required. Senior Planner Toft stated the last omnibus ordinance revision changed the language, thus allowing guest parking to be located on the driveway serving a property. There is typically a good amount of right-of-way between the street edge and the garage or carport, and rather than trying to force the garage to extend all the way out so the parking begins on the property line the better solution is to allow the parking to be located within the right-of-way.

Chair Young opened the Public Hearing.

Mr. Michael Folk, applicant, made the following comments:

- He discussed the history of the project.
- The City Council recommended that he work with the neighbors and speak to the recused Planning Commissioners. He received some feedback and most of the individuals stated he should work within the FAR guidelines or that they would be agreeable to a minor exception.
- The FAR would allow for an 850 square foot house and a 400 square foot garage. A project of this size would make no practical or financial sense. In addition, it would not be consistent with the neighborhood.
- He hired a civil engineer to look at multiple garage locations. None of the three locations that were explored resulted in good planning or suitable engineering. The locations were steep, resulting in excessive building height and/or requiring a substantial amount of grading.
- He discussed the revisions that were made: 1) they lowered the southern edge of the garage; 2) they reduced the cut and fill by 62%; 3) they reduced the size of the house by 400 square feet; 4) they reduced the southeast corner edge by using a different roof form; 5) they varied the look of the eastern mass by using two roof forms.
- He sent a notice to neighbors inviting them to look at the revised plans.
- The neighbor from 5 Palm Court has suggested they move the project further to the west or make it more centrally located. It had been previously determined that the project would not impact the view from 5 Palm Court. The revised locations would dramatically increase the amount of grading and put the project in conflict with the neighbors at 10 and 12 Palm Court
- They are reusing the footprint of the existing house.
- There were not a lot of design choices for this lot. They want to work in the flat area.

Mr. Tom Hecht, Palm Court, made the following comments:

- They have owned the property for 15 years and have been living overseas for seven years.

- He is grateful for Mr. Folk's energy and resources and felt improvement of the property was a good thing in general.
- He referred to the Design Review Permit and suggested they either renovate the existing house, utilizing the sub-area of the existing building.
- Any new two-story house should be located in the center or western portion of the lot.
- The proposed new home would be less than seven feet from their shared property line.
- He referred to the FAR Exception and suggested allowing a revised FAR of 0.16 or maximum improvements of no more than 2,400 square feet.
- They should utilize the existing driveway. No street-level garage should be permitted.
- He referred to the Heritage Tree Removal Permit and stated no heritage trees should be removed.
- Larkspur's codes and policies should be upheld.

Ms. Mary Denton, Elm Avenue, made the following comments:

- The applicant has made some very good changes, but they did not address all of the concerns of the City Council.
- The key issues remain the size of the house and the placement of the garage.
- The FAR analysis presented by the applicant only works in neighborhoods that are homogeneous in terms of size, slope, etc. The analysis provides only the ratio for each parcel but no other information (the allowable, whether it is below, above, etc.). FAR is a relative number. The actual square footage is the best measure.
- The proposal is larger than most homes in the neighborhood still close to three times the allowable FAR.
- The garage could be placed at the western end of the property and would not need to be at street level.
- The house should be more centrally located on the site.
- The proposal includes redundant living spaces, including an au pair/second unit.
- The total intensity of the use of the property would be excessive.
- The proposal has a total building area of 3,444 square feet and a .24 FAR if the subterranean area were included.
- There are no unique characteristics of the site or the design that justify the FAR Exception.
- Granting an FAR Exception of this magnitude would constitute a granting of special privilege.

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

- She agreed with the comments made by Mr. Hecht and Ms. Denton.
- She wanted to address the homes at 10 and 12 Palm Court relative to concerns regarding their views if a garage is placed at the northwest corner of the property. Both these properties have totally unobstructed views of Mt. Tam to the west and to the southwest. These

properties do not have direct views to the project site so this issue should not be a consideration.

Mr. Bob Murray, Elm Avenue, made the following comments:

- He lives below the proposed project.
- The proposal is too big for this steep, hillside site.
- The proposal should be reduced in size.
- This project would set a precedent that Larkspur does not follow the rules.

Ms. Helen Heitkamp, Elm Avenue, made the following comments:

- She is speaking as a resident of Palm Hill.
- She is disappointed that the basic building program has not changed. It is not correct for the site.
- The square footage has not been significantly reduced and it is twice what is allowed. It is excessive.
- The amount of grading has been reduced but the key intent of the Slope Ordinance is to avoid excessive building on steep slopes. This requires a different approach than construction on a level lot.
- The houses seen from the intersection of Pepper and Elm run horizontal along the slope.
- The proposal should be more centrally located on the site.
- The design program and the excessive square footage are contrary to the General Plan and the Slope Ordinance.
- Removal of the trees is not justified. There are other options for the location of the garage.
- Averaging of FAR numbers is deceptive and misleading. The hill is composed of some substandard lots.
- The intent of the FAR is to allow a modest exception.
- There was a cap put on the size of the homes in the Elm Crest Subdivision.
- There are no special circumstances that apply to this lot that would allow the garage tower.
- She counted 16 other properties along Elm Avenue that have narrow, steep driveways without turn-around.
- The existing driveway is in good condition and its use would preserve parking on the street.
- They can use the level lower area on the west portion of the site.
- All the problems come down to the excessive square footage.
- The proposal should be denied without prejudice.

Mr. Tim Mosteller, Palm Hill resident, made the following comments:

- He submitted a letter to the Commission.
- He is opposed to the massive exception to the FAR and noted the proposal was three times what was allowed.

- Property owners should be aware of the codes and not request massive variances that end up defeating the purpose of the ordinances.
- He was opposed to a large, tall structure that would be viewed by the community.

Mr. James Holmes, Madrone Avenue, made the following comments:

- He agreed with the comments made about the FAR.
- It is time to send a new message that Larkspur is not liberal in its approach to granting FAR Exceptions.
- He was concerned that the applicant was “nibbling around the edges” and not making any significant changes. This is something the Commission should be concerned about.

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

- She stated the applicant was taking steps in the right direction.
- The street level garage should be eliminated.
- The ridge is very prominent and people in the neighborhood use it to access the hill.
- Larkspur has codes to protect the ridgeline. This is one of the mapped ridgelines.
- Her home is less than 2,400 square feet, including the garage, and is quite comfortable.
- She supports the applicant’s effort to build a “green” home but felt the “greenest” home would be a smaller one.
- Any exception to the FAR should be reasonable.

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

- He appreciated the applicant’s efforts to develop the property.
- He agreed that an 850 square foot home would not make sense.
- Property owners should be familiar with the codes and the standards of the community.
- The revised proposal is a step in the right direction.
- The exceptions being requested were unmerited.
- The size of the project was excessive.

Mr. Monte Deignan, Elm Avenue, made the following comments:

- He is speaking as a resident of the neighborhood.
- This is a teardown – they are taking away an existing house and foundation and they are starting with a “clean slate”.
- The number of requested discretionary permits is an indication that they are asking for too much.
- The Council gave the applicant explicit instructions. He responded to some of the items.
- The grading has been nicely reduced but the house remains excessive in scope.
- The Au pair unit contributes to traffic and parking.
- It includes The FAR has been reduced by only 200 square feet.

- This proposal would become the benchmark.
- There are a number of things that are still problematic. There has been compromise, but it needs a little more.
- The size of the proposal should be reduced.

Mr. Folk made the following comments:

- The comments made tonight were not indicative of the entire hillside. Many of the surrounding neighbors were supportive of the proposal.
- Many of the neighbors would not be able to see the structure.
- The proposed FAR is considerably lower than most in the neighborhood because this is a big piece of property.
- He has taken all the previous comments to heart.
- The changes are not incremental or “nibbling at the edges”.
- He reached out to the major detractors for help and was essentially turned away. It is unfair to require him to work with neighbors who won’t compromise.
- FAR is not the critical issue but rather a project that fits, compliments, and is within the scale of the neighborhood.

Chair Young closed the Public Hearing.

Commissioner McCluney provided the following comments:

- He referred to comments made about the need to apply policies consistently and how Larkspur should send a new message about FAR and noted the Planning Commission serves as the arbitrator in these issues.
- He stated he voted in favor of the proposal last time and the revised proposal is smaller in size. Based on his experience on the Commission, he did not think that the proposal was overly ambitious. The size is not unreasonable relative to the types of projects that the Commission has been approving.
- The proposal would not cut above the ridgeline as seen from below (Pepper and Elm).
- The proposal fits reasonably within the neighborhood.
- There has been forward movement on the grading issue.
- The issue regarding the garage placement was difficult. He liked the current plan for the location of the garage since it would reduce the impact on the rest of the property and trees.

Commissioner Stahl provided the following comments:

- The variance for the garage in the front setback was a reasonable request given that is consistent some of the demands of improving steep hillside lots and there is an established pattern in the neighborhood.
- He could support the Slope Use Permit and noted the applicant has done a good job in reducing the apparent impact of moving dirt around the site. The intent of the ordinance is to

discourage traditional flat land development practices on hillside settings. This is not an unreasonable amount of dirt to be moving around in order to build a new home on a sloped site.

- He agreed with the general sentiment of the residents and the two recused Commissioners.
- His overriding concern, from the standpoint of being able to successfully develop this site in a manner that is compatible with the site and the neighborhood, starts with the garage location.
- There was no acceptable way to put a driveway and a garage through the Oak trees at the top of the property. The trees are a significant and beautiful resource to the property and the City and they should not be sacrificed for some cars.
- The best development approach should be one that preserves the best features for the applicants and the neighbor's enjoyment.
- He could not support the Heritage Tree Removal Permit.
- He could not make the findings for Design Review.
- There is a reasonable way to put a garage or a place for cars at the west end of the property using the existing curb cut.
- The requirement is for one covered parking space but given the constraints he would be willing to consider variances or creative alternatives to the parking requirements.
- The cars are the problem that has prevented a reasonable development solution on the site from the very beginning. All of this is falling on the logic of building on the existing house footprint and putting it right next to the neighbor.
- The applicant should reconsider the position of the house, probably more towards the center of the lot.
- The house should end up being smaller than what is proposed.

Chair Young provided the following comments:

- He clarified with staff that the cross section indicates that the garage is less than 8 feet above the street level. He did not agree with the idea that the garage would "tower" and interfere with anyone's view.
- He asked if they could require the planting of more heritage trees along the street to compensate for the loss of the Oak tree.
- He stated the building size was approximately 2,900 square feet- 112 square feet of open trellis, 400 square feet of garage, leaving functional housing space of about 2,400 square feet. This is not excessive.
- He asked Commissioner Stahl about his idea of a detached garage to the west end of the property. Commissioner Stahl stated it could be detached or attached- either would be preferable to the proposed location. He agreed an 8-foot tall garage structure was not "towering" but he felt it infringed upon the tree canopy and changes the way one would appreciate the trees. The proposal shoves too much structure (house or garage) into the tree

canopy. Chair Young asked if he would consider the planting of additional Oak trees.

Commissioner Stahl stated that was not how the fundamental problem needs to be solved

- There was a dilemma since the Commission already approved the application. Commissioner Stahl agreed but stated it was a different version. Chair Young felt he would be going back on his word. Commissioner Stahl stated he appreciated that struggle but the Council felt this was not the right approach and they have now heard testimony from one of the more impacted neighbors and the issue has been reopened.
- Chairman Young stated that they have made improvements- the grading was reduced, the bulk was reduced, the size was reduced, the height has been reduced, and the natural hillside has been preserved.
- The initial application has been significantly reduced and improved.
- He would have a difficult time denying the project.

Commissioner McCluney provided the following comments:

- Repositioned the house and/or coming up with an alternative driveway/garage scheme would probably result in more grading.
- The tree that would be removed was one of the smaller ones. He asked about the size of the replacement trees. Senior Planner Toft stated the condition of approval calls for 24" box trees. Chair Young asked if they could require larger trees. Senior Planner Toft stated that the city has, in certain cases, required relocation of trees, but has had mixed results with that approach. Planning Director Kaufman stated an arborist should review that issue since bigger is not always better.

Commissioner Stahl provided the following comments:

- Getting the house away from the trees is a high priority from a Design Review standpoint. If this resulted in more grading it might not deter him from favoring this approach. His priority is basically trees over grading.
- Fundamentally, this is not the right design approach.

M/s, McCluney/Young motioned and the Commission voted 2-1 (Stahl voted no, Deignan and Heitkamp recused) to approve DR/FAR/HT/SUP/V 08-10, 7 Palm Court, subject to the findings and conditions set forth in the staff report.

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

BUSINESS ITEMS

1. Commissioner Reports

There were no reports.

2. Planning Commission Minutes of May 13, 2008

M/s Heitkamp/Deignan motioned and the Commission voted 3-0 (Chair Young and McCluney abstained) to approve the minutes of May 13, 2008 as corrected.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary