

LARKSPUR PLANNING COMMISSION
MEETING MINUTES OF MAY 12, 2015

The Larkspur Planning Commission was convened at 7:00 p.m. in the City Council Chambers by Acting Chair Tauber.

Commissioners Present: Acting Chair Laura Tauber, Monte Deignan,
Daniel Kunstler, Mark Sandoval

Commissioners Absent: Chair Todd Ziesing

Staff Present: Planning Director Neal Toft

OPEN TIME FOR PUBLIC EXPRESSION

Mr. James Holmes, Larkspur, distributed two handouts to staff and the Commission- one regarding the proposed design for the Library/Community Center facility and the other regarding a recent statute that would prevent the City from considering traffic counts.

PLANNING DIRECTOR'S REPORT

- The City Council will be receiving an update and discuss the process moving forward for the Library/Community Center on Wednesday, May 20th. The discussion would include programming, the site layout, and the look and feel of the architectural design.
- The project at 31 Piedmont Avenue would be reviewed on Friday for compliance with the second construction milestone- completing the rough-in work (plumbing, electrical, mechanical, and wallboards). It appears they could be a "hiccup" behind the milestone and could receive a "Notice of Violation of the Agreement".
- Staff is in communication with representatives of the shops next to the Lark Creek and would meet with them on Thursday. A landscape contractor started some flatwork repair work using a sketch drawing. It turned out to be a major landscaping project with some accessibility and drainage issues that were recognized late in the game.
- Staff is beginning the recruitment process for the Assistant Planner position. Planning Consultant Lorraine Weiss has been helping out part-time.

PUBLIC HEARING ITEMS

- 1. Review of Final Draft 2015-2023 Housing Element. State Department of Housing and Community Development for review of 3rd Draft Housing Element and consideration for referral and recommendation to the Larkspur City Council. Note: The Planning Commission's review of the draft Housing Element is advisory. The review of the Draft Housing Element is scheduled for public review and consideration of adoption by the City Council on May 20, 2015.**

Planning Director Toft presented the staff report. He noted the City was on a somewhat accelerated schedule because the document must be approved and adopted by May 31st to qualify for a "streamlined" review and a 8-year RHNA cycle. Most of the cities in Marin County have qualified for this "streamlined" review because Regional Housing Needs Assessment (RHNA) numbers have gone down.

Acting Chair Tauber stated the Commission's role is advisory and they would make a recommendation to the City Council.

Commissioner Kunstler referred to the edits on page 55, 56, and 57, "Downtown Area" and stated there was mention of the elimination of second story units for the downtown area but not for possible sites on the North end of Magnolia Avenue. Planning Director Toft stated the Downtown Zone permits multi-family as a use. The northern commercial areas of Magnolia do not permit multi-family as a singular use- only residential units above commercial are permitted. The discretionary level of a Use Permit is considered a higher or tougher standard for creating housing. The language on page 55 is clarifying that multi-family residential housing is allowed above retail.

Commissioner Kunstler referred to the edits on pages 98 which adds the following language: "Investigate amending the General Plan to increase height limits in commercial zones...". He asked what the procedure would be for such an investigation and if there were criteria that would be checked off. Planning Director Toft stated there was no defined procedure but he anticipated vetting numerous issues by possibly forming a sub-committee to review the draft and proceeding to public workshops.

Commissioner Kunstler referred to the edits on page 99 which adds the following language: "Preserve those areas designated for medium and high-density residential development by discouraging General Plan amendments and zoning actions....". He asked how this would be accomplished. Planning Director Toft stated it was not unusual for Housing Elements to include programs that discourage downzoning or processes that might eliminate residential uses or densities. Commissioner Kunstler asked if this would be done through the Municipal Code. Planning Director Toft stated this would be done through the General Plan update.

Commissioner Kunstler stated the General Plan would be updated within this eight-year time frame and he asked if this could include changes to the Housing Element if new information surfaces. Planning Director Toft stated if the General Plan were to be amended in a way that would require an amendment to the Housing Element then it would need to be resubmitted to HCD. This would be done within the context of the General Plan and the EIR. There must be consistency within the Housing Element and within the General Plan itself.

Acting Chair Tauber asked about the basis for the Negative Declaration with respect to traffic. Planning Director Toft stated they are approving a Housing Element based on the current General Plan standards. There are a number of controls in place under the current CAP Ordinance to require either improvements or traffic impact fees. This issue would probably be better addressed through a comprehensive update of the General Plan rather than just the Housing Element which looks at policies that encourage affordable housing, etc. Staff is recommending certifying the Negative Declaration rather than trying to assess the impacts of specific amounts of development on the various sites over the next eight years that may or may not get developed. A project consistent with land use goals can allow some minor increases in traffic that result in service levels that are below what is considered unacceptable. The City will continue to review projects for compliance with those CAP thresholds. Acting Chair Tauber asked if staff was recommending a Negative Declaration because the revised Housing Element does not change the processes that are already in place to address concerns over increases in traffic. Planning Director Toft stated "yes"- the update does not increase the scale of development or identifying any new housing sites.

Acting Chair Tauber opened the Public Hearing.

Ms. Judy Bensaki, Chair of the Transportational Land Use Housing Committee for the League of Women Voters, made the following comments:

- She thanked staff and the Commission for their hard work and support for affordable housing.
- They were pleased to see that the HCD changes were simply clarifications and that the increased height limits in commercial areas were left unchanged.
- They support the language of Section H6.1 that preserves areas designated for medium and high-density residential development.
- They encourage the City to add a program to adopt a fee for vacation homes and putting that fee into an Affordable Housing Fund. This is an important issue.
- The League of Women Voters urges the Commission to recommend adoption of the Draft Housing Element.

Mr. James Holmes, Larkspur, made the following comments:

- He appreciates the work that has been done.
- The letter from HCD dated April 27th contains the following revealing statements: “This finding was base on, among other reasons, programs to facilitate development and remove constraints on sites identified in the inventory”. He asked how citizens that are concerned about development would respond to that language.
- They need to be sure that the description of constraints includes the heightened constraint regarding water. Water provided to new units is water denied to existing residents.
- They need to keep in mind the potential impact of AB 743. He recommended they keep the housing goals as modest as the State would allow.
- He is concerned about the proposed changes on pages 98 and 99 that seem to say, “things/changes can go up but they can not go down”. Flexibility should work both ways.
- He referred to page 99 and stated he shares Commissioner Kunstler’s concern about “discouraging General Plan amendments and rezoning actions”. He was not sure how that would work and stated it could be a reason to keep housing goals as modest as the law allows.
- The document should highlight the Edgewater development as a prototype for what affordable housing should be.

Acting Chair Tauber closed the Public Hearing.

Commissioner Sandoval provided the following comments:

- Some of the wording has other connotations.
- He does not see that this update is anything more or less than what they currently have.
- He could support the recommendation for adoption.

Commissioner Deignan provided the following comments:

- The document uses the word “discourage” and not “prohibit”- this allows for some latitude.
- He is comfortable with the language.
- He agreed with the comments about discouraging vacation use of existing housing stock but this is probably done during the General Plan amendment process.
- He could make the findings to adopt the resolution.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by the other Commissioners.
- The document is primarily an inventory of options and opportunities.
- The issues of water usage vs. development and traffic need to be addressed separately and do not run counter to this Housing Element.
- He could support the resolution.

Acting Chair Tauber provided the following comments:

- She concurred with the other Commissioners.
- These are modifications to a draft that they have already approved.

M/s, Deignan/Kunstler motioned and the Commission voted 4-0-1 (Chair Ziesing absent) to adopt Resolution No. 02/15, a Resolution of the Planning Commission of the City of Larkspur Recommending the City Council Approve the 2015-16 Draft Housing Element and Negative Declaration.

BUSINESS ITEMS

1. Commissioner Reports

There were no reports.

2. Approval of minutes of Special Planning Commission meeting on April 28, 2015

M/s, Kunstler/Deignan motioned and the Commission voted 3-1-1 (Chair Ziesing absent, Commissioner Sandoval abstained) to approve the April 28, 2015 minutes as submitted.

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

Minutes adopted 3-0-2 on May 12, 2015 (Tauber Absent, Ziesing Abstain)

Neal Toft, Director of Planning & Building