

LARKSPUR PLANNING COMMISSION
MEETING MINUTES OF MAY 26, 2015

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

Commissioners Present: Chair Todd Ziesing, Monte Deignan,
Daniel Kunstler, Mark Sandoval

Commissioners Absent: Laura Tauber

Staff Present: Planning Director Neal Toft
Associate Planner Anna Camaraota
Planning Consultant Lorraine Weiss

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- At the May 20th meeting the City Council approved Resolution No. 31-15 approving the Housing Element and the Mitigated Negative Declaration. Staff has forwarded the document to HCD and is working on getting final certification.
- At the May 20th meeting the City Council reviewed the process for the Library/Community Facility but did not make any decision. They did direct staff to suspend further work with the consultants before revisiting the work program. They thought there was a work to do on the “look and feel” issues.
- Staff sent out a Notice of Violation to the property owners and contractor for the project at 31 Piedmont Avenue. They are behind schedule for the agreement. The schedule for completion, per the agreement, is September. Chair Ziesing asked how close they were to completing the milestones. Planning Director Toft stated they were just starting the drywall (one of the last steps). They have come a long way but it is still moving slowly.

PUBLIC HEARING ITEMS

CONSENT CALENDAR ITEMS

1. **DR/H/V/FAR 15-14: Kristina Watkins, Applicant and Property Owner; 114 Acacia Avenue Assessor's Parcel: 021-175-19; R-1 (First Residential) Zoning District. Request for the following permits to allow construction of a 336 square foot master bedroom addition at the rear of a single-family residence included on the list of local historic resources: 1) Design review; 2) Heritage Review; 3) Variance to the minimum north side yard setback to allow the addition to match the existing nonconforming 3-foot 3-inch side yard setback where 5 feet is require by code; 3) Floor Area Ratio Exception to increase the existing 2,781 square foot residence and 0.35 FAR to 3,117 square feet and 0.39 FAR where a 0.28 FAR is permitted due to the slope of the lot.
Recommendation: Conditional Approval**

Chair Ziesing asked if anyone in the audience would like to address this application. There were no comments.

On the Consent Calendar, M/s, Sandoval/Deignan motioned and the Commission voted 3-1-1 (Tauber absent, Kunstler abstained) to approve DR/H/V/FAR 15-14, 114 Acacia Avenue, subject to the findings and conditions set forth in the staff report.

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

PUBLIC HEARING ITEMS

- 2. DR 15-01; Chrome Architecture, Applicant; Schultz Investment Company, Bon air Development L.P., Long's Drug Store's Inc., Bon Air Shopping Center L.P., Property Owners; Assessor's Parcels: 022-040-30, -36, -37, -38, -45; PD (Planned Development/Ordinance No 691) Zoning District. Request for Design Review (DR) approval to allow improvements to the existing shopping area identified as Bon Air Center. The proposed scope of work includes re-alignment of the main internal drive aisle and re-configuration of effected parking and pedestrian access into the center, relocation of the retail space associated with the 541 square-foot kiosk (Building M) to the rear of Building D, removal of the open pavilion between Buildings C and D, comprehensive hardscape and landscape enhancements, exterior modifications including new paint colors and glass tile exterior finishes, replacement and additions to existing parking lot and pedestrian lighting, and installation of a new bocce court, play areas, water and fire features, ad seating areas.**

Associate Planner Camaraota presented a staff report. Staff received one piece of late mail requesting a smoke free experience at the shopping center.

Chair Ziesing opened the Public Hearing.

Mr. Max Crome, architect, made the following comments:

- He gave some background on the project.
- A survey was sent to merchants, customers, and other stakeholders. Some of the dislikes included: 1) Backups and congestion due to the parking configuration; 2) A disconnect between parts of the center; 3) A lack of separation from the cars for pedestrians. Some of the likes include: 1) The center is convenient; 2) There is parking for commuters; 3) The buildings are handsomely designed.
- The proposal includes: 1) Realignment of the main roadway primarily in front of Molly Stones; 2) Elimination of all the head-in parking which would provide more area for landscaping; 3) Relocation of the square footage of the kiosk (Ben and Jerry's).
- They received some strong feedback in November that the colors needed to be updated.
- The crosswalks are shown as pavers but they have decided to use concrete pads.
- This is a high quality project.
- They are not asking for any variances or exceptions- they just want to improve the center.
- It has been a while since the center has undergone any remodeling.

Ms. Cordy Hill, landscape architect, made the following comments:

- The goal of the "refresh" is to create a vibrant public space.
- They are using a palette of materials that are consistent throughout the center.
- They are creating special points of interaction and interest throughout the center.
- She referred to the area near CVS and Subway and stated they will add some plantings along the edge, table and bench seating, and bike racks.
- There will be a consistent paving pattern and color throughout the center.

- She referred to the area near Papa Murphy's and Susie Cakes and stated there was an opportunity to create a large event area. A large fountain will create a focal feature along with some informal seating. There will be a fire pit in front of what was formerly Wipe Out Grill.
- There would be circular benches around the Palm Trees.
- She referred to the area near Peet's Coffee and Victoria Bakery and stated they are proposing a small play area and some benches and chairs. Adjacent to that would be a major water feature that would include some water plants. There is another fire pit in the back of this area and a bocce court with seating adjacent to it.
- They are proposing five water features throughout the center.
- She referred to area in front of Molly Stones and stated the elimination of the parking would allow them to create a buffer. There would be a long, rectangular bench in the cart area that would provide some screening along with some informal seating around a smaller water feature.
- She referred to the area in front of Noah's Bagels and stated there would be a water feature, some informal seating, and a play area. They plan to use rubber matting and synthetic turf to create a textural difference for the children.
- She referred to the area near the Well's Fargo Bank and stated it would include the fifth water feature and a variety of seating.
- They are proposing a plant palette that has been conditionally approved by the Marin Municipal Water District (MMWD). The idea is to provide color and texture throughout the center.
- There will be some large bio-retention areas throughout the edge of the parking lot that would help treat the stormwater.

Mr. Max Crome, architect, made the following comments:

- All the lighting throughout the center would be replaced.
- The lighting would be almost entirely LED lights that give them a high measure of control in terms of the illumination and the glare. He displayed an example of the basic light types.

Mr. James Goodman, colorist, made the following comments:

- He discussed the material palette and the material board which included: 1) Composition roof shingles; 2) A succession of five values that are variations of tile colors; 3) Sand blasted Italian mosaic tile that would go on the arcade columns; 4) Three values of a warm gray that would help to differentiate the office from the retail spaces; 5) A soft banded stripe awnings.
- They are proposing a herringbone pattern for the paving. They do not want the appearance of a standard concrete. He displayed an example of a high-grade concrete tile. They have four closely related colors that would go together randomly.
- There will be sandstone on the walls of the water features and fire pits.
- This is a warm, soft, natural palette that is meant to enhance the existing architecture and blend seamlessly into the natural environment.

Commissioner Sandoval asked if they had concerns about sharp edges on the glass tiles wrapping the columns. Mr. Crome stated the edge would have a grout corner that would be flush to the surface. They could install a flush corner guard. There will be a protective base around all the columns.

Commissioner Sandoval stated the color palette was nice and he asked about the possibility of food stains ruining the materials. Mr. Crome stated the material itself is very dense and it would have a sealer.

Commissioner Sandoval asked if they had concerns about the fire features and small children. Ms. Hill stated they considered this and set the bowls back on the stone base. There can be no casual brushing against the bowl.

Commissioner Kunstler asked about the reason for the reconfiguration of the crosswalks. Mr. Crome stated this was due to differential settlement between the asphalt and the pavers. They have created a safer condition.

Commissioner Kunstler asked if they thought about speed bumps. Mr. Crome stated "yes" and they are proposing "gentle humps" which need to be ADA compliant in terms of the cross slope.

Commissioner Kunstler asked if there could be a problem with cars speeding now that cars would not be backing up into traffic. Mr. Crome stated they have given this a lot of thought and feel the "gentle humps" should be sufficient to slow traffic.

Commissioner Kunstler asked if the blue ground surface in the play area would drain properly. Ms. Hill stated the rubber matting was permeable and there was drainage beneath it that ties into the overall drainage plan.

Commissioner Kunstler asked if there has been any thought to activate the area in front of CVS. Mr. Crome stated this business tends to put "stuff" in front of the store. The property manager has little control since this tenant owns the parcel. It is a subject of discussion amongst the owners and property management company.

Chair Ziesing asked if there has been any thought to encouraging connectivity to the bike path near the creek. Mr. Crome stated they were increasing the bike-friendly nature of the center by substantially increasing bicycle parking and including share the road symbols on the roadway. There are no new improvements proposed in terms of connections from the center to surrounding bike paths.

Chair Ziesing noted there would be a reduction in the number of parking spaces (59) and he asked if there was anything in the plan that encouraged more rear parking. Mr. Crome stated this could be addressed through directional signage.

Chair Ziesing closed the Public Hearing.

Commissioner Sandoval provided the following comments:

- The proposal will be a vast improvement.
- He is satisfied with the selection of materials and colors. He has some reservation about "wear and tear".
- He can approve the application as proposed.

Commissioner Deignan provided the following comments:

- They put a lot of thought into the proposal.
- There would still be a sufficient amount of parking even with the reduction of spaces.
- He supported the proposal.

Commissioner Kunstler provided the following comments:

- It is nice to see this kind of upgrade to an existing property that is heavily utilized by the public.
- He is a bit concerned about the fire pits.
- He could support the proposal.

Chair Ziesing provided the following comments:

- The application is terrific - he loves the spirit and goal of the project.
- He shares the concern about the fire pit and suggested installing a “kill switch”.
- He is glad to see features that would encourage people to “hang out” and create commerce and community.

M/s, Deignan/Kunstler motioned and the Commission voted 4-0 (Tauber absent) to approve DR 15-01, Bon Air Development, subject to the findings and conditions set forth in the staff report.

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

3. DR/SUP/HT/FHE 14-60; Hillary Culhane, Applicant and Property Owner; 127 Pepper Avenue; Assessor’s Parcel: 021-231-21; R-1 (First Residential) Zoning District. Request for the following permits to allow a 695 square-foot accessory dwelling structure to be located on the Elm Avenue frontage of a 25,986 square foot lot containing an existing one-story house single-family residence: 1) Design Review; 2) Slope Use Permit for excavation of approximately 190 cubic yards of earth; 3) Heritage Tree Removal Permit to remove a 72-inch Coast Live Oak tree; and 4) Fence Height Exception to retain an existing non-conforming chain link fence located within the public right-of-way of the Pepper and Elm Avenue street frontages.

Planning Consultant Weiss presented a staff report.

Commissioner Deignan referred to the story poles and asked if they represented the corners of the building or the corner of the roof overhang. The applicant stated it was the corner of the roof overhang.

Commissioner Kunstler stated the staff report indicated that the mode of delivery of the pre-fabricated structure would be problematic and he asked if a condition of approval could be added that requires City oversight during the delivery. Planning Consultant Weiss stated a preliminary Construction Management Plan was submitted that described the delivery but a condition could be added that would require oversight by the Public Works Department. Planning Director Toft stated the Public Works Department would want a more detailed Construction Management Plan that included traffic control, impacts to the street infrastructure, etc.

Commissioner Kunstler stated some of the neighbors were concerned about rental of the accessory structure and he asked if the addition would comply with the rules for a residential second unit. Planning Consultant Weiss stated “yes”. Planning Director Toft stated there was no restriction on renting the unit.

Chair Ziesing stated one of the neighbors expressed concern about the unit being used on a temporary basis (VRBO) and he asked if this would be allowed. Planning Director Toft stated the City does not have a specific ordinance that addresses temporary vacation rentals. However, the zoning for a residential use is at least a month-to month-basis. Anything less is considered a “short-term vacation” rental.

Chair Ziesing opened the Public Hearing.

Ms. Hilary Culhane, applicant, made the following comments:

- They have lived at the property since 2009.
- Over the years they have explored many options for updating the property.
- They originally thought about adding a second floor but thought it would be more sensitive to expand horizontally on an unused portion of the lot.

- There is a unique nature to this corner lot.
- The backyard is too small for the addition and the front of the lot is not an option.
- The Elm avenue rear yard makes the most sense.
- They looked at a lot of pre-fab designs. The proposed design was customized for the site. It is energy efficient and “green”.
- Off-site construction will minimize the construction timeline and mitigate noise and parking issues.
- The single-story structure is conceived as a temporary ranch house set into the sloped meadow. It will follow the lay of the land. It is a narrow design (15’ wide). The height would be below 15’.
- The materials would include muted earth tone colors, lap Hardi board siding, and a red cedar wood soffit and ceiling.
- The retaining wall height would be well below the plate line of the building in the back.
- The front of the unit is oriented towards the street presenting an open and inviting façade.
- The proposed structure would compliment the existing house in an attractive and cohesive manner.
- They are in plan check to remodel the existing house and they plan to create symmetry with the accessory unit.
- She distributed some photographs showing the variety and diversity of Palm Hill.
- The Oak tree sits 16’ above the proposed retaining wall. An arborist has assessed the tree and the findings were grim. It has a hollow trunk and a diseased interior. It has Sudden Oak Death.
- She is withdrawing the request for a Fence Height Exception and is thinking about a new fence design that would be complimentary with the neighborhood.

Commissioner Kunstler asked if consideration was given to building a structure that would slope down with the slope to minimize some of the cut. Ms. Culhane stated they looked at ways to integrate a structure into the site but it could not be stepped down. It has to be one story.

Commissioner Kunstler asked about the warranty for the unit. Ms. Culhane stated this was an issue along with the delivery. They did give her private assurances- the company stands behind its work.

Mr. Dwain Price, Elm Avenue, made the following comments

- This is a good thing to do. It helps with the housing crisis.
- The location makes sense- he is glad they are not putting the unit in the front yard or building another story onto the existing house.
- There is no problem regarding the neighborhood character- there is a wide diversity of homes on Palm Hill.
- Parking needs to be addressed not by “not building” but rather where cars are parked.

Ms. Liela Stanley, Elm Avenue, made the following comments

- She lives across the street from the subject property
- She is part of a group of neighbors that are in opposition to the proposal.
- She is in favor of a new fence that matches the architectural style of the new structure.
- She does not have a problem with a second unit on this property. The proposal has maximum impact on those that look directly on the property.
- She suggested a simple solution to minimize the impact- planting a thick hedge along the fence line of the property. This hedge would create privacy and shelter the property from the street view.
- The new residential unit could be downsized and put in the back yard. This would eliminate the excavation issues.
- This project will set the tone for the neighborhood.

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

- There were three key issues: 1) the site location; 2) the excavation; 3) the Oak tree.
- This is the correct site location. A front location would be invasive and impact the view of the house.
- The rear location does not make sense since the structure would block the view of the mountain.
- The City right-of-way is 17' from Elm Avenue to the house setback- there is 30 or more feet to the house site.
- The structure could be located on the gentler slope closer to the street. This would also eliminate the rear retaining wall and increase the distance from the Oak.
- The Commission should explore a variance to the setback to avoid excavation.
- Construction time is cut dramatically with a pre-fab structure.
- She supports the application.

Chair Ziesing asked about the implications in moving the structure forward to the road. Planning Director Toft stated there could be setback and right-of-way issues. Rarely does the Commission direct someone to apply for a variance.

Ms. Murray, Elm Avenue, made the following comments:

- She lives below the subject property.
- She supported the application.
- The bulk of the structure is setback from Elm Avenue.
- No variances were requested.
- A larger home with a 30' height limit could be built.
- The pre-fab is a beautiful, contemporary design.
- There are pre-fab homes throughout Larkspur.

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

- She does not support the proposal.
- She sits directly across the street.
- The structure would be highly prominent and have a towering effect.
- The structure would not be compatible with the architectural style of the neighborhood.
- The structure would not have a harmonious visual relationship with the natural environment.
- She is concerned about light pollution from the glass windows.
- The loss of the Oak tree would result in a view of two structures from her property.
- She is concerned about the footpath from the new structure and parking.
- Many of the neighbors facing the property are in opposition.
- They have the right to rent the unit and generate income. However, she did not sense a spirit of improving the property.
- The original plan had no consideration to the fence, the landscaping, and the parking.

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

- He supports the comments made in the staff report and wondered if the findings could be met for Design Review or the Slope Use Permit.
- The property is being developed on the steepest portion of the lot. The proposal is working against the characteristics of the lot.
- This is a poorly designed development that would be prominent.
- The lot is 26,000 square feet with a lot of flat space. They should think more creatively about siting the structure. It should be moved to a flatter, less obtrusive location such as the back yard.

- The structure has an excessive number of windows and light pollution and a “lantern effect” is a concern.
- The development should work with the slope, spare the Oak tree, and orient the dwelling so it is not fronting Elm Avenue.
- He has concerns about parking.
- This proposal needs to go back to the drawing board.
- He asked if the structures could be sold separately. Planning Consultant Weiss stated “no”. Planning Director Toft stated the lot would need to be split. Developing a structure in this location may actually make it more difficult to do so.

Ms. Jill Sellers, Pepper Lane, made the following comments

- She was in support of some improvements to the property.
- She can support the addition of a secondary unit but would prefer it be tucked up into a back yard corner.
- She agreed with Ms. Heitkamp’s suggestion of moving the structure down slope a bit.
- She would like to see the removal of the chain link fence integrated into the plans and a condition of improvements.
- She would like to see an irrigation plan put in place.
- She would like to see some serious attention given to the landscaping.

Mr. Brian Powell, landscape architect for the project, made the following comments:

- He stated there were three locations for the structure- front yard, back yard, and side yard.
- A front yard location would be inappropriate and would upset the neighborhood.
- The back yard is flat and has a valuable view of Mt. Tamalpais. A structure in the back yard would violate the view and the integrity of the property.
- The appropriate location is in the side yard where it is currently located.
- A 15’ wide building cannot step down a slope.
- Ms. Heitkamp made a good point about moving the building down the slope- but it would be more visible to the neighbors.
- He is going to develop a more elaborate landscape plan that could include a more aggressive row of shrubs along the frontage.
- He would further develop the existing irrigation.

Commissioner Sandoval had a question about a guardrail.

Ms. Liela Stanley, Elm Avenue, made the following comments

- She asked if the Commissioners visited the site.
- She indicated that it would be great if they could boost up the landscaping.

Ms. Julie Gullen, Elm Avenue, asked if they could re-arrange the windows or change the footprint of the proposed structure.

Chair Ziesing closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- This is a challenging application
- He is sympathetic to the project.
- He could not be concerned with the speculative issues (parking and circulation in the neighborhood, whether or not it becomes an income generating project, etc.).
- The fence issue would be addressed at a later date. However, its current location is very close to the curb and there are no sidewalks.

- There are three issues: 1) the placement of the structure; 2) the tree; 3) the design of the addition.
- He had no problems with a pre-fabricated structure.
- The materials and coloring of the structure are appropriate for the site and would integrate it with the topography.
- This is an eclectic neighborhood.
- The design is distinct but not in conflict. He has no objective to the design of the structure.
- He would like the applicant to further explore how to mitigate the potential for light pollution.
- He is troubled by the amount of grading. He agreed with Ms. Heitkamp that the structure could be moved down a bit.
- Locating the structure in the front yard would not be appropriate.
- Locating the structure in the back yard would be prejudicial to the applicants.
- The Oak tree appears to be diseased and is tilting. It might be worthwhile to take a second look.
- He could support the application with some additional conditions including further clarification regarding the disruption that the project might cause due to the delivery of the pre-fab structure, submittal of a plan for the new fence and associated vegetation.

Commissioner Deignan provided the following comments:

- He could not have approved the Fence Height Exception.
- This is the correct location for the structure- there could be some merit to moving it down the slope.
- He has a problem with the Design Review aspect. This is an accessory structure that is trying to act like a custom house with a very high roofline and broad overhangs. It is one inch under the maximum allowed. The appearance would be a very high accessory structure. It would loom over that end of the site and would be long and as high as it is deep.
- This is a very imposing façade that could not be broken up.
- He is encouraged that the applicants want to change the style/finish of the main house to be more consistent with the accessory structure.
- He understood the concern about the Oak tree.
- The Construction Management Plan should make sure the streets were not closed for a long period of time.
- He could not support the application at this time.

Commissioner Sandoval provided the following comments:

- The fence issue seems to have become a non-issue.
- Second units are important.
- The location of the structure was suitable.
- He likes modern architecture.
- Pre-fab structures are great but not appropriate for this situation.
- The plan works in opposition to the site because the structure is one size. They could remove the crawl space, do slab work, step it down, etc.
- The structure should be “grounded” to the site.
- He had a problem with some of the plans- Sheet A3-01 show a 9’ high wall but the grading shows something different. There should be better coordination of the documents.
- The plan is forcing a lot of issues and he could not make the findings.
- A modular constructed home needs to have more “breathing room” around it. It would be better suited in a less congested location.
- 190 cubic yards is a lot of excavation.
- He can make the Heritage Tree Removal findings but not the Design Review findings.

Chair Ziesing provided the following comments:

- The staff report was very informative.
- When he looked at the plans and then the site he thought there was something not “symphonic” about it. He was looking at harmony in terms of the neighborhood, existing structures, uses, spirit of Palm Hill and Larkspur.
- He appreciates the commitment to sustainable building and taking an unconventional approach to a conventional problem. Construction time is less, the disruption is less, impacts to the environment are less, etc.
- This is the logical place for an adjunct to the property.
- The addition needs to be harmonious with the rest of the property.
- The neighborhood is eclectic but each property is harmonious within itself.
- He would like to see the plans for renovating the existing house along with the plan for an accessory structure.
- He is in favor of second units given the housing crisis.
- He is sensitive to parking, traffic, etc.
- He could not have approved the Fence Height Exception. He would like to see something creative.
- The Oak tree looks sick.
- He referred to the Design Review application and stated he wants to see the project put together with the house and make it harmonious.
- The neighbor’s concern about light pollution was worth noting.
- He could not support the application as presented. He would like to see a plan that puts everything in concert.

The applicant summarized her impression of the Commission’s comments and asked for clarification.

Commissioner Sandoval provided the following comments:

- The elongation of the building is troubling and creates an obstruction to the site. It would be beneficial to break it into two pieces and move it downhill.
- The structure needs to follow the topographic features of the site.
- This structure may not be appropriate for the site. It should be more sensitive to the site and the topography.
- They should try to reduce the amount of grading.
- The floor plan should flow with the topographic features.

Commissioner Kunstler provided the following comments:

- He wondered if the rectangular structure could be divided into two squares with one upper square located where the structure is currently located and the other stepped forward and down.
- The structure could be delivered in two pieces.

Chair Ziesing provided the following comments:

- The Commission was in support of what the applicant wants to do.
- The design is nice but probably not perfect for this site.
- High ceilings are great but he thought it should be moderated a bit due to the potential light pollution.
- He would like to see what they have in mind for the existing house.
- This is a good “first shot”.

Chair Deignan provided the following comments:

- He did not want to “design” a solution for the applicant.

- He encouraged the applicant to talk to staff.

Commissioner Sandoval provided the following comments:

- He asked Chair Ziesing how much more information he would like with respect to the main house. Chair Ziesing stated he would like to see windows, siding, trim, etc.

Commissioner Deignan explained the difference between a continuation and a denial without prejudice. He noted the project needs more than some minor “tweaks”.

The co-applicant, Joe Culhane, requested a denial without prejudice.

M/s, Deignan/Kunstler motioned and the Commission voted 4-0 (Tauber absent) to deny without prejudice DR/SUP/HT/FHE 14-60, 127 Pepper Avenue, based on the staff report and comments made by the Commission.

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

Planning Director Toft stated staff would submit the Findings for Denial at the next meeting as a Business Item.

BUSINESS ITEMS

1. Commissioner Reports

There were no reports.

2. Approval of minutes of Planning Commission meeting on May 12, 2015

M/s, Sandoval/Deignan motioned and the Commission voted 4-0 (Tauber absent) to approve the May 12, 2015 minutes as submitted.

The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

Minutes adopted 3-1-1 on June 9, 2015 (Kunstler absent, Tauber abstain)

Neal Toft, Director of Planning & Building