

LARKSPUR PLANNING COMMISSION
MEETING MINUTES OF SEPTEMBER 8, 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, Laura Tauber

Staff Present: Planning Director Neal Toft
Planning Consultant Lorraine Weiss

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- The appeal of the Planning Commission's decision on the project at 65 Via Chapparo has been withdrawn. The applicant worked out a slight modification to the project with the neighbors.
- The Town Hall meeting held by the Town Council regarding the Library/Community Center Facility was well attended. The discussion focused on the "look and feel of Larkspur" and how that relates to the facility. There was a lot of positive dialogue. The next meeting will be held on Wednesday, October 7th at the Central Marin Police Authority Community Room at 9:30 a.m. The following meeting would be held on Saturday, November 14th at the Drakes Landing Community Room at 10:00 a.m. The public is asked to check the City Website for announcements.

Commissioner Tauber asked for an update on the work to the shops on Magnolia Avenue (near Peri's). Planning Director Toft stated the building permit for Perry's has been issued and they are moving forward. The shop owners are a bit slow in getting the plans together for the overall site renovations. They need to have an approved plan in place prior to letting the tenants move in.

CONSENT CALENDAR ITEMS

Chair Ziesing asked if anyone would like to remove this item from the Consent Calendar.

Mr. Greg Ball, Elm Avenue, stated he had concerns about the length of the construction and the possibility of an excessive number of construction vehicles.

M/s, Kunstler/Tauber motioned and the Commission voted 4-0 (Deignan abstained) to remove DR/FAR/SUP 15-26, 430 Elm Avenue from the Consent Calendar.

1. **DR/FAR/SUP 15-26; Nora Frei Applicant/Owner; 430 Elm Avenue, Assessor's Parcel: 021-214-02; R-1 (First Residential) Zoning District. Request for the following permits to allow approximately 1,200 square feet of additions at the west side and ground level of an existing 2,346 sq. ft. single family residence, removal of an existing 418 sq. ft. carport and its replacement with a 507 sq. ft. two car garage: 1) Design Review, including consideration of a new two car garage within the 20-foot front yard setback on a steeply sloped lot; 2) Floor Area Ratio Exception to increase the existing floor area from 2,764 sq. ft. (including carport) and a 0.13 FAR, to 4,053 sq. ft. (including garage) and an 0.18 FAR, where 3,314 and a 0.15 FAR is permitted by code, and 3) Slope Use Permit Exception to allow 47 cubic yards of grading on a parcel with an average grade of 35%. Grading would**

be located below the existing residence to expand the square footage and increase the ceiling heights at the ground floor.

Recommendation: Conditional Approval

Commissioner Deignan recused himself from this item and left the dais.

Planning Director Toft presented a staff report.

Chair Ziesing opened the Public Hearing.

Ms. Nora Frei, applicant, made the following comments:

- They want to improve this 60-year old house.
- There have never been any improvements to the house.
- They are staying within the existing footprint.
- Most of the addition is on the lower floor.
- There is a lot of vegetation between her property and the neighboring property.
- They are respecting the architecture of the house.
- They have a huge, flat yard that could be used for staging. This should not be an issue.
- There will not be a lot of grading and just a minimal amount of work under the house.

Mr. Frei made the following comments:

- The downstairs improvement is to put in three bedrooms for the kids.

Commissioner Sandoval referred to the plans, page A2.2 and noted the garage has two separate doors. The elevations, however, show one continuous door. This is a difficult driveway in which to back up and he was concerned about the alignment of the front steps- they seem to be right in line with a car backing up. Ms. Frei stated the discrepancy with the garage door was an oversight and there would be one, big opening. They are very used to backing up in the driveway and the front steps should not be a problem.

Commissioner Sandoval stated the street was at an elevation (el. 100) and he asked where the drainage for the driveway would discharge. Ms. Frei referred to the drawings from the civil engineer and stated the drainage would be routed to an area drain. There is also a bio-retention drainage area. They are not increasing the amount of hardscape.

Mr. Greg Ball, Elm Avenue, made the following comments:

- He was concerned about the length of construction and asked that the project be completed in a timely manner.
- He was concerned about the parking of construction vehicles.
- His retaining wall has been hit by vehicles twice.
- There is the potential for dust from the excavation.
- The former owners never had any trouble with drainage or backing out of the driveway.
- He talked about the size of the project.

Chair Ziesing closed the Public Hearing.

Commissioner Sandoval provided the following comments:

- The applicant answered most of his questions.
- There could be an issue with the eave projecting very close to the property line. The Building Department might require a one-hour constructed eave.
- The project was reasonable and he could approve the Design Review application.

- He could support the Floor Area Ratio Exception and the Slope Use Permit.

Commissioner Tauber provided the following comments:

- This project would improve the property and she could approve the Design Review application.
- The increase in the floor area is minimal and she could approve the Floor Area Exception request.
- She is pleased they are keeping the additional height of the house to a minimum.
- She could support the Slope Use Permit.

Commissioner Kunstler provided the following comments:

- The property cannot really be seen from any public place (bike path, etc.).
- There is no issue with the Design Review application.
- This is an enhancement of an older property.
- The Floor Area Ratio Exception request is reasonable.
- He could approve the Slope Use Permit.

Chair Ziesing provided the following comments:

- He agreed with the comments made by the other Commissioners.
- This is a thoughtful and non-invasive way to expand the house.
- He noted the neighbors concerns about expeditious execution of the project.
- He asked the applicants to be in tune to the general side effects of the project (noise, trucks, dust, etc.)

M/s, Kunstler/Tauber motioned and the Commission voted 4-0-1 (Deignan recused) to approve DR/FAR/SUP #15-26, 430 Elm Avenue, subject to the findings and conditions set forth in the staff report

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

Commissioner Deignan returned to the dais.

- 2. SUP/DR 15-32; Scott Mulholland, Applicant/Property Owner; 60 Corte Baristo, Larkspur; (AP #070-362-29); R-1 (First Residential) Zoning District. Request for the following permits to allow earthwork in the rear yard, new retaining walls and landscaping on an existing 13,340 square foot site with an existing 3,979 square foot single-family dwelling: 1) Design Review; 2) Slope Use Permit to allow excavation of approximately 195 cubic yards of earth. Note: A significant portion of grading has been done and the site is currently under a “Stop Work” order.**

Planning Consultant Weiss presented a staff report.

Commissioner Kunstler referred to the staff report asked about the discrepancy in the amount of earthwork and number of cubic yards to be removed (195 or 75). Planning Consultant Weiss stated the applicant could address this question. Planning Director Toft stated 195 cubic yards appeared to be the total amount of grading - part of which is excavation and most of which is fill.

Commissioner Deignan asked if the original plan was Sheet “L 0.01” and the changes were shown on Sheet “L 3.00”. Planning Consultant Weiss stated “yes”.

Commissioner Sandoval asked if the height of the retaining wall with the guardrail was at 11’6”. Mr. Scott Mulholland stated the new concept shows the wall as 6 foot tall with a 42” guardrail. There will be 4” X 4” posts with cables running through.

Chair Ziesing opened the Public Hearing.

Mr. Scott Mulholland, applicant and landscape architect, made the following comments:

- He noted one change- they are lowering a retaining wall from an 8' tall steel post and lagging to 6' at its highest point to zero. He pointed to an area where they are not planning on doing any grading or earthwork. He pointed to the area of the fill.
- They are not adding any impermeable paving.
- There will be bio-retention planters which will pick up and treat some of the paving.
- He pointed to one steel retaining wall and two concrete retaining walls.
- There will be a dissipater installed at the top of the slope.
- They are adding new plantings along the top to help screen the view of the 6' tall wall.
- The slope will be treated with netting for erosion control and seeded.

Commissioner Sandoval noted the plans show an 8' wall. Mr. Mulholland stated this is a proposed change. The wall was originally two feet higher because they were trying to balance the amount of cut on the site. But they are able to lower the wall back to 6'. They do not want to import fill.

Commissioner Sandoval asked if there were steps down to the lawn area. Mr. Mulholland stated "yes".

Commissioner Kunstler asked Mr. Mulholland to point to the location of the cut. Planning Director Toft noted there was a "stop work" order placed on the project because the prior plans did not clearly reflect much of the excavation that was occurring.

Mr. Robert Blum, Corte Baristo, made the following comments:

- There was very short notice for this Public Hearing.
- He did not have time to review the plans.
- He does not know whether these are good or bad plans.
- He disputed the assertion that there would be no potentially significant impact to the environment. There is slope instability.
- Heavy bulldozing equipment showed up one morning and removed earth, trees, and small shrubs down to bare earth in the back yard.
- He is worried about water damage or slope instability to his property due to "clear cutting" done on the subject property.
- He expressed concern about a loss of privacy in his back yard due to the removal of growth.

Chair Ziesing closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- He referred to the neighbor's assertions about the stability of the hill but stated he is inclined to defer to the geotechnical engineer's report.
- The privacy issue did not jump out at him while he visited the site but he was not able to make a thorough assessment.
- The back of the house would be considerably more attractive.
- He is glad there is no addition to the impermeable area in the back of the house.
- He could support the application as amended.

Commissioner Tauber provided the following comments:

- She had trouble walking around the site and was not able to get a real sense of it.
- She could not respond to the assertions about the loss of privacy.

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- She is not going to second-guess the civil engineer and stated the project, as revised, meets the criteria of the Planning Department and the needs of the civil engineer.
- She is in favor of the project but with reservations.
- She asked the applicant to find some way to make peace with the neighbors.

Commissioner Deignan provided the following comments:

- Engineers have prepared and stamped these plans.
- He is looking at a 6' wall with a lawn area and did not think everyone would congregate at the end- there should not be any privacy issues.
- The more developed areas are adjacent to the house.
- He could make the findings for the Design Review application and the Slope Use Permit.

Commissioner Sandoval provided the following comments:

- He agreed with the comments made by the other Commissioners.
- He relies on the judgment of the professionals that this is a buildable project.
- There needs to be some supplemental landscaping closer to the neighbors property to mitigate the privacy concerns.
- The backyard area will clearly be recreational down the line. He is not sure how to handle that transitional use.
- He could not support the project now due to the landscaping.

Chair Ziesing provided the following comments:

- He is in agreement with the Planning Department.
- He aligns with the other Commissioners about the Slope Use Permit and the Design Review application.
- The property will be improved through this project.
- The revisions to reduce the retaining wall to a maximum 6' height make sense.
- The neighbor's concerns about the loss of privacy need to be taken into consideration. This could be handled through some additional landscaping.
- It is unfortunate that the project has a "bumpy" history.
- There are a bunch of "what ifs" (a pool, etc.) but these will be handled by other applications.
- He could conditionally approve the project if they add more landscaping to address the neighbor's concerns.

Planning Director Toft stated a condition regarding landscaping could be added and was in the purview of the Commission. Staff would need to have clear direction as to what that would be or the applicant could return with a more complete landscape plan. Commissioner Tauber asked the applicant and neighbor to get together and agree upon a landscape plan prior to the expiration of the 10-day appeal period. Commissioner Sandoval stated the plan should provide adequate screening and that it is appropriately irrigated.

Planning Director Toft noted that the Commission can certainly approve the application as proposed. It was a question as to whether the Applicant had anything to add now to reduce the possibility of an appeal. Does the Commission want to consider that now?

Commissioner Tauber asked the applicant if they could come up with some landscaping to address the neighbor's concerns.

Mr. Mulholland agreed to meet with the neighbor; he could plant trees along the lower bank.

Mr. Blum suggested that some language be added to the approval to protect the neighbor.

Planning Director Toft noted the City did not enforce private agreements.

M/s, Tauber/Sandoval motioned and the Commission voted 5-0 to approve SUP/DR 15-32, 60 Corte Baristo, based on the findings and conditions set forth in the staff report with the understanding that the Planning Commission expects that the applicant and the neighbor will work on a landscape plan that is satisfactory to both parties. The Commission is approving the conceptual design option as revised.

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

BUSINESS ITEMS

1. Commissioner Reports

Chair Ziesing stated he would like the Commission to discuss the issue of timelines for construction. Planning Director Toft stated that the Commission had actually discussed this several months ago along with noise ordinance changes. The Department has hired a new Assistant Planner so staff would have time to work on issues other than current applications. Staff has been a bit overwhelmed with permits over the summer, as well as states mandates on state mandates such as the Storm Water Quality Ordinance and a Solar Permitting Ordinance. Staff has also been busy conducting enforcement on a few of these sites.

Commissioner Tauber asked about a possible AirBNB Ordinance. Planning Director Toft stated the City Manager would like to bring this to the Council in October for some direction.

Chair Ziesing asked if there was anything on the books that encourages drought resistant landscaping. Planning Director Toft stated the Marin Municipal Water District (MMWD) has an ordinance that includes water allocation ratios for properties. The ordinance does not entirely prohibit lawns, but does prescribe a balance of high-water use and low-water use planting. There will be a presentation / discussion at next week Marin Planning Director's meeting of stricter standards. The City's Green Building Ordinance also has a lot of requirements that to reduce water use.

2. Approval of minutes of Planning Commission meeting on August 25, 2015

M/s, Deignan/Kunstler motioned and the Commission voted 4-0 (Sandoval abstained) to approve the August 25, 2015 minutes as submitted.

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

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I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at the regular meeting of the Larkspur Planning Commission on October 13, 2015.

A handwritten signature in black ink, appearing to read 'Neal Toft', written over a horizontal line.

Neal Toft, Planning Director