

LARKSPUR PLANNING COMMISSION
MEETING MINUTES OF AUGUST 25, 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, Laura Tauber

Commissioners Absent: Mark Sandoval

Staff Present: Planning Director Neal Toft
Senior Planner Kristin Teiche
Associate Planner Anna Camaraota

OPEN TIME FOR PUBLIC EXPRESSION

Mr. James Holmes stated there was a recent article in the Independent Journal that asserted that the Metropolitan Transportation Commission (MTC) is attempting to assume the planning functions now discharged by the Association of Bay Area Governments (ABAG). This could have a significant effect on the pressures for urbanization.

PLANNING DIRECTOR'S REPORT

- At the August 19th meeting, the City Council adopted a series of resolutions authorizing a number of PACE Programs. These programs allow for property assessed clean energy financing wherein the cost of clean energy upgrade can be assessed against the tax bill. It is a complex process that allows the City to become a part of various Joint Powers Authorities (JPA's) so these program can operate within the City. It is another method of encouraging efficiency upgrade and renewable energy improvements in the community.
- The Planning Commission's approval of the project at 65 Via Chapparo has been appealed. The appeal would be heard by the City Council on September 16th or October 7th. The appellant was concerned about the accuracy of the story poles and the view from his/her front yard and driveway area.
- The City Council will be conducting a Town Hall meeting September 2nd at Redwood High School regarding the Library/Community Center Project. The Council is looking for community input on the "look and feel" of Larkspur.
- Staff has offered the position of Assistant Planner to Mr. Nicholas Armor. He is a really bright young man and would be a great addition to the team.

PUBLIC HEARING ITEMS

1. **DR/H/FHE 15-19; 5 Murray Lane (AP #020-031-13); Polsky Perlstein Architects, Applicant; Chad and Leah Solter, Property Owners; R-1 (First Residential) Zoning District. Request for the following permits to relocate and restore an existing 1,277 sq. ft. historic residence and construct 2,335 square feet of ground story additions, including a detached garage and a new circular driveway and landscaping: 1) Design Review for remodel and additions to Single Family Dwelling; 2) Design Review for a decorative cupola to exceed the 15-foot height limit for accessory structures; 3) Historic Review for alterations to a historic resource; and 4) Fence Height Exception for a 6-foot high wood frame, wire fence to be located in the front yard setbacks of both the Estelle Avenue and Murray Lane frontages, where no more than 42 inches in height is permitted.**

Senior Planner Teiche presented a staff report.

Commissioner Kunstler referred to standard #9 and stated the consultant seems to imply that the main house needs to be the dominant feature of the overall structure. Senior Planner Teiche stated there were a lot of criteria regarding how additions should be made. They should also be designed to echo and reflect some character of the resource while still being able to be identified as a new addition. It should be clear there is no “false history” being created.

Chair Ziesing opened the Public Hearing.

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

- He put some drawings up on the board.
- He thanked staff for a very thorough report.
- He stated he had some 3-D drawings of the modifications that were recommended by the Heritage Preservation Board including: 1) a change in the cross gable at the master bathroom (to a hip); 2) removal of a finial on top of the carport; 3) a change in the muddens (divisions in the windows) to a larger scale.
- He discussed some of the tree mitigations recommended by Mr. Bob Morey including: 1) the drainage was too close to T4 and T5- the line would be moved; 2) the trees in the “island” were ok.

Commissioner Kunstler referred to trees #8, #9, and #10 (the island area) and asked if any thought had been given to narrowing the driveway entrance. Mr. Polsky stated this could be done- they have not heard from the Fire Department. He pointed out there is no parking on Murray Lane.

Commissioner Kunstler stated there were prior concerns about the pitch of the roof and how it relates to mass. Mr. Polsky stated the historic architect was not concerned about the roof pitch but rather one particular gable. The Heritage Preservation Board did not have the same concern and it would remain a gable. Senior Planner Teiche stated the height of the addition was not a concern.

Mr. James Holmes, Larkspur, made the following comments

- Many applicants seem to want “look at me” designs and structures. Something different deserves a lot of credit.
- This is a single-family, one-story, modest structure.
- Historic structures should blend in while standing out.
- He stated he does not recall seeing this type of cupola in old time Larkspur homes. But it warrants approval.
- The project merits approval.

Chair Ziesing closed the Public Hearing.

Commissioner Deignan provided the following comments:

- This is a well-prepared application that addresses the concerns.
- He could approve the Fence Height Exception. It is a transparent fence and blends in with the landscaping.
- The gable style roof provides a difference and is not trying to mimic the original historic contribution. It is a good solution.
- He could approve the Design Review application- they have addressed all the original concerns. He could make the findings.
- He could approve the Heritage Tree Removal application subject to the suggested change to the drainage lines.

Commissioner Tauber provided the following comments:

- She agreed with the comments made by Commissioner Deignan.

- This is an odd shaped lot.
- This is a creative solution to a difficult problem given the historic nature of the house, having to move it, etc.
- They have done a good job in trying to create a modern, livable, home.
- She could approve the Design Review applications and Fence Height Exception.

Commissioner Kunstler provided the following comments:

- He would be inclined to defer to the Heritage Preservation Board in terms of the Historic Review.
- His questions were adequately answered.
- He could approve the Fence Height Exception.
- Moving the house into the proposed location would work well with the house across the street and the construction next door.
- This is a nicely designed project.
- He has no problem with the shape of the roof.
- He could approve the project.

Chair Ziesing provided the following comments:

- He agreed with the comments made by the other Commissioners.
- The Planning Department got everything right.
- There are some very creative aspects to the project including the way the proposed new structure would flow underneath the trees and back by the hill. The old structure's prominent feel would be retained.
- The proposal would be a lot more livable.
- The new house would fit in with the other houses and pull the neighborhood together.

M/s, Kunstler/Tauber motioned and the Commission voted 4-0 (Sandoval absent) to approve DR/H/FHE 15-19, 5 Murray Lane, based on the findings and conditions in the staff report plus the additional condition regarding the protection of the trees (moving the drain line).

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

- 2. DR/FAR/VAR/SUP 15-07; 272 Madrone Avenue (AP #021-063-16); Terry and Edward Rogan, Applicants and Property Owners; R-1 (First Residential) Zoning District. Request for the following approvals to allow remodeling and addition of approximately 294 square feet of floor area to an existing single-family residence: 1) Design Review; 2) Floor Area Ratio Exception to allow a total floor area (FAR) or 2,560 square feet where a maximum house size of 860 square feet and up to 400 square feet of garage area is permitted by code due to the 50 percent average slope of the lot; 3) Parking Variance to allow maintenance of an undersized two-car garage, where a minimum of four off-street parking spaces (including one covered space) are required by code; 4) Setback Variance to allow maintenance of non-conforming setbacks along the right (east) side and rear (north) elevations of the existing residence; and 5) Slope Use Permit (SUP) to allow approximately 95 cubic yards of cut and fill on the site, including 82 cubic yards of cut within the existing understory area and approximately 13 cubic yards of fill between the existing residence and elevated wood deck.**

Associate Planner Camaraota presented a staff report.

Chair Ziesing opened the Public Hearing.

Mr. Ed Rogan, applicant, made the following comments:

- They tried to work within the existing footprint.

- They are turning the unusable pocket deck into two bathrooms.
- They are coming forward a foot to fit the internal stairwell.
- The old, dilapidated dwelling has no foundation- it is on cinder blocks.
- They are removing the existing wood fireplace.
- They are not changing anything with respect to the garage.

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

- This house used to be called “El Cabana”.
- He is not concerned that this project does too much but rather that it does too little.
- He is concerned about the condition of the retaining wall.
- This house is on a 50% slope and the lot is being held up by retaining walls.
- Portions of the retaining walls have collapsed twice in the last twenty years and been replaced.
- There is reason to be concerned about the need to address the wall based on the work being done- in particular the foundation and the excavation.
- The original Engineering Report prepared in October, 2014 contemplated replacement of the retaining wall.
- The Engineering Report prepared in June, 2015 does not recommend any work on the retaining walls. There is an inconsistency.

Mr. Larry Meredith, Madrone Avenue, made the following comments:

- The retaining wall has been in a state of deterioration for over a decade.
- He noted there was 90 cubic yards of earth being moved about and he asked about the drainage issues.
- He was glad they were upgrading the site and putting in a real foundation.
- He was concerned about the issue of stability while the work is going on.

Mr. Harry Scolnick, Echo Place, made the following comments:

- He has no objection to the project and was glad they were improving the property.
- He lives at the bottom of the hill and the retaining wall looks “scary”.
- They should take a serious look at that retaining wall.

Mr. Joe Talmage, Jones Way, made the following comments:

- He lives next door to the subject property.
- He is in support of the project.

Mr. Teresa Rose, Madrone Avenue, made the following comments:

- There was a landslide in 1982 on Jones Way.
- There is another area in the neighborhood that has experienced landslides (Scott Lane).

Mr. Ed Rogan, applicant, made the following comments:

- They are not removing any trees or intermediate retaining walls.
- He pointed to the area of excavation.
- They are looking for a contractor to handle the retaining wall at the street level. They have the Building Permit application.

Chair Ziesing closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- This is going to be an important and impressive improvement to the property and the neighborhood.
- The east elevation is more attractive than what currently exists.
- Parking is a problem on Madrone Avenue and they are not exacerbating the situation.

- The cut is under the house.
- He takes note of the comments about the retaining wall.
- He could support the project.

Commissioner Tauber provided the following comments:

- What they are doing makes sense. The current floor plan is funky.
- They are trying to minimize the visual impacts from the street.
- The requested permits (variance, etc.) are for existing conditions and the proposal would not exacerbate them.
- She could support the proposal.

Commissioner Deignan provided the following comments:

- They are cleaning up an older building that had a lot of additions that did not necessarily contribute to a well defined whole.
- They are staying pretty close to the footprint.
- There is minimal visibility due to the tree cover, etc.
- He could support the Design Review application
- He could support the FAR Exemption, the Slope Use Permit, and Variance for the parking.

Chair Ziesing provided the following comments:

- He agreed with the comments made by the other Commissioners.
- This is a challenging lot and an old house.
- This is a modest proposal.
- The setbacks and the parking are “grandfathered” in.
- He could approve the removal of the 82 cubic yards of earth under the house.
- He could approve the Design Review application.
- He wants them to work on the retaining walls.

Planning Director Toft refereed to the geotechnical reports and noted that the project would install piers where the existing house is located on spread footings and is slipping. While the project may not solve all potential retaining wall issues on the property, it is making the main house more stable and reducing the potential impact to downslope walls.

M/s, Kunstler/Tauber motioned and the Commission voted 4-0 (Sandoval absent) to approve DR/FAR/AVR/SUP 15-07, 272 Madrone Avenue based on the findings and conditions set forth in the staff report.

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

BUSINESS ITEMS

1. Commissioners Reports

Commissioner Kunstler reported he received an email from the City Manager notifying him that the Community Facility Citizens Advisory Committee will not meet until after the Town Hall meetings. Planning Director Toft stated the Council appointed a subcommittee consisting of Mayor Chu and Councilmember Hillmer to help guide the Town Hall meetings. The Council wants the community to come to a consensus on the “look and feel” of Larkspur. He encouraged everyone to attend the Town Hall meetings.

Chair Ziesing stated the Town of Tiburon recently amended its Municipal Code to encourage or require solar for new construction. Planning Director Toft stated the City of Larkspur was about to adopt a Solar Ordinance and currently has Green Building Codes.

2. Approval of minutes of Planning Commission meeting on August 11, 2015

M/s, Tauber/Kunstler motioned and the Commission voted 3-0-1 (Sandoval absent, Deignan abstained) to approve the August 11, 2015 minutes as submitted.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Larkspur Planning Commission on September 8, 2015.



Neal Toft, Planning Director