

LARKSPUR PLANNING COMMISSION  
MEETING MINUTES OF AUGUST 9, 2016

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

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

Commissioners Absent: Chair Laura Tauber

Staff Present: Planning Director Neal Toft  
Associate Planner Anna Camaraota

### OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

### PLANNING DIRECTOR'S REPORT

- He asked the Commission if they have been receiving the City Manager's Weekly Reports. The Commission stated they were not. He noted he would follow up.
- Filming for the Netflix production of "13 Reasons Why" occurred in Larkspur this week. They did a very good job of outreach and plan to film several more times before the end of the year.
- The Chamber of Commerce held a Ribbon Cutting Ceremony for The New Wheel, a new electric bicycle business opening up at the foot of the ferry connector bridge. He assisted in the ceremony with Vice Mayor Haroff and rode one of the pedal-assist bikes. It was a lot of fun!
- Staff has issued quite a number of building permits through the month of July- over 600 applications were submitted with over 500 permits issued. Vice Chair Kunstler asked how that compared with prior years. Planning Director Toft stated they were on pace with last year.
- The Transportation Authority of Marin (TAM) approved a \$115,000 grant for the Magnolia Pedestrian Improvements Project to improve the intersection at Madrone Avenue.
- He reminded the Commission to finish the Ethics Training as soon as possible.
- He discussed the concern the community has regarding narrowing Magnolia Avenue between Bon Air and the entrance to College Park. This is one of the Bon Air Bridge mitigation measures that are intended to reduce the amount of impervious surfaces. The City Council will discuss this issue at the September 7<sup>th</sup> meeting. The meeting might be held in a larger venue than the Council Chambers.

### CONSENT CALENDAR ITEMS

1. **DR/VAR #16-15; 56 Millard Road (AP #021-063-31); Dr. Mark Bason, applicant/property owner; R-1 (First Residential) Zoning District. Request for approval of the following permits to allow for a 111 square foot second story addition to an existing 3,794 square foot single-family residence on a 23,822 square foot property with a 53% average slope: 1) Design Review, and 2) Floor Area Ratio Exception to allow an FAR of 0.16 where 0.05 is the maximum allowed by code.  
Recommendation: Application incomplete, continue to regular meeting of August 23, 2016, without discussion**

M/s, Deignan/Ziesing, motioned and the Commission voted 4-0-1 (Chair Tauber absent) to continue DR/VAR #16-15, 56 Millard Road, to August 23, 2016

- 2. TEXT #16-21; Amendments to Title 18 (Zoning) to define and regulate the establishment of Junior Accessory Dwelling Units within specified zoning districts; City of Larkspur. A public hearing to consider text amendments to Larkspur Municipal Code to renumber and rename Chapter 18.21 Residential Second Units to 18.23 Accessory Dwelling Units, add Chapter 18.24 to establish regulations for Junior Accessory Dwelling Units, amend Chapter 18.08 (Definitions) to clarify distinctions between types of dwelling units, and update Chapters 18.20 (R-1 First Residential District), 18.21 (R-2 Residential Second Dwelling Units), 18.28 (Residential Second Units, 18.32 (Third Residential District), 18.41 (SD Storefront Downtown District), and 18.43 (GD Garden Downtown District) to add and revise definitions and terminology related to accessory dwelling units and to indicate districts in which a Junior Accessory Dwelling Unit may be established subject to standards outlined in the new regulations. Note: The Planning Commission’s review is advisory to the City Council; the matter will be forwarded for public hearing at the City Council after the conclusion of Planning Commission review. CEQA Status: Categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061.b.3 of the CEQA Guidelines, because adoption of the zoning ordinance amendment is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.**

Associate Planner Camaraota presented the staff report.

Vice Chair Kunstler referred to Section 18.24.040 N., “Termination of Junior Accessory Dwelling” and stated the he was having a hard time visualizing the circumstances where termination of the unit would become necessary or desirable from the City’s standpoint. Associate Planner Camaraota stated a homeowner might want to rent out the entire house and there is a requirement that it be owner occupied. Planning Director Toft stated staff could include language that requires the removal of the amenities that comprise the efficiency kitchen which defines the Junior Accessory Unit.

Vice Chair Kunstler opened the Public Hearing.

Ms. Rachel Ginnes, Executive Director of Lilipad Homes, made the following comments:

- She is pleased with the final draft with one exception- parking.
- Retired seniors are looking for ways to stay in their homes and a Junior Unit could provide the necessary income and privacy.
- There is no code that limits the number of cars a household is allowed to have.
- The issue of parking is always controversial.
- The State is in the process of amending its own accessory dwelling unit law which with the following provision- no parking standards should be imposed if the accessory dwelling unit is part of the existing primary residence.

Associate Planner Camaraota stated the ordinance is not requiring any additional parking beyond what is required at the time someone files application to permit a Junior Accessory Dwelling Unit. They would need to meet the parking that is approved for the existing house as it existed when they applied for the permit. Commissioner Sandoval stated he thought requirement applied to the time when the structure was built. Associate Planner Camaraota stated there could have been subsequent development- it applies to the most recent approval(s). Commissioner Sandoval stated he thought the intent was to provide for some leniency. Planning Director Toft stated staff did struggle with the language but the bottom line is that no additional parking is required for the Junior Unit. Staff simply is trying to make it clear that the parking for the single family dwelling is provided

either as initially constructed or as required under subsequent permits. It is not intended to require that parking be brought up to current standards.

Vice Chair Kunstler asked if the creation of a Junior Unit would jeopardize any existing Parking Variances. Associate Planner Camaraota stated “no”.

Commissioner Sandoval referred to Section 18.24.040, “General Requirements and Standards”, D, Parking and stated it should be amended to read: “No additional parking is required beyond what was legally established....”

Ms. Cindy Winter, Greenbrae, made the following comments:

- She is in favor of Junior Units.
- She is concerned about parking and traffic.
- They need to get out of the mindset that everybody must use a car.
- The City needs good crosswalks and safe sidewalks.

Vice Chair Kunstler closed the Public Hearing.

Commissioner Sandoval provided the following comments:

- He asked about the reference in the ordinance to a secondary utility meter and stated it would be very unusual to have a second meter for an existing bedroom. Associate Planner Camaraota stated it would not be a requirement. If one existed it would need to be eliminated in conjunction with the termination of the Junior Unit.

Commissioner Kunstler provided the following comments:

- He understood the concern about an application for a Junior Unit for a structure that was already out of compliance.
- He was in favor of allowing a 500 square foot Junior Unit with no additional parking required.

Commissioner Deignan provided the following comments:

- What staff has come up with was reasonable.
- He envisioned a situation wherein a property owner had converted a garage and is now seeking to convert it to a Junior Unit –that would be a problem.
- The Commission has issued a lot of Parking Variances in the past.
- He was in favor of not requiring additional parking but not allowing the removal of existing required parking.

Vice Chair Kunstler provided the following comments:

- The intent is to encourage the creation of these Junior Units and to make sure people are able, in some instances, to stay in their homes upon retirement.
- The City is sensitive to the issues regarding circulation but this ordinance addresses housing needs.
- He referred to Section 18.24.040, General Requirements and Standards, D, Parking and stated it should be amended to read: “No additional parking *shall* be required beyond what is legally established *and permitted...*”

Planning Director Toft stated staff would run this language by the City Attorney prior to sending the ordinance to the City Council.

M/s, Ziesing/Deignan, motioned and the Commission voted 4-0-1 (Tauber absent) to adopt Resolution No. 02/16 and recommend to the City Council approval of the ordinance as revised tonight. Staff shall ask the City Attorney to look at the language regarding the parking provision.

## **BUSINESS ITEM**

### 1. Commissioners Reports

Commissioner Deignan stated the film crew for the Netflix series was using lighting mounted on 25' high poles at 1:00 a.m. the other night- Palm Hill was lit up including the inside of his bedroom. He was notified and would object to another situation involving that kind of lighting that late at night.

Commissioner Ziesing stated the Commission approved changes to the façade of the Mt. Tam Racquet Club quite a while ago and he asked about the status of those changes. Planning Director Toft stated the owners of the club were thinking about going in a different direction but have not followed through.

Commissioner Ziesing stated he would miss the August 23<sup>rd</sup>, September 27<sup>th</sup>, and October 11th Commission meetings.

### 2. Approval of minutes of Planning Commission meeting on July 26, 2016

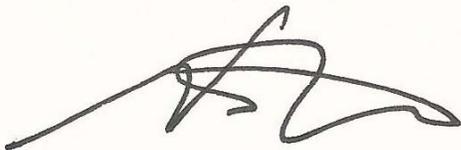
M/s, Deignan/Sandoval, motioned and the Commission voted 4-0-1 (Chair Tauber absent) to approve the July 26, 2016 minutes as submitted.

The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at the regular meeting of the Larkspur Planning Commission on August 23, 2016.



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Neal Toft, Planning Director