

LARKSPUR PLANNING COMMISSION
MEETING MINUTES OF AUGUST 23, 2016

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

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

Commissioners Absent: Todd Ziesing

Staff Present: Planning Director Neal Toft
Assistant Planner Nicholas Armour
Senior Planner Kristin Teiche

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- At the August 17th meeting, the City Council upheld the appeal for a Design Review and Variance application for 108 Alexander Avenue. The Council decided to approve the application and overturn the denial by the Planning Commission after hearing a lot of testimony and deciding that the building would remain in scale with the neighborhood, particularly the adjacent church building.
- At the August 17th meeting, the City Council adopted a Resolution of Necessity which is the first step in an Eminent Domain procedure to purchase the central pathway connector on the Nazari property. This would connect the central pathway that is part of the Rose Lane development to the North/South bike path.
- The Council also held a joint meeting with the Library Board that included a lengthy discussion about the Library/Community Facility parcel.
- The staff picnic is scheduled for Friday, September 9th at Piper Park. All Boardmembers and Commissioners are invited.

CONSENT CALENDAR ITEMS

1. **DR/V #16-15; 56 Millard Road (APN 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 0.14 where 0.05 is the maximum allowed by code
Recommendation: Approve with conditions**

Chair Tauber asked if anyone would like to remove this item from the Consent Calendar. There was no response.

M/s, Deignan/Kunstler motioned and the Commission voted 4-0-1 (Ziesing absent) to approve DR/VAR #16-15, 56 Millard Road, subject to the findings and conditions set forth in the staff report.

PUBLIC HEARING ITEMS

2. **DR/SUP #16-19; 3 Piedmont Road (APN 021-121-10); Robert Wilkinson, applicant; Kurt Houtkooper, property owner; R-1 (First Residential) Zoning District. Request for approval of the following permits to allow for grading and site improvements to accommodate a new sport court (basketball court) in the rear yard of a 9,690 square foot property with a 16% average slope: 1) Design Review; 2) Slope Use Permit for 56 cubic yard of excavation. Note: A Slope Use Permit for 150 cubic yards of grading was issued for the expansion of the single-family dwelling and a new pool in 2006. A Slope Use Permit is required for this proposal per LMC Section 18.34.090D (Cumulative Grading). CEQA Status: Categorically Exempt pursuant to Sections 15303 and 15304 of the California Environmental Quality Act (CEQA) Guideline.**

Commissioner Sandoval recused himself from this item. He left the dais.

Assistant Planner Armour presented a staff report.

Commissioner Kunstler asked whether the letter in opposition to the project was received before or the applicants submitted the revised plans, or afterwards. Assistant Planner Armour stated it was received after the revised plans were submitted, but before the staff report was sent out. He did not think the neighbor had a chance to review the revised plans.

Commissioner Kunstler asked if there were any ordinance that would govern the distance between the edge of the court and the top of the stairwell that goes down. Assistant Planner Armour stated he was not aware of any. There is a gate proposed at the top of the stairs. Planning Director Toft stated that would probably be a building code issue.

Chair Tauber opened the Public Hearing

Mr. Rob Wilkinson, architect, made the following comments:

- He thanked the staff for the thorough report and agreed with the findings.
- Sending them back to the drawing board resulted in a better project.
- The area of the court increased a bit due to its reconfiguration but they were able to reduce the excavation by nearly 40% with significant lowering of the retaining walls.
- Reorienting the court moves the hoop into an area where it will have less impact on any neighbors.
- The area is currently used as a play area and they are not changing the situation with respect to the proximity of the stairs to the court.

Commissioner Kunstler asked about the distance between the edge of the court and the top of the stairway. Mr. Wilkinson stated it was about 3 ½ feet. Commissioner Kunstler asked if that was a safe enough distance. Mr. Wilkinson stated he thought so- the code would not allow for the gate to swing out over the steps.

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

- This is an estate-type feature on a non-estate lot.
- Moving the court to accommodate one neighbor could impact the other neighbor.
- These types of courts could become fashionable in Larkspur and a cautious approach should be taken.
- He referred to the Draft Conditions of Approval, #9, and stated it should probably be deleted.
- He referred to the Draft Conditions of Approval, #39, and stated there was a concern that the lighting not be intrusive- this condition seems somewhat generic. This condition should be fine-tuned to say that any lighting should be low voltage and down lit to avoid nighttime nuisances.

Mr. Bruce Risley, Piedmont Avenue, made the following comments:

- He would prefer that the court face south to the road above it.
- He was concerned about lighting or balls coming onto his property and hoped something would be done (fencing, landscaping) if this were to occur.

Chair Tauber closed the Public Hearing.

Commissioner Deignan provided the following comments:

- The applicants were able to go back to the drawing board and figure out a way to redesign the court with a 40% reduction in the amount of excavation. This is a good thing.
- He hoped any concerns that might come about in the future could be addressed.
- He could make the findings for approval.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by Commissioner Deignan.
- He could make the findings of approval.
- This is a major improvement.
- The Commission tries to steer away from speculating on future behavior.
- He hoped any problems in the future could be resolved.
- He asked them to make sure those stairs were as safe as they could be.

Chair Tauber provided the following comments:

- She thanked the applicants for taking the Commission's prior comments to heart.
- This revision addressed the Commission's prior concerns.
- She asked the applicants to think about the nighttime lighting.

Planning Director Toft stated the Commission could add conditions with respect to the lighting such as not allowing any elevated flood lighting or overhead lighting.

M/s, Kunstler/Deignan motioned and the Commission voted 3-0-2 (Sandoval recused, Ziesing absent) to approve DR/SUP #16-19, 3 Piedmont Road, subject to the findings and conditions set forth in the staff report.

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

Commissioner Sandoval returned to the dais.

- 3. DR #16-26; 552-556 Magnolia Avenue (APN 020-254-13); Ms. Erin Hurley, Larkspur Bike and Bean; Shawn Nazari and Ettefaugh Trust Et. al.; SD (Storefront Downtown) Zoning District. The applicant is requesting Design Review approval for various existing and proposed outdoor storage structures amenities at 553 and 556 Magnolia Avenue, at the easterly side of the retail structures, facing toward the public multi-use pathway and serving following businesses: King of the Roll and Larkspur Bike and Bean. CEQA Status: Categorically Exempt pursuant to Sections 15303 and 15304 of the California Environmental Quality Act (CEQA) Guideline.**

Senior Planner Teiche presented the staff report.

Chair Tauber noted the City has started enforcement actions against the owners and she asked what other actions could be taken. Senior Planner Teiche stated the code enforcement action is still open and this design review application was related to this action. The owner either had to remove the unauthorized structures or apply to legalize them. The property owner preferred to have the tenants propose something on their own as opposed to coming up with a more cohesive approach.

Planning Director Toft noted a number of code enforcement items were corrected (larger containers removed, grading and tree protection implemented, etc.). Chair Tauber asked if the City could mandate the recommendations to put all the garbage receptacles off to the side. Planning Director Toft stated staff was careful not to dictate solutions to a Design Review application. The code enforcement action only identified some very clear violations that needed to be corrected.

Commissioner Sandoval noted the tenants were committing the code violations. Planning Director Toft stated the property owner was ultimately responsible for what happens on the property.

Commissioner Kunstler asked if the property owner was “off the hook” if the Commission found in favor of any of the improvements suggested by the tenants. He asked if the owner gets to hide behind the leasehold improvements done on the initiative of the tenants. Planning Director Toft stated the owner has paid some fines but the violations were not completely remedied. This application is a path to remedy the violations.

Commissioner Kunstler referred to the area across the pathway and asked who had the rights to that property. Planning Director Toft stated that was part of the property. The City leases an easement for the bike pathway through this site.

Commissioner Deignan asked how soon that formal connection from the Rose Garden development up to the pathway would occur. Planning Director Toft stated there was no timeline- they are beginning the legal process for the City to acquire that property. Commissioner Deignan stated this was considered a key connection during the Central Larkspur Area Specific Plan (CLASP) process.

Commissioner Sandoval noted there were different businesses with different trash needs. He asked if this would be the burden of the tenant to make these improvements. Planning Director Toft stated staff has not been provided with a copy of the lease so they do not know who would be responsible. Senior Planner Teiche noted there has never been a trash enclosure in the back area- the tenants have had individual trash cans for a number of years.

Chair Tauber opened the Public Hearing.

Ms. Erin Hurley, applicant, made the following comments:

- They have reviewed the staff recommendations and would like to make a few comprehensive proposals.
- They would like to maintain the existing 12' X 9' black woodshed behind Larkspur Bike and Bean.
- They would like to take the recommendation of the staff and paint the white lattice black.
- They would like to enclose the garbage in black lattice so it is uniform.
- They have a blue 10' X 10' pop up tent- they would like to change that to black.
- They would like to install two 12' X 12' black sun sail covers for the bikes in the back.
- They would like to plant flowers in the matching wine barrel planters.
- For the King of the Roll site: they would like to remove the existing metal shed and install a wooden shed (the same size) and paint it light blue; repair and paint the existing lattice; plant some plants in the planters.
- The King of the Roll tenant has two garbage cans on the side of the restaurant, in the alley between the buildings.

Commissioner Deignan asked Ms. Hurley if her lease required her to take care of all these items. Ms. Hurley stated she thought so- she does have to pay for her own garbage.

Commissioner Kunstler asked if all the garbage receptacles on both properties would be concealed. Ms. Hurley stated “yes”.

Ms. Sandy Goldman, Camellia Circle, made the following comments:

- She disagreed with the letter from Mr. Nazari's attorney asserting there is no need for the pathway connection. Planning Director Toft stated that matter was not before the Commission tonight- it is not a hearing on the path connection. That is a matter for the City Council. Chair Tauber stated the Commission did not receive that letter.

Mr. Mark Roth, Camellia Circle, made the following comments:

- He is President of the Terraces HOA (on the west side of the property).
- The subject property looks 100% better along the bike path area.
- He supports the staff recommendations.
- He is concerned about the number of trashcans.
- The trash cans should be corralled into one location to approve the appearance.
- He is concerned about the recommendation to put a trash receptacle on the east side of the path. He asked where it would be located. Senior Planner Teiche stated it would be near the Lucky parking lot.
- He asked if the debris behind the warming hut would be removed.
- He had a question about parking that occurs on the east side of the bike path.

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

- She noted there was no striping to delineate the bike path.
- These are small businesses and they are doing the best they can- they are important members of the community.
- She appreciates the City's attempt to work with the tenants.

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

- The area looks much better than it has in years.
- The unsightly features have been removed.
- The overall appearance has improved with the exception of the trashcans.
- He suggested approval of the proposal with the revisions suggested tonight.
- All the improvements are casual and relatively unsubstantial- awnings, planters, and lattices, that could be easily removed. The findings and criteria can be applied to them with a bit less strictness.
- The buildings to which these items relate are almost "glorified sheds"- they were built in the 1940's and were sheds for the railroad or lumberyard. A more casual and less integrated approach is acceptable.
- The railroad building stood by itself for many years and all the improvements should relate to, compliment, and reflect this building.
- Access to and view of the railroad building should not be obscured.
- This is, to a large degree, the backyard to this area and the downtown as a whole.
- This is a trail setting and these are trailside improvements. It makes for a festive "trailscape".
- He likes the little bike sheds- they are colorful.
- The City should try to accommodate these small businesses.
- He recommends approval subject to the most recent revisions.

Commissioner Deignan asked if the Commission's approval of the requested items would be permanent or similar to a Use Permit- expire with the moving of the tenant. Senior Planner Teiche stated the approval would run with the land.

Dr. Richard Green, Larkspur, made the following comments:

- He lives on the second floor of Building Four of the Rose Lane Senior Housing development.
- He looks down on the path- he loves the path since it is a multi-use path used by everybody.

- These two businesses narrow the path down to no more than a 12-foot width.
- This narrowing impairs the look and function of the path.
- The area of the pathway between the north end (where the railroad hut is) and Ward Street is used as a parking lot. There is no room to park behind the bike shop since they use this as a display area for bikes.
- The restaurant uses part of the pathway for diners.
- To give the owner the privilege of not obeying the law was wrong.

Chair Tauber closed the Public Hearing.

Commissioner Sandoval provided the following comments:

- He supports the efforts of the tenants and appreciated their time and effort in trying to put together something that might be suitable for a certain type of review. He was not sure it was appropriate for Design Review.
- He liked the idea brought up by Mr. Holmes related to a “trailscape”.
- He also agreed with Mr. Holmes about the need for indulgence since this was a casual frontage.
- He could not support something when the parameters were unclear.
- There has to be a more comprehensive approach- this is an important elevation that is enjoyed by the public.
- It is an important view corridor that will become more important once that connection is made.
- There is a great opportunity to make it work so it is more enjoyable and viable for the businesses.
- The comprehensive approach does not need to be formal but it has to be of a certain quality and visual integrity that relates to the buildings in the context of the site.
- He agreed with Mr. Holmes in terms of maintaining the actual space around the train station.
- He is hesitant to approve anything that obstructs the view of the historic train station.
- Color and signage are important issues.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by Commissioner Sandoval.
- The proposal has left him feeling uneasy- it seems like a band-aid approach.
- A comprehensive approach would be better but this seemed to be beyond the scope of what should be the burden of the tenant.
- He did not want to create a situation where the property owner is “off the hook” to support a comprehensive approach.
- There are some things that could be ameliorated by the tenants.
- He is a bit more focused on the King of the Roll lot. There are things that could be done that would vastly improve the appearance of the property at a low cost.
- He would like to see efforts made to obscure the trash.
- The bike shop gives some vitality and livelihood to that corner- it is colorful.
- The tent covers sag and they should be more taut.

Commissioner Deignan provided the following comments:

- This is a challenge- the Commission would like to support the small businesses but the property owner has not done much and has left a lot to the tenants.
- He noted whatever the Commission approves will be there for a long time.
- The buildings seem to be too small for the businesses. They had to move to the outdoors for the storage of bikes and the restaurant needs additional dining area outside.
- They need to come up with something that is more than just the bare minimum.
- The lattice looks cheap and the seating area is in poor condition.
- This path gets a lot of traffic and will get more once that connection with Rose Lane is established.

- The improvements need to meet a certain standard.
- Staff noted the area looks like the back of a business but it needs to look more like the front.
- He asked the applicant to review the staff's suggestions.
- He looked forward to seeing the next application.

Chair Tauber provided the following comments:

- She agreed with the comments made by the other Commissioners.
- They need to rally the other tenants around this effort.
- The key question is: If this were your front door, what would it look like?
- Lattice in front of the trash cans would not be a good solution since the cans could be seen through the lattice. The cans should be as invisible as possible.
- They should rethink the type of seating in front of the restaurant (metal folding chairs).
- They need to think about colors and textures that run across multiple businesses.
- She is glad this has come forward since this area is an important part of Larkspur and something that needs to be addressed.
- She looks forward to the continuing dialogue.

Planning Director Toft noted this is a challenging application. Tonight's meeting is a result of a code enforcement action. Some of the items have been resolved. The application is from two of the tenants. The applicant's ability to get more of the tenants involved is limited. He asked the Commission for more direction on the application and whether that can go forward. Staff has had to deal with a variety of enforcement issues with the site and it will continue to be a challenge.

Commissioner Kunstler provided the following comments:

- The Commission and the applicants seem to be on the same page and want to see improvements.
- He was in favor of a continuation of the application.

Commissioner Sandoval provided the following comments:

- He agreed with Commissioner Kunstler.
- They want this to move forward and be a win-win situation.
- It is important to continue this item but also look at the big picture.
- He would like to see a more cohesive design, even if it is eclectic.
- He would like to see a plan that makes sense as opposed to approving something they could be stuck with that they really did not understand.
- The property owner was responsible for correcting the violations.
- The design issues must be resolved by providing something that is more accommodating for this corridor.

Commissioner Deignan provided the following comments:

- He encouraged the applicant to continue working on this and come up with answers to all the concerns that were expressed tonight.
- He is sure there is a way to find some common ground.

Ms. Hurley made the following comments:

- She thought they had complied with most of the staff recommendations.
- She asked for more guidance.

Commissioner Deignan provided the following comments:

- The Commission needs to see more detail- how they are going to address the trash, how they are going to improve some of the “run-down” elements, how the area is going to be cleaned up, etc.

M/s, Kunstler/Sandoval motioned and the Commission voted 4-0 (Ziesing absent) to continue DR #16-26, 552-556 Magnolia Avenue, to a date uncertain based on the comments made by the Commission.

OPEN TIME FOR PUBLIC EXPRESSION

Chair Tauber re-opened the Open Time portion of the meeting.

Mr. Frank Wainwater, Doherty Drive, stated a lot of debris and trash ends up in his yard from the Redwood High School students and the public in general. He noted there is also a lot of trash in the City parcel slated for the Library/Community Facility. He distributed a petition requesting that the City place and maintain three trashcans along Doherty Drive. Planning Director Toft stated that he would forward the petition to the Director of Public Works.

BUSINESS ITEM

1. Commissioner Reports

There were no reports.

2. Approval of minutes of Planning Commission meeting of August 9, 2016

M/s, Deignan/Sandoval motioned and the Commission voted 3-0-2 (Chair Tauber abstained, Ziesing absent) to approve the August 9, 2016 minutes as submitted.

The meeting was adjourned at 8:30 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 September 13, 2016.



Neal Toft, Planning Director