

LARKSPUR PLANNING COMMISSION  
MEETING MINUTES OF SEPTEMBER 13, 2016

The Larkspur Planning Commission was convened at 7:00 p.m. in the 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  
Associate Planner Anna Camaraota  
Senior Planner Kristin Teiche

### OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

### PLANNING DIRECTOR'S REPORT

- There will be a few more filming sessions into the fall for the Nextlix production of "13 Reasons Why". The Assistant to the City Manager has been working with the film company to address resident's concerns or complaints.
- The City Hall Picnic last week included a Bean Bag Toss, tacos, and ice cream- it was a lot of fun! He suggested that the Planning Commission should field a bean bag team for next year.

### CONSENT CALENDAR ITEMS

1. **DR #16-40: 2207 Larkspur Landing Circle (AP# 018-191-01); BCV Architects & YogaWorks, applicant; Marin Country Mart LLC/James Rosenfeld, property owners; PD (Planned Development) Zoning District. Applicants are requesting to amend their design review approval authorized under application DR/UP #15-09 for the permits to allow operation of a yoga studio on the second floor of Building 5 in the Marin Country Mart retail center. The design review approval included proposed exterior building alterations to expand the second floor roofline to cover an outdoor patio and create an outdoor instructional workout room.  
Recommendation: Conditional Approval**
2. **FHE #16-20: 11 Willow Avenue (AP# 020-241-21); Nick and Joanne Desin, applicants and property owners; R-1 (First Residential) Zoning District. Applicants are requesting post-facto approval for a Fence Height Exception to legalize a wood-frame trellis and wood siding built without permits on a six-foot side yard setback, reaching a maximum height of approximately 14 feet above grade and incorporating a vegetative row of shrub and tree plantings greater than six (6) feet in height along the side property line.  
Recommendation: Continue to September 27, 2016 Planning Commission meeting without discussion**

M/s, Deignan/Kunstler, motioned and the Commission voted 4-0-1 (Ziesing absent) to adopt the Consent Calendar based on the staff reports.

3. **DR/SUP/FHE/HTR #16-23:136 Madrone Avenue (AP #021-081-07); Stewart Summers, applicant; McGovern/Haskell Family Trust, Property Owners; R-1 (First Residential) Zoning District. Request for the following permit approvals to allow demolition of three**

**existing dwelling units and construction of one approximately 29-foot high, 3,528 square-foot single-family residence (including attached two-car garage) and an in-ground pool with associated yard improvement: 1) Design Review (DR); 2) Slope Use Permit to allow 640 cubic yards of grading associated with construction of the residence, in-ground pool, and yard improvements; 3) Fence Height Exception (FHE) to allow installation of hedgerows along the perimeter of the property that exceed 3 ½-foot maximum fence heights along street frontages and six-foot maximum fence heights along shared property lines; and 4) Heritage Tree Removal (HTR) to allow removal of nine heritage-sized trees, including five Monterey Cypress, two Japanese Privets, one California Bay Laurel, and one common fig.**

Associate Planner Camaraota presented the staff report.

Commissioner Sandoval noted staff was recommending approval of keeping the fence in the same location but he asked about the height and material. Associate Planner Camaraota stated the Fence Height Exception was attributed to the landscape plan. The proposed plants would achieve a maximum height of around 8 to 15 feet. The applicant is proposing to intersperse a variety of trees and hedges. Staff feels this height is acceptable at the upper portions of the lot near the rear. The proposed lower plantings along Orange and Madrone should be reduced in height to conform to maximum height limitation, so they do not block visibility of pedestrians and automobiles and to avoid "walling-off" the property from offsite views.

Commissioner Kunstler stated the design included an extensive use of stone veneer up to fairly high elevations and he asked if staff had a view regarding the use of this material. Associate Planner Camaraota stated it is used on occasion at the base of homes and she thought there may be examples along Orange Avenue. Staff thinks the mix of materials is appropriate for the design.

Commissioner Kunstler referred to the arborist report and asked if the Commission should consider the pyrophytic nature of the trees. Associate Planner Camaraota stated this was not the primary rationale for the removing the trees, but to directly answer his question Larkspur Municipal Code does not specifically identify cypress as pyrophytic. Planning Director Toft stated the code defines the term "pyrophytic tree" as one that is very flammable and are not only subject to fire but also transfer fire.

Commissioner Kunstler stated the geologist's report does not recommend unsupported cuts on this property. Associate Planner Camaraota stated the application did not include any unsupported cuts. Commissioner Kunstler asked how much cut was attributable to the garage area vs. the pool area. Associate Planner Camaraota stated grading separate calculations were not provided to indicate the volumes for distinct aspects of the development. She indicated that the grading plan, however, shows most of it to be attributed to the garage and lower level foundation and to the pool.

Chair Tauber opened the Public Hearing.

Mr. Bret McGovern, applicant, made the following comments:

- They have deep roots in the community.
- They bought the property in 2015 and were looking for a property that needed to be redeveloped.
- They spent the last 8 months working with the architect, landscape architect, etc.
- The primary concern was to preserve the sanctity of the Redwood trees, fit in the neighborhood style-wise, and be an overall benefit to the neighborhood.
- They hope to live in the house for a very long time.
- They have received support from the neighbors.
- The house will be an improvement to the neighborhood.

Mr. Steward Summers, architect, made the following comments:

- This is a difficult site- on a hillside with lots of trees.
- They worked closely with staff.
- The design is appropriate for the site.
- They are not asking for any variances.
- They tried to create a good hillside design that meets the intent of the rules, as well as the prescribed standards.

Mr. Steve Murch, lead architect, made the following comments:

- He talked about how they came up with the design and stated the “site designed the home”.
- He took the client’s program and adapted it to a very difficult site.
- The site has constraints. They came up with a good solution that meets the intent of the Zoning Ordinance.
- He displayed a new drawing and talked about the constraints posed by setback requirements and the location of the grove of Redwood trees.
- They looked at Madrone as the possible access to the site but the steep hillside made car access undesirable.
- They asked staff if the Orange Avenue side could be considered the front yard, thereby giving them a 20-foot setback along the longest side and a ten-foot setback along Madrone.
- The biggest constraint is the Redwood trees at the center of the property.
- They ended up with an “L” shaped footprint due to the constraints.
- The site slopes up at a diagonal toward the rear corner (a cross-slope).
- He pointed to the bottom level and stated this is where they get cars onto the site.
- The garage is deep enough to be excavated into the hillside enough that they would get some of the below grade square footage excluded from the total calculations.
- They need a stair connection to the upper floors and he pointed to its location leading from the lowest level to the uppermost level.
- Coming up one level is the “children’s wing”- three bedrooms, a play room, a couple of bathrooms. This elevation runs along Orange.
- The Madrone Avenue side has the front entry and all of the common areas- living room, kitchen, dining room, pantry, powder room, and access to the rear yard.
- He pointed to the upper level master bedroom suite and noted they like to try to bury it into the roof form as much as possible to help the building appear more “squat”.
- The owners wanted a more traditional design and are fascinated by the Gambrel roof (multi-sloping), which is repeated throughout.
- They tried to mitigate the verticality of the building by using a heavier stone base, a mix of exterior materials, and gray color palette.
- The laundry room and lower part of the stairwell are buried in grade.
- They tried to articulate a lot of “ins and outs” along the Orange Avenue side to generate interest.
- They have added more interest by adding dormers.
- The use of the stone at the base gives it some foundation and delineates the lower portion of the building in a different fashion. The stone is an important feature in helping to make the house appear grounded and “squat.”
- The average slope is 19% as calculated by the surveyor.
- There are two different massings: one along Orange Avenue and one on Madrone Avenue, which are both intended to appear as primary frontages that are attractive from each roadway.
- The context of the project is appropriate to the neighborhood in terms of size and square footage.
- The materials include Hardi-siding, stone veneer, black window frames, white trim, a dark Ebony fascia at the top, heavy composition shingles, and dark roof colors. The dark colors at the top would help with the “squat” look.

- He discussed the landscaping and stated they were willing to remove some of the hedge material. The plan includes some trees and shrubs.
- All of the cuts would be supported with retaining walls that would be covered with veneer.
- He pointed to the yard area and noted the pool area would be recessed to minimize their appearance and help to avoid noise to adjacent properties.
- He is not sure about the comparison of cut between the house and the pool.

Commissioner Deignan referred to the Fence Height Exception and stated the applicants were planning on tress and lower shrubs on the northern end of Orange. He asked if any of the other plantings would require a Fence Height Exception. Mr. Merch stated “no”.

Commissioner Kunstler noted a lot of trees were coming down, some due to structural problems or fire danger. Trees #5 and #8 were large trees and in “fair condition” and he asked if those trees could remain. Mr. Zach Booth, representing Urban Forestry Associates, stated #8 is a Japanese Privet that was cut near at grade resulting in multiple stems with decay. Tree #5 is a large Monterey Cypress that is not particularly high risk but he has concerns with impacts from the improvements near the tree. It is displaying low vigor, likely because it located outside a normal range and due to drought conditions, and is susceptible to pests and disease.

Commissioner Sandoval stated the materials were very tasteful and he asked Mr. Merch if he considered using the shingles on the upper dormer fronting on Orange Avenue. This is the weakest element on that elevation- the garage and third story. Mr. Merch stated “no” but he would be happy to consider this suggestion.

Mr. Michael Hooper, Madrone Avenue, made the following comments:

- He has been looking forward to tonight for the 32 years he has lived on Madrone Avenue.
- The property has not been well maintained.
- He would like to trim the Japanese Maples directly in front of his house to open up the view.
- He will see some of this beautiful house from his home.
- This is a big house but it is a big lot.
- He loves the gable.
- This is not a historic house- it is not on the list.
- They have done a very good job.
- He appreciated that they are extending the landscaping into the public right-of-way.
- They are saving the Redwood trees. Building around them is a difficult problem that they plan to address.
- The trees on the perimeter are not in great shape having been repeatedly cut to clear the power lines.
- He commended the team for the presentation and the complete set of plans.

Ms. Pat Kaiser, Madrone Avenue, made the following comments:

- The cypress trees are old and an eyesore.
- Like Mr. Hooper, she has been waiting for this day.
- The Madrone Avenue side of the property has weeds, tripping hazards, a falling down brick wall, etc.
- She likes the soft look of the house- it is very pretty.
- She likes the idea of hedges and open fences.

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

- He has concerns about historic preservation, community character, and the mass and bulk of the proposed structure.

- The Commission has two challenges- to look at each application individually and to do so not in isolation.
- The goal of the Design Review process is to preserve community character.
- The Commission must consider demolition and whether the proposed replacement meets the criteria for mass and scale and other considerations for Design Review.
- He referred to the context of the neighborhood and quoted Larkspur, Past and Present.
- The property meets several criteria with respect to historic evaluation. There are problems with the Historic Inventory- it is under-inclusive and inexact. It merits re-evaluation.
- The Heritage Preservation Board did not recommend re-evaluation- but he hoped the Commission would not feel compelled to follow that recommendation.
- He asked the Commission to require additional historic review.
- The project looms over the street and does not minimize mass and bulk.
- There is no foliar screening of the house.
- The project virtually fills the lot.

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

- The house is old but it does not look as though it has any redeeming quality other than being old.
- The time has come for its replacement.
- He agreed with the decision made by the Historic Preservation Board.
- He referred to the canyon character and scale and stated there were a lot of smaller houses.
- This lot is large and it is allowed to have more square footage.
- The design has done a lot to mitigate the impact of that much square footage.
- He would like to see more screening along Madrone Avenue- some moderate sized trees and shrubs.
- Cypress trees do not have a long life. These trees are in bad shape and would continue to deteriorate and cause problems in storms.

Mr. Brian Eckert, Madrone Avenue, made the following comments:

- He shares the property line on the north side of the project.
- This is a good design.
- The project is large but it is a large lot.
- He asked about the hedges and how interspersed they would be. He did not want to feel boxed in with a tall hedge.
- He is working on a remodel of his buildings.
- He was concerned about the noise from the pool pump. He hoped the noise would be mitigated.
- Sound carries in the canyon.

Mr. Murch made the following comments:

- He has spoken to Mr. Eckert.
- They agreed to keep the fence in its current location to avoid interrupting his driveway.
- The hedge along that corner of the property should alleviate any privacy concerns.
- The pool equipment is currently located at the end of the house- they plan to put it in a lean-to that would surround the equipment.
- New pumps are not as noisy as old pumps.
- They are sympathetic to noise issues and want to avoid issues.
- Mr. Holmes comments regarding the historic nature of the house are moot. They checked the historic resources list prior to the design phase.
- He referred to the bulk and mass issues and stated this is a large lot. They stayed within all the zoning criteria aside from the Fence Height Exception.
- The bulk and mass issues have been solved with some architectural delineation, the roof forms, the materials used, etc.

- The house will not loom over Madrone Avenue.

Mr. David Slopach, Orange Avenue, made the following comments:

- There has been a lot of construction going on in the canyon.
- The newly renovated homes are rented for \$8,000 per month.
- He lives in a “war zone” with all of the construction-related activity.
- He likes the design but he would like the height scaled down.
- He asked if this construction and the construction on Mr. Eckert’s house could be coordinated to occur at the same time.

Chair Tauber closed the Public Hearing.

Commissioner Deignan provided the following comments:

- This is a modest project. He was impressed with the height of the story poles and the peaks.
- The techniques and tools described by the architect will help mitigate the bulk and mass.
- They have not requested an FAR or height exception or any variances. This is unusual.
- The Commission should not “open up a can of worms” with respect to the historic preservation issue brought up by Mr. Holmes.
- The Historic Preservation Board got it right- this is an older piece of property and it is hard to make the argument that is a unique contribution.
- Most of the neighbors are supportive.
- There will be a Construction Management Plan and the City does review the condition of the streets.
- The Commission does not have the ability to require coordination between projects- it is not within their purview.
- He can make all the findings and support the project.

Commissioner Kunstler provided the following comments:

- He can check all the boxes.
- He got adequate answers to his questions about the trees.
- He has no problem with the Slope Use Permit or the Fence Height Exception.
- This is a beautifully designed house.
- It is not his place as a Commissioner to second guess the Historic Preservation Board.
- He discussed the issue regarding gentrification of the neighborhood and wondered if this design contributes to a fundamental change in the character of the neighborhood.
- The creeping increase in scale gives him pause.
- This is a well-designed house- it has certain whimsical touches including the Gambrel roof.
- He could support the project.

Commissioner Sandoval provided the following comments:

- He sympathizes with Mr. Holmes with respect to the disappearance of historic structures.
- He can support the findings and the project.

Chair Tauber provided the following comments:

- She really likes the project.
- They did a good job being sensitive to the site.
- They spent a lot of time thinking about maintaining the trees.
- She can support the Slope Use Permit.
- She agreed with the staff recommendation about the hedges along Madrone Avenue.
- She asked the property owners to continue to work with the neighbors.

M/s, Deignan/Sandoval, motioned and the Commission voted 4-0-1 (Ziesing absent) to approve DR/SUP/HTR/FHE #16-23, 136 Madrone Avenue, based on the findings and conditions set forth in the staff report with emphasis that the plantings on the Madrone Avenue and Orange Avenue frontages are maintained at 3 ½ foot height and the other sides are selected and maintained for height so they do not intrude upon the neighbors.

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

The Commission took a 5-minute break at 8:30 p.m.

**4. DR/H/UP #16-37: 286 Magnolia Avenue (AP #021-104-34); Fabrizio Laudati/Douglas Mighelli, applicants; Westshore Investments LLC, property owners; GD (Garden Downtown) Zoning District. Requesting the following permits to remodel the front patio of an existing restaurant site at 286 Magnolia Avenue and to permit outdoor dining at the front patio and rear deck. The subject building is a part of the Historic Lark Creek commercial retail center: 1) Design Review; 2) Heritage Review; and 3) Conditional Use Permit to offer 20 seats within the front patio and 12 seats on the rear deck.**

Senior Planner Teiche presented the staff report.

Commissioner Deignan asked how much of the top canopy would be visible from pedestrian level. Senior Planner Teiche stated it would be visible, particularly from across the street. Commissioner Deignan asked if it would be dyed black to match the other awnings in the center. Senior Planner Teiche stated the uniform color throughout the center was black. Commissioner Deignan asked if the green border around the roll down plastic used for inclement weather would be removed or minimized. Senior Planner Teiche stated staff was proposing something a bit more transparent. Commissioner Deignan stated that was a good idea- it felt closed off.

Commissioner Kunstler asked if the side panels would be easily separable from the canopy (snap off, etc.). Senior Planner Teiche stated she thought so.

Commissioner Sandoval asked if dying would impact the flammability of the fabric. Mr. Doug Milghell, architect, stated he would address that.

Chair Tauber opened the Public Hearing.

Mr. Doug Mighell, architect, made the following comments:

- The staff report was very clear.
- They had a great discussion with the Heritage Preservation Board.
- The railing is the biggest barrier between the outside and the inside.
- The thick 2x2's would be replaced with a light, black, wrought iron railing.
- Along the front there would be the railing and Boxwood hedge with no pickets in between. This would help tie the property in with the rest of the center.
- He distributed a photograph of the canopy and noted it is more of a roof than an awning.
- They are concerned about the direction to paint it- the manufacturers do not recommend painting the fabric. He was also concerned it would not look good painted.
- The owners are proposing to replace the canopy with a black one in three years. This would cost about \$30,000 since it is custom made.
- The intent with the canopy is to install it in the fall and remove it in the spring.
- The sides can be kept up and there would be heat lamps inside.
- They are requesting that the condition to paint the canopy be removed- all other items are acceptable.

- They have come up with a great plan that ties this property in with the rest of the center and opens it up.

Mr. Fabrizio Laudati, owner, made the following comments:

- He loves the patio area- it feels like Europe.
- The improvements will match and help integrate the property with the rest of the center.
- The awning is very important- it helps to keep the customers warm.
- They will change the color of the awning to black once the green canopy is worn out.
- They will try to keep the sides up.
- He asked the Commission to approve the project.

Ms. Elena Laudati, owner, made the following comments:

- They are excited about coming to Larkspur.
- They saw the property and it was "love at first sight".
- They are doing everything possible to overcome the hurdles.
- The awning color is an issue. The green material has several more years of life and it would be a waste and a big expense to purchase black canvas at this time.
- Taking down and replacing the awnings twice a year cost about \$6,000.
- They are happy to match the rest of the center (flowers, etc.).

Ms. Risa Failey, Monte Vista Avenue, made the following comments:

- Her house sits across from the restaurant.
- She is excited about the new restaurant.
- She has no problem with what happens in front of the restaurant.
- She is concerned about the rear deck of the restaurant- it impacts her.
- The back deck lighting is very bright and the trees in the back are deciduous.
- The back deck gets noisy. She asked for the following hours of use for the back deck: noon to 10:00 p.m.
- She asked that construction not occur in the back of the restaurant on Saturdays.
- There is a huge issue with employees of local businesses parking in the neighborhood. She asked that the restaurant employees not use Monte Vista for parking.

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

- The last speaker raised some legitimate complaints.
- It is customary to require that lighting be downward facing.
- Parking in this neighborhood is a problem.
- He supported the applicant's desire to leave the awning green- the green color is the least conspicuous.
- The request for a black awning was a recommendation as opposed to a mandate.
- This property is basically a residence from an historic standpoint and they are looking at integrating it into the center. An argument could be made that it should be differentiated.

Ms. Sylvia Amenly, San Rafael, made the following comments:

- She is very excited about patronizing a new restaurant in Larkspur.
- This business and business owner will be a great addition to Larkspur.
- She agreed with Mr. Laudati that the patio should remain as original as possible to maintain that European feel.

Mr. Steve Shackelford, San Rafael, made the following comments:

- He looks forward to being a customer of this restaurant.
- Architecturally speaking, things that are being proposed must be safe, functional, and aesthetically appealing. It must work well and look nice.

- The awning at it stands should be allowed to remain.

Mr. John Mervin, Corte Madera, made the following comments:

- He likes the green awning.
- It is nice to sit outside and eat in the patio.
- He likes the way it looks and it works the way it is.
- It should not be made to look like the rest of the center- it would lose its character.

Commissioner Kunstler asked the applicant if he has considered clear plastic side panels. Mr. Mighell stated the side panels have canvass on them- this is structurally required to roll them up and down. Commissioner Kunstler asked if they have considered removable solid glass panels that would be more transparent and easier to clean. Mr. Mighell stated “no”- they are high end and extremely expensive. It is well outside of the budget. It would also give a more closed in feel and offer less flexibility.

Commissioner Kunstler asked about the lighting for the rear deck. Mr. Mighell stated they had not proposed anything but would gladly provide low wattage, downward directed lighting.

Commissioner Deignan asked if the existing structure for the canopy was a hip roof. Mr. Mighell stated “yes”, with a small extension over the door. Commissioner Deignan referred to the existing canopy and asked how close it was to the composition shingles on the rest of the center. Mr. Mighell stated it was very similar (green and black).

Commissioner Sandoval asked if the proposed lighting was for the entire building or just in the back. Mr. Mighell stated there would be a single light for the front door (similar to the rest of the center). Commissioner Sandoval stated he would like to see lower levels of light pollution for the neighbors. Mr. Mighell stated they do comply with the “night sky” requirements and do not shine upward.

Chair Tauber closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- He appreciated the comments.
- It takes “guts” to open a restaurant in this day and age.
- He appreciated that cost is an issue and he did not want to create any hardships.
- He does not love the green awning- it is garish. He takes some comfort that it would be replaced soon.
- He liked the proposed railings- it would open it up.

Commissioner Sandoval provided the following comments:

- He is very sympathetic to restaurants.
- He likes the idea of having a uniform look but there can be disadvantages.
- He is sympathetic to the lighting issue and stated they might want to consider something a bit more low level to give it a more intimate feel for the patrons and provide a more forgiving appearance to the neighboring properties.
- Hopefully the noise issue will be controlled.
- He is fine with the colors.
- He is looking forward to the opening of the restaurant.

Commissioner Deignan provided the following comments:

- The architect made a good case for the canopy looking like a roof element. It is different from awnings that come over doorways.
- The green color works and the Wisteria would help soften it.

- He does not care about the color when the canopy is replaced. It will blend in and not seem out of place.
- He would like to see the plastic in the front minimized.
- The lighting should not spill over into the adjacent neighborhood.
- He understood the concerns about parking but it was not something that the Commission could control.
- He could support the project.

Chair Tauber provided the following comments:

- She would like to see a black awning sometime in the future- this would help tie the property into the center.
- She asked the applicants to be sympathetic to the neighbor's concern about noise.
- She supported the proposal.

M/s, Sandoval/Kunstler, motioned and the Commission voted 4-0-1 (Ziesing absent) to approve DR/H/UP #16-37, 286 Magnolia Avenue, based on the findings and conditions set forth in the staff report with the following additional condition: 1) Any replacement awning should be black with a black trim.

## **BUSINESS ITEM**

### 1. Commissioners Reports

There were no reports.

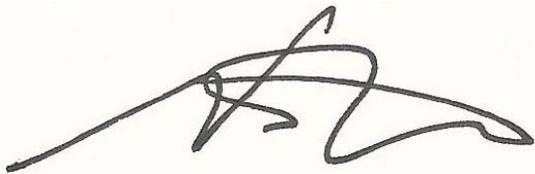
### 2. Approval of minutes of Planning Commission meeting on August 23, 2016

M/s, Kunstler/Sandoval, motioned and the Commission voted 4-0-1 (Ziesing absent) to approve the August 23, 2016 minutes as submitted.

The meeting was adjourned at 9:45 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 the 27<sup>th</sup> of September, 2016.



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Neal Toft, Planning Director