

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF MAY 23, 2017

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

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

Staff Present: Planning Director Neal Toft
Senior Planner Kristin Teiche
Planning Consultant Lorraine Weiss

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- He stated there was a piece of late mail on the dais from the applicants for 73 Madrone Avenue requesting that their item be placed at the end of the agenda. However, they are now in the Council Chambers and have withdrawn their request.

PUBLIC HEARING ITEMS

1. **FHE 17-12: 73 Madrone Avenue (APN: 021-112-02); Anne and Brent Lowinger, Applicants/ Property Owners; R-1 (First Residential) Zoning District. Request for an amendment to FHE 16-56, approved by the Zoning Administrator on December 1, 2016, to include a vegetative shrub row along the front property line that would exceed the 42-inch height limit imposed under the previous approval. The Zoning Administrator has referred the requested amendment to the Planning Commission as authorized under LMC 18.06.030.**

Senior Planner Teiche presented the staff report.

Commissioner Deignan asked if the applicants would be in compliance if they trimmed the current row of hedges down to the 42" height. Senior Planner Teiche stated that was one of the options.

Chair Kunstler opened the Public Hearing.

Mr. Brent Lowinger, applicant, made the following comments:

- He explained the proposal and the history of their fence project.
- The 6' high hedge row provides privacy.
- The findings could be made.
- There is precedence and he discussed other neighbors who have hedges similar in height.

Ms. Suzanne Clark, Madrone Avenue, made the following comments:

- This is a very busy residential street.
- The hedge row is characteristic of the neighborhood.
- She supports the application.

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

- He discussed the history of the property.
- The Commission should permit the proposed hedges.
- He would like to have a little view of the house as possible.

- The house is very close to the street and there are legitimate privacy concerns.

Chair Kunstler closed the Public Hearing.

Commissioner Ziesing provided the following comments:

- There was an agreement between the applicants and the original plan that was violated.
- It seems like the applicants did things that were in violation of the original approvals- this caught his attention.
- The applicants took matters into their own hands.
- He was troubled by the fact that there was a “Stop Work Order”.
- He is sympathetic to the request but not pleased with the situation.

Commissioner Tauber provided the following comments:

- She is sympathetic to the argument that other properties have similar hedges.
- The applicant’s property is different in that it is very long.
- The applicants were given, in the spirit of a compromise, direction that the fencing directly in front of the house should be limited to 42”. This should provide the needed privacy.
- She supports the determination of the Zoning Administrator- the hedge in front of the house should be 42”.

Commissioner Sandoval provided the following comments:

- He is trouble with the application-it is messy.
- He appreciates the issue of privacy- the house is very close to the street.
- He agrees with the comments made by the other Commissioners.
- The applicants did not follow the original compromise
- The hedge should be 42” high.

Commissioner Deignan provided the following comments:

- He was impressed by the length of the wooden fence and the extension of the hedge row.
- If everybody along the street did this, the street would look like an alleyway- this is not the intent of the Fence Height Ordinance.
- He is sympathetic to the desire for more privacy.
- This would set a precedent.
- This is a case of “asking for forgiveness rather than permission”.
- He cannot make the findings.

Chair Kunstler provided the following comments:

- He shares the discomfort- the applicants had a permit and violated the terms and then are coming back asking for approval.
- He agreed with the comments made by Commissioner Deignan- he does not want the applicants to create a “compound” as opposed to a home along a street.
- Larkspur is a community of homes, not compounds, that respects an ethics of scale.
- He cannot support the application.

Commissioner Ziesing provided the following comments:

- The Code tries to create an open streetscape in keeping with the spirit of Larkspur.
- He could not support the application.

Chair Kunstler reopened the Public Hearing.

Mr. Brent Lowinger, applicant, made the following comments:

- They did not try to intentionally go behind anyone’s back.

- They were working with a landscape designer.
- They are trying to be good neighbors.
- They are simply asking for a little bit of privacy.

Chair Kunstler closed the Public Hearing.

Planning Director Toft stated the Commission's decision should not be based on the history, but the merits of the project and the ability to make the findings or not.

Commissioner Deignan provided the following comments:

- The Commission decision is based on the site and not personal situations.
- They are not trying to be draconian.

M/s, Deignan/Tauber, motioned and the Commission voted 5-0 to deny FHE #17-12, 73 Madrone Avenue, based on the inability to make the findings. Staff is directed to return to the next meeting with Findings for Denial.

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

- 2. PPA 16-44: 33 and 35 Drake's Cove Court (Lots 22 and 23; APN 018-250-23 and -24); Jeffrey Lawrence, Nuvera Homes, Applicant; Drake's Cove Ventures, LLC, Property Owners; PD (Planned Development) Zoning District. Applicants are requesting approval to amend the Drake's Cove Precise Development Plan, prescribed under Ordinance No. 923 and subsequently amended by Ordinance 947, with the following modifications to the project and development standards: 1) Replace the duet (duplex) unit type and floor plan on Lots 22 and 23 with two single-family homes; 2) Decrease the side yard setbacks from 6 feet to 5 feet on each lot; 3) Increase the floor area from 3,457 square feet to 4,630 on lot 23; 4) Increase the total floor area of all of the dwelling units in the development from 84,403 square feet to 86,289 square feet; 5) Increase the deck/terrace are on Lot 23; 6) Permit only guest parking space on Lot 23, where two are typically required; and 7) Eliminate the homeowner's association easement (HOE) for common area landscaping on the frontage of Lot 22. Note: This is an advisory review only; amendment to Ordinance No. 923 and 947 will require review and adoption of the City Council at a future date.**

Planning Consultant Weiss presented the staff report. She noted late mail which reflected substantial neighborhood support and correction to a floor area error on the data table on page T1.

Planning Director Toft discussed the history of the Drake's Cove project, and the two lots in particular.

Chair Kunstler noted the Precise Development Plan and Ordinance was approved by the Council and asked if the design envelope being presented has been approved. Planning Director Toft stated there is an approved design and the applicants could rely on that design approach to implement the envelope that was approved under the Precise Plan. He noted that the developers were permitted to modify the building designs somewhat in the intervening years, to update the architecture and to better address issues of slope. The applicant's "approved" plan reflect a design approach that would be consistent with the original approval, but has not technically been issued a permit.

Commissioner Tauber asked if these will come back to the Commission for Design Review. Planning Director Toft stated the Precise Plan review is the Design Review process.

Chair Kunstler opened the Public Hearing.

Mr. Jeffrey Lawrence, representing Nuvera Homes, made the following comments:

- He is very familiar with the architecture- he likes it and it still works.
- He liked everything about the project.
- The lower area includes the four, large duplexes- they were built by Monahan Pacific.
- The project then sat dormant for four to five years.
- Nuvera Homes bought the upper cul-de-sac.
- Eleven units were built initially and they are doing the remaining twelve.
- This is a challenging site.
- The duplex at the top does not fit.
- None of the neighbors have had a problem with the plans.
- They are asking for the exclusion of areas 50% or more below grade in the total floor area calculations.

Mr. John Thatch, the Dahlin Group Architects, made the following comments:

- They joined the project in 2005.
- The challenge is working the homes into the topography- tucking it closer to the street and away from the neighbors.
- They are asking for an increase in the square footage but the space has been there all the time.
- The elevations show a garage and a nice front door.
- This is a special site- the top of the hill.
- Both homes have an elevator.
- The proposal is an improvement.

Chair Kunstler closed the Public Hearing.

Commissioner Deignan provided the following comments:

- They have caught onto what the site was better suited to- this proposal better addresses the site with the lower floor, accentuated patio and deck supports.
- This is a steep site.
- Breaking up the mass of the duplex makes sense.
- The proposal makes the two units more attractive.
- He was encouraged by the support of the neighbors.
- This is consistent with the original application and responds to the site.
- This is a more contemporary design.
- He could recommend approval to the Council.

Commissioner Sandoval provided the following comments:

- This is a good improvement that has much more of a residential feel- as opposed to a bunch of garages facing the street.
- He likes the way this is tucked into the hillside.
- He agreed with the comments made by Commissioner Deignan.

Commissioner Tauber provided the following comments:

- Overall this is an improvement.
- She likes the fact that it has been broken up into two, separate buildings.
- She would like to see more space between the two buildings but she recognizes that the lots have constraints.
- They have been thoughtful about moving it back, respecting the site, and trying to work within a challenging situation.
- She could recommend approval to the Council.

Commissioner Ziesing provided the following comments:

- He agreed with the comments made by the other Commissioners.
- The units are close but the lots are only so big.
- He could recommend approval of the plan.

Chair Kunstler provided the following comments:

- He agreed with the other Commissioners.
- He is pleased to see the change in the front elevations.
- He liked the fact that the south facing aspect of the house will use that southern light.

M/s, Ziesing/Tauber, motioned and the Commission voted 5-0 to recommend approval of the proposed amendments to the Draft Ordinance approving the Precise Plan Amendment, with the language requested by the applicant regarding Floor Area Ratios, and noting an adjustment to Page T-1.

BUSINESS ITEMS

1. Commissioners Reports

There were no reports.

2. Approval of minutes of Planning Commission meeting on May 9, 2017

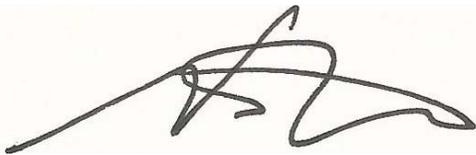
M/s, Deignan/Sandoval, motioned and the Commission voted 5-0-1 (Chair Kunstler abstained) to approve the minutes from the May 9, 2017 meeting as submitted.

The meeting was adjourned at 8:10 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.



Neal Toft, Planning Director