

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF JANUARY 23, 2018

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, Laura Tauber,
Ignatius Tsang, Todd Ziesing

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

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- A new permit technician was recently hired who will assist the Building and Planning Departments. Please come by and visit Jim Kerrigan at the customer Counter. He comes with exceptional experience with the City of St. Helena, the County of Napa, and El Cerrito.
- The City Council approved a waiver of fees for Homeward Bound for an 11-bed living facility for seniors who are in danger of becoming homeless. The facility will be located at St. Patrick's Church. The application will be coming before the Commission soon.
- Staff is working on a schedule for the General Plan Steering Committee- the first meeting is now scheduled for Monday, February 12th at 6:30 p.m. Staff will keep the Steering Committee members informed.

PUBLIC HEARING ITEMS

1. **DR/FAR/SUP/V #17-19: 20 Millard Road (APN: 020-068-15); Wagstaff Rogers Architects, applicant; Katherine Hermann, property owner; R-1 (Single Family Residential) Zoning District. Request for the following permit approvals to construct a detached partially-subterranean two-car garage, which adds 94 sq. ft. of new floor area to an existing 3,350 sq. ft. residence, located on a 17,639 sq. ft. property; 1) Design Review (DR); 2) Floor Area Ratio (FAR) Exception to allow a total of 3,444 sq. ft. of floor area, resulting in a 0.20 FAR where 0.11 is the maximum FAR permitted due to the 39% average slope of the lot; 3) Slope Use Permit (SUP) to allow 143 cu. yds. Of grading (138 cu. yds. of cut and 5 cu. yds. of fill) on a lot with an average grade of 39%; 4) Variance (V) to allow the detached garage to be constructed up to the front lot line where a minimum 3-foot setback is permitted on a lot with steep terrain; 5) Variance (V) to allow the detached garage to be constructed 1 foot 5 ½ inches from the side lot line where a minimum 3-foot setback is required.**

Assistant Planner Armour presented the staff report.

Commissioner Tsang asked if three on-site parking spaces were bring provided. Assistant Planner Armour stated "yes- four is required by code".

Chair Kunstler asked if the old garage would remain. Assistant Planner Armour stated "yes- it is called out in the plans as a third parking space".

Chair Kunstler referred to page 4 of the staff report, under "Variance to Front and Side Yard Setbacks", second paragraph, and asked for clarification regarding "additional measures to ensure

compliance with building and fire codes". Assistant Planner Armour stated the Building Official and Fire Marshal are requiring sprinklers.

Commissioner Deignan asked if having two garages was a common situation. Assistant Planner Armour stated "no". It seems justified to have an additional parking space to help reduce the on-street demand. Planning Director Toft clarified that staff was initially concerned that the project would represent somewhat of a "special privilege". However, the excessive width of the site, the distance from house to garage, and the amount of street parking along the frontage also presented an unusual condition. The unique circumstances of the site and the benefits of the additional parking seemed to outweigh the special privilege concern.

Commissioner Tsang referred to the proposed parking garage and asked whether or not two parking spaces would be lost. Assistant Planner Armour stated there is currently a parking strip that is 80-feet in length that provides four on-street parking spaces. The proposal requires the removal of 10-feet (reducing it to 70 feet). Commissioner Tsang asked if there was parking in front of the proposed parking garage. Assistant Planner Armour stated "no".

Commissioner Tauber stated there was some very nice landscaping in the area of the proposed garage and she asked about a landscaping plan. Assistant Planner Armour stated the applicant could address this question.

Chair Kunstler opened the Public Hearing.

Mr. Brock Wagstaff, architect, made the following comments:

- The reason for the location of the garage was the proximity to the front door.
- When they excavate they will not form the walls but will be doing a shotcrete. This will keep the amount of fill and disruption to a minimum.
- The only walls that will be formed will be at grade.
- They plan on a more elegant planting approach. The greenery will continue around the garage.
- The parking along the street will be reduced by ten feet.

Commissioner Tsang stated he drove up and down the hill to get a feel for the driveway and parking. He noticed how challenging it is to maneuver along the street and how few parking spaces currently exist. He is concerned about the loss of the ten feet and two spaces. He asked if they could create additional parking with the existing garage (excavating or tandem parking). Mr. Wagstaff stated it would require a lot of excavation into that hillside to create tandem parking.

Ms. Katherine Hermann, owner, made the following comments:

- There is a net loss of one on-street parking space.
- The landscaping is going back in as soon as the retaining walls are built.

Mr. Tom Borden, Olive Avenue, made the following comments:

- The property owners have been very thoughtful in advising the neighbors.
- There is a misconception about the parking. It is not that difficult to park on Millard- there is plenty of parking.
- He is concerned about the fire hazard and reducing the parking by one spot would be a benefit in terms of fire truck access.
- The property owners have been diligent about landscaping over the years.
- He urged the Commission to approve the application.

Mr. Jim Serefin, Millard Avenue, made the following comments:

- Parking is not as much a challenge up slope.
- He parks on the street every day- it is not a big problem.

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

- If the Commission decides to approve the application they should make it clear that it is based on the special circumstances summarized on page 4 of the staff report including the width of the property and the fact that the neighbors do not perceive that there is a parking problem.
- He is not aware of any other properties that have two garages.
- Multiple garages take cars off the street and this would off-set the loss of curb space due to multiple driveways.
- He recommended a condition that these garages must be used for cars and not for storage.

Mr. Kosrof Chantikian, owner, made the following comments:

- There are two existing garages that can accommodate two cars. They are not used for storage.
- The proposal increased the parking by one space- this is a benefit to the community.

Chair Kunstler closed the Public Hearing.

Commissioner Ziesing provided the following comments:

- He is familiar with the parking in the area.
- The application proposes a brilliant solution.
- He could support the Design Review, Floor Area Ratio Exception, Slope Use Permit, and Variances.

Commissioner Deignan provided the following comments:

- He agreed with the comments made by Commissioner Ziesing.
- He could make the findings for the requested permits.
- The suggestion brought up by Mr. Holmes is a good one but becomes an enforcement issue.
- He supported the application.

Commissioner Tauber provided the following comments:

- The application is an elegant solution to a difficult problem in a difficult location.
- The existing landscaping is really nice.
- She can support the application.

Commissioner Tsang provided the following comments:

- He heard from the neighbors that there is no concern about parking.
- He asked if they would be granting a variance to the required 4 parking spaces on site. Planning Director Toft stated the site is non-conforming with respect to parking- they are not granting a variance since it is an existing condition. Four spaces would be required for new construction or a substantial renovation. There are actually improving upon the non-conforming condition.
- He could support the application.

Chair Kunstler provided the following comments:

- He agreed with the comments made by the other Commissioners.
- This is an elegant solution.
- He agreed with Commission Deignan- it would be difficult to regulate future behavior of residents.
- He could support the application.

M/s, Deignan/Tauber, motioned and the Commission voted 5-0 to approve DR/FAR/SUP/V #17-19, 20 Millard Road, based on the findings and conditions set forth in the staff report.

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

The Commission took a 5-minute break at 7:40 p.m.

- 2. DR/SUP/FHE/HT #17-45: 7 Hazel Avenue (APN 021-184-05); Jared Polsky, Polsky Perlstein Architects, applicant; Julie and Chuck Templeton, property owners; R-1 (Single Family Residential) Zoning District. Request for the following permit approvals to allow demolition of existing residential buildings, site grading and construction of a new two story single family residence, in ground pool, perimeter fencing and hedgerows and new site landscaping; 1) Design Review (DR) to allow construction of a new two-story single-family residence; 2) Slope Use Permit (SUP) to permit 810 cu. yds. of grading (520 cu. yds. of cut and 230 cu. yds. of fill and 230 cu. yds. of off-haul) on a parcel with an average grade of 23%; 3) Fence Height Exception (FHE) to permit the installation of a 6-foot tall fences and gates within the 20-foot and 10-foot street side yard setbacks required from the easterly and westerly property lines, and installation of a shrub row fence, of indeterminate height, within the 10-foot street side yard setback. Shrub row fence will extend beyond the lot line and into the unimproved portion of the Laurel Avenue public right-of-way; 4) Heritage Tree Removal Permit to allow the removal of two Coast Live Oaks with a circumference of 61 and 98 inches in diameter located near the northwesterly wing of the existing residence.**

Senior Planner Teiche presented the staff report.

Chair Kunstler asked how much of the excavation was for the pool and the garage vs. leveling the site. Senior Planner Teiche stated she did not calculate that but it was probably 50%-50%.

Chair Kunstler referred to page 5 of the staff report and a recommendation that "new improvements should be constructed on drilled piers bottomed in the bedrock". He asked if this was a condition of approval. Senior Planner Teiche stated "no"- this was a recommendation in the geotechnical report.

Chair Kunstler opened the Public Hearing.

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

- This is a wonderful piece of property and the existing house does not do it justice.
- The proposal maximizes the view of Mt. Tamalpais and the Blithedale Ridge, creates a usable yard, preserves the flat play area, and connects the garage to the house.
- The spoils from the excavation would be placed on the south part of the site to create a farm/growing area.
- The garage is tucked under the house with stairs leading up to the house.
- They have created a family-friendly turn-around for cars and guest parking.
- They want to create a very energy efficient, sustainable house.
- This is a large site and they spent a lot of on site planning.
- There are few siting options given the constraints of the site.
- The proposed new house will have fewer off-site impacts than the existing house- it is smaller and would be less visible.
- They experimented with a number of stylistic solutions.
- The proposal presents an interesting mix of elements and materials that break up the massing.
- He distributed a photograph of the two heritage trees in question.
- The owners have reached out to all the neighbors and have received positive feedback.

Commissioner Tsang referred to the desire for energy efficiency and noted there was a large middle flat roof area that could become a rooftop garden. Mr. Polsky stated they would like to use solar

panels in that area. Commissioner Tsang stated a green roof would absorb heat and harvest rainwater. Mr. Polsky stated they would take that suggestion into consideration.

Commissioner Tsang referred to the site plan and asked about the location of garbage and recycling enclosures. Mr. Polsky stated the cans would be placed in the garage and hauled down to the roadway.

Chair Kunstler asked about the different window treatments and the ratio of replacement trees.

Mr. Pete Pedersen, landscape architect, made the following comments:

- Removal of concrete (demolition) is a violent process. One of the trees (tree #21) is lodged in and around the foundation. The tree must be removed.
- The Oak trees are not in good shape.
- Twenty of the trees on the site are remaining.

Mr. Chuck Templeton, owner, made the following comments:

- They realized a lot of work needed to be done on this site.
- The existing home is in bad shape.
- They want to preserve what is there while rehabbing the site. They met challenges at every turn.
- The foundation is compromised and exposed.
- The windows leak, the doors are broken, and there is a lack of insulation.
- There are rooms that are not connected to the main house.
- There is no covered parking.
- The house hangs over Laurel Avenue across the City line.
- The plan reduces the building footprint, saves as much of the landscape and hardscape as possible, uses passive solar and cooling design techniques, and uses high quality windows and building materials.
- The entire site will be electric- there will be no natural gas.
- They will plant some new trees.

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

- He has two concerns with the application- the trees and the white color.
- The existing house has a very unique shape- two wings angled out into the yard.
- The Oak trees should be kept- they are very large and very visible.
- Large houses need large trees to offset the appearance.
- The proposed replacement trees would not be satisfactory- Live Oaks take a long time to grow.
- The Heritage Tree Ordinance Findings could not be made.
- A darker color would be critical to diminish the size and the visual impact.

Mr. John Mayerhofer, Laurel Avenue, made the following comments:

- The existing house needs to be dealt with- the sooner the better.
- The owners will work in collaboration with the City.
- He supports the project- it should be approved substantially as is.

Chair Kunstler closed the Public Hearing.

Commissioner Tsang provided the following comments:

- He is not convinced that the Oak trees need to be removed.
- This is a big site and sliding the proposal to the east side would save the two Oak trees.
- The color does not need to be white.
- The north side presents a big mass.
- He applauded the sustainability elements. A green roof would serve them quite well.

- He agreed with staff about the bulk and height of the buildings at the two ends.
- He could not support the project as is.

Commissioner Tauber provided the following comments:

- She could support the Fence Height Exception and the Slope Use Permit.
- She is not convinced the trees need to be removed.
- She understood and applauded what they were trying to do but the house is very tall. It seems even taller since it is at the top of the hill.
- She is struggling with the bulk issue- one of the elements of Design Review.
- She wondered if there is a way to minimize some of the bulk.

Commissioner Deignan provided the following comments:

- There is a sizable amount of soil being removed but he could support the Slope Use Permit.
- Trees that can be preserved should be preserved. There should be a way to do that on a site this large.
- He shares the concern from the Design Review perspective- the mass to the north side is just under 30 feet but when viewed from below one would also see the garage. The full effect would tower, or loom over the street.
- He is having trouble making the Design Review Findings.

Commissioner Ziesing provided the following comments:

- This is a big lot with big ideas- it would be transformative.
- The house is smaller than the houses being removed. The lot coverage is smaller. It is within the height limit.
- The staff report talks about the proposal for vegetation to grow around the house to minimize the view of the house.
- The house is not just white but rather multiple colors.
- He can support the Design Review application.
- The project requires a lot of cut and fill but it is an irregularly shaped lot.
- The project would enhance the neighborhood and take advantage of the natural beauty of the area.
- He hates to see the removal of Heritage trees but these Oaks are not in great shape.
- He could support the Heritage Tree Removal Permit if there was substantial replacement.
- He applauded the attempts at energy efficiency and sustainability.
- He could support the application as is.

Chair Kunstler provided the following comments:

- There are things that he likes about the project and some that he has hesitations about.
- First went to site to look at the story poles, which look like a large project.
- He appreciates the environmental features since the house would be large.
- He cannot dismiss outright the issue of the tree removal.
- The lot is large and some modifications to the project could save the trees.
- In general he does not like a lot of cut and fill but in this case he does not have a problem given the care that would be taken to minimize the impacts.
- He could support the Fence Height Exception.
- This is a large house but there are other large houses in the area. It would not be visible from the street level.
- The house does show a lot of verticality. This should be mitigated, perhaps through the use of a different color.
- He does not dislike the design.
- He could not support the application.

Chair Kunstler reopened the Public Hearing.

Ms. Julie Templeton, owner, made the following comments:

- She asked about the request to reduce the prominence of the building.
- The current project is much more prominent.
- She requested some clarification.

Mr. Polsky, architect, made the following comments:

- They can move the house.
- They can change the color.
- They can try to save the trees.
- They can make some cosmetic changes on the north side to minimize the mass.

Mr. Pederson, landscape architect, made the following comments:

- He discussed one of the Oak trees and stated it would be in jeopardy during construction.

Chair Kunstler closed the Public Hearing. He offered the option of a continuance or the Planning Commission could take action to deny. Mr. Polsky indicated they would like a continuance to a date uncertain to allow time to prepare revisions.

Planning Director Toft asked the applicant to agree, in writing, to a 90-day extension due to the Permit Streamlining Act. The applicant was provided with, and signed, a form to request the extension of time.

M/s, Ziesing/Tsang, motioned and the Commission voted 5-0 to continue DR/SUP/FHE/HT #17-45, 7 Hazel Avenue, to a date uncertain.

BUSINESS ITEMS

1. Election of Officers for 2018 (Chair, Vice-Chair, and Chair Pro-Tempore)

M/s, Kunstler/Ziesing, motioned and the Commission voted 5-0 to elect Commissioner Deignan as Chair.

M/s, Deignan/Tsang, motioned and the Commission voted 5-0 to elect Commissioner Ziesing as Vice Chair.

M/s, Ziesing/Tsang, motioned and the Commission voted 5-0 to elect Commissioner Tauber as Chair Pro-Tempore.

The Commission thanked Commissioner Kunstler for his service as Chair during 2017.

2. Annual Progress Report on the General Plan and Housing Element for Calendar Year 2017

Planning Director Toft presented a staff report. In the upcoming year the reporting requirements for the Housing Element will be ratcheted up in terms of progress, status of building permits, verifying unit affordability, etc.

Commissioner Ziesing asked if the prior application would be reported as a reduction from two units to one. Planning Director Toft stated "probably"- it would depend on the new reporting requirements (gains, net losses, etc.) Staff will be looking at how to incentivize second units. Commissioner Kunstler stated one of the challenges will be getting neighbors to "sign off" on these second units.

Planning Director Toft report staff was making progress on finalizing the General Plan update and is planning on scheduling Public Hearings in early 2019. Staff is looking at a new time horizon of 2040.

Commissioner Tauber asked if staff was seeing any impacts in terms of the bidding process or the availability of contractors because of the recent fires. Planning Director Toft stated "yes"- the department has seen a bit of a lull in permits and has heard from residents about the challenge of getting contractors. This has also happened in the public sector.

Commissioner Kunstler asked if the bids for the Bon Air Bridge Replacement Project were coming in high due to the need to hire traffic control personnel. Planning Director Toft stated "yes- that was part of the problem". Keeping the bridge open during construction was certainly costly. There are also environmental issues. He briefly discussed several of the mitigation projects related to the bridge project.

Commissioner Kunstler had a question about the numbers in the row labeled "Total- Planning Approvals" on page A-11 of the document. Planning Director Toft stated he would delete this row since it was not relevant.

M/s, Tauber/Tsang, motioned and the Commission voted 5-0 to recommend that the City Council accept the Annual Progress Report on the Larkspur General Plan and Housing Element for the calendar year 2017 and send it to the State Office of Planning and Research and the State Department of Housing and Community Development.

3. Commissioner Reports

There were no reports.

4. Approval of minutes of Planning Commission meeting on December 12, 2017

M/s, Deignan/Tsang, motioned and the Commission voted 5-0 to approve the minutes from the December 12, 2017 meeting as submitted.

The meeting was adjourned at 9:08 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