

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF JANUARY 12, 2021

The Larkspur Planning Commission was convened at 7:00 p.m. by Chair Tauber via teleconference due to the Coronavirus (COVID-19).

Commissioners Present: Chair Laura Tauber, Natasha Chalmers, Daniel Kunstler, Jeffrey Swisher, Brock Wagstaff

Staff Present: Planning Director Neal Toft
Senior Planner Kristin Teiche
Assistant Planner Aaron Matthews

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- There were no December Commission meetings but staff were nonetheless busy. Staff continues to stagger work schedules and work remotely where possible.
- Staff posted the Draft General Plan on the City Website in December. The environmental review process has started which runs parallel to the update. The Notice of Preparation and timeline for review has also been released. A Draft Environmental Impact Report (EIR) will be completed in the upcoming months.
- Staff is wrapping up last year's business and preparing for the new year.

PUBLIC HEARINGS

1. **DR/FHE #20-24; 80 Corte Del Bayo (APN: 022-271-28); Bryn Garrett, Ehrlich, Yanai, Rhee, Chaney Architects, Applicant; Pascal Zuta, Property Owner; R-1 (First Residential) Zoning District. Applicant is requesting the following permits to allow the demolition of an existing 2,195 square foot two-story single-family residence with a 0.25 FAR and construction of a new 3,637 square foot modern modular two-story residence, with a 0.38 FAR on a 9,572 square foot lot: 1) Design Review of the proposed new residence; 2) Fence Height Exception to legalize a 6-foot 6-inch tall front yard fence which encloses the northeasterly front half of the lot. The subject fence is currently placed approximately 2.5 feet from the front lot line and 4.5 feet from the edge of the sidewalk. As proposed, the fence will be resided with vertical wood slats finished with a dark charred surface to match the proposed residence.**

Commissioner Chalmers recused herself from this item.

Senior Planner Teiche presented the staff report.

Commissioner Kunstler asked what the permitted height of the fence is, assuming it does not encroach into the right-of-way. Senior Planner Teiche stated the maximum height in the setback is 42 inches. She is recommending that the fence be set back behind the front yard accent trees to give it a buffer from the roadway.

Commissioner Wagstaff stated in one spot it looks like the house gets into the 15 foot buffer from the bulkhead. He asked if this is allowed per the Homeowner's Association (HOA) rules. Senior Planner Teiche stated the HOA reviewed the plans and signed the forms.

Commissioner Wagstaff stated the footprint of the house is different in two of the site plans (Sheet G0.02 vs. Sheet A 2.00). One depicts a notch. Commission Swisher stated it did not seem to affect the line-of-sight issue.

Commissioner Kunstler referred to the letter from the neighbor expressing concerns about ingress and egress for emergency vehicles during construction and asked if the Commission could add a Condition of Approval that would address these concerns. He noted this is a cul-de-sac. Senior Planner Teiche stated that level of detail is not normally addressed in the Conditions of Approval. The Public Works Department would not allow them to block the roadway without prior notice to the neighbors. Planning Director Toft stated this is not a project that typically requires a Construction Management Plan.

Chair Tauber opened the Public Hearing.

Mr. Pascal Zuta, owner, made the following comment:

- This is a perfect spot for his family of five.

Mr. Bryn Garrett, architect, made the following comments:

- He gave a PowerPoint presentation.
- He discussed the project goals: expand beyond the existing home while preserving the Redwood tree in the front yard, create a seamless indoor/outdoor transition, and preserve the existing design elements in the home.
- The proposed house will be pre-fabricated in a factory, thus minimizing the construction time.
- They plan to integrate all the sustainable systems. It will be as far off the grid as possible.
- This is a pie-shaped lot in a prominent location. It is one of the larger lots in the neighborhood.
- They are constrained in the front and the rear. The only option is to go out to the sides.
- They are respecting the setbacks.
- He displayed the proposed ground floor expansion. It does not get any closer to the Redwood tree than the existing house.
- The general arrangement and the locations of the rooms (bedrooms, living room, etc.) will remain the same. They will be modest in size.
- The proposed design will provide more visual interest.
- The second-floor expansion is mostly towards the west and the east.
- He referred to the height of the proposal and stated they are one of the first developments to comply with the FEMA requirements.
- The existing ceiling heights are eight feet- the proposed are more generous.
- He discussed the method of construction and the attempt to make it not look like a pre-fab home.
- The "notch" on the southeast corner is a result of the second roof overhang.
- The small encroachment in the 5-foot setback from the bulkhead is because the second floor cantilevers out beyond the ground floor at that corner but does not go down to the ground.
- The HOA approved the design.
- He discussed the neighborhood outreach and the attempts to accommodate the neighbor's concerns.

Ms. Joan Leiter made the following comments:

- She is at the point of the cul-de-sac and the impact of the proposal is different.
- She acknowledged the rights of the applicants to enjoy their home but not at the expense of her enjoyment of light and air.
- The proposal would stick out and obscure her view of the hills, cut out her light during the day, and reduce air from the west.
- The project would be an imposition to her property.
- She is concerned about access by emergency vehicles when they bring in the modular sections. She is concerned they will block the roadway.

Ms. Debora Harnett, Corte Del Bayo, made the following comments:

- She lives two houses from the proposal.
- The information in the second slide about the square footage of neighboring homes is inaccurate. Most of them are in the 2,300 to 2,400 square foot range.
- She is concerned about the fence. A six-foot fence should have a nine foot setback.
- She opposed a six-foot six inch high fence so close to the sidewalk. This is not neighborly.
- The applicants need to follow the rules.

Mr. Eric Alamo, Corte Del Bayo, made the following comments:

- He lives on the same side of the street about four houses down.
- He is sympathetic to his neighbor's concerns- they made valid points.
- He is concerned about the fence height.
- Few of the homes have fences and this fence would be out of context with the neighborhood.
- The story poles create a blockage on the one side impeding light and air.

Mr. Sam Kim, Riviera Circle, made the following comments:

- He did not believe the fence was a "desire to erect walls"- it is a relative non-issue.
- The applicant would probably be willing to make adjustments.
- He did not find the fence offensive.
- He loves the design and the clean lines.
- The project will enhance property values.

Ms. Joan Leiter made the following comments:

- The prior owner of the property planted a virtual "vegetation fence" (10 to 11 feet high) on both sides of the property and was required to trim it.
- This is a violation of the City Codes.

Mr. Bryn Garrett made the following comments:

- He responded to the comments made by the public.
- They want to work with the neighbors.

Senior Planner Teiche stated for the record that staff and the Planning Commission received three items of late mail- one from 73 Via LaBrisa, one from 71 Corte Del Bayo, and one from Riviera Circle (Mr. Sam Kim).

Chair Tauber closed the Public Hearing.

Commissioner Wagstaff provided the following comments:

- This is a difficult decision.
- He likes the house and the modern design.
- He viewed the story poles from inside the home of 90 Corte Del Bayo and stated the view would be affected.
- He referred to the east elevation, Sheet 2.01, and noted the neighbor would be looking at a big, dark wall. This must be mitigated.
- This project will be one of the biggest, squarest houses in the Marina circle area.
- The project will be six to seven feet taller than the existing house.
- The lower floor has a 9-foot 6 inch ceiling height. The upper floor has a 9-foot ceiling height. There is two feet between floors which is unusual. There is also a parapet.
- He would like to see a way to mitigate the view and light impacts to the neighbor at 90 Corte Del Bayo.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by Commissioner Wagstaff.
- He understood there was a program that the applicant is trying to implement.
- This is a modern home that is attractive.
- He appreciates the pre-fab methodology.
- There is a “boxiness” to the structure but there are some attractive elements to off-set this.
- This is an exceptional situation- 40% of the lot is under water which adds to the perception that the lot is overbuilt.
- The fence height is a problem.
- The impacts to the neighbor’s property (light and views) must be resolved. The design should be modified.
- He cannot make the findings.

Commissioner Swisher provided the following comments:

- He agreed with the comments made by the other Commissioners.
- He appreciated the willingness to work with the neighbors.
- The east elevation would impose on the neighbor’s light and view and it should be modified.
- He would like to see a softening of that side of the house with the use of greenery, etc.
- He appreciates the architecture- it is a beautiful design that would work well in this neighborhood.
- The neighbor’s concerns need to be addressed.
- There is no reason why the fence needs to be six feet high. It should be lowered or pushed back.
- The vegetation on the side needs to cut down. It is a fire risk.

Chair Tauber provided the following comments:

- She agreed with the other comments.
- The applicant has put forth a lot of effort in trying to accommodate the neighborhood concerns.
- This is a challenging lot- it is pie-shaped with 40% of it under water.
- The design is nice and she likes the modern architecture.
- She is concerned about the blockage of light at 90 Corte Del Bayo.
- She agreed with the other Commissioners about the fence.
- She cannot make the findings.

Commissioner Wagstaff provided the following comments:

- The mass of that one element could be broken up.
- Some of the spaces could be moved around.
- This is not an easy puzzle.

Mr. Bryn Garrett made the following comments:

- They are creative and will find a way to massage the project.
- They are limited by the modular nature of the structure.
- The east elevation will be softened by vegetation.
- They would prefer a continuation.

M/s, Kunstler/Wagstaff, motioned and the Commission voted 4-0-1 (Chalmers recused) to continue DR/FHE #20-24, 80 Corte Del Bayo, to a date uncertain with guidance provided to the applicant to modify the design to address concerns about the effect to the air and light at 90 Corte Del Bayo.

Commissioner Chalmers returned to the meeting.

BUSINESS ITEMS

1. Discussion: Review of Work Program for 2021 and Upcoming Projects

Planning Director Toft presented a staff report and gave a PowerPoint presentation. He discussed the following:

- Completion of the General Plan update process, including environmental review process, preparation of draft EIR, scheduling informational workshops, and eventual hearings before Planning Commission and City Council.
- Initiating the Objective Design Development Standards (ODDS) process and “toolkit” to address recent housing legislation and mandates for objective design review for certain housing projects.
- Preparation of the Annual Progress Report for the Housing Element and General Plan for the Department of Housing and Community Development (HCD); necessitating a discussion on the effectiveness of the Accessory Dwelling Unit Ordinance (ADU) to meet housing goals.
- Update of housing Element to begin in 2021 to address increased Regional Housing Needs Assessment (RHNA) numbers, including both regional collaboration and local work on identifying local housing sites and policies to promote affordable housing.
- Review Inclusionary Housing Study to update ordinance and Housing Mitigation Fees

He noted how some of these studies and projects are partially funded through State grant programs that are challenging to manage. Staff is further challenged in managing the projects during COVID-19 emergency and department staff will also onboarding new permit software throughout the year.

He noted some of these projects would require the formation of a Commission subcommittee, in addition to participation in workshops and public hearings.

Chair Tauber opened the meeting to public comments.

Mr. Kevin Carrol made the following comments:

- He asked if a printed copy of the General Plan Update would be available to the public. Planning Director Toft stated he would get back to him since there could be an associated cost. The document is posted on the City Website.

Chair Tauber closed the meeting to public comments.

Commissioner Kunstler referred to the ODDS process and the current Design Review process and stated there were already standards in the Code that the Commission uses when reviewing applications. Planning Director Toft stated the idea of these standards were to recognize that the Zoning Code will take you only so far, but other architectural details and elements would be addressed in various ways through the objective standards. Commissioner Kunstler wondered if having more “boxes to check” would invite more requests for Variances, ...etc.

Commissioner Chalmers asked about ADU regulations adopted by the various jurisdictions.

2. Approval of the November 22, 2020 draft meeting minutes

M/s, Swisher/Kunstler, motioned and the Commission voted 3-0-2 (Chair Tauber and Commissioner Wagstaff abstained) to approve the minutes from the meeting of November 22, 2020 as corrected.

3. Planning Commissioners Reports

There were no reports.

4. Election of Officers (Chair and Vice-Chair)

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

M/s, Wagstaff/Swisher, motioned and the Commission voted 5-0 to elect Commissioner Kunstler as Vice Chair.

The Commission thanked Chair Tauber for her year of service given the extraordinary circumstances!

The meeting was adjourned at 9:32 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 January 26, 2021.



Neal Toft, Planning Director