

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF APRIL 27, 2021

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

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

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

- The Public Works Department is providing information and soliciting comments on a downtown sidewalk plan that will include accessibility improvements at intersections. Staff held a community event today with a presentation.
- Staff is also soliciting feedback on the “parklets” (outdoor dining areas in the public parking spaces). The City Manager was granted the authority to issue Encroachment Permits for these types of improvements. The Zoning Administrator has also been given the authority to approve the use of private parking lots for outdoor dining, exercise areas, etc.
- Staff has scheduled a public workshop for Thursday, April 29th to present the Climate Action Plan Update. Staff will present the plan to the City Council in June.
- Staff is beginning recruitment for the Associate Planner position. A part-time Planning Technician has been hired to assist the full-time Planning Technician. The department is also bringing on a part-time Code Enforcement Officer through a company called Four Leaf. There are ongoing discussions with other communities about shared services.

Commissioner Kunstler stated he attended the “parklet” presentation today and stated it was very informative and interactive.

PUBLIC HEARINGS

1. **DR/FAR/V/FHE #21-05, 25 Onyx Ct. (APN: 021-085-68); Juancho C. Isidoro Jr., Applicant; Armand Ruiz Gabernet and Anastasia Komarova, Owners; R-1 (First Residential) Zoning District. Request for the following permits to construct a 319 sq. ft. addition below the existing carport; 1) Design Review (DR); 2) Floor Area Ration Exception (FAR) to add a 319 sq. ft. studio to an existing 1,662 sq. ft. residence for a total of 1,981 sq. ft. and a 0.27 FAR, where a 0.09 FAR or 850 sq. ft. home and a 400 sq. ft. garage is permitted due to the slope of the lot; 3) Variance (V) allow the proposed studio to be constructed with a 7-foot 5-inch front yard setback where a 20-foot front yard setback is required; 4) Fence Height Exception (FHE) to legalize an existing redwood fence, in the front yard setback with a maximum height of 6 feet 11 inches where 42 inches is permitted.**

Planning Consultant Weiss presented the staff report. She noted staff received one piece of late mail in opposition to the Fence Height Exception. Staff is recommending the following Condition of Approval: The fence be realigned further onto the parcel, particularly the section closest to the car

deck, to open up the sight line and create a safer passage for vehicles and pedestrians along Onyx Court. This would provide greater openness to the street by being set back from the roadway and would conform to other fence designs in the neighborhood.

Commissioner Tauber stated there is a stone wall on the other side of the fence that drops off rapidly with landscaping and a walkway that leads to the house. There is no room for them to move the fence closer to the house. She asked if making the fence lower would address staff's concerns. Planning Consultant Weiss stated lowering and opening up the fence in its construction would help visibility and be an improvement over what currently exists.

Senior Planner Teiche stated the height limit for fences in the front yard setback is 42 inches with a 15-foot sight line triangle.

Commissioner Tauber stated part of the problem is that the property line actually goes out into the roadway. Senior Planner Teiche stated the code does not allow the inclusion of a roadway as part of the setback. The front property line is the edge of the easement.

Commissioner Kunstler asked if the Zoning Administrator could approve a compromise that would include not quite as much of a setback as they would like but with a shorter fence. Senior Planner Teiche stated she, as the Zoning Administrator, would be willing to work with the applicants on some creative solutions. Forty-two inches right up to the property line would not require Zoning Administrator approval.

Commissioner Swisher asked if the fence as it currently exists is not in compliance. Planning Consultant Weiss stated that was correct. Commissioner Swisher stated a potential solution would be to open up the design of the fence. Planning Consultant Weiss agreed and added it should also be relocated somewhat further back. Commissioner Swisher stated the topography would make it difficult to move the fence back.

Chair Wagstaff asked how many more houses were up the street. Planning Consultant Weiss stated about six.

Chair Wagstaff opened the Public Hearing.

Mr. Armand Ruiz Gabernet, owner, made the following comments:

- The project includes the creation of office space so he can continue to work from home.
- He sells jam at the Farmer's Market twice a month. There are no customers coming to the home.

Laura Effel made the following comments:

- She asked about the use of the studio as a potential commercial operation for the jam business and the impacts to traffic.
- There is not a lot of room for parking in the neighborhood.

Ms. Gabernet made the following comments:

- He reiterated that the studio would be a home office only.
- There are trees behind the fence so it would be a challenge to move it.

Chair Wagstaff closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- He cannot find anything particularly objectionable about the studio and creating a home office.

- Lot coverage is not an issue and the Floor Area Ratio (FAR) does not change.
- The modification to the habitable part of the property is small and immaterial.
- The issue of the fence needs to be resolved.
- Shortening it and changing the design could be accomplished. Moving it would be difficult.
- He could make the findings for the studio but would like to see a Condition of Approval that would adequately resolve the fence issue.

Commissioner Swisher provided the following comments:

- This is a creative way to create a home studio without any significant impact.
- The fence is an issue that was inherited by the current owner.
- It would not be difficult to make the fence see-through by changing the design without impacting the trees behind it.
- He supported the owners working with the Zoning Administrator to modify the fence.
- He is in favor of the project.

Commissioner Tauber provided the following comments:

- She is fine with the studio/work space.
- It is hidden and does not impact anyone.
- It is a creative use of what would otherwise be unusable space.
- The fence is too high.
- She would like the Zoning Administrator to work with the owners to come up with something that is shorter and more see-through.
- It is not realistic to require them to move the fence.

Commissioner Chalmers provided the following comments:

- She acknowledged the comments made by the neighbors.
- The space would be used as an office and would not include retail sales.
- This is a unique use of that space and there is minimal impact. It would not be visible from the street.
- She can make the findings for Design Review, the FAR Exception, and the Variance.
- The existing fence narrows the road and limits the line of sight.
- The owners should work with the Zoning Administrator to come up with a solution to the fence.

Chair Wagstaff provided the following comments:

- He agreed with the other Commissioners.
- The fence should be lowered to 42 inches.
- The owners should work with the Zoning Administrator on redesigning the fence.
- He supported the project.

M/s, Kunstler/Tauber, motioned and the Commission voted 5-0 to approve DR/FAR/V/FHE, #21-05, 25 Onyx Court, subject to the findings and conditions set forth in the staff report with the following modification to the Conditions of Approval, 1(a), as follows: "The applicant shall submit a revised fence placement and/or design..."

Planning Director Toft discussed the regulations regarding a Home Occupation Permit.

Chair Wagstaff stated there is a 10-day appeal period.

BUSINESS ITEMS

1. Approval of the March 23, 2021 draft meeting minutes

M/s, Tauber/Chalmers, motioned and the Commission voted 5-0 to approve the minutes from the meeting of March 23, 2021 as submitted.

2. Planning Commissioners Reports

Chair Wagstaff asked staff to highlight the call-in number for the Zoom meeting on the agenda.

Mr. Michael Simmons stated he tried to use the call-in number and it does not seem to be a Zoom number- it says it is disconnected.

The meeting was adjourned at 7:50 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 May 25, 2021.

A handwritten signature in cursive script that reads "Kristin Teiche".

Kristin Teiche, Senior Planner