

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF MARCH 22, 2022

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

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

Commissioner Absent: Natasha Chalmers

Staff Present: Interim Planning Director Daniel Hortert
Senior Planner Kristin Teiche
Planning Consultant Lorraine Weiss

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- Living in Larkspur.com, the Housing Element Website, is up and running.
- A Housing Element Workshop is scheduled for tomorrow night from 6:00 p.m. to 8:00 p.m.
- The General Plan Update is moving along with the Administrative Draft of the Environmental Impact Report (EIR) set to be released soon.

PUBLIC HEARING ITEMS

1. **DR/FAR #21-11, 39 Corte Toluca, Greenbrae (Larkspur); APN 070-241-06; Kimberly and Mark Resnick, Applicants/Owners; R-1 (First Residential) Zoning District. Applicant is requesting the following permits to allow substantial renovation of the home, including additions totaling 1,189 square feet to the upper floors of the residence, and the conversion of the 744 square foot ground story to an Accessory Dwelling Unit (ADU) on a 7,905 square foot (net) parcel: 1) Design Review (DR); 2) Floor Area Ratio (FAR) to increase the existing 2,868 sq. ft. residence with a 0.36 FAR to 3,248 sq. ft. and a 0.42 FAR where 2,609 sq. ft. and a 0.33 FAR is permitted by code. Floor area totals exclude the ADU as require by code.**

Planning Consultant Weiss presented the staff report. She discussed the revisions that were made in response to the Commissions' prior comments.

Commissioner Wagstaff stated the modifications reduced that square footage but by his calculation, there was no reduction in the floor area of the second floor. Consultant Weiss stated that the area over the stairway in the entry tower was double counted in the previous design.

Chair Kunstler referred to prior questions about the interior access and privacy of the Accessory Dwelling Unit (ADU) and asked if any modifications have been made. Consultant Weiss stated "no". Chair Kunstler asked if there were requirements for a hard separation between the interior access of the ADU and the home. Consultant Weiss stated "no" but access to the ADU is also provided from the exterior.

Chair Kunstler opened the Public Hearing.

Mr. Mark Resnick, applicant, made the following comment:

- He would be happy to answer any questions.

Commissioner Swisher asked about the letter regarding view impacts. . Mr. Resnick stated the letter came an individual who is about 1800 feet away. Senior Planner Teiche displayed a photograph taken by the person who wrote the letter.

Chair Kunstler asked Mr. Resnick if he is committed to installing solar panels. Mr. Resnick stated “yes”.

Chair Kunstler closed the Public Hearing.

Commissioner Swisher provided the following comments:

- This is a handsome design. He has no objections.
- The modifications made are in character with the neighborhood.
- He could approve the project.

Commissioner Tauber provided the following comments:

- The elimination of the tower helps with the massing and the height.
- The design is nice.
- Her concern remains- it is too much house for the lot.

Commissioner Wagstaff provided the following comments:

- The actual floor area of the house has not really changed.
- The two-story “air” was removed which does reduce the mass.
- He referred to the Roof Plan and stated there is a lot going on that has nothing to do with the form that it is supporting.
- The design could be so much better.

Chair Kunstler provided the following comments:

- He agreed with Commissioners Tauber and Wagstaff.
- There are things about the design that he likes and that are in compliance with the Design Review Guidelines.
- The height has been reduced and the tower eliminated.
- He has an issue with the size of the house.
- He appreciates the commitment to solar panels.
- He is not there yet in terms of the size of the house on this lot.
- There is a large discrepancy between the proposed and allowable floor area ratio (FAR).
- He would like to see further modifications.
- He noted a continuance is not permitted at this point. The Commission can deny the application without prejudice which would allow the applicant to appeal to the City Council.

Consultant Weiss stated the other option is to approve the application subject to modifications. Senior Planner Teiche stated the modifications must be minor.

Commissioner Wagstaff provided the following comments:

- There is an opportunity to produce something very special.

- The rooms upstairs are big.
- Form follows function- he pointed out the floor plans relative to the roof plans.

M/s, Tauber/Wagstaff, motioned and the Commission voted 3-1-1 (Swisher no, Chalmers absent) to deny without prejudice DR/FAR #21-11, 39 Corte Toluca. The application will be continued to the next meeting for adoption of Findings for Denial.

Chair Kunstler stated the 10-day appeal period will start after the adoption of the Findings for Denial.

- 2. H/DR/V/EX/HRT #21-35, 9 Murray Lane; APN 020-031-12; Polsky Perlstein, Architects, Applicants, Amy and Wayne Wu, Owners; R-1 (First Residential) Zoning District. Applicant proposed to remodel and expand an existing 2,361 sq. ft. historic residence, demolish an existing 409 sq. ft. historic cottage (second unit) and substantially remodel the existing nonconforming 233 sq. ft. carport into a garage, re-using the historic siding from the historic cottage on the east side. Improvements would total 5,666 sq. ft. on the 18,548 sq. ft. lot with a 0.36 FAR where 0.40 is permitted by code. Additional site improvements include a new circular entry driveway running between the residence and stand of heritage Redwood trees, grading and construction of a rear yard pool and bocce court, a pool equipment enclosure, storage shed, and landscaping. Required permits include: 1) Historic Review; 2) Design Review; 3) Variance to maintain a non-conforming carport with an 11-foot interior width where 12 feet is required by code; 4) Exception Permit to allow conversion of the carport, located in the five-foot side yard setback, to a garage where improvements will exceed 60% of the value of the existing carport structure; 5) Heritage Tree Removal Permits to allow removal of two, 60-inch circumference, Coast Live Oaks.**

Senior Planner Teiche presented the staff report. She is recommending modification of the circular driveway to better protect the trees.

Commissioner Tauber referred to the recommendation for the driveway and asked if the intent is to make the island in the middle bigger and to keep the paving away from the tree roots. Senior Planner Teiche stated "yes". Commissioner Tauber asked if the modified amount of paving would accommodate the vehicles. Senior Planner Teiche stated the width must be at least twelve feet.

Commissioner Wagstaff asked about the location of the parking. Senior Planner Teiche pointed it out including the carport.

Commissioner Swisher asked if they could use porous materials for the driveway construction. Senior Planner Teiche stated the proposal is for pavers which would allow some water to percolate.

Chair Kunstler referred to the terraced pool area and the slot drain and asked if there would be a benefit to having pervious instead of impervious pavers. Senior Planner Teiche stated it was not determined to be an issue with respect to storm water runoff compliance.

Chair Kunstler opened the Public Hearing.

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

- He worked on several of the historic homes in the neighborhood.
- This house is one of the first in Larkspur and presents a design challenge.
- The site has challenges.
- The house is in very poor condition.
- The City's Historic Architect is pleased with the removal of the rear cottage façade.

- There is no place to park on the private roadway.
- They worked very hard with the civil engineer on the drainage.

Commissioner Wagstaff asked how involved it will be to save what is there given the amount of work that needs to be done. Mr. Polsky discussed the proposed work. He stated the question about pervious pavers around the pool could be answered by the landscape architect.

Chair Kunstler asked if they plan to install solar panels. Mr. Polsky stated “yes”.

Ms. Amy Wu, owner, made the following comments:

- This has been a long, meticulous process.
- Their goal is to save the house.
- It is in very poor condition.

Mr. Solter made the following comments:

- They supported the project along with their neighbors the Kurshbaums.
- The project will beautify the street and the neighborhood.

Mr. Andrew Tang, Rancheria Road, made the following comments:

- He agreed that this property needs to be saved.
- The project is a very good move for the community.

Ms. Amber Morrison, attorney, made the following comments:

- She represents the owners of 39 Rancheria Road.
- Her clients are troubled by the demolition of the cottage. It should be protected and preserved.
- They opposed the variance for the “unpermitted” carport. It is located in a High Fire Severity Zone.
- They are opposed to the removal of Heritage Tree #12 to put in a bocce ball court.
- Removal of tree #12 will impact her client’s privacy.
- They are concerned about the impact to Tree #1, #2, #4, and #5 as a result of the circular driveway.
- They own the title to Murray Lane and the Wus do not have a recorded easement to use it.
- They have a recorded easement to cross the northwest corner of the Wu property and this should be depicted in the plans.

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

- The project is to be commended.
- He opposed the removal of a Heritage tree to install a bocce ball court.
- Reasonable efforts should be made to preserve the trees near the driveway.

Ms. Amy Berger made the following comments:

- She is the previous owner of this house.
- The house is in very fragile condition.
- It is a thoughtful design.
- She supports the project.

Mr. Tim Beale made the following comment:

- He supports the project.

Mr. Polsky made the following comments:

- They changed the design of the driveway to make sure the tree roots were not impacted.

- The arborist's report indicates fill will be used to construct the driveway near Trees #1, #2, and #3 and should not cause significant damage to the roots.
- They would be happy to give up the storage shed in the back of the garage to preserve Tree #12.

Chair Kunstler closed the Public Hearing.

Commissioner Wagstaff provided the following comments:

- He is happy that someone is tackling this huge project.
- The architect has done a great job in bringing new and old together.
- The garage is within three feet of the property line so it would be fireproof.
- This is a great project.
- He supports the project.

Commissioner Tauber provided the following comments:

- She agreed- this is a terrific project.
- She applauded the new owners.
- There is a clever reuse of the cottage into the garage.
- She is concerned about the trees around the driveway. Perhaps it could be narrowed a bit.

Commissioner Swisher provided the following comments:

- This is a very exciting project.
- He likes the idea of reusing the cottage.
- He is glad Tree #12 will not be removed.
- He trusts the arborist report with respect to the driveway trees.
- He fully supports the project.

Chair Kunstler provided the following comments:

- This is a remarkable project.
- He thanked staff for the hard work put in to reviewing this project.
- The project is in compliance with the possible exception of the driveway. He asked the applicant and architect to consider some narrowing of the driveway to maximize the protection of those trees.
- He can make the findings to approve this project.

M/s, Swisher/Tauber, motioned and the Commission voted 4-0-1 (Chalmers absent) to approve H/DR/V/EX/HRT #21-35, 9 Murray Lane, subject to the findings and conditions set forth in the staff report and the additional condition that Tree #12 is preserved by eliminating the storage space in the back of the garage.

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

BUSINESS ITEMS

1. Approval of Minutes from the February 22, 2022 meeting

M/s, Tauber/Wagstaff, motioned and the Commission voted 4-0-1 (Chalmers absent) to approve the minutes from February 22, 2022 as submitted.

2. Planning Commissioners' Reports

Chair Kunstler stated his term expires on July 1st and he has decided not to reapply. He will remain on the Housing Element Subcommittee until it is completed and submitted to HCD.

The meeting was adjourned at 8:30 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 April 12, 2022.

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

Kristin Teiche, Senior Planner