

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF FEBRUARY 13, 2018

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

Commissioners Present: Chair Monte Deignan, Daniel Kunstler, Laura Tauber, Ignatius Tsang, Todd Ziesing

Staff Present: Planning Director Neal Toft
Assistant Planner Nicholas Armour

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- Yesterday evening's kick-off meeting of the General Plan Update Steering Committee was canceled due to lack of quorum. The Kickoff meeting has been tentatively rescheduled for Tuesday, February 27th. The Planning Commission meeting for that night has been cancelled, so Commissioner's that are not member of the steering committee are not required to attend. He will be sending out a notice soon.

PUBLIC HEARING ITEMS

1. **UP #17-58: 127 King Street (APN: 021-101-07); Homeward Bound of Marin, applicant; Archdiocese of San Francisco, property owner; R-3 (Third Residential) Zoning District. Request for a Conditional Use Permit to allow conversion of the former St. Patrick's Convent to a senior housing facility, providing 12 beds total, eleven beds for seniors that are homeless or at risk of homelessness, and one bed for a permanent on-site manager. Note: Applicants have proposed to improve the existing structure, including replacement of the roof, several windows, interior upgrades, and exterior painting. No expansion of the existing building or additional bedrooms is proposed.**

Assistant Planner Armour presented the staff report.

Commissioner Kunstler asked if Code Section 18.08.300 pertained to rooms rented individually in a dwelling or to an entire dwelling itself. Planning Director Toft stated it pertains to rooms being rented within a dwelling. From an occupancy standpoint this facility functions as a single-family dwelling. This proposal does not meet the definition of a "group living or a licensed or care facility" as it would not be a State-licensed facility.

Commissioner Kunstler asked if there would be any ramifications to the City since this would not be a State-licensed facility. Planning Director Toft stated "no". The application is able to go through the Use Permit process because it is not a State-licensed facility.

Commissioner Kunstler asked if this application would count towards the City's allocation for low income housing. Planning Director Toft stated "no". For RHNA purposes, the Department of Housing and Community Development only counts dwelling units, and the bedrooms are not technically dwelling units.

Commissioner Ziesing asked if there was a boundary of time or a renewal process for a Conditional Use Permit- or is the permit perpetual? Planning Director Toft stated it would be perpetual and

subject to revocation if the use changes in some way that violates the proposed use and conditions of approval.

Commissioner Tsang noted the units were for seniors but he walked the site and saw a very narrow ramp going to the back. There also is a spiral staircase from the first floor to the second floor and he asked if this was considered a legal second egress. Planning Director Toft stated not for new construction- this is a renovation to an existing dwelling and it can continue to function as an emergency egress. They are also adding egress windows.

Chair Deignan opened the Public Hearing.

Ms. Mary Kay Sweeney, Executive Director of Homeward Bound of Marin, made the following comments:

- Their mission is to provide for people in the community that are struggling.
- Housing is a critical issue in Marin County.
- They are committed to being good neighbors and to using resources responsibly.
- She urged the Commission to grant the Use Permit for King Street senior housing.

Mr. Paul Fordham, Deputy Executive Director of Homeward Bound of Marin, made the following comments:

- They met with members of the local community and have strived to create a project that satisfied the needs of the people that are being served and the community.
- They have designed the facility to be non-smoking and with no resident parking spots.
- Homeward Bound will provide an on-site manager and a program coordinator who will come during regular office hours to support the residents.
- Homeward Bound will provide a healthy evening meal for residents.
- The proposal is compliant with existing codes and they agree to the suggested terms of the Use Permit.
- Prior to occupancy they will make the following improvements to the site: update the kitchen, install a fire sprinkler system, add egress windows, and create disability access to the bathrooms and the doorways.
- The ramp on the side of the building is up to code and requires no adaptations.
- The development is utilizing an existing structure, represents a great local partnership, is supported by local residents and City staff, and is a vital community need.

Commissioner Ziesing asked Mr. Fordham to describe other similar facilities that are nearby. Mr. Fordham discussed several other properties managed by Homeward Bound.

Commissioner Ziesing asked about the social services provided to the residents.

Commissioner Kunstler asked about the qualifications of the on-site manager. Ms. Sweeney stated the manager will be a senior and someone who has worked in this field for a long time. They also have a maintenance team that looks after the upkeep of the facility.

Commissioner Kunstler asked how long a resident typically stays in a facility- what is the turn-over rate. Mr. Fordham stated residents often stay for ten years or until they pass away. They tend to be long term residents since people are grateful to find affordable housing.

Commissioner Tsang asked if the residents had personal items, furniture, etc., and if they don't have these items, are they being provided to the residents? Ms. Sweeney stated there was a range of situations- some people don't have anything at all. Some people have never owned a set of sheets, and they assist in the purchase of things like that. Some have storage units because they have been in housing before, and they are in between housing. There is a limit to what they can bring in.

Homeward Bound is cognizant of hoarding in any community. They work with people to make sure there is not an over-accumulation with items.

Mr. Doug Honnold, King Street, made the following comments:

- He lives immediately adjacent to the proposed project.
- He spoke in support of the proposal.
- Homeward Bound has been extremely responsive to community concerns.
- He submitted a letter recommending some fine-tuning improvements that would ensure that the use restrictions track precisely the details of the program (no smoking provisions, limit of 11 low-income seniors, none of the residents will have cars).

Chair Deignan asked if staff supported the recommendations of the neighbors. Planning Director Toft stated "yes". They are minor clarifications to the recommended conditions of approval.

Ms. Diane Maxim, Monte Vista Avenue, made the following comments:

- She had several unpleasant experiences in San Francisco with homeless people.
- She decided to become a volunteer at Homeward Bound and learned two important things- the homeless are people similar to all of us, and they deserve the community's support.
- She supports the project.

Ms. June Maselbas, Larkspur, made the following comments:

- She works with seniors as an occupational therapist.
- This is a wonderful opportunity and she supports the project.

Ms. Joan Lundstrom, Frances Avenue, made the following comments:

- This is a tremendous opportunity for the City to add to the diversity of housing and demographics.
- These occupants will have leases and be vetted.
- The oversight will be done by a very experienced group with a wonderful track record.
- This is a perfect location for low-income housing.

Mr. Larry Meredith, Larkspur, made the following comments:

- He has worked with Homeward Bound in his capacity as the Marin County Director of Health and Human Services. This is a fine, experienced organization.
- The site is ideal for this project- walkable, accessible, etc.
- He fully supports the project.

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

- This project provides a valuable opportunity and the City should take advantage of it.
- He asked the Commission to pose the following questions to the applicant: 1) Would there be a Section 8 screening process or would the applicants rely on the Federal Government? 2) Will Marin homeless receive priority?
- It would be a good idea for the Homeward Bound to retain ultimate responsibility for screening and not the Federal government.
- Contact information for the on-site manager and Homeward Bound representatives should be made publicly available.
- He referred to Attachment #5, "Code of Conduct", and stated it was unclear whether it applied to conduct outside of the site or if was limited to on-site activities. The provisions should be broader and not be strictly limited to the site.
- This is an excellent proposal but should not be administered in a permissive fashion.

Mr. Fordham made the following comments:

- The contact information for Homeward Bound and the on-site manager would be made available to City staff and the public.
- He referred to the selection process and stated they are working in partnership with the Marin Housing Authority. It will be a site-based, Section 8 voucher (attached to the property).
- Residents will be referred by Marin Housing Authority and will need to be homeless or at risk for homelessness.
- Homeward Bound has its own screening process.
- They have to abide by Fair Housing Laws and cannot restrict residency to Marin County. But the majority of people who are in the site-based Section 8 vouchers, roughly 80-90% of their tenants, come from Marin County. People are not signing up from around the country for their waitlist. But they cannot restrict it to people just from Marin, just as people from Marin can apply to Contra Costa or Alameda County site-based Section 8.
- The Code of Conduct is signed by anyone who comes into a Homeward Bound program (shelters and housing) but also staff, volunteers, and Boardmembers.

Mr. John Miller, King Street, made the following comments:

- He has an issue with the vetting- it should be done by the church.
- He hopes the residents are from Marin County.

Ms. Mary Denton, Elm Avenue, made the following comments:

- She referred to the concern about the vetting process and noted Homeward Bound is involved.
- She supported the project.

Ms. Lori Emerson, King Street, made the following comments:

- She would love to see the old convent utilized.
- She wants to support the project but is not completely comfortable.
- She has concerns about the vetting process.

Mr. Fordham made the following comments:

- There would be background checks and anyone with a criminal history (past 3 years) was not eligible for a Section 8 voucher.
- He encouraged the neighbors to call them with any problems.

Ms. Sweeney made the following comments:

- Nobody has control over who moves into the house next door to them.
- The property will have on-site management.
- They are committed to being good neighbors.

Ms. Marisa Jennings, Monte Vista Avenue, made the following comments:

- She has worked with Homeward Bound as a volunteer. They are an impressive group.
- She supports the project and would be proud if Larkspur moved in this direction.

Ms. Melody Bain, Locust Avenue, made the following comments:

- People have come a long way in their attitude towards the homeless.
- This project sounds like something worth doing.
- It should be made very clear who a neighbor would contact with a concern.

St. Patrick's Pastor made the following comments:

- There is a real need for housing in Marin County.
- The community needs to be attentive to those who are less fortunate.
- This is a wonderful opportunity.

- He urged the Commission to approve the proposal- it is a win-win for everyone.

Ms. Kobayashi, King Street, made the following comments:

- The neighbors had a bad experience with the prior tenants.
- The neighbors are uncomfortable about these unknown residents.
- She was concerned about the screening process.
- The locations of other Homeward Bound facilities are different- near freeways or on much bigger parcels.

Chair Deignan closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- One word stands out in the application and the comments of the applicants- dignity.
- The way the program is conceived and constructed will ensure that the neighbor's concerns will be addressed.
- Homeward Bound would be providing necessary services to the residents.
- There is no reason to presume that they need to impose a different standard in terms of civil liberties to the residents of this type of community.
- He can make the findings for granting the Use Permit.
- In regard to the finding about whether the proposed use complied with the General Plan, he stated that in his opinion, to not approve this application would be wholly inconsistent with the General Plan.
- He supports the application.

Commissioner Tsang provided the following comments:

- There is no doubt this is a good cause. It supports seniors in a bad situation.
- The vetting process was critical but it was not transparent enough.
- A behavioral health professional needs to be involved.
- Everyone wants to support this.

Commissioner Ziesing provided the following comments:

- The staff report was excellent.
- This is a different kind of application- it fixes an existing building that is in disrepair and puts it to good use.
- There is certainly risk in a proposal like this. Risk should be balanced with the potential benefit.
- The proposal is worth the risk.
- There is a social decision, and there is a Planning Commission decision, and while the decision they are here to make is the Planning Commission one, but with the room full of everyone that attended also makes this a social decision.
- The location is close to transit and social services.
- Having an on-site manager is a huge benefit.
- He supports the project.

Commissioner Tauber provided the following comments:

- She agreed with the comments made by Commissioner Ziesing.
- The building was originally built and always been used as a group-living situation.
- The application is consistent with the General Plan.
- This is a good location- close to shopping, transit, services, etc.
- She supports the project.

Chair Deignan provided the following comments:

- He agreed with the comments made by the other Commissioners.

- He complimented St. Patricks for “practicing what they preach”.
- The clientele of the previous tenants were dramatically different.
- There is an incredible infrastructure set up through the Homeward Bound program.
- This is a small location that will fit into the community. The size is modest.
- He encouraged Homeward Bound to reach out to the neighbors once again.
- He can make the necessary findings.

M/s, Ziesing/Kunstler, motioned and the Commission voted 5-0 to approve, UP #17-58, 127 King Street, based on the findings and conditions set forth in the staff report, including the recommended modifications cited in the February 13, 2018 letter from Mr. Doug Honnold, and the condition that Homeward Bound will inform the City about the contact information for the on-site manager.

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

- 2. DR/SUPV/HTR/FHE #17-54: 75 Frances Avenue (APN 020-062-03); Jared Polsky, Polsky Perlstein Architects, applicant; Carlo Khatchi, property owner; R-1 (Single Family Residential) Zoning District. Request for the following permit approvals to allow demolition of all existing on-site structures and construction of a new single-family residence totaling 3,174 square feet of floor area on a 14,428 square foot lot; 1) Design Review; 2) Slope Use Permit to permit 245 cubic yards of grading of 28%; 3) Variance to the front yard setback to allow a portion of the home to be constructed up to 13 feet 6 inches from the front property line, where a setback of 20 feet is require by code; 4) Heritage Tree Removal Permit to allow removal of two (2) heritage-sized trees, including a 66-inch Bigleaf Maple with unstable root system, and an 85-inch Pin Oak in poor health. (Note: the Pin Oak was incorrectly identified as a California Black Oak); 5) Fence Height Exception to allow fences along easterly side property line and within the front yard setback.**

Assistant Planner Armour presented the staff report. He distributed a materials and color board to the Commission.

Commissioner Kunstler asked if the 170 cubic yards of cut includes some of the material that has slide down the slope over the years. Assistant Planner Armour stated “yes”.

Commissioner Kunstler noted there was a separate entrance to the 300 square foot bedroom/office located and he asked if it would qualify as a junior second unit. Associate Planner Armour stated it does not have any kitchen facilities or a wet bar so it would not currently qualify. If these facilities were added it could qualify.

Commissioner Tsang asked what would happen if they plum for a pantry or full kitchen. Associated Planner Armour stated they would have to apply for a permit for a junior accessory dwelling unit and meet certain qualifications. That unit or the majority of the house would need to be used by the owner. Commissioner Tsang stated it could easily be an AirBNB. Associate Planner Armour stated they are not allowed in Larkspur and that would be a code enforcement issue.

Chair Deignan opened the Public Hearing.

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

- The prior proposal submitted in October included a larger home and greater FAR. They understood that it was deemed to be out of proportion.
- This is not a tweak- they went back to the drawing board.
- There is a 28% slope on the lot which allows for a 22% FAR.
- The proposed house is 2,730 square feet with a 443 square foot garage.

- They were asked to save the Magnolia tree that sits on the easterly portion of the site.
- They designed an “L” shaped house rather than a “C” shaped house.
- This proposal saves the Magnolia tree. The only Heritage trees slated for removal are the ones in very poor health.
- They redesigned the upper floor so that the master suite is on the west side.
- They have broken up the massing- it is well articulated.
- They had an open house in early November for the neighbors and displayed the plans/drawings. They received positive comments.
- The property owner reached out to the neighbors to the east and agreed to remove the fence on the common property line and substitute a hedge row. He also agreed to cut down the existing grade and retaining walls along the common property line to preserve and enhance the privacy.
- He discussed the privacy issues for the neighbors to the east and west and the design of the bedroom windows. They are not view windows.
- He thanked staff for an excellent and thorough report.

Commissioner Tauber stated the Commission received a piece of late mail from the neighbor at 67 Frances who is concerned about the first floor bedroom windows that look into their home, but asked for clarification. It had been her understanding that the hedge row along the shared property line would take care of this issue. Mr. Polsky stated that was where the hedge row would be planted and it would solve this issue.

Ms. June Maselbas, Frances Avenue, made the following comments:

- This has been a work in progress and she thanked everyone involved.
- Government can work in a fair, functional, and objective situation.
- She is delighted that the Magnolia tree will be saved.
- This will be a “win-win-win” situation.

Chair Deignan closed the Public Hearing.

Commissioner Tauber provided the following comments:

- The re-submittal is a huge improvement.
- It is a nice, thoughtful design.
- She could approve the Design Review application, the Slope Use Permit, the Variance, the Heritage Tree Removal Permit, and the Fence Height Exception.

Commissioner Ziesing provided the following comments:

- This is an interesting property. It is on the “shoulder” of one neighborhood and on the “neck” of another. The neighborhood has a transition here.
- The previous application was trying to “be” the upper neighborhood while “ignoring” the lower neighborhood.
- Designing a house is challenging due to the slope.
- The project will compliment the neighborhood and the feeling of Frances Avenue.
- The project addresses the trees.
- He can approve the project.

Commissioner Kunstler provided the following comments:

- The design is very attractive.
- The potential for the Junior Second Unit is a good thing.
- He supports all of the elements of this application.

Commissioner Tsang provided the following comments:

- This has been a long process and he thanked the applicant.

- He thanked the applicant for engaging with the neighbors.
- This will be a very nice home that fits the neighborhood.

Chair Deignan provided the following comments:

- They responded to the concerns of the Commission and the neighbors.
- This is a beautiful project. It is very well designed and will fit into the neighborhood.
- He thanked the applicant for his patience.

M/s, Kunstler/Tauber, motioned and the Commission voted 5-0 to approve DR/SUP/V/HTR/FHE #17-54, 75 Frances Avenue, subject to the findings and conditions set forth in the staff report.

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

BUSINESS ITEMS

1. Commissioner Reports

There were no reports.

2. Approval of minutes of Planning Commission meeting on January 23, 2018

M/s, Tsang/Kunstler, motioned and the Commission voted 5-0 to approve the minutes from the January 23, 2018 meeting as submitted.

The meeting was adjourned at 9:10 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