

LARKSPUR PLANNING COMMISSION  
REGULAR MEETING MINUTES OF APRIL 28, 2020

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, Daniel Kunstler, Ignatius Tsang,  
Brock Wagstaff, Todd Ziesing

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

### OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

### PLANNING DIRECTOR'S REPORT

- Staff is making due under the current circumstances, running on a skeleton crew and doing staggered shifts. City Hall remains closed to the public and will probably remain closed throughout the summer.
- He will be sending out a Request for Proposal (RFP) for land use management software which will include an on-line portal for applications. This will take several months to implement but it will make managing projects much easier.
- The Marin County Health Department recently released a new statement anticipating an extension of the shelter-in-place order through May. There will be flexibility with respect to some low-risk activities. Staff anticipates this will include a number of types of construction projects and perhaps permitting construction across-the-board. He anticipates the department will be issuing more permits.
- The Council has been discussing the anticipated "hit" to City revenues. The City has a significant Property Tax base but much of the discretionary revenue comes from retail business and the hotel.

Commissioner Kunstler asked if there has been a revision to the schedule for the Bon Air Bridge Replacement Project. Planning Director Toft stated he did not think so. The "stops and starts" pertain to environmental issues. The project is seen as an essential infrastructure project. He noted there were a lot of infrastructure projects being done around town, particularly by the utility companies.

### PUBLIC HEARING ITEMS

1. **DR/FAR/SUP/V/HT #19-54; 65 Oak Road- Lot 1 of Oak Road Subdivision (APN: 021-032-12); Pacific Design Group, Applicant/Owners; R-1 (First Residential) Zoning District. Request for the following permits to support the proposed construction of a new three story single family residence on a steeply sloped 19,456 sq. ft. (net) vacant parcel: 1) Design Review (DR); 2) Floor Area Ratio Exception (FAR) to allow construction of a residence totaling 4,235 sq. ft. with a 21.8% FAR where 850 sq. ft. and a 400 sq. ft. garage are permitted by code; 3) Slope Use Permit (SUP) to allow grading of 351 cubic yards (CY) of earth (273 CY cut, 78 CY fill), on a parcel with an average slope of 53.7%; 4) Variance (V) to the 30-foot height limit to allow a new three-story residence with a height of 35 feet above grade; 5) Variance (V) to the front yard setback to allow the proposed structure to**

**encroach up to 5 feet from the front lot line, where 20 feet is required by code; 6) Heritage Tree Permit (HT) Removal to allow removal of five (5) Heritage sized trees.**

Senior Planner Teiche presented the staff report. The revised staff report contains a new set of Conditions of Approval. She noted staff received some late mail.

Commissioner Kunstler referred to the proposed elevator and asked how it figured into the square footage calculation. Senior Planner Teiche stated floor area ratio (FAR) is a measurement of bulk and mass as measured to the exterior walls. The elevator is not exempt.

Commissioner Wagstaff asked if there were four lots in this subdivision. Senior Planner Teiche stated "yes" and the applicants purchased the fourth. Commissioner Wagstaff asked if they would be developing the lot uphill. Senior Planner Teiche stated "yes". Planning Director Toft stated the fourth lot was existing and not a part of the subdivision. It has been approved for development (55 Oak Road). There is one more parcel which is across the road on the uphill side of this property. Commissioner Wagstaff referred to 55 Oak Road and stated the footprint was similar to the proposal. Senior Planner Teiche stated all three homes are very similar in stylistic components and elements. Planning Director Toft agreed they are very similar- they are on a steep, downhill slope from the street, contain a similar connection from the driveway to the street, and require front yard setback and height variances.

Commissioner Tsang asked about the differences between the three houses. Senior Planner Teiche stated she has not compared them side-by-side. They are very similar in many ways- a long, narrow width and similar exterior treatments. Planning Director Toft stated the applicants could address this issue.

Chair Tauber opened the Public Hearing.

Mr. Ed Blankenship, applicant, made the following comments:

- He had models of 55 and 65 Oak Road. Assistant Planner Matthews displayed photographs of the models.
- There are similarities to these two lots- they wrap around the knoll in a similar pattern and have almost identical contours.
- 65 Oak Road is a couple of feet higher than 55 Oak Road.
- They wanted to make sure that vehicles could get to the garage as soon as possible. They did not want to bring it further into the hill and the property.
- They placed it to the west of the Oak tree that separates 55 and 65 Oak Road.
- The footprints for 55 and 65 Oak Road are very similar with some minor floor plan changes.
- The main level of the proposed project has a small viewing deck that faces Mr. Tamalpais.
- The location of the home to the ground on the proposed project is a little different and provides better egress from the lower floor.
- The materials are similar in that they are the same kind of rock/stone. The colors for the proposed project are different- they are dark and muted.
- They wanted to have the two homes relatable to each other.
- The materials will make the two homes feel that they are a part of each other. They are twisted on the lot and there are enough angles to create privacy.

Commissioner Tsang asked about the impacts to 45 Oak Road. Mr. Blankenship stated 45 Oak Road is sited at a much lower level, pushed up against the southern property line, and is rectangular in format. The proposed project has been angled at the break of the stairs and peels away from 45 Oak Road. There is also significant tree growth between the two.

Mr. Matthew Gilmartin, Wilson Way, made the following comments:

- His property is below the subject property although it does not directly border it. It is not represented on any of the site plans.
- There is an abandoned 15 foot utility easement between his property and the subject property.
- His property would be impacted by the proposed project. He can see the story poles from his hot tub, the bathroom of the master bedroom, and his daughter's bathroom.
- He is concerned about the Height Variance. The proposed height would impact his property.
- There is a large Acacia that sits in the easement that is partially blocking the site lines. This tree is a fire hazard and should be removed.
- He is also concerned about drainage from the site and possible negative impacts to his property. His property is in the line of drainage for the new home.

Mr. Blankenship made the following comments:

- The drainage plan has been reviewed by the Public Works Department, Herzog Engineering, and the project Civil Engineer.
- The plan will collect the drainage from the property and funnel it down to the Oak Road collection easement area.
- The goal is to work all the drainage back to the right.
- Mr. Gilmartin's home was not included in the map because it is lower than 45 Oak Road and 27 Oak Road. He apologized for the omission.
- They are asking for the Height Variance because of the garage. It has been pushed to the east as far as possible to lessen the impact to other properties.
- There is a plan that shows a preliminary drainage concept- Sheet GD 1.
- There are three dissipaters that will prevent any impacts to downslope properties.
- There should not be any drainage issues to downslope properties.

Mr. Gilmartin made the following comment:

- His height concern is not about the garage but rather the western most area of the house. Mr. Blankenship stated that area is not part of the Height Variance request. It is 20 feet high and he is not sure how it could be lowered.

Commissioner Wagstaff asked if height was measured from a projected grade to the roof at that point. Senior Planner Teiche stated it is measured from whatever the finished grade will be to the roofline. Commissioner Wagstaff stated Section D indicates the garage is pretty close to the allowable height.

Commissioner Tsang stated he is less concerned about the height than the privacy issue.

Mr. Blankenship made the following comments:

- There is a lot of vegetation on the left side among the existing Oaks. They plan to plant more trees.
- The roof height is at 23 ½ feet.

Senior Planner stated the contour map indicates that the elevation at the back of the house would be at about 348 and the back of Mr. Gilmartin's house is at 284. The distance is over 170 feet.

Mr. Gilmartin made the following comments:

- The development sits close to a lot of open space.
- He asked the developer to not introduce a lot of invasive plants and be mindful of native plants in the creation of these new properties.

Chair Tauber closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- He thanked staff for the clear and concise staff report.
- This is a “difficult to build” area.
- It boils down to Design Review since the project would be infeasible if the other permits were not granted.
- Holding the FAR Exception to the minimum would make any feasible project infeasible.
- He could support the FAR Exception, Variances, Slope Use Permit, and Heritage Tree Permit.
- The house is not read as exceptionally large or overbuilding the lot.
- The design does respect the prerogatives of the City when it comes to building in these kinds of situations and this kind of landscape.
- He understood Mr. Gilmartin’s concerns. He believes they have been adequately addressed.
- He can make the findings as recommended by staff.

Commissioner Tsang provided the following comments:

- He agreed with the comments made by Commissioner Kunstler.
- This is a small footprint.
- He is concerned about the privacy issue and asked if the developer would be willing to remove and replace the tree on the east side of the property. Senior Planner Teiche stated she thought that tree was on somebody else’s property.

Commissioner Ziesing provided the following comments:

- The application sounded similar to the applications for 50 and 55 Oak Road.
- This is a complex project with another one coming after this.
- He looks forward to the road being built.
- He understood what the developer is attempting to do in terms of creating a set of structures that blend with the land and look related to each other and those in the neighborhood.
- He agreed with the comments made by Commissioners Kunstler and Tsang.
- He did not think there was a privacy issue but rather a visibility issue. The distances are pretty far.
- He agreed the tree should be removed.
- He can support the application.

Commissioner Wagstaff provided the following comments:

- He likes what they are doing.
- He agreed with Commissioner Ziesing’s comment about the road.
- This is a handsome house and a nice piece of architecture.
- There is a great distance between the project and the other neighbors.
- It would be helpful if the developer planted some trees on his property to help with the privacy issue.

Chair Tauber provided the following comments:

- This is a nice design and it fits into the landscape.
- She can support the project.

M/s, Ziesing/Tsang, motioned and the Commission voted 5-0 to approve DR/FAR/SUP/V/HT #19-54, 65 Oak Road, subject to the findings and conditions set forth in the revised staff report.

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

- 2. DR/FAR/V #20-07; 38 Heather Way (APN: 021 201-12); Norah Frei, Frei Design, Applicant; Natalie and Paul Straub, Owners; R-1 (First Residential) Zoning District. Request for the following permits to add 72 square feet to an existing home by enclosing the rear porch,**

**and add a new front porch deck: 1) Design Review (DR); 2) Floor Area Ratio Exception (FAR) to increase the floor area from 2,095 square feet to 2,167 square feet and a 0.39 FAR, where 0.33 FAR is permitted; 3) Variance (V) to allow the partial uncovered front porch to encroach into the front setback up to 5' from the property line; 4) Variance (V) to allow the conversion of the existing rear porch to living space with a 4'-6" setback, where 5' is required by code.**

Assistant Planner Matthews presented the staff report.

Chair Tauber opened the Public Hearing.

Ms. Norah Frei, applicant, made the following comments:

- This is a modest addition of 72 square feet. It fills in two walls under an existing patio.
- The roof, floor, and two walls are already there.
- She referred to Sheet A2.1 and stated the shaded area was being enclosed.
- She discussed her analysis of the FAR's in the surrounding neighborhood.
- She displayed photographs taken from the back yard to the east indicating there were large hedges that would block the view of the project.
- This is an extension of the original Variance to build the covered porch granted in 2003.
- Sheet A1.0, Site Plan, indicates the expanded front porch will only encroach 30 inches into the required setback of 14 feet. It will be 11'6" from the property line but 20'6" from the back of the curb. It will be 14'3" from the back of the curb to the beginning of the steps.
- There will not be any impacts to light, views, or air to the side yard neighbors.
- The extended front porch will not be visible to the house to the west.
- There is a privacy hedge between this property and 36 Heather Way.
- The entry gable is minimal and would not be very visible from the street because it is behind a large tree.
- The new gable would not go any higher than the existing roof over the living room.
- The additional third parking space benefits the entire neighborhood. It would allow an extra street parking space in this congested neighborhood.
- This is a modest project that was thoughtfully designed.
- They have received ten letter of support.

Mr. Paul Straus, owner, made the following comment:

- He appreciates the Commissions' review and is available for questions.

Chair Tauber closed the Public Hearing.

Commissioner Wagstaff provided the following comments:

- He was the architect for the second story addition in 2003.
- The Heather Garden lots tend to be small.
- The houses line up on that side.
- There is enough distance from the deck to the street.
- It is out of character for that side of the street in terms of the other setbacks on that side of the street.
- He would like to see some sort of skirt underneath the deck to minimize the appearance from the street.

Commissioner Ziesing provided the following comments:

- This is an awesome little neighborhood.
- It makes sense that these smaller houses are growing given the real estate market.

- He is supportive of proportional growth and expansion that does not distort the feeling of the neighborhood.
- The project is right on the “edge” but it is not that big mathematically. It is more of a presence change.
- He can support the application but agreed with Commissioners’ Wagstaff concerns.
- He can support the application.

Commissioner Tsang provided the following comments:

- He did not understand why the story poles were not put back up prior to the Commission hearing. It would have been helpful.
- The photographs were very helpful especially the one in the back showing the hedges.
- The privacy and separation will be maintained by the hedges.
- This is a family friendly neighborhood with a front porch concept.
- He can support the project.

Commissioner Kunstler provided the following comments:

- The project is non-controversial.
- The expansion of the square footage is “de minimus” and he does not object to it.
- The front porch is a benefit even if it sets a precedence- it contributes to the cohesiveness of the neighborhood.
- He can support the application.

Chair Tauber provided the following comments:

- She agrees with the comments made by the other Commissioners.
- She supports the project.

M/s, Tsang/Kunstler, motioned and the Commission voted 5-0 to approve DR/FAR/V #20-07, 38 Heather Way, subject to the findings and conditions set forth in the staff report.

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

## **BUSINESS ITEMS**

### **1. Approval of the April 14, 2020 draft meeting minutes**

M/s, Wagstaff/Tsang, motioned and the Commission voted 5-0 to approve the minutes from the meeting of April 14, 2020 meeting as submitted.

### **3. Planning Commissioners Reports**

Commissioner Wagstaff asked if the Commission should drop off the envelopes that the packets came in. Planning Director Toft stated “yes”. Staff will start to use manila envelopes that can simply be recycled.

Commissioner Tsang asked staff if they knew how many COVID-19 patients there were in Larkspur. Planning Director Toft stated there were several a couple of weeks ago but he does not have recent information. Chair Tauber asked staff to send them the information.

The meeting was adjourned at 8:40 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 28, 2020.



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Neal Toft, Planning Director