

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF MAY 26, 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
Senior Planner Kristin Teiche
Assistant Planner Aaron Matthews
Public Works Director Julian Skinner

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- There will be two openings on the Planning Commission at the end of this month (Commissioner Ziesing's and Tsang's terms are expiring). Applications for the Commission can be obtained from the City Clerk.
- Staff is projecting a budget shortfall in the current and next fiscal year. There are some personnel changes in the works- Permit Technician Nathalie Bamatter has decided to retire and the position will remain open at this time. Assistant Planner Matthews will take on a "hybrid role" and assist with the processing building permits.
- Staff continues to work staggered hours and is preparing to open up City Hall to residents through appointments and a queuing system while encouraging on-line application processing.
- The County Health Department may amend the Shelter in Place order in June and open up offices, restaurants, etc.

Commissioner Kunstler asked when the Library would be open to patrons. Planning Director Toft stated it could be early or mid-June but it could include window service, browsing by appointment, etc.

CONSENT CALENDAR

1. **DR/V #20-05; 233 Monte Vista (APN: 021-104-02); David Grabham, G Design, LLC, Applicant; Benjamin Faber, Owner; R-1 (First Residential) Zoning District. Applicants are requesting permits to construct a new two-story 1,571 square foot home, including a one-car garage, on a existing 4,035 square foot vacant parcel: 1) Design Review (DR); 2) Variance (V) to allow three vehicular parking spaces where four are required for a new single family residence; 3) Heritage Tree Removal (HTR) Permit for removal of three heritage sized trees including, one 26 inch diameter Italian Stone Pine, one multi-trunk Avocado with a combined circumference of 140 inches, and one multi-trunk Glossy Privet with a combined circumference of 60 inches.**

Planning Director Toft stated staff received several items of late mail including one from a neighbor requesting that the item be continued until a traditional (in person) meeting could be held.

Chair Tauber asked the Commission if they wanted to take this item off the Consent Calendar.

Commissioner Kunstler stated he did not think there was any procedural obligation to do so. The letters address the procedural issues and not the substance of the application. He would support leaving the item on the Consent Calendar.

Chair Tauber stated she was concerned about delaying the application indefinitely. They have no way of knowing when they could hold a traditional, in-person meeting.

Commissioner Ziesing agreed with Commissioner Kunstler. The procedural question should be handled by the City.

Planning Director Toft stated a resident would like to speak on the matter and perhaps the Commission should remove the item from the Consent Calendar.

Mr. David Rivers, Monte Vista Avenue, stated he owns 227 Monte Vista Avenue on the south side of the project. He was concerned about the method by which the meeting is held. Prior to teleconferencing he could see people's reactions, the drawings on the wall, etc. He feels like he is responding in a vacuum. He has not seen the plans. He has suggestions on how to improve the project.

M/s, Kunstler/Wagstaff, motioned and the Commission voted 5-0 to remove DR/V #20-35, 233 Monte Vista from the Consent Calendar.

Senior Planner Teiche presented the staff report and discussed the modifications that were made.

Chair Tauber opened the Public Hearing

Mr. David Rivers, Monte Vista, made the following comments:

- Having a neighboring property developed is quite a change from what he is used to.
- The second proposal has not been reduced in scale which was an original concern of the Commission.
- He suggested a roof pitch similar to his house- 2 ½ or 3:12 with hips on it.
- The new proposed setback was five feet from his property line and he would prefer the original seven foot setback. It would be less intrusive.
- The garbage bins and A/C unit should be moved away from his property line.
- The elevated deck in the back would provide a view into his back yard. His privacy would be violated.
- He asked if construction could occur from 8:00 a.m. to 5:00 p.m. Monday through Friday and if vehicles could be parked as far away as possible.
- The internal staircase has a landing with two windows, one that faces his property and would threaten his tenant's privacy. It should be eliminated.

Mr. Farhid Faili, Monte Vista, made the following comments:

- He agreed with the comments made by Mr. Rivers.
- He was concerned about the ten-foot deep drilled piers, and erosion of the creek bank.
- He was opposed to the Variance for the parking space. They could have a shared driveway.
- The deck in the back would invade his privacy.

Mr. David Grabham, designer, made the following comments:

- He reached out to Mr. Rivers several times but got no response.
- They made major adjustments in response to the comments made by the Commission and neighbors. These concerns were addressed.
- The square footage issue was addressed by flipping the house.

- This is a low roof pitch and gives it a nice look.
- The window at the top of the stairs is small and will simply let some light in.
- The ten foot deep piers were recommended by the geomorphologist. He agrees it is overkill and thinks the project engineer will recommend less.
- His client bought the two properties as a “package deal” and does not plan to continue to own both- the shared driveway idea would not work.
- Homeowners will not be spending a lot of time on the second story deck.

Chair Tauber closed the Public Hearing.

Commissioner Tsang provided the following comments:

- He understood the neighbor’s concerns – the proposal addresses most or all of it.
- He has no recommended changes.

Commissioner Ziesing provided the following comments:

- The neighbor’s concerns were talked about at the last meeting and addressed by the designer.
- He supported the application.

Commissioner Kunstler provided the following comments:

- The issues raised at the last meeting were addressed.
- The designer made responsive accommodations.
- He supported the application.

Commissioner Wagstaff provided the following comments:

- He agreed with the comments made by the other Commissioners.
- He would have liked to have seen a steeper roof pitch for the architecture.
- The rear deck will not be a problem.
- He supported the application.

Chair Tauber provided the following comments:

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

M/s, Kunstler/Ziesing, motioned and the Commission voted 5-0 to approve DR/V #20-05, 233 Monte Vista Avenue, based on the findings and conditions set forth in the staff report.

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

PUBLIC HEARINGS

- 2. DR/FAR/HT #20-09; 655 Magnolia Avenue, (APN: 020-201-24); Jared Polsky, Polsky Perlstein Architects, Applicant; Sarah and Lucas Voiles, Property Owners; R-1 (First Residential) Zoning District; Applicants are requesting permits to allow new additions and remodeling of an historic structure, including a 397 sq. ft. two story addition at the rear elevation, a 72 sq. ft. single-story addition on the easterly side, removal of two existing windows on the west side elevation, and exterior site improvements: 1) Floor Area Ratio Exception to add new additions totaling approximately 469 square feet increasing the floor area from 3,323 square feet and an 0.46 FAR to 3,792 square feet and a 0.52 FAR, where 0.16 FAR is permitted due to the slope of the lot; 2) Design Review of addition and exterior alterations; 3) Heritage Review, to insure alterations are compatible with the historic resource.**

Assistant Planner Matthews presented the staff report.

Commissioner Kunstler asked if there was access to the rear of the house from Cedar Avenue. Assistant Planner Matthews stated “no”.

Commissioner Kunstler referred to Sheet 1.1 of the plans and noted the living area of the existing house was indicated as 1,303 square feet but shown as 1,567 on the proposed plans. Assistant Planner Matthew stated the discrepancy could be due to the addition of the mud room and the first floor of the two story addition at the rear.

Chair Tauber asked how the historic architect felt about the flat roof in the back. Assistant Planner Matthews stated the historic architect thought it would not negatively impact the resource.

Commissioner Wagstaff asked if the lowest floor would not be considered a Junior Accessory Dwelling Unit because it did not have a stove. Assistant Planner Matthews stated “yes”. Commissioner Wagstaff asked if this was being contemplated. Assistant Planner Matthews stated staff discussed this with the applicants.

Chair Tauber opened the Public Hearing.

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

- The lower floor is used as a Junior ADU- it has burners and a microwave but they have not put in an oven. It is independently accessed and does not open up to the rest of the house.
- This is a floor area ratio “perfect storm” for a couple of reasons- they had to count the garage square footage but could not count the land upon which the garage sits because it is technically off-site. It is a 48% FAR if the garage is not counted- it is a 43% FAR if the garage and the land it sits on are counted. It is a 38.3% FAR if the ADU is not count but the land upon which the garage sits is counted.
- The design fits the neighborhood well.
- They received letters of support from the neighbors to the north and south.

Commissioner Kunstler asked Mr. Polsky if they planned to build a shed to hide the garbage receptacles. Mr. Polsky stated the owners could answer this question.

Commissioner Wagstaff asked for clarification about Mr. Polsky’s FAR calculation with respect to the garage. He asked him if the owners would be willing to formalize the ADU. Mr. Polsky stated the owners should answer this question.

Ms. Lucas Voiles, property owner, made the following comments:

- They would be happy to formalize the ADU.
- They love the historic nature of the house.
- They are working on the landscaping including retaining walls.
- The expansion will give the children a bathroom upstairs.
- They are talking to the Public Works Director about vacating the land (right-of-way) where the garage will sit so it can be counted towards the FAR calculation.
- They do not want to impact the appearance of the house as seen from the street.
- The addition is in the middle and back of the lot- the story poles cannot be seen from the street.
- The house, even with a larger FAR, would fit the neighborhood.
- The retaining wall in the back is heavily engineered.

Ms. Sarah Voiles, property owner, made the following comments:

- All the children and visitors currently enter into a small living room. Having a mudroom in the back would be helpful.
- Another bathroom for the kids was very important.
- They plan to apply for the ADU very soon.

Chair Tauber closed the Public Hearing.

Commissioner Ziesing provided the following comments:

- He loves this house- it is classic Larkspur.
- The Heritage and Design Review are co-mingled.
- The designers have done a great job in making sure the uncharacteristic flat roof is not visible from the street.
- He supported the Heritage Review and Design Review.
- The FAR does stick out. The area in the front is, for all intents and purposes, the applicants to use.
- The ADU makes this application very attractive.
- He supports the application as it stands with a nudge to legalize the ADU.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by Commissioner Ziesing.
- One of the best ways to preserve an historic resource is to comply with the aesthetics while keeping it usable by the residents.
- The design elements are perfectly appropriate.
- The 0.52 FAR does pop out but he is comforted by the ADU.
- He can support the application.

Commissioner Wagstaff provided the following comments:

- A lot of old buildings have added on similar to this project (a flat roof off of a peaked roof).
- The flat roof is fine.
- He had a problem with the FAR but can support it particularly because of the ADU.

Commissioner Tsang provided the following comments:

- He understands the functionality and requirements of a big family.
- He supports the extension of the house.
- He referred to the flat roof and agreed with the opinion of the historic architect.
- He was initially worried about the south side second story window looking into the neighbor's yard but decided it would not pose a privacy issue.
- He has no problem with the FAR.
- He supported the Design and Heritage Review applications and the FAR Exception.
- Bravo to the designer!

Chair Tauber provided the following comments:

- She was concerned about the 0.52 FAR but takes comfort due to the ADU.
- The flat roof makes sense.
- She understood the need to make the house more functional for a growing family.
- It is important that historic structures work for modern families.
- She could support the applications.

M/s, Ziesing/Kunstler, motioned and the Commission voted 5-0 to approve DR/FAR/HT #20-09, 655 Magnolia Avenue, subject to the findings and conditions set forth in the staff report.

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

- 3. DR/FAR/SUP #19-53, 11 Orange Avenue, (APN: 021-081-06); Keith Fontana, Fontana Construction, Applicant/Owner; R-1 (First Residential) Zoning District. Applicants are requesting permits to demolish two existing dilapidated residential structures and the**

existing driveway, and construct a new 2,404 (net) square foot two-story home, with a basement level two-car garage and workshop, on an existing 6,759 square foot parcel: 1) Design Review (DR); 2) Floor Area Ratio (FAR) Exception to allow construction of a 2,404 net square foot residence and a 0.40 FAR where 1,825 and a 0.27 FAR is permitted due to the slope of the lot. Note: The additional 1,080 sq. ft. basement level is 50% or more below grade and exempt from inclusion in the floor area ratio; and, 3) Slope Use Permit (SUP) to allow 670 cu. yds. of site grading (545 cu. yds. of excavation, 125 cu. yds. of fill, and 545 cu. yds. to be off-hauled).

Senior Planner Teiche presented the staff report.

Commissioner Kunstler asked if staff had discussed lowering the plate heights with the applicants. Senior Planer Teiche stated “yes”- he seemed open to the idea but did not want to upset the modern design.

Commissioner Tsang asked if the ADU would be removed. Senior Planner Teiche stated “yes, but it has not been livable for a number of years”.

Chair Tauber opened the Public Hearing.

Mr. Keith Fontana, applicant, made the following comments:

- He looked at this project originally as a “fixer upper” but the amount of illegal work was too great.
- He decided to start from scratch.
- He met with all the neighbors throughout the process. He has eighteen signatures in support.
- The neighbor at 15 Orange had a concern about the view to the southeast from his main floor. In response to this concern the eyebrow roof will be removed. The neighbor was also concerned about the five windows on the upper level. He offered to use obscure glass.
- He offered to provide screening on the northern property line.
- He met with the neighbors directly behind the project and agreed to replace the fence and to do some concrete work.
- He made other concessions in response to neighbor’s concerns.
- The project fits the lot and the neighborhood.
- The story pole at the southeast corner is 28 feet. The average height is 19.36 feet.
- The project takes this extremely illegal property and makes it better.

Chair Tauber applauded Mr. Fontana on working with his neighbors and making concessions but they do not seem to be reflected in the plans submitted to the Commission. She is not sure she could approve this project tonight. Mr. Fontana stated the only thing that has been changed is the eyebrow roof over the stairs (story poles #11 and #12). He referred to Sheet A2.2, the west elevation, and described the proposed change in the roof. Commissioner Tsang asked Mr. Fontana to describe the change using Sheet A2.3.

Commissioner Tsang stated he was concerned about the height at the southwest corner and asked Mr. Fontana if he would consider an eyebrow roof or trellis over the garage or some other means to break up the height. Chair Tauber stated she had a similar concern. Mr. Fontana indicated he would be fine with that suggestion.

Commissioner Tsang made a comment about the transom window over the kitchen would be higher up than a standard window and would not afford much view.

Mr. Michael Hooper, Madrone Avenue, made the following comments:

- The subject property has been an eyesore for quite some time.
- He supports upgrades to the housing stock.

- This is a good project- fundamentally and because it fits. It will be an improvement to the neighborhood.
- This is a narrow, steep lot and it is a miracle that they are only asking for an FAR Exception.
- The City should be making it easier for applicants to improve properties like this.

Mr. James Revior, Orange Avenue, made the following comments:

- He lives across the street from the subject property.
- He was concerned about the removal of the Oak tree in front which shields the existing house from view. He would like another tree planted to break up the mass of the proposed building.
- He was concerned about construction trucks and maintaining easy access to his driveway.
- He did not want the trucks turning around in his driveway- there is an old culvert in the area.
- There is no space for staging, dumpsters, etc.

Bret, Madrone Avenue, made the following comments:

- He supports the project with the proposed changes.
- The applicant has agreed to plant some trees to provide some privacy.

Chair Tauber closed the Public Hearing.

Commissioner Wagstaff provided the following comments:

- The proposed modifications will make the project better.
- He was concerned about the two-stories above the garage door- it is stucco and very uniform. An eye brow and/or trellis would be an improvement.
- He supported the proposed plantings in the front yard.
- This is a nice house and a vast improvement to what exists.

Commissioner Tsang provided the following comments:

- He supported the plantings in the front yard to provide some relief to the neighbor across the street.
- He supported the staff recommendation of lowering the plate heights on the first floor from twelve to eleven feet.
- He can support the project.

Commissioner Ziesing provided the following comments:

- He likes the project a lot.
- He understood the challenges- what exists, the slope, etc.
- This is a creative design.
- He likes the way the Redwood tree is integrated into the project.
- The design works with the physical configuration of the lot.
- He likes the idea of the trellis and the plantings in the front of the property.
- This is a vast improvement.
- He appreciated the applicant's concessions.
- He supported the application.

Commissioner Kunstler provided the following comments:

- He understood what the applicant is trying to accomplish.
- He appreciated the applicant's communication with the neighbors and willingness to make concessions.
- He supported the suggestion made by Commissioner Tsang.
- The plans submitted should be the plans approved. He asked staff if the application should be continued.

Chair Tauber provided the following comments:

- She agreed with Commissioner Kunstler's concern about the plans. She would like to see all the changes on paper.
- She is concerned about approving something that is not on the plans.
- She supports the project with the changes discussed including breaking up the mass in the front.

M/s, Kunstler/Tsang, motioned and the Commission voted 5-0 to continue DR/FAR/SUP #19-53, 11 Orange Avenue, to June 9th to allow the applicant the opportunity to revise the plans as discussed including removing the stairwell eyebrow dormer, planting screen trees between 11 and 15 Orange Avenue, adding a trellis detail to break up the elevation above the garage, using obscure glass in kitchen and bathroom windows, and building a fence on top of the retaining wall in the back.

BUSINESS ITEMS

1. General Plan Conformity Review of New Projects for City's Capital Improvement Program for Fiscal Year 2020/21

Planning Director Toft presented a staff report. He discussed the Capital Improvement Program including projects that are deferred to funding constraints. The projects include park maintenance/improvements, enhancing bicycle lanes, paving projects, and storm drain improvements. Staff believes these projects are consistent with the General Plan.

Chair Tauber noted some of the projects were funded wholly or partially through other sources. She asked how the impacts of COVID -19 on the City's Budget might impact this program. Public Works Director Skinner stated the Bon Air Bridge Replacement Project and the paving projects would not be impacted. Staff is projecting a decline in Gas Tax Revenues since people are driving less and plans to is be a bit more cautious with the Measure "A" Parks Sales Tax funded projects. Adjustments can be made later in the year.

Commissioner Kunstler asked about the condition of the storm drains. Public Works Director Skinner stated staff plans to update the Storm Drain Master Plan and develop a priority list.

Planning Director Toft asked about the status of the Greenbrae Interchange bike improvement project funded by the Transportation Authority of Marin (TAM). Public Works Director stated CalTrans will administer this project and it cleared the final hurdle. This project will go out to bid in June with work starting in August.

M/s, Ziesing/Kunstler, motioned and the Commission voted 5-0 to find that the City's Capital Improvement Program for Fiscal Year 2020/21 is consistent with the Larkspur General Plan.

2. Approval of the May 12, 2020 draft meeting minutes

M/s, Kunstler/Wagstaff, motioned and the Commission voted 5-0 to approve the minutes from the meeting of May 12, 2020 meeting as submitted.

3. Planning Commissioners Reports

Commissioner Wagstaff asked if there was a way to address the Slope Ordinance- it has never really worked. Projects usually go over the floor area ratio relative to slope. Planning Director Toft stated there are pros and cons to the way it is applied-straight numbers do not work. It does help to discourage "bad design". Staff is open to ideas from the Commission. Maintaining a balance between State law and community values is becoming a challenge.

The meeting was adjourned at 9:53 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 June 9, 2020.

A handwritten signature in blue ink, appearing to read 'NT', is written above a horizontal line.

Neal Toft, Planning Director