

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF JUNE 9, 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
Planning Consultant Lorraine Weiss

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- The Planning and Building Department is not yet open to the public but is processing a lot of permits. There has been a surge of permit applications subsequent to the initial Shelter-in-Place.
- There have been changes to the Shelter-in-Place Order allowing outdoor dining and sidewalk retail sales. The City Manager is expediting permits for these kinds of activities. Use Permit and parking requirements will be waived.
- Staff is preparing for the opening of City Hall and is working on measures and protocols. They are still working staggered hours with a "skeleton crew".
- Staff has set up a Webpage regarding the Objective Design Standards process along with a survey. There is also a Webinar video that provides an explanation of the process.
- Staff is working on the application for the Local Early Action Planning (LEAP) grant to assist the City in planning for the upcoming Housing Element.

PUBLIC HEARINGS

1. **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 cubic yards of site grading (545 CY of excavation, 125 CY of fill, and 545 CY to be off-hauled).**

Senior Planner Teiche presented the staff report. She discussed the revisions that were made to the original plans as a result of the Commissions' previous comments.

Commissioner Wagstaff asked for clarification on the material for the trellis shown on Sheet A2.3 (cedar or steel). Senior Planner Teiche stated the applicant could better answer that question. Chair Tauber opened the Public Hearing.

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

- It will be a steel trellis.
- Several more neighbors are on-board and support the proposal.
- He met with the neighbor across the street about planting a Redwood tree and he is now on-board.
- He met with the uphill neighbor and agreed to reduce the height of the ridgeline by six inches.
- The five windows on the top floor will be obscure glass. He prefers that all the ground floor windows will be regular glass. The obscure glass was unintended.

Chair Tauber closed the Public Hearing.

Commissioner Tsang provided the following comments:

- He liked the revisions.
- He could support the project.

Commissioner Wagstaff provided the following comments:

- He liked the changes.
- Non-obscure glass on the lower level is fine.
- He supported the project.

Commissioner Ziesing provided the following comments:

- The applicant responded to the Commissions' requested changes.
- He supported the project.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by the other Commissioners.
- The applicant was very accommodating.

Chair Tauber provided the following comments:

- She could support the project.

M/s, Wagstaff/Kunstler, motioned and the Commission voted 5-0 to approve DR/FAR/SUP #19-53, 11 Orange Avenue, subject to the findings and conditions set forth in the staff report and the following condition: 1) The trellis shall be made of steel and not heavy timber; 2) The owner had discretion on whether the bottom two windows would be clear or obscure.

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

2. DR 20-13; 28 Via La Brisa, (APN: 022-272-07; Eric Layton, Patriarch Architecture, Applicant; Lisa Leigh, Property Owner; R-1 (First Residential) Zoning District. Applicant is requesting Design Review to allow removal of a second story solarium and its replacement with a conventional second story addition. New improvements include extending the existing roofline and adding an additional 90 square feet (over and above the square footage of the existing solarium).

Assistant Planner Matthews presented the staff report.

Chair Tauber asked about the unpermitted work. Assistant Planner Matthews stated they exceeded the scope of the work outlined in the Demolition Permit. Commissioner Kunstler asked how the penalty amount was determined. Planning Director Toft stated the Fee Schedule requires a penalty of double the base permit fee.

Chair Tauber opened the Public Hearing.

Assistant Planner Matthews stated neither the applicant nor the homeowner were in attendance.

Assistant Planner Matthews read an email from Mr. Robert Rosenfeld who lives on Riviera Circle (to the rear) stating he was concerned that the view from his backyard was significantly changed. The view from the corner of his yard and sky would be obstructed by the six foot difference in height. This was not the first stop work order issued.

Assistant Planner Matthews stated the distance to the rear lot line was 37 feet. He displayed a photograph he received as taken from Mr. Rosenfeld's back yard. Mr. Rosenfeld made another comment stating the prior structure was glass and much lower. He asked how the unpermitted work could have been done without the City's knowledge.

Planning Director Toft stated inspectors do not actively inspect sites but rather perform milestone inspections. Contractors doing work out of sequence or unpermitted are issued a "Stop Work" order. It is unfortunate this situation did not get caught sooner. This should not affect the Commission's decision on whether or not the Design Review findings could be made and the project could be approved.

Chair Tauber closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- He understood that the Commission was acting on the merits of the project before them. They do not want to have to be "the enforcers".
- The neighbor's concerns are not trivial.
- The extension of the roofline creates a certain amount of horizontal massing.
- The modification to the small, vertically oriented window on the second floor facing the rear could have an impact.
- He is sufficiently uncomfortable with the circumstances of the project- the permitting issue, the fact that they have not gotten a presentation from the applicant, and the concerns of the neighbor.

Commissioner Ziesing provided the following comments:

- The two properties look reasonably far apart.
- There will not be any light or view blockage.
- He could support the project from a Design Review perspective.
- The fact that the homeowner did unpermitted work and then had to submit plans does not affect the application itself.
- The neighbor's concerns are more about governance than design.
- He supported the application.

Commissioner Wagstaff provided the following comments:

- There is nothing very exciting about the design although it is not awful. It is typical of that neighborhood.
- He referred to the floor plans and stated there were two big windows in the master bedroom, one of which faces the neighbors. He was not sure how they would go about changing those windows.
- This is an expedient solution to adding space. There are so many opportunities to make it special.
- It would not take much to break up that roofline on the neighbor's side.
- There was no communication with the neighbors.
- There is a fair amount of separation between the two homes.
- He does not want to just pass this through and would be in favor of bringing it back to the Commission.

Commissioner Tsang provided the following comments:

- He referred to Sheet A3.1 and stated the proposed roofline is much taller than the solarium roof.
- There is sufficient information to make a decision on the project.
- He referred to Sheet A3.1, existing vs. proposed, and stated the project adds to the bulk of the building. He would normally suggest some type of articulation to make the roof more like the solarium.
- The width of the addition could be reduced.
- A solarium is glass and transparent and is not really seen.
- The proposal adds ten feet to the height.
- He could not support the project as proposed.

Chair Tauber provided the following comments:

- She was concerned that the applicant or owner was not in attendance.
- There seemed to be a blatant disregard for the process from the beginning.
- It sounds like they did not consult with their neighbors.
- The project is bulky but it is in the back of the house.
- She was reluctant to approve the application tonight.

M/s, Ziesing/Kunstler, motioned and the Commission voted 5-0 to continue DR #20-13, 28 Via La Brisa, to a date uncertain.

- 3. DR/V/SIGN #19-29, 2070 Redwood Highway, (APN:023-013-13); Gary Semling, Stantec Architecture Inc., on behalf of Chevron, Applicant; Vic Sossikian, Property Owner; L-1 (Light Industrial) Zoning District. Applicants are requesting permits to re-image the existing Chevron fuel station, replace signage, reconfigure parking, and upgrade landscaping and exterior lighting; 1) Design Review (DR); 2) Sign Permit (SIGN), to allow a coordinated sign program which allows some flexibility in number, placement and size of signs; 3) Variance (V), to allow a 20-foot tall freestanding pole sign where code limits freestanding signs to 10 feet in height.**

Planning Consultant Weiss presented the staff report.

Commissioner Kunstler referred to the improvements to The Grateful Dog and asked if they modified their signage. Planning Consultant Weiss stated they only did a re-facing of the sign.

Commissioner Tsang asked about the location of the new 20-foot tall freestanding sign and if it was replacing a 22-foot tall sign. Planning Consultant Weiss stated the 20-foot tall pole would replace the 22-foot tall sign but would be closer to the corner in the landscaping strip.

Chair Tauber opened the Public Hearing.

Mr. Gary Semling, architect, made the following comments:

- Chevron took over in August of last year and did a soft rebranding and would not like to do a more formal image upgrade.
- This is a company owned and operated station with high standards in operations and maintenance.
- They have reduced the amount of signage at the pole sign.
- They are adding a trash enclosure to try to clean up the area.
- They are upgrading the landscaping and adding an irrigation system.

Chair Tauber closed the Public Hearing.

Commissioner Ziesing provided the following comments:

- This is a nice "fluff" on a property that is kind of run down.

- He likes the additional landscaping.
- The signage is consistent with the other Chevron signs.
- He understood the need for the tall pole- it would be visible from Highway 101 and would not be that intrusive.
- He supported the application.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by Commissioner Ziesing.
- This is a welcome refresh of the property.
- The one area of scrutiny was the pole but it could be a service to the public.
- He supported the application.

Commissioner Tsang provided the following comment:

- He could support the application.

Commissioner Wagstaff provided the following comments:

- This will be a nice upgrade.
- He could support the application.

Chair Tauber provided the following comment:

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

M/s, Kunstler/Tsang, motioned and the Commission voted 5-0 to approve DR/V/SIGN, #19-29, 2070 Redwood Highway, 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. Discussion regarding suggested amendment to the Larkspur Municipal Code Section to expand the powers and duties of the Zoning Administrator

Planning Director Toft presented a staff report and a PowerPoint presentation. The City is looking at a challenging budget situation due to a significant drop in revenues due to the COVID-19 pandemic. Assistant Planner Matthews will be backfilling the position of the Permit Technician by taking on a hybrid roll of Planning/Permit Technician. Utilizing the Zoning Administrator role increases efficiency in the planning process. This position reviews projects subject to discretionary review that tend to be noncontroversial such as Fence Height Exceptions, Lot Line Adjustments, minor Use Permits, ground level additions to homes, and exterior renovations to commercial properties. The Zoning Administrator always has the opportunity to defer an application to the Planning Commission. A decision by the Zoning Administrator can also be appealed to the City Council. He highlighted some of the applications that could become subject to Zoning Administrator review by amending the code. He noted Senior Planner Teiche has acted in the role of the Zoning Administrator for many years.

Commissioner Kunstler referred to page 2 of the staff report, Small Second Story Additions, second paragraph and asked if the Zoning Administrator would handle a project that might trigger a Floor Area Ratio (FAR) Exception. Senior Planner Teiche stated “yes, the Zoning Administrator regularly hears FAR Exceptions”.

Commissioner Kunstler asked if some items, such as solar studies, could be required in the application process. Senior Planner Teiche stated the Zoning Administrator can require this type of study.

Commissioner Wagstaff asked if applications could be kicked up to the Commission if there were neighbors in disagreement. Communication between neighbors is important. Planning Director Toft stated the Zoning Administrator does take this into account along with reasonable options. However, whether or not a neighbor will “sign off” on a project is not a criterion for approval.

Commissioner Wagstaff asked if an appeal of the Zoning Administrator’s decision would go to the City Council. Planning Director Toft stated “yes- but it is rare”.

Commissioner Tsang asked if this change would overwhelm the Zoning Administrator. He was also concerned about a single person making a decision as opposed to five. Chair Tauber stated the Zoning Administrator already reviews applications. Senior Planner Teiche agreed and explained the proposed change would eliminate the need to prepare a staff report for the Commission hearing- it saves time and money for staff and the applicant.

Planning Director Toft stated there will be some very challenging issues coming up for the Commission including developing the Objective Design Standards, updating the General Plan and Housing Element, ...etc. This is to help reduce workload on less significant matters.

Commissioner Kunstler noted there had been relatively few Consent Calendar item in the last year and he asked if this is indicative of the Zoning Administrator’s work. Planning Director Toft stated “yes, this is a measure of that”.

Planning Director Toft asked if there was an amount of FAR Exception that might be acceptable for Zoning Administration approval even if it includes a second level addition.

Commissioner Wagstaff asked about the concept of getting rid of the Slope Ordinance because this is what triggers an FAR Exception. The FAR is tied to slope. Planning Director Toft stated staff at one time was analyzing the idea of adjusting or downsizing the FAR limits and looked at “flat caps” with adjustments from there, or maximum FARs, etc. This would entail a revamping of the approach of managing bulk. At this point we are just attempting to address some “low-hanging fruit”.

Commissioner Wagstaff stated he supported the idea of the Zoning Administrator taking on more of these reviews.

Commissioner Kunstler stated second stories can have a different impact depending on the neighborhood. Chair Tauber agreed.

Chair Tauber referred to the small second story addition and stated the suggested 400 square feet seemed to be too much- perhaps it should be 200 square feet. This represents a “small” addition to a second story.

Commissioner Ziesing asked if there was an ability to set guidelines but still allow the Zoning Administrator to send applications to the Commission. He has no problem with empowering the Zoning Administrator with a broader scope so there is some acceleration for standard stuff. The Commission could review applications when the Zoning Administrator has questions. Senior Planner Teiche stated these judgement calls are already made.

Planning Director Toft suggested they keep the overall floor area limit at 500 square feet (whether it is a second story addition or not) and allow additions of up to 200 square feet. The Zoning Administrator would always have the discretion of sending the application to the Commission. An FAR Exception would apply to the ground floor and/or second floor. This would be the simple approach.

Commissioner Wagstaff asked if a total of 500 square feet would be allowed with up to 200 square feet of that on the second floor. Senior Planner Teiche stated “yes”. Planning Director stated if it is

an FAR Exception then the maximum amount of additional square footage in total would be 500 square feet.

Commissioner Wagstaff stated he did not have a problem with the Zoning Administrator looking at some amount of second story within the 500 square feet. It should not be 500 square feet on the second floor.

Chair Tauber asked Senior Planner Teiche what her recommendation would be. Senior Planner Teiche stated she used to review 400 square foot second story additions. The Commission, at one time, wanted greater discretion. Typical 200 square feet second story additions could include dormer additions on steeply sloping roofs, trying to make the attic space work by creating a bedroom. These projects usually have very little physical impact to the outside of the house.

Chair Tauber stated maybe 200 square feet is too small and 400 square feet is too big- and perhaps it should be 300 square feet.

Commissioner Kunstler wanted to make sure that there was language in the ordinance that allowed the Zoning Administrator to kick applications up to the Commission- this discretion should remain complete. The Commission agreed. Planning Director Toft read from the existing code provisions that currently allow for this.

Commissioner Tsang asked if neighbors were notified about applications that were reviewed by the Zoning Administrator. Planning Director Toft stated "yes- it is the same notification process".

Planning Director Toft stated using Floor Area Ratio is a challenging, unique approach that has pros and cons. It could be something that the Commission could review.

Chair Tauber stated the two items that often come up for review are Fence Height Exceptions and Parking Variances. They are usually approved by the Commission and could be reviewed by the Zoning Administrator. Senior Planner Teiche stated these could be defined by lot size.

Planning Director Toft stated staff would look at this along with setback variances.

Commissioner Kunstler asked if the Zoning Administrator could issue a flat denial. Senior Planner Teiche stated "yes" and an applicant could then appeal to the City Council.

Chair Tauber asked staff to bring a draft of the proposed code amendments back to the Commission.

2. Approval of the May 26, 2020 draft meeting minutes

M/s, Kunstler/Wagstaff, motioned and the Commission voted 5-0 to approve the minutes from the meeting of May 26, 2020 meeting as submitted.

3. Planning Commissioners Reports

Chair Tauber stated they need to schedule the "Bon Voyage Party" for Commissioners Ziesing and Tsang. Planning Director Toft stated he would email some dates.

Planning Director Toft reported the application for 233 Monte Vista Avenue was appealed to the City Council.

Commissioner Tsang stated he enjoyed his four years on the Commission. Commissioner Ziesing agreed and thanked his fellow Commissioners.

The meeting was adjourned at 9:41 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 _____.

Neal Toft, Planning Director