

LARKSPUR PLANNING COMMISSION  
REGULAR MEETING MINUTES OF JULY 14, 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, Natasha Chalmers, Daniel Kunstler,  
Jeffrey Swisher, Brock Wagstaff

Staff Present: Planning Director Neal Toft  
Assistant Planner Aaron Matthews  
Planning Consultant Lorraine Weiss

### OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

### PLANNING DIRECTOR'S REPORT

- Staff is in the process of opening Town Hall to the public in a limited capacity based on appointments and a controlled queuing system.
- He welcomed newly appointed Commissioners Chalmers and Swisher.

### PUBLIC HEARING ITEMS

1. **PREC AMEND/TEXT #20-12; 65 Rose Lane (Lot 22) (APN: 022-741-32); Matthew Howard Applicant/Owner; PD (Planned Development) Zoning District. The applicant is requesting approval to amend the Precise Development Plan and Ordinances No. 972 and No. 1004 (Exhibits B and C) to reduce the required 50-foot "creek and buffer" setback requirement from the top-of-bank of the north/south reach of Larkspur Creek in order to accommodate relocation of the fence line within the side and rear yard areas of Lot 22 of the subdivision. Specifically, the applicant requests approval to amend the language of Sections 14 and 15 of the development standards of the Precise Development Plan to adjust the 50-foot creek and buffer setback solely for 65 Rose Lane (Lot 22) to align the eastern fence line with the property line to gain approximately 605 square feet of useable yard space.**

Planning Consultant Weiss presented the staff report. She noted the Commission recommendation would be advisory to the City Council. Planning Director Toft stated staff received a letter from Mr. Bill Howard in support of the proposal.

Commissioner Wagstaff noted this is a PUD and he asked if the request had to do with the setback from the creek. Planning Consultant Weiss stated "yes" and added the lot will not change in size but the owner's would have more usable space. The top of the bank was mapped out in 1999 with the setback indicated as 50 feet back from the north/south reach and 25 feet along the east/west reach.

Commissioner Kunstler asked if the actual impervious setback, along the east/west reach, was 50 feet. Planning Director Toft stated "yes".

Commissioner Chalmers asked why the fencing along the back side of the property was mesh and the fencing along the side of the property was wood. Planning Consultant Weiss stated the wood

fence provided privacy. Planning Director Toft stated that from the initial planning phases, there was a desire to maintain an openness and natural look to the creek. The rear yards are generally separated from the public view by a large natural buffer along the creek and there's been little complaint regarding privacy.

Chair Tauber opened the Public Hearing

Mr. Matthew Howard, owner, made the following comments:

- The fence arbitrarily cuts across the corner of the property and impacts his use of the property.
- These are not huge yards to begin with and getting some extra space would be helpful.
- Having more space would allow them to create the necessary vegetative screening and give them some privacy.
- The space around the corner of the house is constricted making passage difficult from a maintenance perspective.
- They would like to move the fence to the property line along the north/south stretch. They want to recapture that part of the yard.
- This is a relatively harmless change that would not have any negative impacts to the environment or the community.

Chair Tauber closed the Public Hearing.

Commissioner Wagstaff provided the following comments:

- He sees no downside to the request.
- He supports the proposal.

Commissioner Kunstler provided the following comments:

- Page 7 of the staff report discussed the design flaw in the lay-out of the development.
- This would not be a grant of special privilege.
- He supports the proposal.

Commissioner Swisher provided the following comments:

- This is a great idea.
- There would be no harm and it would provide access around the house for the owners and public safety personnel.
- He supports the proposal.

Commissioner Chalmers provided the following comments:

- She agreed with the other Commissioners.
- This makes a lot of sense.
- She supports the application.

Chair Tauber provided the following comments:

- She agreed- this makes a lot of sense.
- This would not be a grant of special privilege.
- She supported the proposal.

M/s, Swisher/Wagstaff, motioned and the Commission voted 5-0 to support the proposal as presented.

Planning Director Toft stated staff would present the application to the City Council at its August 5<sup>th</sup> meeting.

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

Commissioner Chalmers stated she lived on Via La Brisa and would need to recuse herself from this item. She left the meeting.

Assistant Planner Matthews presented the staff report.

Commissioner Kunstler asked if further work has been pursued on the property since the last Commission meeting. Assistant Planner Matthews stated staff has not received any complaints about construction since the “stop work” order was issued.

Chair Tauber opened the Public Hearing.

Mr. Eric Layton, architect, made the following comments:

- The solariums on the west side of the building were non-conventional construction and approved as official living space.
- They are aluminum and glass solariums built on top of the decks in a unique way.
- The owner pursued the repair or replacement of the lower level solarium. This did not require Design Review.
- He designed the replacement of the upper level solarium by extending the existing ridgeline. It is below the maximum height limit.
- The goal was to bring the building back to more conventional construction and to continue the look and feel of the existing structure.
- The vegetative screening is comprehensive.
- The addition is well set back from 16 Via La Brisa.
- There are no concerns about visual massing, light, air, and privacy.
- The owner has garnered letters of support.

Ms. Lisa Leigh, owner, made the following comments:

- There was aluminum siding under the solarium and she got a permit for that. It was not attractive.
- This made the house extremely hot.
- She got support from her neighbors to the left.
- There are tall Cypress trees on the property line to the left which provide a lot of privacy.
- The story poles cannot be seen from the street.
- She has a permit for the downstairs solarium.
- She extended the roof in an attempt to keep the downstairs dry but got carried away and ended up building the roof.
- There has been no work done since the “Stop Work” order was issued.

Chair Tauber closed the Public Hearing.

Commissioner Swisher provided the following comments:

- He listened to the recording from the last meeting.

- The massing is not aesthetically pleasing and would be more interesting if they kept the shed roof of did another lower gabled roof on that side. However, it is hidden by trees.

Commissioner Kunstler provided the following comments:

- He agreed with Commissioner Swisher.
- The privacy issues for the neighbors at 57 Via La Brisa appear to have been cleared up.
- He had concerns about the massing but it is offset by the substantial amount of vegetation and the fact that it is not an issue from the front of the house.
- He could make the findings.

Commissioner Wagstaff provided the following comments:

- He had hoped something different would be resubmitted - there are a number of opportunities to design of the house better.
- However, there is enough distance and screening between houses.
- He can support the proposal.

Chair Tauber provided the following comments:

- She agreed with the other Commissioners.
- It is not handsome but it is fine.
- It is basically an extension of what exists on the house.
- She could support the proposal.

M/s, Kunstler/Swisher, motioned and the Commission voted 4-0-1 (Chalmers abstained) to approve DR #20-13, 28 Via La Brisa, subject to the findings and conditions set forth in the staff report.

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

Commissioner Chalmers returned to the meeting.

- 3. DR #20-17; 262 Harvard Drive, (APN: 020-103-09); Jon Condo, Applicant/Owner; R-1 (First Residential) Zoning District. Applicant is requesting Design Review approval for a proposed second story addition with master bedroom suite to an existing single-family dwelling. Additional improvements include interior remodeling of the main floor and a ground story attached accessory dwelling unit (ADU).**

Assistant Planner Matthews presented the staff report.

Commissioner Kunstler referred to the late mail from the neighbors living on Yale Avenue and asked about the perceived privacy issue. Assistant Planner Matthews stated the property on Yale was about 70 feet away.

Chair Tauber opened the Public Hearing.

Mr. Stewart Sommers, architect, made the following comments:

- He strives to meet the intent of the rules and regulations and come up with the best project possible.
- When design an upper level addition he attempts to step the elevations back, reset the privacy of the immediate neighbors, and use a lot of mass reducing techniques.
- The upper level addition is 70 feet away from the property on Yale Avenue.

Commissioner Kunstler asked Mr. Sommers about the angle of view from the proposal and the yard at 2 Yale Avenue. He asked if the view would clear the fence. Mr. Sommers stated he thought there was a sufficient amount of buffer space.

Mr. Jon Condo, owner, made the following comments:

- The house currently has three bedrooms.
- They want to add a master suite.

Ms. Lisa Lane, Yale Avenue, made the following comments:

- She lives one house down from the corner.
- She has a second story.
- There is a very clear line of sight from the proposed addition into her landing, office, and maybe the yard.
- The view from the subject property is toward Mt. Tamalpais and they want to maximize that view.
- She does not want her privacy compromised.
- The Bon Air Bridge and Marin General Hospital projects have been going on a while and she is concerned about more construction, trucks, and noise in the neighborhood.
- She encouraged the applicant to wait for a year to do any construction.

Mr. Dean Grosden, Yale Avenue, made the following comments:

- He lives at the intersection of Harvard and Yale.
- The design is beautiful and protects the privacy of the adjacent properties.
- The addition (with six windows) faces directly across the street into the side of his house and rear yard and pool.
- He understood the desire to enlarge the home but asked the architect to look at ways to mitigate the impacts on his privacy. The bedrooms could face towards the creek. Or at a minimum they could install some landscaping that would screen the view.

Ms. Lane made the following comments:

- This is not a normal neighborhood- homes in this subdivision abut up against the side yard of the neighboring homes.
- She does not want to worry about whether someone can see into her home.
- This is a privacy issue.

Commissioner Wagstaff asked Mr. Sommers why the master bedroom was not aimed towards the canal. He asked if the smaller windows were clear.

Mr. Stewart Sommers, architect, made the following comments:

- The owners would rather have a view of Mt. Tamalpais than Marin General Hospital.
- The windows could be raised or frosted.
- They are under the height limit.
- There are no windows looking directly into yards.
- There might be a landscaping solution.

Ms. Jacqueline Condo made the following comments:

- They do not want to disrupt the neighbors.
- The direct neighbors are supportive.
- They will work with the neighbors who are feeling impacted.

Ms. Lane made the following comments:

- The proposal has a lot of windows. The other two story additions in the neighborhood do not have as many windows.

Chair Tauber closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- He asked staff if it was in the purview of the Commission to address the timing of construction. Planning Director Toft stated “no”, conditions of approval are address permit procedures and other standards applied by code - there are time limits on permits and construction hours that are included in the conditions of approval.
- The design complies with the prerogatives of the City in terms of the design elements, massing, streetscape, etc.
- It is noteworthy that the project includes an auxiliary unit- this benefits the City and the community.
- Given the angle of the view, the distance, and other forms of mitigation he could come down on the side of being able to make the findings of approval.
- He encouraged the owners to try to accommodate the neighbors.

Commissioner Chalmers provided the following comments:

- She agreed with the comments made by Commissioner Kunstler.
- The design is very appealing and compatible with the other properties in the neighborhood.
- She sympathized with the concern about construction noise.
- She encouraged the owners to look at some landscape screening to mitigate the privacy issue.
- She supported the proposal.

Commissioner Wagstaff provided the following comments:

- This is a handsome design.
- They have done a good job paying attention to the neighbors as best as they could.
- She encouraged them to get together with the neighbors and talk about screening.
- The proposal is a bedroom and people usually close the curtains at night.
- He could support the project.

Commissioner Swisher provided the following comments:

- He agreed with the comments made by the other Commissioners
- It is a very handsome, well done design.
- It does not look massive.
- He encouraged some landscape screening.

Chair Tauber provided the following comments:

- She agreed with the comments made by the other Commissioners.
- It is a very nice design and they did a good job setting it back.
- She is sympathetic to privacy issues. But there is a good distance between the homes.
- They should work on some type of vegetative solution.

M/s, Wagstaff/Swisher, motioned and the Commission voted 5-0 to approve DR #20-17, 262 Harvard Drive, 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 May 26, 2020 draft meeting minutes**

M/s, Kunstler/Wagstaff, motioned and the Commission voted 3-0-2 (Chalmers and Swisher abstained) to approve the minutes from the meeting of May 26, 2020 meeting as submitted.

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

Planning Director Toft asked the Commission to vote on the Vice Chair and Chair Pro Temp position.

M/s, Kunstler/Tauber, motioned and the Commission voted 5-0 to appoint Commissioner Wagstaff as Vice Chair of the Commission and Commissioner Kunstler as Chair Pro Temp.

The meeting was adjourned at 8:45 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 July 28, 2020.



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Neal Toft, Planning Director