

LARKSPUR PLANNING COMMISSION  
REGULAR MEETING MINUTES OF JULY 28, 2020

The Larkspur Planning Commission was convened at 7:05 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  
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

- Staff will submit the Text Amendment for Lot #22 of the Rose Lane Subdivision to the City Council next week. The Commission recommended approval at its last meeting.
- The Council held a workshop to discuss allowing commercial cannabis sales in the City limits. The Council decided to direct staff to not proceed further. Deliveries and personal growing (indoors) of cannabis is allowed for medicinal and recreational purposes.
- Over 500 permit applications have been submitted this year- many were stalled during the initial Shelter in Place order. Staff is receiving a lot of permit applications for solar, battery back-up systems, and generators.
- Staff is in the process of reviewing vendors for land use software that would allow for on-line processing.

### CONSENT CALENDAR

1. **DR #20-19, 143 King Street, (APN: 021-101-02); Margaret and Michael Meinberg, Applicants/Owners; R-3 (Third Residential) Zoning District. Applicants are requesting Design Review to allow demolition of existing front yard carport and construction of a new two-car garage, single-car carport, driveway transition, second floor entryway and a covered front deck. New additions will add approximately 340 sq. ft. above existing conditions.**

Chair Tauber noted the applicant has asked for a continuance.

On the Consent Calendar, M/s, Kunstler/Swisher, motioned and the Commission voted 5-0 to continue DR #20-19, 143 King Street as requested by the applicant.

### PUBLIC HEARING ITEMS

2. **DR/FAR #19-27; 32 La Cuesta Drive, (APN: 070-263-09); Jeffrey S. Cavener, Architect, Applicant; Mauro and Beverly Passetti: Property Owners; R-1 (First Residential) Zoning District. Applicants are requesting the following permits to construct a 24 square foot second story addition and a new 200 square foot garage addition on an existing 3,801**

**square foot home on an existing 15,202 square foot parcel: 1) Design Review (DR) for additions, architectural modifications, roof deck expansion, and exterior modifications to an existing single family dwelling; 2) Floor Area Ratio (FAR) to allow an FAR of 0.26 where a maximum of 0.17 FAR is allowed per the Larkspur Municipal Code, due to the slope of the lot.**

Planning Consultant Weiss presented the staff report. She noted staff received some late mail.

Commissioner Wagstaff asked why the story poles were not erected. They were shown on the story pole plans. Planning Consultant Weiss stated it “slipped through the cracks”. Planning Director Toft stated that story poles were shown on the plans but were apparently not installed - the applicant could address this question.

Commissioner Wagstaff asked if the materials on the existing garage would remain the same. Planning Consultant Weiss stated the materials for the existing garage and exterior façade of the house were changing.

Planning Director Toft displayed some photographs.

Commissioner Kunstler had a question about the north elevation and one of the photographs. Planning Consultant Weiss stated she was standing at an angle when taking the photograph.

Commissioner Wagstaff asked if the garage was not wide enough to be technically considered a garage. Planning Consultant Weiss stated “yes”. Planning Director Toft stated the term “garage” is not a zoning term- it is not wide enough to meet the standard for an enclosed parking space. However, they already have parking than required – it could be used for parking or storage.

Chair Tauber opened the Public Hearing.

Mr. Jeff Cavener, architect, made the following comments:

- The primary purpose of the project was to enhance the aesthetics of the house by using several tools and materials. They also introduced an organization to the windows and steel eyebrows to replace a discordant gable element over the existing porch.
- The only reason for the small, 24-square foot second floor addition was to enhance the aesthetics of the structure and expand it to make the entry to the residence look more integrated.
- The secondary purpose was to add a garage stall that would help the streetscape from the perspective of providing more interior parking.
- The client requested the additional roof deck.

Commissioner Wagstaff asked if the vertical siding on the east elevation was intentional- everything else is horizontal or stucco. Mr. Cavener stated the intention was to leave it since there was zero visibility due to the vegetation. Much of the vegetation has been removed for fire safety - they could discuss changing it.

Commissioner Chalmers asked if they thought about dropping down the roof deck making the new garage lower thus breaking up the massing. Mr. Cavener stated he discussed it with the client but they wanted the expanded roof deck. He understood the aesthetic argument in favor of the suggestion. Lowering the garage would eliminate the roof deck and he would pick a height a foot or two above the eyebrow.

Commissioner Kunstler asked if the roof deck was of primary importance and the garage space was secondary. Mr. Cavener stated they were both important. The additional roof deck is considered a functional enhancement and the ability to park a car out of sight is a visual enhancement.

Commissioner Kunstler discussed a possible design alternative- expand the size of existing garage to the left and accomplishing a roof deck via a cantilever of some sort. Mr. Cavener discussed this suggestion.

Commissioner Swisher understood the plan for the roof deck and he asked if they thought about steps to mitigate the neighbor's privacy concerns. They could install a privacy barrier on the distal end. Mr. Cavener stated the bamboo was removed and they plan to plant Pittosporum (fast growing) to restore the privacy that both neighbors want. The balustrade is stainless steel and glass and all the glass on the street elevation and the side facing the neighbors is frosted or translucent. It is open only on the rear (south elevation). Commissioner Swisher asked if the balustrade could be up to 72 inches. Mr. Cavener stated at that height there could be engineering constraints and it could be visually unappealing. Commissioner Swisher stated they could accomplish the same thing by using planter boxes. Mr. Cavener stated that would be more attractive and he would rather use landscaping as a solution rather than a screen wall.

Ms. Mara Passetti made the following comments:

- She is representing her parents.
- They removed all the bamboo at the neighbor's request and agreed to install a new fence between the two homes. The neighbor selected the plants.
- The new garage is adjacent to the neighbor's garage and should not disrupt the neighbor's privacy.
- They are looking at a tongue and groove, horizontal wood siding that would be stained. She displayed the sample. They would be happy to add this to the east elevation.

Mr. Kevin Haroff made the following comments:

- He is speaking as a private citizen and not as a City Councilmember.
- He lives adjacent to the subject property (to the north side).
- He is concerned about the addition of significant massing to an already oversized residence.
- He is concerned about the process by which the applicant pursued the project- without story poles, engaging in on-going construction activity on site on a daily basis, and questioning the City's jurisdiction over the project.
- He is confident the Commissioner will make an appropriate decision based on the merits of the project.

Commissioner Kunstler asked Mr. Haroff to elaborate on the jurisdictional issue. Mr. Haroff stated the applicant objected to being subject to the City of Larkspur's permitting process because he was of the opinion that the property is not in the City's jurisdiction.

Mr. Kent Browett, La Cuesta, made the following comments:

- He lives next door and has been in discussions about the screening, bamboo, etc.
- The proposed second floor addition would add mass and overlook his yard. It would not be appropriate.
- He tried to contact his neighbor but he was not available.
- The bamboo provided wonderful screening but it had to be removed.
- Additional landscaping might not be a permanent barrier since it could be removed or die.

Mr. Jeff Cavener made the following comments:

- He spoke to Mr. Browett today. The removal of the vegetation does make a difference.

- Landscaping can be made an integral part of design compliance. He did not think the owner would object to this type of condition in an attempt to restore the screening.
- They would continue the horizontal wood siding.
- The jurisdictional issues are not germane to the merits of the project.

Chair Tauber closed the Public Hearing.

Commissioner Wagstaff provided the following comments:

- The siding should be carried around the house.
- The addition is too tall and blocky and the mass should be dropped. The existing deck is big enough without installing an addition.
- A garage does not need to be fifteen feet tall.
- This is a blind corner and getting out of that space could be difficult.
- He cannot support the proposal as presented.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by Commissioner Wagstaff.
- Modifications could be made to alleviate concerns.
- The massing on the right side of the house does not comport with the design requirements needed to make the findings.
- The addition should be scaled back.
- He suggested removing the garage element and using some sort of cantilever to accommodate the applicant's wishes for a slightly larger deck.
- The privacy issue could be alleviated by landscaping or some other compromise- but the deck is sixteen feet high.
- The rest of the design is an appropriate updating of the house.
- The entire west side of the proposal is not something he could support.

Commissioner Chalmers provided the following comments:

- The proposed entry on the second floor is in compliance and works.
- The proposed refinishing will enhance the aesthetics of the house and hopefully be pleasing to the neighbors.
- It is unfortunate that the story poles were not erected.
- She understood the concerns of the neighbors.
- It would be useful to install some vegetation or privacy screening to help alleviate the concerns of the neighbor at 28 La Cuesta.
- She is struggling with the Design Review application with respect to the garages. The scale does not work as proposed.
- She would like to see the architect come back with some modifications.

Commissioner Swisher provided the following comments:

- The neighbor at 28 La Cuesta has a legitimate concern about the massing on that side.
- The concerns about process are interesting but not germane to the design.
- The architect did a great job with the rest of the house- those are great improvements.
- The materials look great.
- If the goal is to provide more parking the proposal could include a nice wooden structure carport without extending the deck. This would be aesthetically more pleasing and might save some cost.

Chair Tauber provided the following comments:

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

- It is too tall and she questioned the need for the extra deck space up above.
- It could be lower- a height of sixteen feet would make it difficult to provide landscaping privacy.
- She could not make the findings as proposed.
- She would like the story poles installed.

Chair Tauber asked the applicant if they would prefer a continuance or a denial which would allow them to appeal to the City Council. Ms. Passeti stated she would prefer a continuance, but could not commit to changing the design without consulting with her parents.

Planning Director Toft stated he would need to hear from the applicants about how they wanted to proceed in the next two weeks due to the Permit Streamline Act.

M/s, Wagstaff/Ziesing, motioned and the Commission voted 5-0 to continue DR/FAR #19-27, 32 La Cuesta Drive, to a date uncertain and ask the applicant to contact staff within the next two weeks as to the desire to move forward as proposed or make changes.

- 3. DR #20-17, 19 Highland Court, (APN:021-071-31); Polsky Perlstein Architects, Applicant; Kenneth Huey, Property Owner; R-1 (First Residential) Zoning District. Applicant is requesting permits to substantially remodel the interior and exterior of an existing two-story residence and construct new additions totaling approximately 675 sq. ft.; 1) Design Review (DR); 2) Floor Area Ratio Exception (FAR) to increase the existing residence from 2,997 sq. ft. and a 0.35 FAR to 3,659 sq. ft. and a 0.43 FAR where an 850 sq. ft. residence and 400 sq. ft. garage and a 0.05 FAR is permitted by code due to the steep slope of the lot; 3) Variance (V) to the natural state requirement to allow proposed additions to reduce the natural/permeable area of the lot to 68% where 70% is required by code; 4) Variance (V) to the 6-foot side yard setback to allow a portion of the existing garage and addition to provide an approximately 4-foot to 5-foot side yard setback; 5) Variance (V) to the 15-foot rear yard setback to allow the detached garage and additions below to be attached to the residence with an existing setback of 6-foot 11-inches.**

Senior Planner Teiche presented the staff report.

Chair Tauber opened the Public Hearing.

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

- He thanked staff for the excellent and thorough report.
- The house is in poor condition and needs a lot of work.
- This will be the last house in the court to be remodeled.
- It should have a “de minimus” effect on the neighbors.
- There are letters of support from the neighbors.

Mr. Don Slungren, Orange Avenue, made the following comments:

- He lives in the adjacent property to the south.
- He is fine with the plans.
- He wants to make sure the large Black Oak on the property line is maintained.
- He wants to make sure there is screening for the bio-retention pool at the end of the driveway.

Senior Planner Teiche stated the applicant has not requested removal of the tree. The bio-retention pool is dug into grade and should not be too visible. There are some small plants at the back of the retaining wall.

Chair Tauber closed the Public Hearing.

Commissioner Chalmers provided the following comments:

- She has no major concerns with this application. It is well thought-out.
- The circumstances of the site (extreme slope and driveway that cuts into the property) allows for a grant of the variances.
- She could approve the application.

Commissioner Swisher provided the following comments:

- This is a great design.
- It takes advantage of the space in between in a very creative way.
- This is a great use of space on this sloped lot.
- He would be in favor of granting the variances.
- There are homes in the area with the same or larger FAR's.
- He likes the materials and the decking.

Commissioner Kunstler provided the following comments:

- He supports the application.
- It complies with the requirements.

Commissioner Wagstaff provided the following comments:

- He thanked staff for the excellent report.
- The stairs are in disrepair.
- The architect did a great job. It will be a great house.
- He could support the application.

Chair Tauber provided the following comment:

- This is a difficult lot.
- This is a good solution.
- She could support the application.

M/s, Swisher/Chalmers, motioned and the Commission voted 5-0 to approve DR #20-17, 19 Highland Court, 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 July 14, 2020 draft meeting minutes**

M/s, Kunstler/Swisher, motioned and the Commission voted 5-0 to approve the minutes from the meeting of July 14, 2020 meeting as submitted.

### **2. Planning Commissioners Reports**

There were no reports.

The meeting was adjourned at 8:33 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 August 11, 2020.

A handwritten signature in cursive script that reads "Kristin Teiche". The signature is written in black ink and is positioned above a horizontal line.

---

Kristin Teiche, Senior Planner on behalf of  
Neal Toft, Planning Director