

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF NOVEMBER 24, 2020

The Larkspur Planning Commission was convened at 7:00 p.m. by Acting Chair Kunstler via teleconference due to the Coronavirus (COVID-19).

Commissioners Present: Acting Chair Daniel Kunstler, Natasha Chalmers,
Jeffrey Swisher

Commissioners Absent: Brock Wagstaff, Chair Laura Tauber

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

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- Despite COVID-19 conditions, the Building Department remains quite busy with over 1,000 permits issued this year. Staff continues to get a lot of requests to upgrade heating systems, install solar systems and battery back-ups, and occasional backup generators.
- Staff was preparing to open City Hall to limited appointments for pre-applications, pick-up and drop-off of permits, etc. However, the recent growing number of COVID cases and health department orders have postponed this effort. Staff continues to work as remotely as possible while staggering office hours. He anticipates City Hall will remain closed to the public through the winter months.
- The Planning Department will be looking at consolidating public hearings where possible. Limited staff availability and resources make the current schedule challenging and it is more efficient to schedule more items for fewer hearings.
- The next Commission meeting is scheduled for December 8th. The second meeting is scheduled for December 22nd and he is looking at possibly cancelling that meeting and scheduling a Special Meeting for December 15th if necessary.
- Staff is working on making sure the updated Draft General Plan is ADA compliant. He will be scheduling a Scoping Meeting soon.
- City Hall will be closed between the Christmas and New Year's holidays.

Acting Chair Kunstler asked about the consolidation of the meeting schedules. Planning Director Toft state one of the challenges is providing adequate notice and adhering to the Permit Streamline Act. While it can be more efficient to delay matters to achieve more consolidated meeting, it can also be a problem to have projects build up.

CONSENT CALENDAR

1. **DR/EXCEPT/FHE #20-30; 99 Dartmouth Drive (APN: 021-113-01); Norah Frei Architect, Applicant Stephanie and Ron Wolf, Owners; R-1 (First Residential) Zoning District. Applicant is requesting the following permits to construct a one-story addition to a single-family residence and relocate a fence into the required 15-foot front yard setback: 1) Design Review (DR); 2) Exception Permit (EXC) to allow a larger window opening in a wall**

with a nonconforming street side setback; 3) Fence Height Exception (FHE) to locate a fence up to approximately 6 feet from the front lot line, and 9 feet from back of sidewalk.

Acting Chair Kunstler asked if anyone wanted to remove this item from the Consent Calendar for discussion. There was no response.

On the Consent Calendar, M/s, Swisher/Chalmers, motioned and the Commission voted 3-0-2 (Wagstaff and Chair Tauber absent) to approve DR/EXCEPT/FHE #20-30; 99 Dartmouth Drive, based on the findings and conditions set forth in the staff report.

Acting Chair Kunstler stated there was a 10-day appeal period.

2. DR #20-36;/FAR/V #20-27; 3 Garden Way (APN 021-211-10); Pacific Design Group, Applicant; Erin and Brennan Wenck-Reilly, Property Owners; R-1 (First residential) Zoning District. Applicant is requesting the following permits to remodel and existing two-story residence, including the addition of a new front porch, converting attic/storage space to habitable space with a second story balcony, and new Fern Pine hedge row for privacy screening: 1) Design Review (DR); 2) Floor Area Ratio Exception (FAR) to increase the existing home from 2,033 square feet and a 0.39 FAR to 2,575 square feet and a 0.49 FAR where a 0.40 FAR is permitted; 3) Variance (V) to allow a new covered entry in the required street side yard setback fronting Garden Way; 4) Variance (V) to allow a new upper level balcony in the required rear yard setback; 5) Fence Height Exception (FHE) to allow planting of a Fern Pine privacy screening along the northerly property line.

Assistant Planner Matthews presented the staff report.

Acting Chair Kunstler asked if the shrub row in the front yard would require a separate Fence Height Exception. Assistant Planner Matthews stated “yes”- there is a Condition of Approval from the Public Works Department requiring that the shrubs and the fence be moved back five feet from the street.

Acting Chair Kunstler asked about the type of windows that are facing 5 Garden Way, particularly those above the stairway and proposed bathroom. He asked if they would be frosted. Assistant Planner Matthews stated that it did not appear so, but the architect could answer this question.

Acting Chair Kunstler opened the Public Hearing.

Mr. Chris Skelton, project manager, made the following comments:

- There is an abundance of neighborhood support.
- This is primarily an interior remodel intended to improved circulation inefficiencies.
- They are preserving the integrity of the home and retaining the height, bulk, and mass characteristics of the existing conditions.
- He discussed the Green Building techniques of “retaining the existing and reusing it”.
- The addition of the enclosed entry area will accommodate weather protection.
- The attic space already exists and has a false dropped ceiling.
- The upper floor plan is not changing but the utility is being improved. They are creating an office space, play space, bathroom and windows for natural light.
- The northern window in the stairwell was originally designed from floor to ceiling. The sill was raised significantly and now sits nine feet above the landing at the stairwell. It would not be possible for a person to look down and out into the private spaces at 5 Garden Way.
- The bathroom window will be frosted.
- One office window will be 25’ away from 5 Garden Way.

- The playroom window is oriented in a northwestern direction and should not create any privacy concerns.
- He discussed the landscape plan and the mitigation of privacy concerns.
- The proposal is for a seven-foot, solid wood fence with four feet of lattice.
- The deck on the western façade was designed to be minimal in scale.
- The Findings can be made to approve the project.

Commissioner Swisher referred to the Variance for the deck and asked Mr. Skelton if they considered a “Romeo and Juliet” style deck- something shorter to avoid the need for the Variance. Mr. Skelton stated “yes” but they would have to re-arrange the orientation of the doors. The deck is only six feet deep.

Mr. Chris Skelton responded the deck does orient directly toward Mt. Tam. The deck is only 6’ in depth which is the minimal design for decks which still provides some functionality.

Commissioner Chalmers referred to the plans, Sheet A4, and asked if the two large windows were located in the office. Mr. Skelton stated the office window was almost twenty feet from the property line. It does not line up with the building at 5 Garden Way.

Mr. Ed Blankenship, Pacific Design Group, made the following comments:

- The project has changed in an attempt to try to accommodate the residents of 5 Garden Way.
- He looks forward to the Commission comments.

Ms. Erin Reilly, owner, made the following comment:

- She looks forward to continuing to work with her neighbors.

Ms. Linda Beck, Garden Way, made the following comments:

- She asked how the proposed extension of the lattice work would be less of a fire hazard than a green hedge.
- The north facing proposed windows would negatively impact her privacy and shine unwanted light into her master suite. She suggested clerestory windows, raising the sills, or a reduction in the number of windows.
- She is unclear about the two, west facing stairwell windows and asked if there would be a view into her master bedroom.

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

- He referred to the lattice and stated leaves are considered more flammable than a wood structure.
- The lattice will be constructed with fire resistant materials.
- The lattice is the best approach and would be more permanent.

Ms. Chris Skelton made the following comments:

- They could drop four of the proposed hedge to reduce the run to the east.
- The lattice is the superior alternative.
- Shades or curtains could be used to address privacy and lighting issues.

Ms. Linda Beck made the following comments:

- She appreciated the suggested use of drapes but for maximum privacy she would need to keep her drapes closed all the time.
- Drapes or shades are not a solution.

Acting Chair Kunstler closed the Public Hearing.

Commissioner Chalmers provided the following comments:

- She could make the Design Review Findings.
- She could make the Floor Area Ratio Exception (FAR) Findings since there was no change to the massing.
- She could make the Findings for the Variance to the side yard setback and stated it was a nice design.
- Reducing the size of the upper level balcony would make it too small and she could make these Findings.
- She referred to the Fence Height Exception and acknowledged the neighbor's concerns. She was pleased to see the level of cooperation between the neighbors.
- A three-foot high lattice could be the solution to the privacy concerns.
- The two windows that present the greatest concern are set back and slanted in a different direction. She asked the applicant to install an opaque bottom half.

Commissioner Swisher provided the following comments:

- He agreed with the comments made by Commissioner Chalmers.
- The line-of-sight issues have been addressed by the architect.
- The issue regarding light at night could be addressed through neighborly cooperation.
- The lattice is a good idea and is probably less flammable than the hedge.
- A "Romeo and Juliet" balcony would not cut it.

Acting Chair Kunstler provided the following comments:

- He agreed with the comments made by both Commissioners.
- The applicants have taken great care in the design to mitigate the privacy and light intrusion issues.
- The lattice would reduce the amount of mass. Non-flammable materials should be used.
- He stated the plans for the fence have been altered and asked if the Commission should review the revised plans.

Senior Planner Teiche stated the installation of three feet of lattice will require a Building Permit and some structural reconfiguration of the fence. The existing vegetation could get undermined and might need to be replanted. The Public Notice included a maximum fence height of fifteen feet. The Commission could include a Condition of Approval that requires the installation of a lattice top resulting in a maximum height.

M/s, Chalmers/Swisher, motioned and the Commission voted 3-0-2 (Wagstaff and Chair Tauber absent) to approve DR/FAR/V #20-27, 3 Garden Way, subject to the findings and conditions set forth in the staff report with the following additional Condition of Approval: 1) The applicant shall submit a revised plan for the back fence that includes lattice work resulting in a total height of twelve feet.

Acting Chair Kunstler stated there was a 10-day appeal period.

- 3. DR/FAR/SUP/V/HTR/FHE #19-49, 203 Hawthorne Avenue (APN 020-222-05); Christopher Schrader Design, Applicant; William Webb and Gillian Schultz, Property Owners; R-1 (First Residential) Zoning District. Applicant is requesting approval of the following permits to allow demolition and existing improvements and construction of a new, 1,792 square foot two-story single family residence on a 6,128 square foot flag lot with an average grade of 30%; 1) Design Review (DR); 2) Floor Area Ratio Exception (FAR) to construct a new single-family residence totaling 1,792 square feet and a 0.29 FAR where**

1,219 square feet and a 0.19 FAR is permitted by code due to the slope of the lot; 3) Slope Use Permit (SUP) to allow site work that will result in 155 cubic yards of grading 4) Variance (V) to the on-site parking standards to allow two parking spaces in tandem on an open driveway, where four on-site parking spaces (one covered) is required by code; 5) Heritage Tree Removal Permit (HTR) to allow excavation in close proximity to a 51” circumference Coast Live Oak and to allow both excavation and pruning of an 81.6” circumference Elm located on 207 Hawthorne Avenue; 6) Fence Height Exception (FHE) Permit to attach a six-foot fence on top of a retaining wall that ranges in height from 4 feet on the southerly lot line and 2-6 feet in height on the westerly lot lines. Overall fence height measure to bottom of retaining wall will range from 8 feet to 12 feet above grade.

Senior Planner Teiche presented the staff report.

Acting Chair Kunstler stated one of the parking spaces was only ten feet wide (twelve feet is required) and he asked if it could be considered a compliant space for planning purposes. Senior Planner Teiche stated the code allows ten feet wide spaces to remain if they were built long ago. It is up to the Commission to determine if it can be accepted as an adequate parking space.

Acting Chair Kunstler opened the Public Hearing.

Mr. Christopher Schrader, designer, made the following comments:

- They recognized need to make adjustments to the design but their request for a continuance of the hearing was denied a couple of days ago.
- He would like to address the concerns verbally and hoped they could be deemed minor amendments as Conditions of Approval.
- The project benefits the neighborhood by improving a deteriorated property, removing a large accessory structure, removing a portion of the structure constructed in the side yard setback, and creating an additional parking spot and dedicated trash area.
- The major site constraint includes the 30% slope of the lot which reduced the allowable Floor Area Ratio (FAR) from 40% to 20%.
- This is an irregularly shaped flag lot that does not lend itself well to a one-story residence due to the natural state and lot coverage requirements.
- The neighbor has concerns about massing, impacts to the Elm tree (tree #6), and potential view loss.
- They are taking measures to ensure the health of the Elm tree. They are willing to remove the eastern retaining wall and entry door at the lower level thus eliminating grading in that area.
- Their initial revisions during staff review included lowering the overall roof height by 2 ½ feet and a change to the pitch and window sizes.
- As suggested in the staff report, they propose adding floor area at the lower level under the kitchen to replace the work shop lost at the east side. This could be accessed directly at the south elevation.
- They are willing to lower the stairwell roof by 2 ½ feet to match the main roof. This will address the neighbor’s concerns about bulk and views.
- He disagrees with the assertion that the project lacks notable modulation and off-sets and is an architecturally vertical design. This is a horizontal design that uses an architecturally interesting vertical element.
- Articulation is achieved in numerous areas by the use of staggered roof pitches, overhangs, plane changes, and material surface changes.
- The south elevation is never seen “head-on” but rather from an oblique view below.
- The stairwell provides visual interest but is only seen from an angle.
- The proposed design is relatively hidden from public view.

- The proposed fence will be six feet high, located on the retaining wall that maxes out at six feet, and the combination could be up to twelve feet.
- The proposed improvements would not impact the neighbor's view of the bay.
- The final amendment they are proposing to address the concerns raise in the staff report is a shift in the building footprint 5 ½ feet to the west and 5 ½ feet to the north on the eastern setback line. This would expand the neighbor's view of Mt. Tamalpais.
- He summarized the four amendments: 1) Remove the east retaining wall and entry door adjacent to tree #6 and the related grading; 2) Add floor area to the ground level under the kitchen with exterior access to the south; 3) Shift the location of the building; 4) Lower the stairwell roof by 2'3" so it matches the main roof ridge.
- These are substantial compromises and concessions.
- He asked that these revisions be required as a conditional approval and that the project not be continued for revisions.

M. Gillian Schultz, owner, made the following comments:

- They did not know what they were getting into. They thought this would be a win-win.
- They are willing to compromise and have reached out to the neighbors.
- They want to move forward sooner than later.

Mr. Ben Parsons, Hawthorne Avenue, made the following comments:

- The applicants did reach out to him and he reviewed the plans.
- He is supportive of the project but has several concerns.
- This is a complicated lot. There are a lot of constraints.
- He is concerned about losing his view of Mt. Tamalpais from some of their primary living areas, such as the kitchen. He also noted that he does not want the Elm tree on his property to be compromised as it provides privacy between the two properties and it will serve to provide separation from the applicants proposed residence. He noted that he detailed his concerns and the possible design solutions they believe will retain their views and privacy in his letter which was provided to the Planning Commission with the staff report.

Mr. Christopher Schrader made the following comments:

- He reiterated the revisions they are proposing as solutions.

Chair Kunstler closed the Public Hearing.

Commissioner Swisher provided the following comments:

- He asked about the history of the lot and how it was subdivided.
- This is a beautiful design. *He liked the corner cut-off angle at the easterly rear corner.*
- Mr. Parsons at 207 Hawthorne Ave has provided a blueprint for modification of the design in his letter.
- It would be difficult to make the Findings without being able to see the revisions.

Commissioner Chalmers provided the following comments:

- She agreed with the comments made by Commissioner Swisher.
- This is a challenging and complicated project.
- She needs to see the revised plans.

Acting Chair Kunstler provided the following comments:

- He agreed with the comments made by the other Commissioners.
- It is impossible to make the Findings on an application that is substantially different from the one that was submitted.

- They need to see the revised plans.
- He is in favor of a continuance.

M/s, Swisher/Chalmers, motioned and the Commission voted 3-0-2 (Wagstaff and Chair Tauber absent) to continue DR/FAR/SUP/V/HTR/FHE #19-49, 203 Hawthorne Avenue to a date uncertain to allow the applicant time to revise the plans.

BUSINESS ITEMS

1. Approval of the November 10, 2020 draft meeting minutes

M/s, Swisher/Chalmers, motioned and the Commission voted 3-0-2 (Wagstaff and Chair Tauber absent) approve the minutes from the meeting of November 10, 2020 as submitted.

3. Planning Commissioners Reports

There were no reports.

The meeting was adjourned at 9:05 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 January 12, 2021.

Neal Toft, Planning Director