

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF FEBRUARY 23, 2021

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

Commissioners Present: Chair Brock Wagstaff, Natasha Chalmers, Daniel Kunstler, Jeffrey Swisher, 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

- Vaccinations for COVID-19 are occurring at the Larkspur Landing Ferry Terminal parking lot.
- The City Council Strategic Planning meeting is scheduled for this Friday starting at 9:00 a.m. The focus will be on a financial update and review of revenue sources. There will also be a discussion of housing related projects, updating the Housing Element, the Regional Housing Needs Assessment (RHNA) numbers, etc.
- Assistant Planner Matthews is leaving the Town and is going on to "greener pastures". He will be missed!

The Commission thanked Assistant Planner Matthews for the exemplary work he has done over the past year.

PUBLIC HEARINGS

1. **DR/FHE #20-24; 80 Corte Del Bayo (APN: 022-271-28); Bryn Garrett, Ehrlich, Yanai, Rhee, Chaney Architects, Applicant; Pascal Zuta, Property Owner; R-1 (First Residential) Zoning District. Applicant is requesting Design Review approval to allow demolition of an existing 2,195 square foot two-story single-family residence with a 0.25 FAR and construction of a new 3,570 square foot contemporar modular two-story residence, with a 0.37 FAR on a 9,572 square foot lot.**

Senior Planner Teiche presented the staff report. She stated the applicant revised the plans in an attempt to address concerns including the relocation of the fence. The Fence Height Exception is no longer needed. She stated staff received late mail.

Chair Wagstaff opened the Public Hearing.

Mr. Bryn Garrett, architect, made the following comments:

- He gave a PowerPoint presentation that highlighted the changes.
- The Redwood tree in the front yard poses a challenge in the design. It has pushed the development towards the water.
- The construction method will be prefabricated minimizing the impact to the neighbors and duration of construction.
- They are trying to mimic the layout of the existing house.

- This is a pie-shaped lot with a significant amount of land underwater.
- The modifications went above and beyond what was requested by the neighbors and the Commission.
- The changes include: 1) Relocation of a new, compliant fence; 2) Buffering and softening of the new fence; 3) Reduction of the height of the structure by one foot (9' ceilings on the ground floor and 8'6" ceilings on the second floor; 4) Pushed the easternmost wall in by almost two feet; 5) Reduced the length of the easternmost wall so it is more broken up and articulated; 6) Shrunk the kitchen and reworked the bedrooms resulting in a net reduction of 110 square feet on that corner; 7) Pushed the hot tub away from the lagoon and closer to the house; 8) The hot tub is now surrounded by plantings; 9) Broke up the eastern wall with metal articulation and windows; 10) Cut down the six foot hedge along the fence line; 11) Prepared a shade study which indicated minimal impacts to the neighbor.
- They are complying with the new FEMA flood plain requirements which has increased the ground story finished floor elevation above the existing.
- The impact of the proposed design is less than 2 ½ % of the neighbor's view.
- The impact to the neighbor's view from her kitchen window has been improved by cutting down the hedges.
- The neighbors at 70 Corte Del Bayo feel the new design is acceptable. The changes included: 1) Pushing in the western most wall on the second floor by 2'2"; 2) Creating a balcony where the master bedroom was thereby increasing their view from the attic window; 4) Removing one of the two west facing windows from the proposed master bedroom; 5) The bottom half of the west facing bathroom window will be frosted.

Commissioner Kunstler referred to Sheet A2.01 and 02 (floor plans) and asked if there was a code requirement for the width of that hallway. Mr. Garrett stated it is four feet wide which is standard and he would not want to go any smaller. Commissioner Kunstler asked if they could slide that eastern section of the house a few feet to the north. Mr. Garrett stated there would be other impacts to making that shift. Commissioner Kunstler stated he would like to further alleviate the light and line-of-site issues for 90 Corte Del Bayo. Mr. Garrett noted the bedroom rooms were already undersized and very small.

Chair Wagstaff asked if the FEMA flood height regulations would apply to a deck. Mr. Garrett stated "yes and no". The deck would have to maintain a certain height for a certain distance and then it could step down.

Mr. Pascal Zuta, owner, made the following comments:

- They worked hard on this design. They will continue to do their best.
- They are being pushed from both sides.
- They would be happy to add more greenery.

Chair Wagstaff asked if they would be willing to drop the deck on Ms. Weider's side. Mr. Garrett stated they could look at lowering that corner. Mr. Zuta stated he likes the way it is current configured. It is not in the neighbor's view.

Senior Planner stated the hot tub could be shifted over to the other side of the deck if that is the concern. There is a nice little nook.

Ms. Debra Harnett, Corte Del Bayo, made the following comments:

- She is concerned about the height.
- The ceilings could be eight feet high in the bedrooms.
- She is concerned about setting precedence by allowing bigger and bigger houses.

Ms. Joan Weber made the following comments:

- She did not want to take away the applicant's dream but did not want it to be at the sacrifice of her dream.
- She appreciated the trimming of the hedges.
- The lagoon view from her kitchen window is abrogated by the story poles.
- Her view towards the west would be blocked by the project's second floor bedroom.
- The project will impact her light, air, and views.
- She would love to see a solution that would satisfy both parties.
- She referred to the applicants' desire to retain the Redwood tree and asked if trees were more important than people.

Chair Wagstaff closed the Public Hearing.

Commissioner Swisher provided the following comments:

- The applicants have done a lot to compromise the design integrity.
- They have been diligent in making reasonable modifications.
- He understood Ms. Weider's concerns about her views, etc.
- It is not possible for everybody to get everything they want.
- He was not sure there were any more architectural modifications that could be made.
- Trees are important and have standing. Redwood trees should be preserved when possible.
- An arrangement could be made about the deck and the hot tub.
- He is in favor of the project as modified.

Chair Wagstaff reopened the Public Hearing.

Mr. Len Rifkind, attorney for Ms. Weider, made the following comments:

- It is important to actually see the views from Ms. Weider's chair, kitchen window, etc.
- His client opposes the Design Review approval because the project still materially blocks light and water views from her kitchen and family room. A good design would address this.
- One of the mandatory Design Findings is Municipal Code Section 18.64.050(b) which requires compatibility with neighbors. There is no compatibility yet.
- The project as designed creates unreasonable loss or interference with light, solar access, and prominent scenic views.
- The design solution would be to "get the building out of the way".
- Floor Area Ratio (FAR) is a good indicator of development intensity. The effective FAR for this project is 60% when you consider only the portion of the lot above water.
- There is a lot of development going on in this small patch of ground.
- His client understands the need for compromise.
- He asked the Commission to deny or continue the application.

Mr. Garnett made the following comments:

- He referred to the site plan and asserted that the location of some of the windows is being misrepresented.
- The kitchen window is right in the middle of the parcel looking to the west. Anything short of leaving the existing home as is would impact that window as it faces into the middle of the side yard.
- His client also has a right to views.

Chair Wagstaff closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- This is a difficult decision since there is no one single element that can be construed as problematic.
- There are some elements of the design that are attractive as seen from the lagoon.

- He appreciates the environmental benefits from using the modular construction technique.
- They have to consider the neighbor's loss of light and view. It is not immaterial.
- The Larkspur Code talks about a test of "reasonableness".
- There is an impact to the southeast corner of the neighbor's house and the kitchen due to the height of the proposed structure above the garage.
- The size of the house and the overall design program leaves him with an impression that the lot is overbuilt.
- The Redwood tree is "in the way" and limits the available options.

Commissioner Tauber provided the following comments:

- She did not do an indoor site visit.
- The applicant has made a tremendous amount of effort to listen to the neighbor's concerns and made significant modifications.
- She likes the house a lot. It is a handsome design.
- She is inclined to approve the project based on the shadow study, the view corridor study, and the other information presented.

Chair Wagstaff provided the following comments:

- He did an inside visit and sat in the chair referred to by Ms. Weider.
- That corner has moved 4'5" which is a significant change.
- "Compatibility" does not mean there would not be impacts.
- These are side by side houses with odd zoning- the dry portion of the lots are much smaller than the whole with 40% of it under water.
- The applicant was given direction at the last meeting with respect to that corner.
- He likes the house.
- The only other option has to do with the Redwood tree which dictates the house location and configuration.
- He can make the findings to approve the project.

M/s, Tauber/Swisher, motioned and the Commission voted 4-0-1 (Chalmers recused) to approve DR/FHE #20-24, 80 Corte Del Bayo, with the modifications as presented and subject to the findings and conditions set forth in the staff report.

Commissioner Chalmers arrived at the meeting.

Planning Director Toft left the meeting.

2. **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 of existing improvements and construction of a new 1,850 square foot two-story single family residence on a 6,128 square foot flag lot with an average grade of 30%: 1) Design Review; 2) Floor Area Ratio Exception to construct a new single-family residence totaling 1,850 net square feet, and 0.30 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 to allow site work that will result in 248 cubic yards of grading; 4) Variance to the on-site parking standards to allow two parking spaces in tandem on an open driveway, where four on-site spaces (one covered) is required by code; 5) Heritage Tree Removal Permit to allow excavation in close proximity to a 51" circumference Coast Live Oak; 6) Fence Height Exception Permit to attach a 6-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 to 12 feet above grade.**

Senior Planner Teiche presented the staff report. She briefly discussed the revisions to the plans. Staff received one item of late mail.

Chair Wagstaff stated he was not present at the prior meeting for this application but has reviewed the record and is up to date.

Chair Wagstaff opened the Public Hearing.

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

- They have a letter of support from the immediate neighbor.
- There were three main areas of concern: massing of the stairwell roof, impacts to the heritage Elm tree #6, and the potential view loss from 207 Hawthorne Avenue.
- The revised application addresses all the previous concerns.
- They lowered the stairwell roof approximately 2 ½ feet to match the main roof ridge.
- They house was shifted and will be further nestled into the hillside which addresses bulk, mass, and views.
- They removed the adjacent eastern retaining wall and entry door at the lower level to ensure the health of the Elm tree. There will be no new work or grading in that critical root zone.
- They added floor area in the lower level under the kitchen and towards the rear.
- The building footprint is now consistent between both levels.
- These items are a satisfactory compromise to the concern over the impacts to the Elm tree.
- They shifted the building footprint northwest along the eastern setback line 5 ½ feet in response to the concerns from the neighbors at 207 Hawthorne.
- This new building location will reduce the building mass as seen by the neighbors.
- The proposed residence is only seven feet higher.
- They added some floor area to the kitchen as a result of the new location of the building.
- The proposed solutions are a substantial compromise to the applicants.

Chair Wagstaff closed the Public Hearing.

Commissioner Chalmers provided the following comments:

- She asked if the residents at 207 Hawthorne are satisfied with the new design. Mr. Ben Parsons stated they reviewed and are satisfied with the new design and appreciate the changes.
- This is a very challenging site.
- The architect addressed the issues previously raised by the Commission.
- She can make the findings to approve the project.

Commissioner Kunstler provided the following comments:

- All of the previous concerns were adequately addressed.
- The design fits the conditions on the ground very well.
- He could make the findings.

Commissioner Tauber provided the following comments:

- She was struck by how difficult this site is.
- She is glad to hear the neighbors are satisfied with the revisions.
- She can make the findings.

Commissioner Swisher provided the following comments:

- He appreciated the work done to save the tree.
- He likes the design.
- He can make the findings.

Chair Wagstaff provided the following comments:

- This is a handsome house.
- He can make the findings.

M/s, Kunstler/Tauber, motioned and the Commission voted 5-0 to approve DR/FAR/SUP/V/HTR/FHE #19-49; 203 Hawthorne Avenue, subject to the findings and conditions set forth in the staff report.

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

BUSINESS ITEMS

1. Approval of the February 9, 2021 draft meeting minutes

M/s, Kunstler/Chalmers, motioned and the Commission voted 4-0-1 (Tauber abstained) to approve the minutes from the meeting of February 9, 2021 as submitted.

2. Planning Commissioners Reports

There were no reports.

The meeting was adjourned at 8:32 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 March 23, 2021.



Neal Toft, Planning Director