

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF AUGUST 24, 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

Commissioners Absent: Laura Tauber

Staff Present: Planning Director Neal Toft
Senior Planner Kristin Teiche
Planning Consultant Lorraine Weiss

OPEN TIME FOR PUBLIC EXPRESSION

Mr. Kevin Carroll stated he sent a letter to the Commission.

PLANNING DIRECTOR'S REPORT

- The Marin Municipal Water District (MMWD) recently adopted two new ordinances including one that restrict the hours for watering landscaping. This can be a challenge for developments that are trying to establish new landscaping. The other ordinance requires that no new irrigated landscaping be installed for projects involving new service (new construction). He discussed the possible impacts to erosion control measures.
- MMWD has not issued a moratorium on pools at this time. The City does not have a moratorium on pools.
- There will be a Housing Element presentation at next week's City Council meeting with consideration of hiring a consultant.

Chair Wagstaff asked how the MMWD regulations would affect Accessory Dwelling Units (ADUs). Planning Director Toft stated it is recognized that housing is a priority, and the agency is looking at other ways to cut back on water use, such as restricting landscaping for new development.

CONSENT CALENDAR

1. **DR/FAR/V #21-25, 51 Francis Avenue; APN 020-063-11; Geoffrey Butler, applicant, Dan and Ann Orsine, Homeowners; R-1 (First Residential) Zoning District. Applicant is requesting the following permits to remove the existing front porch roof, construct a new front entry adding 56 square feet, and a new covered front porch on an existing single-family residence: 1) Design Review (DR); 2) Floor Area Ratio Exemption (FAR) to increase the existing 3,123 sq. ft. residence with a 0.50 FAR to 3,179 sq. ft. and a 0.51 FAR where 2,480 and a 0.40 FAR is permitted by code; 3) Variance (V) to the front yard setback to allow the proposed entry addition to be provided a 12-foot setback, the porch roof a 7-foot 8 inch setback and stairway 5.75-foot setback (measured to front lot line), where a 15-foot setback to building wall, and 9-foot setback to the porch/roof stairway is require for this lot; 4) Variance (V) to lot coverage to increase the existing lot coverage from 42% to 43% where 40% is permitted by code.**

Planning Director Toft noted staff received a letter of protest and he recommended the Commission pull this item from the Consent Calendar.

M/s, Kunstler/Chalmers, motioned and the Commission voted 4-0-1 (Tauber absent) to remove DR/FAR/V #21-25, 51 Francis Avenue, from the Consent Calendar for discussion.

Senior Planner Teiche noted there were letters in support and one letter in opposition.

Chair Wagstaff opened the Public Hearing.

There were no comments.

Commissioner Kunstler provided the following comments:

- The items listed in the objection letter were adequately addressed.
- He could make the findings for approval.

Commissioner Chalmers provided the following comments:

- The front porch design is attractive.
- She can make the findings.

Commissioner Swisher provided the following comments:

- This is an attractive addition.
- He supported the project.

Chair Wagstaff provided the following comments:

- The project will be a nice addition to the house and the neighborhood.
- He could approve the project.

M/s, Kunstler/Swisher, motioned and the Commission voted 4-0-1 (Tauber absent) to approve DR/FAR/V #21-25, 51 Francis Avenue subject to the findings and conditions set forth in the staff report.

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

PUBLIC HEARING ITEMS

- 2. DR/FAR/V #21-03; 30 Diane Lane (APN: 021-204-04); Pacific Design Group, Applicants, Peter and Vanessa Costa, Homeowners; R-1 (First Residential) Zoning District. Applicants are requesting the following permits to demolish an existing 1,669, sq. ft. single-story residence and construct new 2,260 sq. ft. two-story single-family residence with an attached single car garage: 1) Design Review (DR); 2) Floor Area Ratio Exception (FAR) to construct a new single-family residence totaling 2,260 sq. ft. and a 0.50 FAR where 1,826 sq. ft. and a 0.40 FAR is permitted by code; 3) Variance (V) to the on-site parking required for a new residence to provide three spaces (one in the garage and two in the driveway) where four on-site spaces are required by code.**

Chair Wagstaff stated he would need to recuse himself from this item.

Senior Planner Teiche presented the staff report.

Acting Chair Kunstler opened the Public Hearing.

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

- The first concept was based on trying to save some of the existing foundation system in the back of the home. This forced the house to be situated on the property in an improper manner and require too many variances.

- They came up with a better concept- remove the entire house foundation and relocate it.
- The property is an interesting trapezoidal form. It has a wide street frontage and pinches back to the rear.
- They are using the same automobile circulation on the site with a two-car parking area to the far right. The garage is in the front.
- The living room, kitchen, and dining room are located to the rear of the house.
- They created a nice entry porch and a community sitting area.
- All the bedrooms are 10' X 10'.
- There is a small covered deck in the back that allows some extension of the family space.
- The stairs have been shifted to the left side allowing some additional width in the living room.
- The upper level has two bedrooms, with a bathroom in between, a laundry space, and the primary bedroom and bathroom.
- The window locations in the upper level are to the north and south.
- The only volume space that is not hipped is in the master bedroom which has a gable.
- They are going with darker colors, including the roof, with white trim on all sides.
- The garage would be white to match the windows.
- The north elevation has two windows on either side of the chimney and they propose to cut them in half and raise the bottoms sills (to 5'6") to avoid any privacy issues.

Acting Chair Kunstler referred to the small window on the front left of the house and asked if they considered a larger window in front of the stairwell. Mr. Blankenship stated they planned a smaller window to avoid privacy issues.

Acting Chair Kunstler closed the Public Hearing.

Commissioner Swisher provided the following comments:

- This house is similar to the other attractive remodels in Heather Gardens.
- This is a nice design in character with the neighborhood.
- He agreed with Acting Chair Kunstler and supported a bigger window at the front left of the house. It would look nicer.
- He likes the porches and the floor plan.
- He can make the findings.

Commissioner Chalmers provided the following comments:

- This is an attractive, modern design.
- She struggled a bit with respect to the FAR Exception. The design will not look overbuilt.
- She could approve the Parking Variance.
- She could make the findings to support the project.

Acting Chair Kunstler provided the following comments:

- It is difficult to build a two-story home in a neighborhood that is dominated by single-story homes.
- He could support the project and make the findings.

M/s, Chalmers/Swisher, motioned and the Commission voted 3-0-2 (Tauber absent, Chair Wagstaff recused) to approve DR/FAR/V #21-03, 30 Diane Lane, subject to the findings and conditions set forth in the staff report.

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

Chair Wagstaff returned to the meeting.

- 3. DR/SUP #21-04; 66 Ardmore Road (APN: 021-121-27); Marco Perella, Marco Design Group, Applicant; Eric and Ali Witte, Homeowners; R-1 (First Residential) Zoning District. Applicants are requesting the following permits to allow removal of three existing retaining walls, deck and stairs, centrally located on the parcel, and construct of a new swimming pool (partially in grade and partially above grade) with surrounding deck, a new 2-foot 8-inch retaining wall, and various landscape improvements, on an existing 16,952 square foot parcel: 1) Design Review (DR); 2) Slope Use Permit (SUP) to allow grading totaling 123 cubic yards (123 cubic yards of cut) on a parcel with an average slope of 37%.**

Commissioner Swisher stated he would need to recuse himself from this item.

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

Chair Wagstaff opened the Public Hearing.

Mr. Eric Witte, owner, made the following comments:

- This is a large lot that could be used better in terms of indoor/outdoor living.
- The project is consistent with the neighborhood.
- They understand the neighbor's concerns and want to be respectful.
- The impact from this relatively short-term project will be minimal.

Ms. Erin Langs, Marina Vista, made the following comments:

- She reviewed the plans and is not opposed to a pool.
- She is concerned that Marin County residents have to limit their amount of watering but the application is for a new swimming pool.
- She is concerned about the mixed messages and inconsistencies.
- She is concerned about fire danger during the construction of this project and being able to get out of the neighborhood.

Chair Wagstaff closed the Public Hearing.

Commissioner Chalmers provided the following comments:

- There is a Construction Management Plan included in the Conditions of Approval that would address Ms. Langs' concerns.
- The issue of unstable fill has been addressed by the Town Engineer and the consulting engineer.
- The issue about the drought and what is allowed in terms of the use of water is interesting. This is a one-time thing and having a body of water could protect the area.
- She has no objection to the design.
- The Slope Use Permit is somewhat limited.
- She could make the findings for Design Review and the Slope Use Permit.

Commissioner Kunstler provided the following comments:

- He has no problem with this application.
- The Commissioner does not have the authority to regulate water consumption. These rules are set by the Marin Municipal Water District (MMWD).
- He can make the findings to approve the project.

Chair Wagstaff provided the following comments:

- He can make the findings to approve the project.
- The question about water is significant but it is not in the Commission's purview.
- Construction trucks should not block the road.

M/s, Kunstler/Chalmers, motioned and the Commission voted 3-0-2 (Tauber absent, Swisher recused) to approve DR/SUP #21-04, 66 Ardmore Road, subject to the findings and conditions set forth in the staff report.

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

BUSINESS ITEMS

1. Planning Commission to review Operating Procedures for on-line public hearings regarding time-limits for speakers and video access by speakers

Planning Director Toft presented a staff report. He discussed the idea of the Commission Chair encouraging speakers to be concise and to the point when giving testimony. The City Council limits presentations to no more than ten minutes and speakers to three minutes. Accommodations can be made for more complex projects. He asked if the Commission would like these protocols included on the agenda. He noted there is also a desire by some speakers for video access.

Commissioner Kunstler stated he would leave the decision about whether to enforce the three-minute rule up to the Chair.

Commissioner Swisher stated the Gettysburg Address was 275 words and lasted two minutes- it can be done! A three-minute rule is reasonable.

Chair Wagstaff stated it is rare that a presenter rambles on and it is sometimes difficult to know when to cut someone off. He does not want to look at a stopwatch, but speakers should be made aware of the time limits. The notice should be on the agenda.

Commissioner Kunstler stated the guidelines should have some teeth so the Chair could invoke it without anyone objecting.

Commissioner Chalmers stated they need to distinguish between a ten-minute presentation vs. the three minutes public participation.

Chair Wagstaff opened the meeting to public comments.

Mr. Kevin Carroll asked if staff or the Commission watches other meetings to see how they are run.

Chair Wagstaff closed the meeting to public comments.

There was a consensus of the Commission to add this information to the agenda.

Planning Director Toft stated the notice would be similar to what is on the City Council agenda. He will bring it back to the Commission at the next meeting for review.

Planning Director Toft stated speakers typically are not on video, it can be a bit challenging managing the meeting. However, staff is getting better at it and tried it tonight.

Commissioner Chalmers stated it worked well. She asked Senior Planner Teiche if it was straightforward. Senior Planner Teiche stated "yes, somewhat". The City Clerk can assist if needed.

Chair Wagstaff stated he would prefer to see people.

2. Approval of Minutes from the July 27, 2021, meeting

M/s, Kunstler/Chalmers, motioned and the Commission voted 4-0-1 (Tauber absent) to approve the minutes from the meeting of July 27, 2021, as submitted.

3. Planning Commissioners Reports

There were no reports.

The meeting was adjourned at 8:26 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 September 28, 2021.



Kristin Teiche, Senior Planner