

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF APRIL 24, 2018

The Larkspur Planning Commission was convened at 7:00 p.m. in the Council Chambers by Chair Deignan.

Commissioners Present: Chair Monte Deignan, Daniel Kunstler, Laura Tauber, Ignatius Tsang, Todd Ziesing

Staff Present: Planning Director Neal Toft
Associate Planner Anna Camaraota
Assistant Planner Nicholas Armour

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- The General Plan Public Workshop on the circulation and transportation has been rescheduled to May 15th. The General Plan Steering Committee meeting scheduled for that night will be rescheduled to another date to be determined. The circulation information will focus on Levels of Service (LOS) at major intersections and thoroughfares. Vehicle miles travelled (VMT), a new CEQA standard, will also be discussed along with a VMT threshold. The Steering Committee would begin discussions on the Circulation Element sometime in the fall.
- The third lane has opened on the Richmond/San Rafael Bridge. Reports indicate that it has greatly improved traffic flow at the Sir Francis Drake and I-580 exits.
- Funding for the Larkspur extension of the SMART train has come through from the Federal Government to support the Larkspur extension that is already underway.

PUBLIC HEARING ITEMS

1. **DR/FAR/V/SUP #17-55: 268 Madrone Avenue (APN: 021-063-15); Arthur Chartock, Rushton-Chartock Architects, Applicant; Eric and Emily Shobe, Owners; R-1 (First Residential) Zoning District. Request for the following approvals to allow remodeling and additions to an existing single family residence, construction of a detached storage shed, and replacement of entry steps; 1) Design Review (DR); 2) Floor Area Ratio (FAR) Exception to allow 328 square feet of additional floor area (154 square-foot lower level addition, a 138 square-foot upper level addition, and a 36 square foot storage shed) resulting in an FAR of 0.26 where 0.05 is the maximum allowed due to the 50 percent average slope of the lot; 3) Variance (V) to allow a front setback of 17-feet, 6-inches, as measured from the front property line to the face of the lower-level addition, where 20 feet is required; 4) Variance (V) to allow a new storage shed at the front property line where a setback of 20 feet is required; and 5) Slope Use Permit (SUP) to allow approximately 46 cubic yards of grading on a hillside property with an average slope of 50 percent.**

Associate Planner Camaraota presented the staff report.

Chair Deignan opened the Public Hearing.

Mr. Art Chartock, architect, made the following comments:

- The intent is to make the interior of the house work better.
- There are skylights in the living area and vaulted ceilings in the addition.
- He agreed with staff with respect to the Variances.

Commissioner Kunstler referred to the plans and noted the existing lower floor plan (east side of the lower level) shows a depth of 16'-6" and the proposed floor plan it shows it at 16'1". Mr. Chartock stated there was a bit of a cantilever on the second floor. He acknowledged the minor discrepancy in the noted measurement.

Commissioner Tsang stated he thought there was a regulation that a bathroom needed to be a certain distance from the kitchen. It was not a good relationship. Mr. Chartock stated he tried to minimize the changes and the cost so they kept the bathroom in the same location. They extended the kitchen into the existing laundry room. There is a 3 ½ foot recess in a hallway between the bathroom and the kitchen. Commissioner Tsang stated if they flipped the bedroom and the bathroom then the bedroom would get an additional window and they would avoid the bathroom opening right into the kitchen. Associate Planner Camaraota stated the Building Official has reviewed the plans and did not identify the proposed bathroom/kitchen arrangement as an issue. Making more extensive changes to the floorplan would trigger other Planning and Building Code requirements.

Chair Deignan closed the Public Hearing.

Commissioner Tauber provided the following comments:

- She was struck by how difficult the site would be to build on- they have been very creative.
- They have solved the problem of the deck by making it smaller.
- She understood the need for the shed.
- She can make the findings.

Commissioner Ziesing provided the following comments:

- He agreed with the comments made by Commissioner Tauber.
- The site is interesting. This might have been a summer home in the canyon.
- The trees have flourished and remain untouched.
- The design is appealing and fits in the constraints of the guidelines.
- The design is modest and blends in with the surrounding structures.
- He likes the idea of moving the shed down closer to the street.
- He liked the idea of improving the stairway.
- He could make the findings.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by the other Commissioners.
- This is a modest home and will remain a modest home.
- He appreciated the preservation of the natural environment.
- He can make all the findings.

Commissioner Tsang provided the following comments:

- This is a very small house.
- He is glad they are able to enlarge the house without sacrificing the trees.
- It is unfortunate that the master bedroom is downstairs and the kid's room is upstairs.

Chair Deignan provided the following comments:

- This is a modest set of additions and changes to update an older house.
- This is a difficult site.
- The improvements are practical and would not be considered over-building or overly ambitious.
- He can make the findings.

Ms, Kunstler/Tauber, motioned and the Commission voted 5-0 to approve DR/FAR/V/SUP, #17-55, 268 Madrone Avenue, based on the findings and conditions set forth in the staff report.

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

2. DR/V/EXC #18-02: 122 Acacia Avenue; (APN 021-175-21); Sean Ryan, Applicant/Owner, R-1 (First Residential) Zoning District. Applicant is seeking approval of the following permits to allow for the conversion of a garage space to living area and new enlarged windows within a nonconforming front yard setback at 122 Acacia Avenue: 1) Design Review (DR); 2) Variance (V) to allow the removal of one covered parking space, reducing on-site parking from three to two total parking spaces where four are required by code; and 3) Exception (EXC) Permit to allow the enlargement of one existing window, and replacement of a garage door with a wall and a new window within a nonconforming front yard setback.

Commissioner Kunstler stated he must recuse himself from this application. He left the meeting.

Assistant Planner Armour presented the staff report.

Commissioner Tauber asked if options, other than converting the garage, were looked at. Assistant Planner Armour stated this could be addressed by the applicant.

Chair Deignan referred to the garage door to the right (remaining) and asked if they looked at the angle with respect to clearing the tree- it looked problematic. Assistant Planner Armour stated the left side of the garage space was easier to get into and did not think the other side would be a problem.

Chair Deignan opened the Public Hearing.

Mr. Sean Ryan, owner, made the following comments:

- The intent of the proposal is to improve the usability and circulation of the home.
- This is a two-story home with an older storage unit and two-car garage downstairs.
- Pulling a car into the left side of the driveway is a very precarious maneuver- the driveway is very steep.
- They did consider other ways of expanding the house. Using the space downstairs seemed more practical and affordable.
- They looked at other options to widen the driveway but they did not seem as desirable. The driveway is very steep.

Commissioner Tsang asked if there was a code requirement that forbids them from expanding on the upper floor. This is a deep lot. Assistant Planner Armour stated this would trigger a Floor Area Ratio (FAR) Exception, Design Review, and perhaps a Slope Use Permit depending on the amount of grading. Commissioner Tsang understood that enlarging the driveway would cost a lot more money. He noticed one of the neighbors might have converted a garage to living space. This is a good addition but he did not want to create more parking problems.

Chair Deignan stated it looked like a lot of other residents have guest parking and might even park on the other side of the street. Commissioner Tauber stated all the street parking was on the other side.

Chair Deignan closed the Public Hearing.

Commissioner Tsang provided the following comments:

- He was hoping there would be another way to add square footage without taking away parking.
- The lot seems very steep.
- Getting up and down the driveway is very difficult.
- He could not make the findings.

Commissioner Ziesing provided the following comments:

- He referred to the findings for the Parking Variance and wondered about the definition of “special privilege”. The constraints of the property border on needing a “special privilege” – they do not appear to have parked in the garage in a while. He asked the Planning Director whether there was a way to make findings for a “special privilege” to approve the project while not creating a precedent.

Planning Director Toft responded:

- The Commission would want to find that you are not granting a “special privilege” and, rather, that there is an “unusual circumstance”.
- The Commission can exercise judgment as to what to compare the project to, in relation to privilege or unusual circumstance. Some neighborhoods have a clear pattern by which to compare.
- Staff takes a cautious approach to parking variances.
- Staff cannot look at the cost of projects, but the Commission can look at whether solutions and/or options are “reasonable”.
- The site has challenges in terms of the existing parking conditions, but the project does not improve the parking situation.

Commissioner Ziesing provided the following comments:

- He would like to try to make.
- This is a challenging property in terms of parking. This is a legacy driveway that is in poor shape and almost unusable in terms of getting in and out of the garage.
- The project would result in no physical exterior changes to the house.
- The property is located on a dead-end street, four houses from the end- there is not a thoroughfare.
- The other homes have adequate parking and there is generous parking on the eastern side of the street.
- He could support the project and make the findings.

Commissioner Tauber provided the following comments:

- This is a difficult decision that revolves around whether there is a hardship and thus not a granting of a special privilege.
- She is troubled about the notion of losing a parking space.
- She is leaning towards not being able to make the findings for the parking Variance.

Chair Deignan provided the following comments:

- The project seems logical- they are not adding square footage.
- A Variance is a higher hurdle than an Exception Permit.
- The garage has been used as a garage, although given the current configuration parking in the right side would be a challenge (maneuvering and clearing the tree).
- They would be parking in the driveway only.
- The house is at the end of a dead-end street.
- This is a modest change
- It's a creative rationale for the “hardship” but it stretches it a bit, technically.

- He would love to find a way to approve the project but it would require him to “bend things” more than is proper.

Commissioner Tauber provided the following comments:

- The application is close.
- She agreed with Chair Deignan- a Variance is a higher threshold.
- She cannot justify the notion of a “hardship”
- She acknowledged there were no impacts to the neighbors, the changes are minor, and they are not increasing the footprint.
- However, she cannot approve the Variance.

Planning Director Toft clarified that a 2-2 vote would effectively be a denial.

Chair Deignan reopened the Public Hearing.

Mr. Sean Ryan, owner, made the following comments:

- He discussed the changes he could make to the project- they could widen the driveway.
- It would not be aesthetically pleasing and would be inconsistent with the neighborhood.

Chair Deignan closed the Public Hearing.

M/s, Tsang/Tauber, motioned and the Commission voted 3-1-1 (Kunstler recused, Ziesing voted No) to deny DR/V/EXC, #18-02, 122 Acacia Avenue, based on the inability to make the findings.

Chair Deignan stated there was a 10-day appeal.

BUSINESS ITEMS

1. Commissioners Reports

There were no reports.

2. Approval of minutes of Planning Commission meeting on April 10, 2018

M/s, Tsang/Deignan, motioned and the Commission voted 2-0-1-2 (Kunstler absent, Tauber and Ziesing abstained) to approve the minutes from the April 10, 2018 meeting as submitted.

The meeting was adjourned at 7:58 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 May 8, 2018.



Neal Toft, Planning Director