



Cities Police Facility/Corporation Yard cost allocation studies, the Corporation Yard schematic designs, and a policy issue related to the Niven property. The Regular meeting of April 15<sup>th</sup> has been cancelled. The first item on tonight's Closed Session agenda regarding labor negotiations has been postponed. She asked the Council to add the following item to the agenda: Adjournment in memory of Patricia Painter and Margaret Stroeh. She reported on a structure fire that occurred on Sunday night and asked Deputy Fire Chief Scott Shurtz to briefly discuss the event. Deputy Fire Chief Shurtz stated the department responded to a significant structure fire at 11:15 p.m. It was a particularly difficult fire for a number of reasons but it went as well as could be expected. The response time was 3 minutes. It took two hours to contain the fire. There were no injuries or damages to adjacent structures. The cause of the fire is being investigated. The City Manager also noted that the closed session for labor negotiations was postponed, but the other two items remained.

M/s, Hartzell/Lundstrom and approved 5-0 to adjourn in memory of Patricia Painter and Margaret Stroeh.

## **COUNCILMEMBER REPORTS AND COMMENTS**

Councilmember Chu reported the Centennial Park (formerly Magnolia Avenue Park) dedication would occur on Saturday, April 4<sup>th</sup> at 9:00 a.m.

Councilmember Lundstrom reported that local Marin County buses are run by the Marin Transit District which contracts with Golden Gate Transit for the system and with Whistlestop Wheels for paratransit users. Facing declining state and local sales tax revenues to sustain operation of the bus system, the district began a detailed analysis in 2006 of ridership patterns, demographics, funding resources, and projected demand. This resulted in restructuring of routes and schedules, which continues. More changes in the near future can be expected. Passenger fares account for less than 25% of operation costs. Future transit demand is expected to be stable, reflecting the slow growth in County housing and jobs.

Councilmember Lundstrom reported the Transportation Authority of Marin (TAM) is planning a Saturday public workshop sometime in the spring on climate change, transportation, land use planning, and a discussion of SB 375.

Councilmember Lundstrom reported TAM funded a \$25,000 study regarding the possibility of a streetcar that would run from Mill Valley to Sausalito. The study found that limited ridership would be expected because of small concentrations of either residential or commercial centers to support such a system now or in the future. The study concluded that high costs and adverse environmental impacts of an electrified train system would make the project unfeasible.

Councilmember Lundstrom reported CalTrans presented a plan for High-Occupancy Toll (HOT) Lane development in urban areas at a recent TAM meeting. CalTrans and the Bay Area Metropolitan Transportation Commission (MTC) have studied the creation of a continuous toll road system around the Bay Area. The stated impetus is to collect revenues and to speed traffic. For Marin, the HOT lanes would replace the High Occupancy Vehicle lane system that is nearing completion in San Rafael. Of immediate concern was that CalTrans appeared to be rushing to be the sole determinant of mandating HOT lanes throughout the State without any consideration by regional or county transportation agencies.

Councilmember Lundstrom reported there was a recent meeting at Redwood High School regarding the Highway 101/Greenbrae Corridor Project. The meeting focused on the latest changes, and integrating bus, pedestrian and bikeway access. This component is finalizing the design alternatives before beginning an EIR. This project is funded through Regional Measure 2 (RM2).

### **PUBLIC COMMENT**

There were no comments.

### **PUBLIC HEARING**

#### **1. DISCUSSION OF THE ALEXANDER AVENUE BRIDGE RETROFIT/ REPLACEMENT ALTERNATIVES AND SELECTION OF A PREFERRED ALTERNATIVE**

The Public Works Director presented the staff report.

Councilmember Hartzell noted the funding for the bridge would expire in June and she asked what needed to be done to make sure the funding could be secured. The Public Works Director stated they need to show progress towards making a decision on whether to retrofit or replace the bridge.

Mr. Bob Cermak, architect, presented a Powerpoint presentation that included the following: 1) Traffic data and issues; 2) Traffic survey locations; 3) Hourly traffic volume; 4) Speed surveys westbound; 5) Speed surveys eastbound; 6) Illegal turn issues; 7) Alternative evaluation criteria. The structure engineer continued the Powerpoint presentation and discussed the following: 1) Alexander Avenue Bridge, 1927; 2) Existing bridge studies; 3) Condition survey results; 4) Spall survey results; 5) Delamination survey results; 6) Alternative 1- seismic retrofit/rehabilitation of existing bridge; 7) Alternative 1b- Seismic retrofit and lowering existing bridge; 8) Alternative 2- Construct new vehicular bridge adjacent to existing bridge; 9) Alternative 3- Construct new pedestrian bridge and retrofit/rehab existing bridge; 10) Alternative 4- Bridge replacement; 11) Cost estimates and funding summary; 12) Heritage Preservation Board

recommendations. Mr. Don McDonald, architect, displayed and discussed several designs for a new, replacement bridge.

Councilmember Hartzell asked the following questions: 1) When discussing how a new vs. a retrofitted structure would withstand a seismic event, are the events similar in nature? 2) Where did the 25-year figure come from? 3) Would a new bridge require similar maintenance to what is currently occurring? 4) Was the traffic analysis coincident with the opening of Little League? 5) Would cars go faster on a flatter bridge? The engineer stated there are State mandates for the location and design of bridges in terms of seismic events. The idea behind the design of a new vs. a retrofitted bridge is a “no collapse” scenario. Some cities have chosen to pay extra money to make sure that after a seismic event the damage to the bridge is to the point that it can be repaired. The 25-year figure comes from an FHU guideline for the evaluation of historic bridges with the idea that a repair would last at least 15 to 25 years. The Public Works Director stated there has been a minimum amount of maintenance on the bridge aside from graffiti removal. The engineer stated the type of maintenance they are talking about is more than normal maintenance since this bridge has some age to it.

Mayor Hillmer asked if the cost estimates included maintenance. The engineer stated “no”. The Public Works Director stated the normal workdays for traffic analysis are Tuesdays, Wednesdays and Thursdays, with weekend days eliminated. This analysis was done on a Wednesday. The Public Works Director stated flattening the bridge would not necessarily cause an increase in speed and it should not be any different than what currently happens on Alexander Avenue. Mayor Hillmer noted it might make the speeds more consistent. The Public Works Director agreed.

Councilmember Chu stated the traffic study was done on Wednesday, March 18<sup>th</sup> and opening day for Little League was March 21<sup>st</sup>. The traffic study probably understated about eight months of participation in Little League.

Councilmember Chu asked if the cost estimates included soft costs, design costs, or any other costs the City would have to incur. The engineer stated it only included the construction costs. Councilmember Chu asked if he had an estimate of additional costs. The engineer replied the soft costs would be higher for a replacement bridge. Mr. Cermak stated soft costs (design, environmental clearance, construction management) generally run about 30% to 40% of construction costs. Councilmember Chu asked how long it would take the City to fund the difference through the Capital Improvement Fund. The City Manager stated Gas Tax Revenue is about \$200,000 per year but it would be very difficult to accumulate more than about \$300,000. The City might get some additional funding through the Federal Stimulus Package and some local measures.

Councilmember Lundstrom noted they had done a very thorough structural inspection.

She stated the existing structure lacks reinforcing steel and she asked if Alternative #1 or #1b adds any steel. The engineer stated the deck would be repaired but it does not require any steel. They would inspect the steel in the columns and add it if necessary.

Councilmember Lundstrom stated the existing bridge has a 10-ton load limit and she asked what the load limit would be for Alternatives #1 and #1b. The engineer stated the limits are determined after a visual inspection from CalTrans. The load limits after Alternatives #1 or #1b would be a minimum of 15 tons and possibly 20 tons. Councilmember Lundstrom stated fire truck access is a critical component of this decision. The engineer stated the large, commercial trucks seen on the highway would not be permitted on the bridge but a trash truck would probably be allowed. Councilmember Lundstrom asked if the 10-ton limit should be enforced. The engineer stated "yes". Councilmember Lundstrom asked Deputy Fire Chief Shurtz if other departments assisted in the recent fire in Larkspur. Deputy Fire Chief Shurtz stated more than five departments assisted with the recent fire. Councilmember Lundstrom asked if all those departments would be able to use the existing bridge. Deputy Fire Chief Shurtz stated they are operating under the guidance of a report generated three years ago that states the typical engine could travel over the bridge at slow speeds, under 10 miles per hour, for emergencies only. The department's fire engines weigh about 15 tons but a ladder truck weighs much more. Councilmember Lundstrom asked if a ladder truck would be called to fight a fire in Palm Hill which is designated a High Fire Hazard Area. Deputy Chief Shurtz stated the fact that Palm Hill is in a High Fire Hazard Area has no bearing on whether or not a ladder truck would be used. Ladder trucks are used for structure fires and are not considered an asset in urban interface fires. A ladder truck would probably not respond to a fire in the Palm Hill area. The streets are narrow and it would not be practical. Councilmember Lundstrom asked if there would be any additional time needed for a truck to get to the Palm Hill area going in a roundabout manner. Deputy Fire Chief Shurtz stated there could be a significant delay if the dispatcher and driver were not familiar with the area. He added the bridge continues to decay and there could be some concern about whether or not they could drive a typical engine over the bridge in the near future.

Mayor Hillmer asked if the 10-ton limit was derived from the CalTrans performance criteria. The engineer stated "yes".

Mayor Hillmer opened the meeting to public comments.

Ms. Marliiss Riddle, Alexander Avenue, asked how long the bridge would be out of commission in each alternative and if there were proposed alternative routes. The engineer stated about 70% of the work is done under the bridge during a retrofit and the bridge would remain open. Work done to the deck would take about two months and the bridge would be closed at that time.

Total construction time would be about 9 to 12 months. The Public Works Director stated traffic would be detoured.

Cathleen Weiss, Alexander Avenue, stated there were alternative streets that could be used by fire trucks. The bridge needs to be fixed and she would like to see it closed to vehicles and used as a bicycle/pedestrian path.

Ms. Joyce Wells, LaRosa Way, asked why the Council eliminated Alternative #3. Councilmember Chu stated Alternative #3 called for repair of the existing bridge and construction of a new pedestrian/bicycle bridge. It did not do anything to improve the existing bridge and he felt it was an expensive alternative.

Mr. Brian McLaren, Elm Avenue, stated he likes the existing bridge and would like to see it retrofitted. He does not want to see a replacement bridge. He is concerned about the proposal to lower the bridge and felt it would encourage speeding.

Mr. James Holmes, Madrone Avenue, referred to the goals and policies contained in the Larkspur General Plan relative to preserving the bridge. He distributed this information to the Council. He summarized the key points that state that “historic structures and historic preservation are essential for community character and quality of life” and “community character and quality of life trump traffic and efficiency considerations”. He noted the bridge could be strengthened and a replacement bridge would have little aesthetic quality.

Mr. Bill Spiller, Acacia Avenue, stated he did not receive a notice about the meeting. He stated the bridge was charming but dangerous. There was no sidewalk on the north side and it was difficult to see cars coming. The bridge is falling apart and they should build a new bridge.

Mr. Mark Hinshaw, Acacia Avenue, stated there was a general degree of confusion about the project and he would like to know the Council's opinions.

Dr. Doug Kerr, Monte Vista Avenue, had questions about maintenance costs and whether or not a new bridge would need to be built if the retrofitted bridge failed. He asked if Alternative #1b or alternative #4 were ADA compliant. He asked if Alternative #4 had a bike lane and whether or not it was narrower than the current bridge. He stated any new bridge should have a bike lane that has a barrier between vehicles and bicycles. Councilmember Arlas asked if the current bridge has a bike lane. The engineer stated “no”. The Public Works Director stated none of the retrofit alternatives would widen the bridge to create a bike lane. Designs for a replacement bridge could include a bike lane if they had enough room. The City Manager stated estimates for ongoing maintenance could not be provided tonight but staff would get that information from the consultants.

The Public Works Director stated they are trying to get an idea of the concept that is acceptable to the community and the Council and then they could come up with more accurate cost estimates. Dr. Kerr asked if they would have to build another bridge after an earthquake given the retrofit scenario. The Public Works Director stated "most likely, yes".

Ms. Mary Kitrin, Alexander Avenue, stated she would like to see as little visual change and as much strengthening as possible. She asked if the bridge had to be completely flattened to alleviate the problem of teens trying to "catch air". She asked if the bridge could be retrofitted again after 25-years. The engineer stated the bridge could continue to be rehabbed. Ms. Kitrin stated that would be her preference.

Ms. Jill Sellers, Pepper Avenue, stated she they should chose a design that has an historical element to it. She asked if there was consideration regarding sidewalk access on the east side of the bridge since there are no sidewalks on most of Alexander Avenue. A bike lane on the bridge is not an issue since there is bike access at the corner of Elm and Acacia.

Ms. Valerie Pitts, Superintendent of the Larkspur School District, stated she grew up in Larkspur and is a current resident. She acknowledged the difficult decision before the Council and stated it includes aspects of safety and fiscal responsibility. She encouraged continued cooperation between the District, the City, and Safe Routes to Schools in the goal of getting people out of their vehicles. She stated it was important to continue to finds ways to get students to and from school safely.

Ms. Louise Weiss, Alexander Avenue, stated the bridge has experienced two large earthquakes and she preferred Alternative #1. She stated there is a sidewalk on the bridge that continues down the bottom of the bridge all the way to Magnolia Avenue. Bicycles can use the roadway and the path underneath the bridge. She noted a ladder truck would have trouble maneuvering around several of the corners in the neighborhood.

Mayor Hillmer asked if a new bridge would change the existing turning constraints. Deputy Fire Chief Shurtz stated "yes" but it was a moot point since the ladder truck would not dispatched to the Palm Hill area.

Ms. Camilla Fox, Holcomb Avenue, stated she submitted a letter signed by eight other neighbors in support of Alternative #1. She wanted to know why the prior meeting was not publicly noticed. She asked about the soft costs and wanted to know why they were not presented tonight. She opposed the demolition of this historic monument. She stated there were many safety issues that have not been considered and had questions regarding access relative to Alternative #4.

She was concerned about bicycle and pedestrian traffic and the potential for speeding on a lowered bridge. She thanked the Public Works Department staff for being very responsive.

Mr. Jeff Stahl, Chevy Chase Avenue, stated the construction of a new bridge would create an intersection that would be an obstruction since children would have to go through it to get to the ball field. They need to do a life cycle cost analysis comparing a new bridge and its maintenance vs. the cost of a retrofit and its maintenance over the same life span. He did not want the Council to see this issue as a choice between preserving heritage and character vs. creating public safety. He encouraged the Council to look at any alternative that preserves the existing bridge. He stated there was an Alternative #1b that does not totally flatten out the deck. He stated they could also consider two, one-lane bridges. He stated getting pedestrian traffic off of the bridge was a good idea.

Mr. Jack Gray, Acacia Avenue, stated he was concerned about the destruction to the environment if a new bridge were built. It would be difficult for him to have a new intersection across the street. He is a contractor and he questioned the cost figures for lowering the bridge. It is not an ideal situation to walk or bicycle over the bridge but it works. He does not expect perfection.

Mr. Dwayne Price, Elm Avenue, stated he crosses the bridge a lot and it is a pretty bridge. He recommended this phrase: "Make it work, then make it pretty". The current bridge is unsafe and the sight lines are terrible. He would not mind seeing a better bridge. He acknowledged that the bridge is historic but stated it was a major component of the City's infrastructure and traffic. He did not want to sacrifice services just to keep something that is historic.

Ms. Gloria Hood, corner of Acacia and Alexander, stated she was concerned about children and elderly individuals who might get hurt by someone speeding over the bridge. Numerous cars have crashed into the brick wall in front of her house. She encouraged the Council to make the situation safe for everyone.

Ms. Kitren stated it was not the fault of the bridge that people speed over it and people speed everywhere. It would be nice if there were a sidewalk on the east side of Alexander.

Ms. Katherine Arrow, Baltimore Avenue, asked if they could add additional steel and raise the level of the retrofit so it would last a longer period of time. The engineer stated they could add additional reinforcement and make it stronger. It will still crack after an earthquake since that is the way it releases energy. The additional cost would be the responsibility of the City. Ms. Arrow stated adding a bike lane to the bridge would require the elimination of a lot of off street parking. She had questions about the maintenance costs of a retrofit and asked if the City was currently doing basic patchwork. The Public Works Director stated "yes" and the type of maintenance discussed was significant.

Ms. Arrow stated they were responsible to future generations and there may be improved retrofit technology in the near future. She stated they could not preserve the character of the neighborhood by imitating architecture. She was concerned about the demolition of this historic structure.

Ms. Tasmin Pessa, Alexander Avenue, stated the hump in the bridge should be eliminated if the Council chooses to retrofit it. The sight lines are terrifying and it is very difficult to see anyone coming the other way.

Mr. Michael Folk, Elm Avenue, stated using the hump in the bridge is not a good method of speed control and the alternative might be to put a stop sign on either end of the bridge. Flattening out the deck would slow traffic down. A flatter bridge that works should be a priority.

Mr. Hinshaw stated the Council was faced with a divided community with some members of the community in favor of preserving the historic structure while other were in favor of preserving the character of the neighborhood. He stated the current bridge was a replacement bridge itself. History is made by designing new and interesting structures. He urged the Council to focus on solutions that maintain the current roadway alignment and do not greatly expand the existing footprint of the bridge.

Ms. Amelia Ryan, Holcomb Avenue, stated she was in favor of Alternative #1. She asked if a new bridge and a retrofitted bridge would need similar inspections after an earthquake. The engineer stated "yes".

Ms. Fox stated she would like the issue of speeding looked into with the possibility of putting up some signs. She also suggested putting in some speed bumps on Holcomb and Alexander. She was concerned about the additional cost for a new bridge and wondered where the money would come from.

Mayor Hillmer closed the meeting to public comments.

The City Council took a 10-minute break at 10:00 p.m.

The meeting reconvened at 10:10 p.m.

The Public Works Director stated they still need to continue the environmental process and he did not want to have too many options aside from the rehab or replacement options. He noted there were some assumptions that might not be allowed after the environmental review was completed. He would like to take Alternatives #1, #1b and #4 through the environmental process and bring back this information to the Council.

Mayor Hillmer stated this was a reasonable suggestion.

Councilmember Lundstrom asked if this suggestion would satisfy the CalTrans time frame. The Public Works Director stated he would make sure it would and the decision to move forward with the environmental process was a sign of progress.

Mayor Hillmer opened the meeting to public comments.

Mr. Ed Remitz, Holcomb Avenue, asked if lowering the height of the bridge and taking some of the weight off would make it safer. The engineer stated this would improve the seismic performance of the bridge.

Mayor Hillmer closed the meeting to public comments.

Councilmember Hartzell stated the environmental analysis would provide the critical information needed to make this critical decision. This would move things along.

Councilmember Lundstrom stated the environmental analysis would answer many of the questions asked by the Council and the community. The issue of access for pedestrian and bicyclists needs to be addressed. She asked the Public Works Department to coordinate with the Twin Cities Police Department on striping, dots, or other traffic calming measures on the east side of the bridge.

Councilmember Chu thanked everyone for coming up with some good questions and comments. He stated the Council needs to decide on some policy issues related to the bridge. This is an old bridge and the complexion of municipal financing has changed. They need to decide, as a community, how much they are willing to spend on heritage preservation. He asked if they would be willing to spend approximately \$6.4 million on a new bridge in 25 years. He asked if it was good public policy to strap the next generation with that kind of expense. He stated the USGS is of the opinion that there is a 67% chance of a 6.7 or greater earthquake in the Bay Area in the next 30 years. They need to do some actuarials to determine the possible expense to the community.

Councilmember Arlas stated he would like to eliminate Alternative #2. He stated he has always wondered what defined this bridge as historic- the design, materials, etc. The engineer noted that bridges are built to last approximately 75 years and this bridge has exceeded its useful life. Councilmember Arlas stated Ms. Pitts had some very astute comments regarding the need to balance the needs of the community.

Mayor Hillmer stated it was the consensus of the Council to move forward with a review of Alternatives #1, #1b, and #4.

M/s, Hartzell/Lundstrom and approved 5-0 to move forward with Alternatives #1, #1b, and #4.

Councilmember Arlas left the meeting at 10:30 p.m.

2. APPEAL OF THE PLANNING COMMISSION DECISION DENYING APPLICATION DR/FAR/V/SUP 08-57 FOR PERMITS TO ALLOW FOR THE CONSTRUCTION OF A NEW 273 SQUARE-FOOT SINGLE-CAR GARAGE AT 23 ONYX COURT, APN 021-085-38

The Assistant Planner presented the staff report.

Councilmember Lundstrom referred to the plans stamped March 6, 2009, page AO.1, and asked if they were being granted a new easement. The Assistant Planner stated "yes" but it is simply a formality.

Councilmember Chu asked about the minimum clearance for vehicular access. The Assistant Planner stated the current code requires 12 feet clearance for a driveway. Councilmember Chu asked if the proposal would move the parking spaces 3.5 feet towards the house. The Assistant Planner stated "yes". Councilmember Chu asked if the approved floor area in 2004 was 2,088 square feet and is currently 2,662 square feet. The Assistant Planner stated "yes" and noted they enclosed the deck area, increased the height of an existing dormer, and created a new dormer. She noted the current request is for an increase in floor area ratio from 0.57 to 0.63. The Planning Director stated the structure was converted from multiple units to a single-family residence.

Councilmember Lundstrom asked that staff provide, in the future, a one-paragraph project description in the staff report on appeals from the Planning Commission. She noted the application comes to the City Council on a "de novo" basis.

Councilmember Hartzell asked about the location of the front yard. The Assistant Planner stated it fronted Onyx Court. Councilmember Hartzell asked if the same limitations would exist if the applicant were proposing to build a carport as opposed to a garage. The Assistant Planner stated "yes" and noted a carport is included in the FAR calculations.

Mayor Hillmer opened the meeting to public comments.

Ms. Jill Tardy, architect, stated they met with the Planning Commission twice. The first proposal included carving out the hillside on the opposite side of the road to widening the road. The Public Works Director was opposed to this proposal due to drainage issues and suggested they push the cars closer to the house. She stated the 2004 conversion of the property to a single-family home took cars off of the street. The proposal is for a small, 270 square foot garage on

a small, private court. The design of the garage would match the existing design of the home. She noted there were many unique situations in Larkspur and she felt the findings could be made. Most communities do not count garages in their FAR calculations. The property owner has the support of all the surrounding neighbors.

Mr. Michael Simon, property owner, stated the garage would cover one of the currently existing parking spaces and would not exacerbate the tight access in the court. Moving the other parking spaces forward does improve the situation along the street. He reiterated that the garage would take one more car off of the street and beautify the neighborhood. He asked the Council to grant the appeal.

Mr. Robert Cenicerros, Hazel Avenue, stated the court is an extremely private road and one must drive three-quarters the length of a football field to get to this garage. This proposal does not impact the general public.

Ms. Elaine DeSoto, Onyx Court, stated she supported the proposal and noted it would be an improvement to the neighborhood.

Mayor Hillmer closed the meeting to public comments.

Councilmember Chu stated the proposal does not really remove a car from the street it just places a garage over an existing parking space. The Planning Commission was divided over the application and Commissioner Stahl seemed to want to send it to the Council for a policy determination on the FAR. He stated there was nothing about the property that would qualify for the FAR Exemptions under the Municipal Code. The issue is what is being proposed vs. what is permitted and not a comparison of other FAR's in the neighborhood. The proposal is asking for twice the allowable FAR and that would set a bad precedent. He would vote to uphold the decision of the Planning Commission and deny the appeal.

Councilmember Lundstrom disagreed with Councilmember Chu and stated the entire FAR issue was decided in 2004. The proposal is for a 274 square foot garage and most other communities do not include garages in their FAR calculations. This would not be a granting of a special privilege since there was another garage next door. This is a very small lot and there would be no visual effect to the neighbors. The garage would improve the parking situation on the road. She would vote to uphold the appeal.

Councilmember Hartzell agreed with Councilmember Chu and stated she would support the decision of the Planning Commission. This proposal is a benefit and not a necessity. Many garages are not used as garages and become home offices, storage areas, etc.

Mayor Hillmer asked the City Attorney if the appellant could ask for a continuance at this point in time given the fact that there were only four Councilmembers. The City Attorney stated a 2 to 2 vote of the Council would result in "no action" by the Council and would mean that the Planning Commission's decision would be upheld. The Public Hearing has been closed and the Council could continue their deliberation to another date but Councilmember Arlas would not be able to participate since he was not here tonight for the Public Hearing portion.

Mayor Hillmer asked Deputy Fire Chief Shurtz if the proposal would affect the ability to fight a fire in that area. Deputy Fire Chief Shurtz stated he went up to the property and noted that the conditions are tight but the proposal would not significantly impact their firefighting operations.

Mayor Hillmer stated this was a substandard lot and he did not see any FAR precedent. He was concerned about emergency vehicle access but has been told that the proposal would not make the situation any worse. The garage would be built with fire resistant materials and have a sprinkler system. He would vote to grant the appeal.

The City Attorney stated the Municipal Code allows for a request for a rehearing by the appellant but it would need to be based on new information that was not presented at the Planning Commission hearings. The City Manager stated the Council has heard appeals with only three or four members in the past.

The Planning Director noted many of the lots in the area are substandard and thus this site is not unique. This is a very steep, downhill lot. The other lots in the area with higher FAR's were much smaller and had much smaller homes. Some of these homes were built prior to the FAR Ordinance.

M/s, Hartzell/Chu 2-2-0-1 (Arlas absent, Lundstrom and Mayor Hillmer voted no) to deny the appeal and uphold the decision of the Planning Commission based on the findings made by the Planning Commission and the comments made by the Council. As a result of the vote, the decision of the Planning Commission was upheld.

#### ADJOURNMENT TO CLOSED SESSION

The City Council and City Manager adjourned to closed session at 11:10 p.m. to discuss the following items:

CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION  
(Government Code Section 54956.9 (a) Spyglass Hill Property Owners  
Association vs. City of Larkspur, County Superior Court Case  
No. CV 070838

**ADJOURN TO OPEN SESSION**

The Mayor adjourned to open session at 11:38 p.m and indicated that no reportable action had been taken.

**ADJOURNMENT**

The Mayor adjourned the meeting at 11:40 p.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary