

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF MAY 8, 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 Building Permit is ready to be issued for the Homeward Bound Project at 127 King Street. They are seeking contractors and plan to start soon.
- Staff presented a revised Subdivision Improvement Agreement for the Oak Road Subdivision (end of Madrone Avenue) to the Council and was authorized to execute the agreement. Improvements will include an extension of the water line. There are four lots in the development that will each require Design Review for development.
- The next Public Workshop for the General Plan Update will be held on Tuesday, May 15th, in the Council Chambers starting at 6:30 p.m. The meeting will focus on the Circulation Element and the most recent traffic counts, trends, patterns, etc.

CONSENT CALENDAR

1. **DR/SUP #18-10: 945 Magnolia Avenue (APN: 020-181-03); Norman Slaughter, applicant/owner; R-1 (Single Family Residential) Zoning District. Request for an amendment to a prior Slope Use Permit per LMC Sec. 18.34.090(D), to allow approximately 17 cubic yards of additional excavation to accommodate an outdoor kitchen and fire-pit on a single-family dwelling site. CEQA Status: Categorically Exempt pursuant to Sections 15304(b) of the California Environmental Quality Act (CEQA) Guidelines
Recommendation: Approve subject to findings and conditions provided in report**

Chair Deignan asked if anyone wanted to remove this item from the Consent Calendar. There was no response.

On the Consent Calendar M/s, Kunstler/Tauber, motioned and the Commission voted 5-0 to approve DR/SUP #18-10, 945 Magnolia Avenue, based on the findings and conditions set forth in the staff report.

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

PUBLIC HEARING ITEMS

2. **DR/SUP/V/FHE #18-01: 3 Lark Court (APN: 021-142-51); Karen Taylor and Helen Yang-Fung; Taylor Fund Architects, applicants; John and Erin Gilman, property owners; R-1 (Single Family Residential) Zoning District. Applicants are seeking approval of the**

following permits to allow for the construction of a new two-story single-family residence totaling 3,699 square feet on an 11,400 square foot vacant street-to-street parcel, fronting Lark Court to the northwest and Bahr Lane to the southeast: 1) Design Review (DR) to allow a new single family residence; 2) Slope Use Permit (SUP) to permit 559 cubic yards of grading (376 cubic yards of excavation and 183 cubic yards of fill) on a lot with an average grade of 19%; 3) Variance (V) to allow a portion of a pool to encroach approximately 5-feet into the required 20-foot front yard setback; and, 4) Fence Height Exception (FHE) to allow a 6-foot tall wood fence and auto gate along the Lark Court frontage and a 6-foot tall wood and wire fence along the Bahr Lane frontage, where 42-inches is the maximum allowable by code. CEQA status: Categorically Exempt pursuant to Sections 15303(a) of the California Environmental Quality Act (CEQA) Guidelines. Note: This application is a continued matter from the April 10, 2018 Planning Commission Public Hearing.

Commissioner Ziesing recused himself from this item since he lives within 500 feet of the project.

Assistant Planner Armour presented the staff report. He noted the Commission could not vote on the Fence Height Exception for the shrub row since it was not publicly noticed. He stated staff received an item of late mail.

Commissioner Kunstler asked if the applicants received any explicit instructions from staff with respect to a variance to the Front Yard Setback. Assistant Planner Armour stated there were general discussions about placement of the house and how an application that meets the required setback was easier to support. This is true of any application.

Chair Deignan opened the Public Hearing.

Ms. Helen Yang-Fung, architect, made the following comments:

- She gave a PowerPoint presentation to show that they heard the key points: reduce bulk and mass; maintain existing neighborhood scale; show renewable energy use; address light, air and privacy concerns; submit updated solar study; show widened spacing between slats on fencing and gates for a more open feel.
- She discussed the changes and stated they address the Commission's concerns: lowered first floor elevation into the grade; lowered roof slope; lowered second floor plate height; lowered first floor ceiling and plate height.
- They removed the north gabled roof facing 1 Lark Court, stepped in guest north wall away from 1 Lark Court by one foot, and removed the south facing second story dormer.
- The house is well-proportioned architecturally.
- The garage floor elevation remains the same. The driveway is already quite steep at the right stall. The garage roof height was lowered by one foot.

Ms. Karin Taylor, architect, made the following comments:

- Revised front elevation studies indicate the design limits the visual bulk of the structure and fits in with the neighboring homes and setting.
- She displayed a slide depicting the solar plane roof plan and the estimated energy production.
- The revisions minimize the light, air, and privacy concerns of the downhill neighbors.
- She displayed a slide of the proposed plant screening.
- She discussed the results of the solar studies.
- They are asking for an approval this evening.

Chair Deignan asked about the proposed gap between the fence boards. Ms. Taylor stated it would be 2 ¾ inches. Planning Director Toft asked if this was detailed in the drawings. Ms. Taylor stated it had not been detailed, but it was now in the record.

Mr. John Gilman, property owner, made the following comments:

- They heard the previous comments and think the changes were significant.
- He is not wedded to the gate and is willing to make a change.
- They would like to bring this to a closure this evening.

Ms. Diane Ziesing, Lark Court, made the following comments:

- She has seen the property go from an empty lot to two houses.
- She is excited about the project and wants to welcome the new neighbors.
- She loves the house- it is beautiful.
- She is concerned about the front gate. None of the other houses have gated-off the driveways or front entrances- it does not fit in with spirit of the community.

Mr. Lynde Selden, attorney representing the owners of 1 Lark Court, made the following comments:

- Their position has not changed- they have the same concerns.
- The project would loom over the top of 1 Lark Court.
- The applicant has attempted to address some of the Commission's concerns.
- There has been no attempt to address the concerns of the owners of 1 Lark Court.
- The siting does not work for them- this is a flat lot design and not a stepped design.
- The difficulties in building on this lot are being put on 1 Lark Court.
- They could not support the project.

Mr. Riley Hurd, attorney representing the applicants, made the following comments:

- He referred to the new story poles and finds it hard to reconcile the comments made by Mr. Selden.
- He discussed the development pattern in the neighborhood.
- The intent of the design is to avoid impacting the neighboring properties- it has extended setbacks and an off-set second story.
- The proposal fits in with the neighborhood character, scale, and pattern.
- He asked for an approval tonight.

Chair Deignan closed the Public Hearing.

Commissioner Tsang provided the following comments:

- He is happy with the revisions.
- The applicants have done a number of things to mitigate the bulk and height of the house- especially the garage and guest room.
- He had no problem with the grading for the driveway.
- The openness of the property would be enhanced if they eliminate the driveway gates.

Commissioner Tauber provided the following comments:

- She was not at the last meeting but did review the minutes, read all the documents, and went to the site.
- She is dismayed that the two property owners were not talking to each other- this is worrisome.
- She does not think that this house is any more looming than any of the others in the neighborhood.
- The project does feel a little close to 1 Lark Court but it does meet the setback requirements.
- They lowered the garage and the project steps down.
- The dormer was removed.
- She can make the Design Review, Variance, and Slope Use Permit Findings.
- She referred to the Fence Height Exception and agreed with the comments about removing the gate.

- The Pittosporum on the side would require a Fence Height Exception- this could be handled by the Zoning Administrator.

Commissioner Kunstler provided the following comments:

- The overall design philosophy was appropriate and attractive.
- At the last meeting the Commission was very close to a consensus for approval.
- He noted a bit of unease with respect to the lack of consensus about whether or not the garage element could be lowered.
- He agreed with the other Commissioners comments about the gate- an open community is important and in character.
- He would like to see more work done on the fence pool in making it more open to avoid the appearance of a “compound”.
- He could support the application.

Chair Deignan summarized the comments of the Commission asked if the revisions to the gate and fence pool would need to come back to the Commission. Planning Director Toft stated the Commission removing the gate is pretty straightforward but redesign of the gate and/or fence surrounding the property/pool may need reconsideration. Commissioner Kunstler asked if this could be approved administratively. Planning Director Toft stated they would need more clear direction. Mr. Hurd stated they would like a decision tonight. The applicants are open to one foot of lattice (from five to six) and opening it up along that entire frontage. They would like more direction about the gate.

Commissioner Tsang provided the following comments:

- The driveway gate should be eliminated.
- They could add a fence perpendicular to the property line on the side of the driveway.

Commissioner Kunstler provided the following comments:

- He is hesitant to look at that kind of solution because they would be altering the design of the property by swinging that area by 90 degrees.
- He is not sure he could approve this without seeing the design.
- He would favor a compromise of a gate with a very open design while addressing the safety issues.

Commissioner Tauber provided the following comments:

- She is opposed to the gate.
- She suggested they continue the application and review the gate.

Chair Deignan provided the following comments:

- The fence for the pool could be anywhere- it does not need to be at the edge of the driveway.
- They addressed most of the Commissions concerns.
- The height of the house has dropped 18” and they eliminated the gable that was closest to the neighbor.
- The gate looks heavy.
- He could support the project.

M/s, Kunstler/Tsang, motioned and the Commission voted 4-0-1 (Ziesing recused) to approve DR/SUP/V/FHE #18-01, 3 Lark Court, based on the findings and conditions set forth in the staff report, with the following additional condition: 1) The Fence Height Exception is approved except for the gate, which shall be eliminated, and the application of lattice work above 5 feet on the fence facing Lark Court. Any interior fencing shall be approved by the Planning Director.

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

Planning Director Toft noted staff would submit the findings and conditions, as a Business Item, at the next Commission meeting. The appeal period is extended until after the findings and conditions are approved.

- 3. DR/CUP/SIGN/GRA #16-06; 2066 Redwood Highway & 36 Industrial Way (APNs 024-022-08 & 09). Ben Shimek, Petroleum Sales, Inc. applicant; Ben Shimek and Etta Allen, property owners: L1 (Single Family Residential) Zoning District. Request for the following permit approvals to install hand cleaning and detailing services on the site at 36 Industrial Way (previously occupied by 4-bay auto repair shop), to allow reintroduction of permitted automobile fuel sales at 2066 Redwood Highway, and implementation of a new sign program that applies to the combination of automobile and ancillary services operation on both sites: 1) Design Review (DR); 2) Conditional Use Permit (CUP) to allow for continued commercial carwash operations at 2066 Redwood Highway, and to install hand cleaning and detailing operations on the neighboring property at 36 Industrial Way, including the addition of a customer waiting area and an accessory convenience mart, and continued use of the one bay smog shop; 3) Sign Permit (SIGN) to allow implementation of a coordinated sign program in association with the proposed gasoline fueling station and all other services provided on the combined properties; and 4) Grading Permit for approximately 1,500 cubic yards of combined excavation and fill to accommodate installation of two fuel tanks, related trenching, piping and dispensers to support permitted fuel sales. CEQA Status: Categorically Exempt pursuant to: 1) Sections 15301, Class 1 of the California Environmental Quality Act (CEQA) Guidelines, for installation of automobile hand cleaning and detailing operations and smog shop on a site previously occupied by a 4-bay automotive repair shop; 2) Sections 15301(d) and 15304(a) to allow grading on a site of less than 20% to allow restoration of permitted vehicle fueling facilities to meet current standards of public health and safety.**

Commissioner Ziesing returned to the dais.

Associate Planner Camaraota presented the staff report. She noted there was a recommended amendment to Condition #11.

Commissioner Kunstler asked if there were any Use Permit implications of having the two convenient stores on site and if the decision to operate only one at a time was a decision of the applicant. Associate Planner Camaraota stated a convenience mart, as a stand alone use, would not be permitted. The convenience mart, as an accessory use, is acceptable under the Conditional Use Permit. Commissioner Kunstler asked if there was a requirement of the permit that each store operate at different hours. Associate Planner Camaraota stated “no”.

Commissioner Kunstler stated the only egress from the site, except for cars coming out of the car wash structure, was onto Industrial Way. Cars exiting onto Redwood Highway could pose a hazard for bicyclist heading towards the bike path. Associate Planner Camaraota stated cars currently enter the site from Redwood Highway, circle through the site, and exit onto Industrial Way. That would not change.

Chair Deignan opened the Public Hearing.

Mr. Neal Sorenson, attorney for the applicant, made the following comments:

- The genesis of the project was to move some of the car washing traffic from the 2066 Redwood Highway site onto 36 Industrial Way.

- There are no new buildings being constructed and no increase in traffic.
- The only change is to move those operations onto the adjacent site and add the fuel sales.
- He asked the Commission to approve the project.

Commissioner Tsang asked Mr. Shimek to explain how the circulation would work. He frequents the site and has found it to be congested with vehicles backed up. Mr. Ben Shimek, representing Petroleum Sales, pointed to the plans and explained how vehicles would access different services and circulate through the site. He stated that employees would be responsible for maneuvering the cars once they are dropped off.

Commissioner Ziesing asked if the gas station would operate when the car wash was closed. Mr. Shimek stated “yes- it was 24/7”.

Planning Director Toft stated staff had discussed with the applicant the proposed circulation, potential for a lot of vehicles, etc. He noted there were four lanes between the pumps, a fifth “free lane” around the side, with an employee directing traffic. Vehicles would be driven by employees after greeters determined which services were requested.

Chair Deignan closed the Public Hearing.

Commissioner Tauber provided the following comments:

- She has been to this car wash as a customer many times. It is easy for her to imagine the circulation.
- What they are proposing is an improvement to the circulation.
- She can make the findings.

Commissioner Ziesing provided the following comments:

- He could support the Design Review application. It is a vast improvement over what exists.
- The Conditional Use Permit makes sense.
- The signage is very modest.
- He referred to the Grading Permit and stated they need to install tanks to sell gas. It makes sense.
- He supported the application. The project is a good idea.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by the other Commissioners.
- The particular operation is very “high touch” – a lot of human interface which contributes to continuous flow.
- The design is fine- it does not radically change what is there.
- He could support the Conditional Use Permit- it is an appropriate use.
- He could approve the signage - the way it is configured adds clarity which is important for passing motorists and safe circulation.
- The Grading Permit is required for the installation of the fuel tanks.
- He could approve the application.

Commissioner Tsang provided the following comments:

- He agreed with many comments made by the other Commissioners.
- The use is appropriate.
- Adding new services would impact the car wash operations.
- There would be four lanes of cars coming into the fuel tanks, two lanes for the car wash, one lane of cars coming in and one coming out- that is six lanes of cars.

- He is not convinced that the circulation would work.

Chair Deignan provided the following comments:

- He understood Commissioner Tsang's concerns about the circulation. However, employees would move vehicles around, queue them up, put them in the wash, etc.
- From a Design Review standpoint, they are not adding any new buildings. The site would look cleaner and more cohesive.
- The Conditional Use Permit makes sense for this area.
- The grading must be done to install the tanks.
- The signage is low-key and not a big deal.
- He can make all the findings.

M/s, Tauber/Ziesing, motioned and the Commission voted 4-1 (Tsang voted no) to approve DR/CUP/SIGN/GRA #16-06, 2066 Redwood Highway and 36 Industrial Way, based on the findings and conditions set forth in the staff report and the change to Condition #11 as recommended by staff.

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

BUSINESS ITEMS

1. Findings of Denial DR/V/EXC #18-02; Sean Ryan, Applicant/Owner; 122 Acacia Avenue, Larkspur; for the 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. Note: The Planning Commission acted to deny the project on April 24, 2018

M/s, Tauber/Tsang, motioned and the Commission voted 4-0-1 (Kunstler recused) to adopt the Findings of Denial for DR/V/EXC #18-02, 122 Acacia Avenue, based on the findings set forth in the staff report.

2. Commission Reports

There were no reports.

3. Approval of minutes of Planning Commission meeting on April 24, 2018

M/s, Ziesing/Tauber, motioned and the Commission voted 4-1 (Kunstler abstained) to approve the minutes from the April 24, 2018 meeting as submitted.

The meeting was adjourned at 8:36 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 22, 2018



Neal Toft, Planning Director