

LARKSPUR PLANNING COMMISSION  
REGULAR MEETING MINUTES OF FEBRUARY 26, 2019

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

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

Commissioners Absent: Laura Tauber

Staff Present: Planning Director Neal Toft  
Associate Planner Nicholas Armour

### OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

### PLANNING DIRECTOR'S REPORT

- He reminded the Commission to turn in his or her Form 700, Statement of Economic Interest, to the City Clerk as soon as possible.
- Assistant Planner Nicholas Armour has been promoted to the Associate Planner position. He will take on the role of the Zoning Administrator.
- Senior Planner Teiche will be taking on a full-time role in the department and will be more involved in managing the Planning Commission agendas.
- Staff will be focused on wrapping up the General Plan Update, the Building Code Update, and work on other ordinances. Staff will bring the Accessory Dwelling Unit Ordinance to the Commission at the next meeting.

### PUBLIC HEARING ITEMS

1. **DR/V/HTR #18-45, 370 Riviera Circle (APN: 022-222-10); Laurence McAuley, Applicant/owner; R-1 (First Residential) Zoning District. Request for the following permits to allow substantial remodeling and 1,820 sq. ft. of additions (primarily second story) to an existing 2,257 square foot home for a total floor area of 4,077 square feet. Improvements include raising the finished floor level of the ground floor to meet the recommended flood elevation level. 1) Design Review (DR) of additions and exterior improvements; 2) Variance (V) to Parking to allow two covered parking spaces, where four parking spaces (one covered and three uncovered) are required for a new or substantially remodeled residence; and 3) Heritage Tree Removal (HTR) Permit to allow removal of one heritage sized palm tree in the front yard.**

Associate Planner Armour presented the staff report.

Commissioner Kunstler asked if the property limits include the parts that are underwater. Associate Planner Armour stated "yes".

Chair Ziesing opened the Public Hearing.

Mr. Kenneth Holder, Holder Design, made the following comments:

- The plan has always been to make this the owner's long-term home.

- The only feasible approach is to go second-story.
- The design is open to the street and has strong, contemporary lines.
- The design offers a “social outreach” to the sidewalk.
- The landscaping and low picket fence creates an attraction to the street.
- The glass design reflects the owner’s commitment to the neighborhood.
- The applicants spent a lot of time reaching out to the neighbors.
- There are letters of support.
- The feedback from the neighbors indicated the initial second-story design was too large.
- They brought in the side walls and removed 343 square feet.
- On the right side, the second story is 13 ½ feet from the property line- on the left side it is 18 ½ feet from the property line. The neighbors to the east were concerned about shadow impacts to their front yard. This issue has been resolved.
- He agreed with the staff statement that they utilized “limited and strategic placement of windows”.
- They tried to minimize any impacts to the neighbors.
- They have discussed the use of solar energy and the wiring will be in place.

Mr. Robert Anderson, Riviera Circle made the following comments:

- His property is the most impacted.
- The applicants have shared a lot of information.
- He suggested clerestory windows on the eastern side of the proposal. He has privacy concerns.
- The shadow studies look great and he believes his garden will not be impacted.
- They have softened the look of the eastern wall. He asked if the upper story could be recessed more from the street side.
- He is not opposed to a second story.

Ms. Marti Leland, Riviera Circle, made the following comments:

- She lives right across the street.
- The house is very close to the sidewalk/street. She asked if it could be set back.
- The proposal will be ten feet higher than the current house and a little imposing.
- She asked if the windows in the front would look down into her front windows.
- The proposal will be a lot bigger than the others along the street.

Ms. Helen McAuley, owner, made the following comments:

- They want to be a part of the community.
- She asked the Commission to approve the project.

Ms. Susan Anderson, Riviera Circle, made the following comments:

- She was opposed to the project’s “big presence”.
- She asked if there would be less parking. Associate Planner Armour stated “no, the proposal would maintain the existing two car scenario on the site”.
- Her upstairs office will look directly into their bathroom.

Mr. Holder made the following comments:

- This design reflects what was submitted previously.
- There is probably an approach that could mitigate the concerns about the windows.
- The master bath window would not impact privacy.
- The window in the front bedroom was 3 feet wide and the owners want to maintain this view.

Chair Ziesing closed the Public Hearing.

Commissioner Tsang provided the following comments:

- He asked why the Palm tree would need to be removed- it has no foliage and would not block any views.
- The second story would be “right up against your face”. The other second stories in the neighborhood are setback.
- The glass entry stairway would mitigate that affect.
- The designer has skillfully used the hip roof.
- The building is short and shallow.
- The east side second story bedroom window does look into the private garden. Obscure glass should be used. The window in the back is in front of the tub and should not be a problem.
- The two story addition is puzzling and he is not sure how to vote on it.

Commissioner Deignan provided the following comments:

- Strict enforcement of requiring the four parking spaces would be unusual for this area and create an “automobile focus”.
- The parking is “leaving it the way it is”.
- He could approve the removal of the Palm tree. They are planning on doing some replacement of vegetation.
- The story poles indicate the second story would be prominent and close to the front of the property.
- But they are raising the house because of flood concerns and the front has a lot of glass.
- There is not a right to privacy in the yard.
- The side elevation does not have much glazing.
- He could make the findings for approval.

Commissioner Kunstler provided the following comments:

- The parking is consistent with what is found on other properties.
- He could approve the removal of the Palm tree.
- The “elephant in the room” is the sheer size of the proposal.
- The design is attractive.
- There is diversity in terms of the designs in the neighborhood.
- He was concerned about the setback of the second story from the street.
- Possible mitigations for the size of the proposal could include the use of solar energy, creation of a Junior Accessory Unit, etc.
- The Housing Element says projects should be of an appropriate scale. This is where the mitigations come in.
- He is “on the fence”.

Chair Ziesing provided the following comments:

- He could support the Parking Variance and the Heritage Tree Removal Permit. They plan to replace the Palm tree with something more characteristic to the neighborhood.
- The design is nice.
- He was struck by the story poles.
- This is a neighborhood in transition- a mix of the old and the new. The mix is nice.
- There are some large homes in the area.
- The property is shallow and he understood the positioning of the structure on the lot.
- There has been considerable thought to making it fit on the lot. It would not be overbearing.
- Riviera Circle is a wide street that lets a lot of light in.
- The concern about the windows is an unresolved issue between the neighbors.
- He could support the application.

Commissioner Tsang provided the following comments:

- He likes the replacement tree. He could approve the removal of the Palm Tree.
- He has no problem with the parking.
- The architect has tried to soften the wall and has articulated the wings and the stairs.
- They are using different materials. This helps to balance the design.
- This is a very wide street.
- The bedroom windows are small and the larger windows are at the stairway- this will help mitigate any privacy issues.
- He could support the application.

M/s, Deignan/Tsang, motioned and the Commission voted 3-1-1 (Kunstler voted no, Tauber absent) to approve DR/V/HTR #18-45, 370 Riviera Circle, based on the findings and conditions set forth in the staff report.

Chair Ziesing stated there was a 10-day appeal.

- 2. DR/V/EXC/HTR #18-44: 33 Bayview Avenue; (APN 021-233-06); Polsky Perlstein Architects, applicants; Bob and Nancy Kellerman, property owners; R-1 (First Residential) Zoning District. Request for the following permits to allow remodeling and 478 square feet of additions to an existing 2,170 square foot home for a total floor area of 2,648 square feet. Modifications also include returning the garage to a parking space, driveway widening, and site work: 1) Design Review (DR) of proposed additions and exterior improvements; 2) Variance (V) to Parking to allow three parking spaces where four are required; 3) Variance (V) to the front yard setback to allow a replacement of a nonconforming front porch with an 11-foot 1 inch setback where 14 feet is required; 4) Variance (V) to the side yard setback to allow a two-story addition 5 feet from the property line, where 6 feet is required; 5) Exception (EXC) Permit to allow exterior modifications within the nonconforming 2-foot 4-inch southerly side yard setback; and 6) Heritage Tree Removal (HTR) Permit to allow removal of one heritage-sized fir tree.**

Associate Planner Armour presented the staff report.

Chair Ziesing opened the Public Hearing.

Mr. Jared Polsky, architect, made the following comments:

- The staff report was very thorough.
- This is a modest addition and remodel.
- They are trying to make the house more contemporary in style in terms of color and window forms.
- It is a really oddly shaped triangular lot. Thus the need for the variances.
- Removal of the tree makes sense.
- They are going from one to three parking spaces and could probably put in a fourth but that would require a lot more paving.
- The porch will be 26 feet from the street
- The findings could be made.

Mr. Bob Kellerman, owner, made the following comments:

- They love the Town, the neighborhood, and the where the house is located on the street.
- They have talked to all the neighbors about the plans and got their feedback.
- Their goal is to change the interior and improve and update the exterior.

Chair Ziesing closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- The program represents an intersection between distinctiveness and modesty. This is nice to see.
- The design complies with all the prerogatives of the City's General Plan and Design Guidelines.
- The Variances are not a grant of any special privileges. They are necessary to achieve the results of a program that is desirable from the applicant's and the City's standpoint.
- He noted the neighbors were in support.
- He could approve the Heritage Tree Removal Permit.
- He could make all the findings.

Commissioner Deignan provided the following comments:

- The number of requested applications is usually a red flag to him- but they are all very modest.
- He complimented the architects for maintaining the "heritage feel" of this older home.
- This is a tasteful update.
- He could support the Parking Variance- the Commission is not looking for things to be more auto-centric.
- The property did not have enough parking.
- He could support the project.

Commissioner Tsang provided the following comments:

- This is a very unique lot.
- His was initially leery about the number of applications.
- The street is up high and the form, even though it is nonconforming, will not have a visual impact.
- He wonders about the side setback. The garage door location and the addition could be moved back a foot to meet the setback requirements. He would rather not have to grant the variance.
- The tree is a fire hazard.
- He could approve the Parking Variance- it is a sensitive resolution.
- Highlighting the front entry with the gable roof makes sense.
- The second floor bedroom window on the east elevation does not match the one on the north elevation.
- He could support the project.

Chair Ziesing provided the following comments:

- He agreed he was taken aback by the number of applications.
- The lot is "V" shaped.
- The applicants are taking a neat, old, Larkspur neighborhood property and updating it.
- They have done a great job taking an old "country cottage" and turning it into something updated with its own character. He likes the transformation.
- He could support the Design Review and Heritage Tree Removal Permit.
- He could support the Parking Variance- they are going from one space to three.
- He could approve the Exception Permit for the windows.

M/s, Kunstler/Deignan, motioned and the Commission voted 4-0-1 (Tauber absent) to approve DR/V/EXC/HTR #18-44, 33 Bayview Avenue based on the findings and conditions set forth in the staff report.

Chair Ziesing stated there was a 10-day appeal.

## **BUSINESS ITEMS**

### **1. Commissioners Reports**

There were no reports.

### **2 Annual Progress Report on the General Plan and Housing Element for Calendar Year 2018**

Planning Director Toft presented the staff report. Staff held numerous meetings with the General Plan Steering Committee last year and plans to schedule several more study sessions. Some of the highlights in the report on the General Plan pertain to transportation improvements, including the work on the Bay Bridge and the extension of the SMART train into Larkspur. Staff plans to finalize the Circulation Element and wrap up the Land Use Element. They are working with a consultant to prepare the maps and diagrams. The annual report on the Housing Element has become increasingly important due to recent legislation that requires cities and counties to meet their regional housing needs assessment (RHNA). They are on the middle of an eight year cycle. He discussed the penalties that could be imposed by the State if cities do not meet targets or have a certified Housing Element. There is funding from the State that they are planning to use to help create a "toolbox" for objective design standards. His goal is to get the General Plan done and quickly move to create a working group to begin assessing housing sites. He discussed the possibility of the state imposing "by right" developments requirements in the future.

Chair Ziesing asked if Accessory Dwelling Units (ADUs) count toward very-low income RHNA numbers. Planning Director Toft stated they sometimes qualify as low-income units. The City needs to do a survey of the second unit stock. The City does not impose deed restrictions and trying to restrict income levels could be an obstacle to getting ADUs built.

Commissioner Deignan noted objective design standards could eliminate the need for Planning Commission review- an applicant would just need to "check off the boxes". Planning Director Toft agreed. Commissioner Deignan stated these standards could not be too onerous. Planning Director Toft agreed. However, they would apply to significant housing projects (10 units or more).

Chair Ziesing stated the target of 20 more units seems attainable and he asked if staff had any idea about the next cycle. Planning Director Toft stated it will probably be more challenging. Chair Ziesing had questions about how the numbers were established.

Commissioner Tsang stated it was about land use- how to use land in a more efficient and productive way.

Chair Ziesing asked about the Ross Valley Sanitary District site. It is a great space and perfectly positioned. Planning Director Toft stated the district plans to do the soil remediation this summer so the sale of the property would be clear of any liability.

Commissioner Kunstler stated he was very interested in the interplay between housing prerogatives and transit. Planning Director Toft stated the concept of transit oriented development was to create housing near transit that get people to jobs. It also imposes parking caps to limit use of vehicles.

M/s, Deignan/Tsang, motioned and the Commission voted 4-0-1 (Tauber absent) to recommend the City Council accept the Annual Progress Report on the General Plan and Housing Element for Calendar Year 2018.

### **3. Approval of minutes of Planning Commission meeting on January 22, 2019**

M/s, Tsang/Deignan, motioned and the Commission voted 4-0-1 (Tauber absent) to approve the minutes from the January 22, 2019 meeting as submitted.

The meeting was adjourned at 9:05 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 12, 2019.



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Neal Toft, Planning Director