

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF MARCH 12, 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,
Laura Tauber, Ignatius Tsang,

Staff Present: Planning Director Neal Toft

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- The City Council approved the Annual Progress Report on the Housing Element and the General Plan as recommended by the Commission. Staff will submit the report to the Department of Housing and Community Development and the Office of Planning and Research.
- He reminded the Commission to submit his or her Form 700 to the City Clerk.
- The City Council has scheduled a joint meeting with the Commission on May 1st at 5:30 p.m. in the Council Chambers.

PUBLIC HEARING ITEMS

1. **TEXT #17-56: Amendment to Larkspur Municipal Code (LMC) 18.23; Accessory Dwelling Unit Ordinance. Amendments to regulations governing accessory dwelling units to comply with recent changes to California Government Code 65852.2, to help meet the City's housing needs, and to incentivize the development of Accessory Dwelling Units. These updates identify accessory dwelling unit standards including, but not limited to, location, unit size, parking, and setback regulations. The Planning Commission will make recommendation on the ordinance amendments for future consideration by the City Council. CEQA Status: Exempt per California Environmental Quality Act (CEQA) Guidelines Section 15282(h); statutory exemption for the adoption of an ordinance to implement provisions of California Government Code Section 65852.1 regarding accessory dwelling units.**

Planning Director Toft presented the staff report. During a Study Session held on October 23rd the Planning Commission gave direction on the following issues: 1) There should continue to be an owner-occupancy requirement of Accessory Dwelling Units (ADUs); 2) There should continue to be a 700 sq. ft. limit on the floor area of ADUs; 3) Parking for the units be required wherever possible within extent of law; 4) While it would be desirable to be more flexible with the height of detached ADUs, it remains important to maintain the scale and character of neighborhoods; and 5) the City should restrict new expansions (attached and detached ADUs) in neighborhoods that present a concern regarding emergency access and evacuation. At its December 12th Study Session the Council generally agreed with the Commission recommendations and directed staff to proceed with an ordinance. The Council did discuss whether it may be appropriate to allow for some larger ADUs on larger properties. The revised text amendment took this into consideration. He briefly discussed the amendments to the ordinance in response to the direction of the Planning Commission and City Council.

Commissioner Tsang had a question about what happens to parking spaces lost in garage conversions. Planning Director Toft stated required parking spaces would need to be replaced.

Commissioner Tauber asked if the concerns with respect to the “restricted areas” had to do with an increase in the density of population living on those streets with no corresponding increase to the parking. Planning Director Toft stated an additional parking spaces would likely be required in these hillside areas so that is not the issue. Rather the concern is with loading more people and vehicles into neighborhoods that are already challenged in terms of emergency access and evacuation.

Commissioner Kunstler stated certain streets qualify for Fire Safety Exemptions and he asked if there would be provisions allowing the Fire Marshall to revise that map. Planning Director Toft stated they would need to amend the code if they decided to expand the areas. A resident could file a petition with the Fire Marshall if they have an alternate access. Commissioner Kunstler asked if the ADU would be allowed if the resident had the additional parking space. Planning Director Toft stated the issue was whether the access was via one of the roadways that have an ingress/egress chokepoint. The Fire Marshall would make a recommendation to the Zoning Administrator.

Commissioner Kunstler stated there was no transition of middle ground in terms of the criteria for a 700 square vs. a 1,200 square foot ADU. He acknowledged there were few lots that would meet the criteria for a 1,200 square foot ADU. Planning Director Toft stated this was done for the purpose of simplicity. Commissioner Kunstler asked if the limit on the second unit size would still apply if a Floor Area Ratio (FAR) Exception was granted. Planning Director Toft stated “yes” – the exception is to the overall floor area, not to the permitted size of the ADU. That would require a separate variance.

Commissioner Tsang asked about the basis for the 700 square feet. Planning Director Toft stated it was a carryover from the current code. However, the proposed ordinance would no longer restrict ADUs to one bedroom or a studio unit type.

Chair Ziesing opened the meeting to public comments.

There were no comments.

Chair Ziesing closed the meeting to public comments.

Chair Ziesing provided the following comments:

- He is in favor of ADUs when they do not impact the neighborhood.
- He sees them as in-law units.
- He is in favor of adding housing but he has some concerns.
- Expansion of the units from 700 to 1,200 square feet is essentially moving from R-1 to R-2 zoning. He sees this as a second home on the lot.
- He is in favor of the owner occupancy requirement.
- They are taking a fully built out community and trying to cram in more housing. This will impact the infrastructure.
- There is an opportunity for abuse with the temporary rentals- it could turn into an AirBNB situation. This would be taking away housing (a net subtraction).

Commissioner Tauber provided the following comments:

- She is generally in favor of the amendments.
- She was not sure the demand is very high.
- It is just creating an opportunity for people who may want to do this.
- Needed to conform to State requirements.
- She does not share Chair Ziesing’s concerns.

Commissioner Kunstler provided the following comments:

- He is generally in favor of the proposal as drafted.
- There is potential for abuse but it is unlikely.
- He supports the owner occupied requirement but does not think it entirely necessary.
- He was concerned it could be over-reaching of property rights.
- He had a couple of editing comments.

Commissioner Deignan provided the following comments:

- The resolution is a good set of compromises and allows for creative ways to add to the housing stock where feasible.
- He likes the option of a larger sized ADU – it won't be that common.
- The Fire Department has provided a red-line.
- The owner occupancy aspect is a good way to keep AirBNB situations in check.
- He supports the amendments.

Commissioner Tsang provided the following comments:

- He supported the owner occupied requirement.
- He is in favor of more housing units in neighborhoods, especially affordable housing.
- He understood the need for the restricted areas.
- He did not want to change an R-1 to an R-2 zone.
- He supports the amendments.

Planning Director Toft noted that short-term rentals restriction are a somewhat separate matter and will continue to be enforced. This will likely return as a discussion item in the near future. For those struggling to “age-in-place” these new JADU and ADU regulation can give a property owner a good opportunity to utilize space to generate extra income. This approach allows them to provide a home for others in a more stable manner than a vacation rental.

M/s, Deignan/Tauber, motioned and the Commission voted 5-0 to adopt Resolution #02-19, recommending approval of the draft ordinance to the City Council with the edits recommended by Commissioner Kunstler.

BUSINESS ITEMS

1. Planning Commissioner Reports

There were no reports.

2. Approval of minutes of Planning Commission meeting on February 26, 2019

M/s, Kunstler/Tsang, motioned and the Commission voted 4-0-1 (Tauber abstained) to approve the minutes from the meeting of February 26, 2019 meeting as submitted.

The meeting was adjourned at 8:05 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 26, 2019.



Neal Toft, Planning Director