

LARKSPUR PLANNING COMMISSION  
REGULAR MEETING MINUTES OF APRIL 23, 2019

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

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

Staff Present: Planning Director Neal Toft  
Senior Planner Kristin Teiche  
Associate Planner Nicholas Armour  
Planning Consultant Lorraine Weiss

### **OPEN TIME FOR PUBLIC EXPRESSION**

Mr. Phil Terry, Diane Lane, asked whether the anonymous letter sent to the Commission was “within the rulebook”. Planning Director Toft stated there was no rule that prohibits anonymous public comments. The anonymous nature of correspondence could be considered by the Commission when considering its veracity.

### **PLANNING DIRECTOR’S REPORT**

- The Council adopted the amended Telecommunications Ordinance at its April 17<sup>th</sup> meeting. The Council will discuss the resolution and policy document on small cell wireless technology, particularly 5G, at its May 1st meeting. Commissioner Kunstler asked when this issue might be brought back to the Commission. Planning Director Toft stated the Council wants to vet the issue more thoroughly.
- The Council adopted the Accessory Dwelling Unit (ADU) Ordinance. Staff plans to do some outreach in preparation of an anticipated rush of permit applications.
- At the May 1st Council meeting staff will present a resolution authorizing the City to apply for funding to Housing and Community Development (HCD) for SB2 grant funds (a part of the 2017 legislative housing package). The City is working collaboratively with the County and other cities to utilize this funding in an effort towards creating objective design standards. The point is to maintain some local control.
- This Thursday at 5:00 p.m. the Marin County Board of Supervisors will be hosting a presentation from the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) on Plan Bay Area 2050. The plan discusses housing and jobs projections in relation to transportation and funding. This is the beginning step in the next round of the Regional Housing Needs Assessment (RHNA). He plans to attend and will report back to the Commission.
- He referred to the General Plan Update and stated he, along with consultant Leonard Charos, met with representatives of the Federated Indians of Graton Rancheria. The representatives were appreciative of the draft of the Cultural Resources Element.

### **PUBLIC HEARING ITEMS**

1. **DR/V #19-11; 20 Liberty St. (APN: 021-202-13); Allen and Jill Rea, Applicant/Owner; R-1 (First Residential) Zoning District. Request for the following permits to allow reconstruction (same location, size, and height) of a non-conforming accessory structure (previously a single-car garage) located in the side and rear setbacks: 1) Design Review (DR); 2) Variance (V) to setbacks to allow an approximately two-foot four-inch setback to the side and rear property lines.**

Associate Planner Armour presented the staff report. He noted staff received twenty letters of support and one letter of opposition sent anonymously.

Commissioner Tauber stated she was troubled by the demolition of the building after the Commission had approved it. There might have been good reasons but neither the owner nor the contractor notified the City. She asked if there was any recourse such as imposing a penalty. Planning Director Toft stated a monetary penalty (two times the permit fee) could be imposed for working without a permit. This would be imposed at the Building Permit stage.

Commissioner Tsang asked about the purpose of setback requirements. Planning Director Toft stated the purposes were varied- protection of neighborhood character, air, open space, pattern of development, life/safety issues, etc.

Chair Ziesing opened the Public Hearing.

Ms. Jill Rea, owner, made the following comments:

- She thanked the Planning staff for their guidance.
- They are requesting the variance to the setbacks due to the hardships of the lot.
- This is a substandard lot.
- Little has changed since they got approval two years ago.
- The structure will be the same size and in the same place as it has been for 75 years- but it will be safer.
- They have support of several of the neighbors.

Mr. Phil Terry, Diane Lane, made the following comments:

- He has lived in his house for over 50 years and keeps a close eye on what goes on in the neighborhood.
- He was unaware that the structure had been demolished.
- The Commission should look at this with some leniency.
- They should be forgiven for the mistake.
- The project would improve the safety of the structure.

Mr. Pat Clifford, Diane Lane, made the following comments:

- This is an existing, non-conforming structure.
- They are improving its safety and bringing it up to today's standards.
- This would be an improvement to the neighborhood and provide privacy.
- He asked for leniency- it was an unfortunate incident.

Ms. Susan Lang, Liberty Street, made the following comments:

- She read a letter from her husband.
- There would be no loss of view, air, or light as a result of the construction.
- She asked the Commission to approve the project.

Chair Ziesing closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- This is one of those things that he has to compartmentalize- the merits of the application vs. the non-conformity with the process.
- There is vast community support.
- He agrees with Mr. Terry- anonymous letters should be viewed with circumspection.
- The project improves an existing condition from a safety standpoint.
- The size and location of the structure have not changed.

- He could support the findings given the merits of the project.
- Since the foundation has already been poured, the Commission has been “robbed” of the opportunity to consider modifications that could improve the project- this is “not okay”.
- He could make the findings given the merits of the project.

Commissioner Tauber provided the following comments:

- This is a small lot and perhaps the answer is to make the project smaller. This would improve the setback situation.
- Tearing the building down means they are starting afresh.
- She understood what they were trying to do.
- If this had been a new application she would have asked the applicants to make the project smaller.

Commissioner Tsang provided the following comments:

- He agreed with the comments made by Commissioner Tauber.
- This could be a smaller project.
- He could not support the project.

Chair Ziesing provided the following comments:

- He is in the middle.
- He agrees with the other Commissioners- permits have rules and regulations that should be followed.
- There is a procedure that should be followed if owners want to change the project.
- He acknowledged that this is a small lot in a compact, densely built neighborhood.
- He can support the application given the improvements to the structure.
- A penalty is in order.

M/s, Kunstler/Ziesing, motioned and the Commission voted 2-2 (Tauber and Tsang voted no) to approve DR/V #19-11, 20 Liberty Street, based on the findings and conditions set forth in the staff report.

Planning Director Toft stated a two-two vote is a “no action” vote and the project is not approved.

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

- 2. HR/DR/FAR/HRP #19-06; 58 Madrone Avenue; (APN 021-111-07) Polsky Perlstein Architects, Applicant; Lindsay and Dennis Shin, Owners; R-1 (First Residential) Zoning District; Request for the following permits to allow substantive interior remodeling and minor additions including a 25 sq. ft. basement expansion, a 233 sq. ft. two-story addition at the northeasterly corner of the residence, and a 92 sq. ft. addition to the rear of the existing single car garage located on the Madrone Avenue frontage; 1) Heritage Review (HR). This home is listed on the local inventory of Historic Resources and the State and National Register of Historic Places; 2) Design Review (DR) of exterior additions; 3) Floor Area Ratio Exception (FAR), to expand the floor area for this site from 2,229 to 2,579 sq. ft. and increase the FAR from 0.23 to 0.27 where 0.26 is permitted due to the slope of the lot; 4) Heritage Rehabilitation Permit (HRP) to allow remodeling and additions that will exceed 60% of the value of the structure without provisions of additional on-site parking.**

Senior Planner Teiche presented the staff report.

Commissioner Tsang asked if the garage was also an historical building. Senior Planner Teiche stated it was added later when cars became more prominent. Commissioner Tsang stated if the garage could be pushed back so a parked car does not hang out into the sidewalk. Senior Planner

Teiche stated that was possible but staff would have to ask the historic consultant to review this possibility

Commissioner Kunstler asked if the property has one or two parking spaces (is the driveway considered a parking space?). Senior Planner Teiche stated the property has one parking space- the garage.

Chair Ziesing opened the Public Hearing.

Mr. Jared Polsky, architect made the following comments:

- The staff report is very detailed.
- This is a lovely, modest house that deserves to be preserved.
- They want to make this into a family home.
- They wanted to create a stairwell to get from the lower floor to the main floor without going outside.
- They wanted to reconfigure the doors on the living room.
- They wanted to make a bathroom at the main level that would be accessible from the second bedroom and the rest of the main floor without going through a bedroom.
- They wanted a reasonable master bathroom and closets in the master bedroom.
- The house has very little storage and they want to add some space to the back of the garage.
- The historic qualities of the home will not be disturbed.
- It would be a shame to push the garage back- it is in the perfect setting and works well with the street.

Chair Ziesing closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- The property is beautiful. He can understand why the City ascribes value to it as an historical asset.
- There is nothing he could object to.
- He did notice a small detail- the character (vinyl) of one of the windows on the side of the house.
- He acknowledged Commissioner Tsang's concern about the shortness of the driveway and that cars should not park there. It is not designated as a parking area and he is not sure it is the role of the Commission to police that.
- He could support the findings.
- He thanked Senior Planner Teiche for the excellent report.

Commissioner Tauber provided the following comments:

- This is a lovely project. It is a very nice house.
- It would not make sense to require more parking.
- The project takes an historic asset and makes it livable for a family.
- She supports the project.

Commissioner Tsang provided the following comments:

- This is a magnificent house.
- The proposed addition should conform to the character of the existing house.
- The setback in the back is not pleasing.
- He could support the project.

Chair Ziesing provided the following comments:

- He loves the house- it is iconic.
- The project does a great job of minimizing the visual impact.

- The changes to the house respect the heritage of the 1888 construction.
- The changes will have a positive effect to the structural integrity of the house.
- He supports the project.

M/s, Tauber/Kunstler, motioned and the Commission voted 4-0 to approve H/DR/FAR/HRP #19-06, 58 Madrone Avenue, subject to the findings and conditions set forth in the staff report.

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

- 3. DR/FAR/HT #18-50; 388 Bretano Way (APN: 070-233-32); Erin Scheuer, Applicant; Erin Scheuer and Jesse Turcotte, Owners; R-1 (First Residential) Zoning District. Request for the following permits to allow construction of a new two-story 3,139 square foot residents; 1) Design Review (DR); 2) Floor Area Ratio Exception (FAR), to allow an FAR of 0.31 where a maximum floor area of 0.19 is allowed due to the slope of the parcel; 3) Heritage Tree Removal (HTR) permit to allow removal of one 36-inch heritage sized Coast Live Oak tree located in the rear of the lot.**

Chair Ziesing stated the application was posted without including notification for a Slope Use Permit. The Commission will hear and discuss the application tonight but will need to continue it to the next meeting. Planning Director Toft stated the amount of grading was not initially clear to staff and it must be re-noticed.

Planning Consultant Weiss presented the staff report.

Commissioner Kunstler asked if the item could be placed on the next agenda as a Consent Calendar item. Planning Director Toft stated "yes".

Commissioner Tauber asked if the tree could be saved. Planning Director Toft stated the applicant could answer that question. Chair Ziesing asked about the chain around the tree.

Chair Ziesing opened the Public Hearing.

Mr. Jesse Turcotte, applicant, made the following comments:

- He understood that new home designs involve balancing the needs and expectations of the applicant as well as the surrounding neighbors. This design was created with this in mind.
- They have come up with a well-balanced solution to a unique site.
- They have maintained the character and scale of the existing neighborhood.

Ms. Erin Scheuer, applicant, made the following comments:

- The original intent was to keep the tree and build around it.
- They hired an arborist to check out the integrity of the tree. He is of the opinion that it could fall on the house due to decay.
- They plan to replace the tree with two, 15-gallon Oaks at the rear of the property.
- The chain was used as a zip line by the neighbor's children.
- They will submit an updated grading plan with new cut and fill calculations.
- They intend to install solar panels probably on the southwest side.

Mr. David Riddle, Bretano Way, made the following comments:

- He is the owner of the zip line. It will be relocated.
- It is appropriate for the second floor to step back.
- Drainage has to be a big part of this plan.
- A tremendous amount of water goes down those gutters.

Mr. Walter Parton, Bretano Way, made the following comments:

- He is speaking for his father who has a concern about the size of the house due to the steep slope.
- It is a nice looking house that would fit into the neighborhood.
- There are a lot of Oaks in that area and safety is paramount.

Chair Ziesing closed the Public Hearing.

Commissioner Tsang provided the following comments:

- The floor plan has the living room and kitchen above the garage with a hip roof.
- It would be better to have the taller elements on the left hand side because of the way the property slopes.
- The design should be flipped from right to left- it would then be contextual to the site.

Commissioner Tauber provided the following comments:

- They did a very good job siting a 3,000 square foot house on a steep slope.
- This is a difficult lot.
- Her biggest concern is the Oak tree and she asked the applicants to try to save it.
- She could make the findings to approve the project.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by Commissioner Tauber.
- The design is “non-controversial”. It fits on the property and has no “radical” features.
- The FAR Exception falls within the pattern of the neighborhood.
- The house does not “overbuild” the lot.
- He is pleased with the plan to install solar panels.
- He referred to the Oak tree and stated “safety first”.

Chair Ziesing provided the following comments:

- He agrees with the other Commissioner in terms of the Design Review application.
- The project is in character and to scale with the neighborhood. It will fit in very well.
- The house is very well situated on the lot.
- The Oak tree seems healthy but it is very large and is situated on a very steep hill.
- He supports the Heritage Tree Removal Permit if there are no other alternatives.
- He supports the FAR Exception.

M/s, Tauber/Kunstler, motioned and the Commission voted 4-0 to continue DR/FAR/HT #18-50, 388 Bretano Way, to the May 14<sup>th</sup> Commission meeting.

## **BUSINESS ITEMS**

### **1. Discuss upcoming Planning Commission meeting schedule**

Planning Director Toft asked about vacation schedules. He stated the second meeting in May would be the day after Memorial Day. It was the consensus of the Commission to hold the meeting if there are applications that need to be heard.

### **2. Discuss joint City Council and Planning Commission meeting on May 1, 2019**

Planning Director Toft stated the Council reviewed several applications for the Commission vacancy and plan to keep it open and accept more applications. He referred to the joint meeting scheduled for May 1<sup>st</sup> and stated he was not sure the Council has any particular agenda items.

Chair Ziesing stated he would not be able to attend the joint meeting with the Council. He stated he would like the following item added to the agenda: 1) ADU outreach and City sponsored workshops.

Commissioner Kunstler asked if they could discuss the status of the Library/Community Facility project at the joint meeting.

### **3. Planning Commissioner's Reports**

There were no reports.

### **4. Approval of minutes of Planning Commission meeting on March 26, 2019**

M/s, Kunstler/Tauber, motioned and the Commission voted 4-0 to approve the minutes from the meeting of March 26, 2019 meeting as corrected.

The meeting was adjourned at 8:55 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 14, 2019.



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Neal Toft, Planning Director