

LARKSPUR PLANNING COMMISSION  
REGULAR MEETING MINUTES OF MAY 28, 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: Senior Planner Kristin Teiche  
Associate Planner Nicholas Armour  
Public Works Director Julian Skinner  
Planning Consultant Lorraine Weiss

### OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

### PLANNING DIRECTOR'S REPORT

- The Council will be interviewing and hopefully appointing a new Commissioner at its June 5<sup>th</sup> meeting.
- Staff has tentatively cancelled the June 11<sup>th</sup> Commission meeting.

### CONSENT CALENDAR ITEMS

1. **DR/SUP/HTR/EXC/FHE #18-56, 74 Hazel Avenue (APN: 020-232-08); Jeremy and Rachel Schneider, Applicants/Owners; R-1 (First Residential) Zoning District. Request for the following permits to allow selective demolition and extensive remodeling and additions to an existing single-family residence: 1) Design Review (DR) to allow modifications to the existing residence; 2) Slope Use Permit to allow grading of 635 cu. yds. (385 cu. yds. cut and 250 cu yds. fill; 3) Heritage Tree Removal (HTR) Permit to allow removal of two heritage-sized trees (one Pepper tree and one Chinaberry); 4) Exception Permit (EXC) to allow modifications to a residence that is nonconforming in height; 5) Fence Height Exception (FHE) to allow a 6-foot tall wood fence and an auto gate within the 20-foot front yard and 10-foot street side yard setback where 42 inches is permitted, and a shrub row along the rear property line of indeterminate height where 6 feet is the limit.**

Chair Ziesing asked if anyone had comments on this application. There was no response.

On the Consent Calendar, M/s, Kunstler/Tsang, motioned and the Commission voted 4-0 to approve DR/SUP/HTR/EXC/FHE #18-56, 74 Hazel Avenue, based on the findings and conditions set forth in the staff report.

Chair Ziesing stated there was a 10-day appeal.

### PUBLIC HEARING ITEMS

2. **DR/V/EXC #19-09: 5 Wiltshire Avenue; (APN 021-192-02); Colleen Mohan, Designer, Applicant; Jon and Melissa Weinberg, Owners; R-1 (First Residential) Zoning District. Request for the following permits to a 410 square foot two-story addition and remodeling of an existing single family residence: 1) Design Review (DR); 2) Variance (V) to the dimensional requirement for an enclosed parking space to retroactively permit a closet**

**addition into the one-car garage which made the one-car garage noncompliant; 3) Exception Permit (EXC) to permit to allow modifications to exterior openings within a non-conforming rear yard setback.**

Chair Ziesing stated he lives near the subject property and must recuse himself.

Associate Planner Armour presented the staff report.

Vice Chair Tauber opened the Public Hearing.

Mr. John Weinberg, owner, made the following comments:

- The project will fix the awkward entry and flow into the house.
- They want to make the entry more visually attractive.
- They want to make a more open floor plan in the core of the house.
- There are some environmental upgrades- the removal of two wood burning fireplaces and upgrades to older windows.
- The neighbors are supportive.
- The plans show the closet, built by the prior owners, encroaching into the garage in the back right corner. They have looked at moving the closet into the bedroom but the bedroom is too small.
- The closet does not go all the way down to the floor- it floats 43 inches above the ground.
- The closet has no impact on the ability to park cars in the garage.

Ms. Melissa Weinberg, owner, made the following comments:

- She read a letter from Ms. Coleen Mohan, the designer, discussing the project.
- The owners want to calm down the varying roof shapes of the house.
- Maintaining the existing maximum roof height provided the simplest solution.
- The proposed design mirrors the existing large gable volume over the living room and eliminates the tertiary gable that currently houses the kitchen.
- The addition of the larger gable volume allows them to enclose the breezeway providing space on the ground floor for the kitchen, dining room remodel, and the master closet expansion upstairs.
- The Exception Permit for window and door modifications along the west façade includes removal of the existing French doors and replacing them with windows.

Commissioner Kunstler asked if they park the car in the center of the garage. Mr. Weinberg stated “yes”. Commissioner Kunstler asked if they have considered reducing the size of the closet by one-third or one-half. Ms. Weinberg stated they would not be able to hang any clothes in the closet if they reduced the size.

Commissioner Tsang asked if they could modify the existing study so it could serve as a bedroom. Ms. Weinberg stated the study is very narrow and has a sloped roof. There is not enough space for a comfortable bed. The closet is very narrow and does not provide much storage.

Commissioner Tsang stated looking at the site plan and the side yard setback requirement the building could have a “wedge” to the garage. This could be the replacement closet as opposed to the current location. Associate Planner Armour stated that was the non-conforming setback and this would exacerbate the non-conforming rear yard setback.

Vice Chair Tauber closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- He has no objection to the design or the modifications to the exterior openings.

- He referred to the Variance and stated his concern did not relate to safety or how the garage was being used. His reservation has to do with whether or not approving the Variance could be considered granting of a special privilege.
- However, it was unlikely that there would be a similar request in the future- it is a rare occurrence.
- He was glad to hear that they can “center” the car in the garage.
- He is leaning towards finding in favor of granting the variance.

Commissioner Tsang provided the following comments:

- He has no issue with Design Review, adding a second story to the residence, or the modifications to the exterior openings.
- He cannot make the findings for the garage. It would be a grant of special privilege.
- They could add a dormer to the existing study to make it more habitable.

Vice Chair Tauber provided the following comments:

- She has no problem with the Design Review application or the Exception Permit.
- She likes what they are doing- changing the entryway, etc.
- She has qualms about approving a variance for something that was not permitted (even though this was done by the prior owners). It would be a grant of special privilege.

Commissioner Kunstler provided the following comments:

- He referred to the assertion that this could be considered a grant of special privilege and asked about the likelihood of something like this happening again in the future.
- The previous owners were issued a permit but did not abide by the terms of the permit.

Commissioner Kunstler made a motion to approve DR/V/EXC #19-09, 5 Wiltshire Avenue. The motion died for lack of a second.

Vice Chair Tauber provided the following comments:

- She was very uncomfortable with setting a precedent and she asked if there was a way to acknowledge the constraints of the garage/closet.
- She asked what was previously approved. Associate Planner Armour stated the closet was originally approved on the opposite side of the bathroom wall inside of the bedroom.

M/s, Kunstler/Tauber, motioned and the Commission voted 2-1-1 (Chair Ziesing recused, Tsang voted no) to approve DR/V/EXC #19-09, 5 Wiltshire Avenue, and direct staff to prepare findings of approval for the next meeting.

Vice Chair Tauber wanted it on record that she was very conflicted about this application.

Vice Chair Tauber stated there was a 10-day appeal.

Chair Ziesing returned to the dais.

- 3. DR/FAR/V/FHE #19-14, 106 Alexander (APN: 021-183-10); Kenneth Holder, Designer, Applicant; Jay Sternberg, Owner; R-1 (First Residential) Zoning District. Request for the following permits to allow demolition of the existing two-story single-family dwelling, and construction of a new two-story single-family dwelling: 1) Design Review (DR); 2) Floor Area Ratio Exception (FAR) to allow 1,833 square feet of floor area (including a single car garage) and an FAR of 0.41, where 1,800 square feet and a 0.40 FAR is the maximum permitted by code; 3) Variance (V) to the on-site parking requirement to allow three on-site parking spaces where four are required by code for a new single-family residence; 4) Fence Height Exception (FHE) to allow an 8-foot tall fence (six feet of solid wood, two feet**

**of lattice on top) on the interior side and rear lot lines, where a maximum of 6 feet is allowed under the code on the interior side and rear lot lines.**

Associate Planner Armour presented the staff report. He reported staff received several pieces of late mail.

Chair Ziesing opened the Public Hearing.

Mr. Jay Sternberg, owner, made the following comments:

- The property is in a state of disrepair and not properly maintained. It is uninhabitable.
- The construction team is of the opinion that it is not feasible to “fix it up”.
- They realized last week that the garage needed to be a couple feet wider putting them over the 1,800 square foot maximum. He is confident his designer can conform to the FAR requirements.
- The parking is a challenge- it is a small lot.
- He is indifferent on the fencing. He is willing to compromise on the height.

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

- The project tries to uphold the need for modest improvements to maintain the fabric of Larkspur.
- The site is very small and restrictive.
- This is a desire to accommodate the need for a mother-in-law residence.
- The existing residence is an awkward shape- blocky, stacked walls with a front yard encroachment that would not be approved under today’s standards. It is pushed aggressively to the front of the lot.
- It became clear that it would not be feasible to refurbish the structure.
- A new house had to be a compact, two-story design that stayed within the small footprint.
- They had to consider the needs of the residents at 2 Monte Vista. They have enjoyed a 12 and 14 foot setback. This could not be replicated.
- They held the majority of the house to an 8-foot side yard setback. The ground level has an encroachment- a one-story utility room and chimney.
- The design is the best they could come up with on such a narrow lot.
- They did all they could to accommodate the privacy and day light issues on the side yard.
- Any second story scheme would have an impact. They kept it at 254 square feet.
- They kept the house forward to gain the morning light.
- They chose appropriate materials- shingles, and board and batten that, along with deep overhangs, modulate the overall mass of the house.
- They pushed the stairwell from the center of the house to the sidewall.
- There are two windows in the living room and the second floor window is at the stair landing. It is for egress.
- They have tried to accommodate the needs of others.
- They are open to suggestions.

Commissioner Kunstler asked about any privacy issues or light exposure if they flipped the house. Mr. Sternberg pointed to the elevation from 2 Monte Vista and stated it would exacerbate the privacy concerns- the main living area would be looking towards that house. Commissioner Kunstler asked if the property would not get the “same enjoyment” if it were flipped. Mr. Sternberg reiterated it would cause privacy issues for both parties.

Commissioner Tsang asked if the proposed side yard setbacks would be the same. Mr. Holder stated “no”- it would be seven feet on the east side and eight feet on the west side. Commissioner Tsang stated they could put the garage on the west side and the living space on the east side without impacting the functionality inside. He stated they are putting a sheer wall on the west side up against the neighbor’s primary window. They could lower the ceiling height in the family room so it would become a single-story building- this would provide better privacy and lighting for the Monte

Vista neighbors. They claim this is an in-law unit but the lay-out is more like a "loft". He finds a lot of things troubling and stated they could do some things to better accommodate the neighbors.

Mr. Michael Skafeeny, representing the owner of 2 Monte Vista, made the following comments:

- They were shown the plans on April 23<sup>rd</sup> after they were finalized and submitted to the City.
- They were never asked about their opinion during the design phase.
- There would be negative impacts to 2 Monte Vista with respect to light, air, and privacy. It would devalue the property.
- The main concerns include the vicinity of the new home to the property line, shifting the new home to the back of the property, a straight wall surface overlooking 2 Monte Vista, and a window that looks directly into their east side.
- Their morning sunshine will be completely obstructed by the proposal.
- They are willing to work with the applicants.
- He lives part-time at 2 Monte Vista.
- He urged the Commission to deny the proposal.

Mr. James Holmes, Larkspur, made the following comments:

- He is concerned about the proposed demolition.
- It is a Mediterranean, story-book style house that has a number of distinctive architectural features.
- He disagreed with the historic architect that the property does not warrant preservation.
- The house should be retained. It contributes to the character of the neighborhood.
- The replacement is not a bad design but is not distinctive.
- The Design Review Findings cannot be made.

Mr. Terry Sternberg, Monte Vista, made the following comments:

- He has looked at the existing house for the past 40 years- it is ugly and un-kept.
- It should be demolished and replaced with something more architecturally appealing.
- He would prefer an 8-foot fence with two feet of lattice for privacy reasons.
- He supports the proposal.
- The house next door is mostly unoccupied- this should be taken into consideration when talking about the light and air impacts.

Mr. Sternberg made the following comments:

- He reached out to the Skafenny family in April.
- He met Ms. Skafeeny on site and they reviewed the plans. There was no resistance.
- The story poles went up about a week and a half ago.

Chair Ziesing closed the Public Hearing.

Commissioner Tsang provided the following comments:

- He could support the FAR Exception and the Variance for the parking.
- This is a very narrow lot.
- He could support the Fence Height Exception given the lack of concern from the neighbors.
- He has a problem with the house design. There are other ways to lay it out.
- The neighbor at 2 Monte Vista would be negatively impacted by the two-story house.
- He could not support the Design Review application.

Commissioner Tauber provided the following comments:

- She could support the FAR Exception, the Variance to the parking, and the Fence Height Exception.
- She walked around the back of the building and was struck by how much of the proposal would "stick out". This would impact 2 Monte Vista.

- The proposal would go far back into the lot.
- She is less troubled by the two-story aspect of the proposal.
- She was concerned about the loss of light for the neighbors.
- There are no major views being blocked.
- She could make the Design Review Findings.

Commissioner Kunstler provided the following comments:

- He supported the FAR Exception, the Variance to the parking, and the Fence Height Exception.
- He cannot ignore or gloss over the neighbor's loss of light. It is clear that there would be an impact. He is not satisfied there is a sufficient mitigation element.
- The living habits of an occupant of a home have no bearing on an application.
- He referred to the historic aspect of the home and asked if it was a "close call". Senior Planner Teiche stated "no".

Chair Ziesing provided the following comments:

- He referred to the Fence Height Exception and stated 8-feet is too high- he would like to see 6-feet with one foot of lattice.
- The Variance to the on-site parking makes sense.
- He has no problem with the Floor Area Ratio Exception.
- He has the same concerns as the other Commissioners with respect to the Design Review application.
- There is a way to redesign the house in such a way that they could "have their cake and eat it too".
- He loves the design and materials- but the structure itself could benefit from a second look.
- They could get the same functionality but with a more centered view.
- There are impacts to light and privacy.
- He could not support the Design Review application.

Chair Ziesing asked the applicants if they would prefer a denial, without prejudice, or a continuance. Mr. Sternberg had several questions and then asked for a continuance.

M/s, Kunstler/Tauber, motioned and the Commission voted 4-0 to continue DR/FAR/V/FHE #19-14, 106 Alexander Avenue, to a date uncertain.

- 4. GRAD #19-15; 2000 Larkspur Landing Circle (APN: 018-071-32); Ross Valley Sanitary District; Owner/Applicant; PD (Planned Development) Zoning District. Request for a grading permit to allow grading in excess of 1,000 cubic yards of earth. Project includes proposed excavation (removal) and fill (restoration) of approximately 40,000 cubic yards of earth to complete the remediation of contaminated soils on a partially vacant property, and to regrade the site to prepare for future development. This site was previously occupied by the Ross Valley Sanitary District treatment plant.**

Planning Consultant Weiss presented the staff report.

Commissioner Tsang asked if this application would take care of the entire site in terms of the contaminated soil. Planning Consultant Weiss stated approximately 2 acres will be remediated and regraded.

Chair Ziesing opened the Public Hearing.

Mr. Todd Miller, consultant with Kennedy/Jenks Consulting, made the following comments:

- The on-site contaminants are PCB's and they have to be either removed or capped in place.
- PCB's are not volatile and are absorbed in the soil and cannot be treated on-site.

- Dust from the excavation could be generated so the soil will be continuously watered down. There will be air monitors spread around the property.
- They want to make sure the site is available for development.
- They approached the EPA with a plan for “unrestricted use”- taking the contaminant down to its lowest possible concentration.
- They have been working with the EPA for about three years.
- Approximately two of the ten acres are contaminated.
- Excavation will go from two to about twenty-two feet deep.
- There are some geotechnical concerns including some areas that will need sheeting and shoring up.
- The contractors are preparing their technical execution plan including haul routes, staging areas, and de-con areas. This will be submitted to the Public Works Department for review.
- Given the volume of soil, the process should take about 20 to 26 weeks.
- A lot of time will be spent off-hauling- about 40 trucks a day.
- Two types of contaminated materials have been identified including some hazardous waste that will go to the Central Valley. The rest of the material is a non-hazardous, Class II waste that will go to a local landfill.

Chair Ziesing closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- He appreciated the care taken to preserve the cultural assets that might be encountered on site.
- The process is heavily regulated by a number of agencies.
- The staff recommended course of action is appropriate.

Commissioner Tauber provided the following comments:

- She is glad this project is happening.
- This is prime real estate that can be developed.
- She is confident this will be done subject to all the appropriate protocols.
- She is concerned about the impact on the roadway from all these truck trips.

Commissioner Tsang provided the following comments:

- Cleaning up this site is a good thing.
- He is troubled by the idea of 40 trucks running up and down Sir Francis Drake Boulevard all day long.
- He would prefer they lengthen the time to off-haul and bring in the new soil.

Public Works Director Skinner stated there were some parameters laid out in the scope of work in terms of the number of trucks and hours of off-haul. The site is right off of Sir Francis Drake Boulevard- a good location for this type of endeavor as opposed to downtown Larkspur. The number of trucks is not the issue and the truck trips will not coincide with the peak traffic hours. Sir Francis Drake Boulevard was built to accommodate this type of traffic. He will be working with the Ross Valley Sanitary District and the contractor on a Construction Management Plan that could be approved prior to remediation and grading of the project.

Chair Ziesing provided the following comments:

- He agrees with the comments made by Commissioner Tauber.
- The short-term pain is worth it for the greater good.
- The plan is well thought-out.
- He is in favor of the application.

M/s, Tauber/Kunstler, motioned and the Commission voted 3-1 (Tsang voted no) to authorize the City Engineer to approve GRAD #19-15, 2000 Larkspur Landing Circle, subject to the findings and conditions set forth in the staff report.

## **BUSINESS ITEMS**

### 1. General Plan Consistency Finding for City's 2019-2020 Capital Improvement Program

Senior Planner Teiche presented the staff report.

M/s, Ziesing/Tauber, motioned and the Commission voted 4-0 that the 2019/2020 Capital Improvement Program is consistent with the Larkspur General Plan including the three items added into the 2019 plan and direct staff to forward this finding to the City Council.

### 2. Approval of the May 14, 2019 draft meeting minutes

M/s, Kunstler/Tsang, motioned and the Commission voted 4-0 to approve the May 14, 2019 meeting minutes as submitted.

### 3. Planning Commissioners' Reports

There were no reports.

The meeting was adjourned at 9:20 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 June 25, 2019.



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Kristin Teiche, Senior Planner