

LARKSPUR PLANNING COMMISSION  
REGULAR MEETING MINUTES OF OCTOBER 8, 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, Ignatius Tsang,  
Brock Wagstaff

Commissioners Absent: Laura Tauber

Staff Present: Planning Director Neal Toft  
Planning Consultant Lorraine Weiss

### OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

### PLANNING DIRECTOR'S REPORT

- There is concern about potential power outages due to the hot weather and staff recommends that residents check the PSPS page on the PG&E Website. Commissioner Kunstler stated the website allows people to sign up for cell phone text alerts.

### CONSENT CALENDAR

1. **DR #19-31; 164 Riviera Circle (APN: 022-191-24); Kenneth Holder, Holder Design Associates, Applicant; Steve Sullivan, Owner; R-1 (First Residential) Zoning District. Request for Design Review approval to construct second story additions totaling 458 square feet to an existing two-story 3,058 square foot home (including garage), for a total floor area of 3,516 square feet. This results in an FAR of 0.22 where 0.40 is permitted by code. The proposed addition complies with all applicable zoning regulations.**

Planning Director Toft stated there was a piece of late mail submitted by the applicant prior to the meeting. There is a change to the project proposal that requires review and consideration by the Commission. The item should be removed from the Consent Calendar. He noted he did not see the applicant's architect in the audience.

M/s, Kunstler/Tsang, motioned and the Commission voted 4-0-1 (Tauber absent) to move this item off of the Consent Calendar.

Chair Ziesing stated the Commission would hear item #2 prior to item #1 since the architect has not arrived.

### PUBLIC HEARING

2. **DR/V/HT #19-13; 233 Monte Vista Avenue (APN: 021-104-02); David Grabham, G Design, LLC, Applicant; Benjamin Faber, Owner; R-1 (First Residential) Zoning District. Request for the following permits to construct a new two-story 1,571 square foot home including a one-car garage on an existing 4,035 square foot vacant parcel: 1) Design Review (DR) to allow a new two-story single family house; 2) Variance (V) to allow three (3) vehicular parking spaces where two (2) are required for a new single-family residence; 3) Heritage**

**Tree Removal (HTR) Permit to allow removal of one heritage sized pine tree with a diameter of 26 inches located in the center of the lot, and within the proposed building footprint.**

Planning Consultant Weiss presented the staff report.

Commissioner Kunstler referred to the creek bank and asked if the issues regarding flood risk and stability of the bank could be impacted by the project. Planning Consultant Weiss stated “yes”. Commissioner Kunstler asked who makes the assessment about the stability of the bank. Planning Consultant Weiss stated there would be a number of Conditions of Approval relative to the creek bank and that would be reviewed by the Public Works Department. Planning Director Toft stated the list of conditions identified by the Public Works Department were included as late correspondence including requiring geotechnical reporting on the bank stabilization. The design might need to be modified and come back to the Commission if it is a significantly different house. The buildable site area is outside of the FEMA Special Hazard Flood Zone and they are not subject to special flood-proofing. Any work in the creek bank is subject to a streambed alteration permit that goes through several different agencies.

Chair Ziesing opened the Public Hearing.

Mr. David Grabham, designer, made the following comments:

- He started on the design a year ago and met with the Planning staff several times.
- We met with CEQA and they had no issues with the project.
- The project will not impact the creek. It was designed to specifically stay away from the bank.
- The plan includes a back yard with a back deck- the walking path would wrap around the back of the house on the edge of the creek bank.
- The top of the bank shoots out from the retaining wall and flattens out.
- The project was set back two feet from the neighbor beyond what was required.
- There is a 26” diameter Pine tree that shades the neighboring property.
- He was confused about the neighbor’s complaint about light.
- The plan includes limiting the windows that would look into the neighbor’s windows- there are no windows facing that direction from living room.
- They tried to accommodate the neighbors.
- The bedroom windows are secondary windows, the primary windows look out the back.
- This is a tiny house - if they flip the house they could not have a deck off the living room.
- He was not made aware of any concerns with the layout until the final design - He was a little shocked that the City did not support the project.
- The project meets all the standards except the parking variance, which happens all the time in this neighborhood.
- He sees other double-stacked walls in the neighborhood.
- It fits in the neighborhood.

Commissioner Tsang noted it was a small lot and they would need to double-stack on one side or the other. He asked if they thought about putting the double-stack on the north side. Mr. Grabham stated it was a “shot-gun house”, 14’ wide, with a deck off the back and a yard. The stairs could not be placed on the other side. The lot is not square. Commissioner Tsang asked if they would be willing to flip the design. Mr. Grabham stated “yes- if it works with the plan”.

Commissioner Kunstler stated the assertion is that the deck would be in jeopardy if the house were flipped and asked if the second story could be moved to the north side over the garage while preserving the ground floor as configured. Mr. Grabham referred to Sheet A2.2 and noted it was not

possible to flip the house without losing the deck. Commissioner Kunstler stated if the house were flipped they could reclaim that 2.7' of setback.

Mr. David Rivers made the following comments:

- He read a letter to the Commission.
- He lives adjacent to the project.
- The project would “box him in”.
- He is concerned about light, privacy, and air circulation.
- The project’s dining room widow would be 12’ away from his kitchen window.
- The story poles indicate no setback at the northwest corner.
- The curb cut will displace parking and put pressure on remaining street parking.
- He opposed the removal of heritage trees.
- The project should fit in with the neighborhood scale and limit bulk and mass.

Ms. Lynn Eubanks, Monte Vista, made the following comment:

- She is concerned about impacts to privacy and light.

Jonathan, 227 Monte Vista, made the following comment:

- He lived in adjacent house with his new family.
- He was concerned about construction noise, construction impacts, and impacts to light and privacy.

Ms Ula Failey, 225 Monte Vista, made the following comments:

- She supported Mr. Rivers.
- The project would impact Mr. Rivers’ light and privacy.
- The project should be in harmony with the neighborhood.
- She suggested combining this lot with the adjacent lot which would allow them to move the house away from the creek.
- She opposed the removal of the Heritage Tree.

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

- Two trees should replace the one taken down. It is a small lot and it needs screening.
- They could still have a deck if the house is flipped- even though it would not be as convenient.

Chair Ziesing closed the Public Hearing.

Commissioner Tsang provided the following comments:

- The applicant owns two lots adjacent to each other.
- The owners have decided to put the mass on the neighbor’s side.
- The elevations depict big windows in the living room and bedrooms.
- The visual impact to the neighbor is quite enormous.
- They could have a nice deck if the house were flipped.
- They could put the second story in the middle of the house if they flipped the bathroom and stairs.
- He appreciates the difficulty of a small lot but there is a lot of potential.
- There is a way to accommodate the homeowners and the neighbors.
- He could not support the design as submitted.

Commissioner Wagstaff provided the following comments:

- He likes the idea of small houses.
- This is a pretty good sized house given the constraints of the lot.

- There is a lot of potential for this house that has not been realized in a design sense.
- They could shift the second floor mass to the middle.
- He would like to see the house moved further from the creek.
- The lot is more like a 3,000 square foot lot, but Larkspur does not recognize waterways as a subtraction from the lot size. There is less buildable area due to the location of the creek running through the parcel.
- There are ways to mitigate the mass.
- He could not support the design as submitted.

Commissioner Kunstler provided the following comments:

- He does not want to make findings or support a project that shifts the burden on the neighbors.
- The massing should be reduced and shifted to the north to alleviate the invasion of privacy and light.
- He could support the removal of the pyrophytic tree and the Parking Variance.
- He cannot make the findings for Design Review.
- He lives close to the subject property but made sure he did not have to recuse himself.

Chair Ziesing provided the following comments:

- This is a small, challenging lot.
- He could support the removal of the Heritage Tree.
- The Parking Variance is typical for smaller lots. He could support it.
- The story poles felt like they could have been shifted for a more favorable balance between the two properties.
- He is concerned about massing and the location of the house on the lot. The house could be moved forward.
- There are concerns about light and privacy.
- He could not support the Design Review application.

Planning Director stated the Commission could continue the application if the design modifications necessary to alleviate the Commission's concerns were minor. If changes were more complex, the Commission should deny the application. They can reapply at a later date.

M/s, Kunstler/Tsang, motioned and the Commission voted 4-01 (Tauber absent) to deny, without prejudice, DR/V/HT #19-33, 233 Monte Vista Avenue based on the comments made by the Commission.

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

- 1. DR #19-31; 164 Riviera Circle (APN: 022-191-24); Kenneth Holder, Holder Design Associates, Applicant; Steve Sullivan, Owner; R-1 (First Residential) Zoning District. Request for Design Review approval to construct second story additions totaling 458 square feet to an existing two-story 3,058 square foot home (including garage), for a total floor area of 3,516 square feet. This results in an FAR of 0.22 where 0.40 is permitted by code. The proposed addition complies with all applicable zoning regulations.**

Planning Director Toft reiterated that a change in the plans was submitted immediately prior to the meeting.

Chair Ziesing opened the Public Hearing.

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

- There was a specific point on the roof plan that was a dimension intended only for the contractor.
- The location of the original story poles was a way to create a dialogue. They were not perfect but represented the massing.
- The proposed design is actually smaller.
- They are proposing a shed roof design to reduce the massing.
- The window that faces the street (required for egress) looks down into the neighbor's front yard.
- The agreement with the neighbor is to provide a vertical louvered system that keeps the view straight through the windows.
- The applicant got a "sign off" from all the neighbors.

Planning Consultant Weiss stated the louvered window shutter window is shown on the second story. The applicant has indicated that the Arbutus Marina tree that is shown will not be planted.

A resident made the following comments:

- He had a question about the story poles.

Chair Ziesing closed the Public Hearing.

M/s, Wagstaff/Kunstler, motioned and the Commission voted 4-0-1 (Tauber absent) to approve DR #19-13, 164 Riviera Circle, subject to the findings and conditions set forth in the staff report and with the change submitted by the applicant.

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

## **BUSINESS ITEMS**

### **1. Approval of the September 10, 2019 draft meeting minutes**

M/s, Kunstler/Tsang, motioned and the Commission voted 3-0-2 (Chair Ziesing abstained, Tauber absent) to approve the minutes from the meeting of September 10, 2019 meeting as submitted.

### **2. Planning Commissioners' Reports**

Commissioner Wagstaff stated there was some construction going on in Heatherwood Park near the bike path that included a 10' tall retaining wall. He asked about the process for approving retaining walls. Planning Director Toft asked him to email the address and staff would look into it.

The meeting was adjourned at 8:33 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 October 22, 2019.




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Neal Toft, Planning Director