

LARKSPUR PLANNING COMMISSION  
REGULAR MEETING MINUTES OF OCTOBER 22, 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,  
Laura Tauber, Brock Wagstaff

Staff Present: Planning Director Neal Toft  
Senior Planner Kristin Teiche

### OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

### PLANNING DIRECTOR'S REPORT

- The application for the project at St. Patrick's School has been withdrawn. The project involved numerous permit applications types and staff had worked with applicants for over a year and conducted an historic review, and prepared a Mitigated Declaration.
- The Governor recently signed various housing bills and staff is working to understand the ramifications for the City. Staff will be preparing revisions to the current Accessory Dwelling Units (ADU) Ordinance to the Commission. The effective date for the new legislation is January 1<sup>st</sup>. He will be sending the Commission guidance documents and memos explaining the new legislation - some "homework" for the Commission to get acquainted with the housing laws.
- Recruitment for the Associate Planner position is on-going and staff is preparing for some upcoming interviews. Recruiting in the Bay Area for these mid-level positions is challenging.
- The City has been using the services of a part-time, contract Code Enforcement Officer for about one year and it has proven helpful. Staff is in the process of dealing with some personnel changes with the firm. Commissioner Kunstler asked about the complaint/investigation process.

### PUBLIC HEARING ITEMS

1. **DR/FAR/V #19-41; 97 Corte Del Bayo (APN: 022-273-30); David Waterhouse, Little John Construction, Applicant; Cary and Ashley Levine, Owners; R-1 (First Residential) Zoning District. Request for the following permits to allow extensive remodeling and 1,100 square feet of second floor additions to an existing two story single-family residence: 1) Design Review (DR); 2) Floor Area Ratio Exception to increase the home from 3,236 square feet and a 0.31 FAR to 4,335 and a 0.42 FAR where 4,160 and a 0.40 FAR is permitted by code; 3) Variance to the on-site parking standards to allow the retention of two on-site code compliant parking spaces where four on-site spaces are required because the value of the project will exceed 60% of the value of the existing structure.**

Senior Planner Teiche presented the staff report.

Commissioner Tsang asked about the rear setback. Senior Planner Teiche stated it would be measured all the way to the rear lot line, which is in the water. It is quite large.

Chair Kunstler asked what percentage of the property was under water. Senior Planner Teiche stated perhaps one-third. Planning Director Toft stated this neighborhood is unusual in that the lots extend well into the water, so the neighborhood is characterized by fairly large home on limited land

area. These properties were given variances to the front setbacks resulting in parking non-conformities.

Commissioner Tauber asked about the reasoning behind including the water in the lot coverage. Planning Director Toft stated he was not sure- this area was developed a long time ago.

Commissioner Tsang asked whether there was parking congestion at the end of the cul-de-sac. Planning Director Toft stated the City has instituted a parking program due to the proximity to Redwood High School, but aside from student parking the neighborhood generally has adequate street parking.

Commissioner Wagstaff asked if there was a story pole diagram. He stated the front porch was obviously higher than what is shown on the drawings by a fairly significant amount. This makes him wonder about the story poles. Senior Planner Teiche noted that the plans were prepared for building permit and building plans do not typically include story poles. The story poles had been up awhile and staff neglected to request a story pole plan.

Chair Ziesing opened the Public Hearing.

Mr. Cary Levine, owner, made the following comments:

- The neighborhood is a mix of styles (modern, Colonial, farmhouse, etc.).
- The story poles have been up for a while.
- The house next door has a larger second-story façade.
- The next door neighbor wrote a letter saying she did not have a problem with anything proposed.
- There is parking directly to the left of the house.
- The garage is enormous and they could fit cars in the driveway.
- They have a clear vision for the project and have support from the neighbors.

Commissioner Wagstaff stated the front porch was higher and wider than what was depicted in the drawings. He asked if the house was raised. Mr. Levine stated they lifted the house almost 10 inches due to the Flood Zone. The may have not been shown on the plans.

Mr. John Waterhouse, contractor, made the following comments:

- He has worked in the lagoon area for about ten years.
- The original front porch drawings were done prior to raising the house. The house had sunk significantly towards the street. The height of the porch has increased and includes multiple steps down to make a more usable porch and a larger yard.
- The idea behind extending the lots into the water was to provide adequate building space.
- They have gone back to the original height of the house. It was at 25' when it was built but sunk to 24'2". They lifted it back up and reframed the structure to a level plane.

Senior Planner Teiche asked if it was taller than what is depicted in the elevation.

Mr. Waterhouse responded yes the home is taller than depicted in the plan.

Planning Director Toft stated it sounds like the front elevation and roof peak is 10 ½" higher than depicted.

Commissioner Wagstaff stated that with regard to the story poles, he walked to the rear of the property and noted that the story poles at the back do not reflect the proposed gable end over the second floor master bedroom. There is no peak, and the poles are lower than they should be for the outside plate heights. He noted in the future it's important to have these installed correctly.

Chair Ziesing closed the Public Hearing.

Commissioner Tauber provided the following comments:

- She could make the findings for the Parking Variance and the FAR Exception.
- She referred to the Design Review application and stated it did not make sense to push out to accomplish what they wanted when they could building up- it would eliminate the back yard.
- She is fine with the design.
- She could make the Design Review findings.

Commissioner Wagstaff provided the following comments:

- The story poles over the master bedroom do not reflect the gable.
- There are some pretty bulky houses in the area.
- He does not see “farm house modern” in the drawings.
- This seems like a massive bit of architecture. There were too many two-story walls.
- He would have a hard time supporting an increase in the FAR when they could achieve the same five-bedrooms and meet the 0.40 FAR. It would also make for a more interesting piece of architecture.
- These are big bedrooms.
- There are easier ways to make a nicer looking front façade and meet the FAR at 0.40.
- This would not require a huge redesign
- This is not the best solution for the house.

Commissioner Kunstler provided the following comments:

- He calculated roughly 1,500 square feet of roof space over the second floor and noted this part of Larkspur gets a lot of sunshine. He asked about the intentions for energy generation. Mr. Levine stated they were planning on having a Tesla battery in the house and have discussed the possibility installing solar panels in a year or two. They are trying to minimize costs until after they move in.
- This is a very large residence with a lot of lot coverage and he would like to see some beneficial offsets.
- He asked if the owners looked into the possibility of assigning part of the house as an ADU in the future. Mr. Cary stated “no”.
- He referred to the vertical massing and stated it seemed to be an exception due to the configuration of the lot and the location in the neighborhood. The impact of the sheer walls would be minimal to the neighbors given the way the homes are situated.
- However, this is a very large house.
- He wondered if better articulation could be achieved without jeopardizing the objectives of the program.
- He would like to see a few improvements to the design.

Commissioner Tsang provided the following comments:

- He agrees with Commissioner Wagstaff- he does not see “farm house” in the drawings.
- There is a modern farm house design two doors down, and it is not entirely a two-story structure- the back is single story. This adds to the interest of the home.
- There is plenty of room to go back without hitting the rear setback.
- They could go straight back with the garage and the main house and relocate the master bedroom. This would result in a better articulated and more interesting design.
- The house is just too bulky.
- The parking variance is not an issue.
- He could make the findings for the FAR Exception.

- The Design Review is problematic.
- The house is bulky.
- He could not support the Design Review application.

Chair Ziesing provided the following comments:

- He could support the Parking Variance.
- He looks at the FAR in relation to the lot and the design. This lot is uniquely shaped and the setbacks end up being relatively close.
- A lot of verticality and a relatively close setback results in a feeling of an “alley” and not an “open space”.
- He could not support the Design Review application.
- The other homes in the area with similar FAR’s have larger lots and are more articulated.
- The spirit of Larkspur is “air and space” and not a lot of vertical massing.
- In particular, going straight up at the front of the garage caused the most concern. It would have been nice if this were stepped back.
- He supported the Parking Variance and the FAR Exception.
- He could not support the Design Review application.
- Minor changes could be made that could add more articulation, and reduce the massing along the vertical walls.

Chair Ziesing queried the applicants on whether they would prefer to continue the application or they could prepare modifications to the design that may address the Commission’s concerns. Otherwise, based on the Commission’s comments, it appears the application would be denied. He noted if the application is denied, they have the option of appealing this decision to the City Council.

Mr. Carey Levine indicated that they would prefer to work with the Commission and respect their opinion. Ms. Ashley Lavine asked what the time frame would be for a continuance.

Planning Director Toft explained the time constraints and various options for continuing the application. The next meeting is November 12<sup>th</sup>, which is three weeks away. He indicated that the revisions will need to be filed by the following Monday.

Planning Director Toft asked the applicant to provide some explanation of the changes they would be pursuing. Mr. John Waterhouse identified some minor changes that he believed would address the Commission’s concerns.

Mr. Carey Levine indicated that they have a limited budget, and that it is important that his family move into the home as soon as possible. He asked for more specific direction that would insure proposed modifications would satisfy the Commission.

Commissioner Wagstaff noted that they are proposing a really big second floor. He noted it is possible to reduce some square footage to provide more articulation without losing any of the overall program.

Chair Ziesing suggested the applicant’s meet with their designer and inform him of the Commission’s concerns and ask the designer for ideas to address them.

The Commission members discussed whether to continue the project to a date certain or uncertain. Mr. Carey Levine and Mr. Waterhouse indicated they can submit revised plans next week, in time for the November 12, 2019 hearing.

M/s, Kunstler/Tsang, motioned and the Commission voted 5-0 to continue DR/FAR/V #19-41, 97 Corte Del Bayo, to November 12, 2019.

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

## **BUSINESS ITEMS**

- 1. Adoption of findings of denial for application DR/V/HT #19-13 requesting 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 at 233 Monte Vista Avenue (APN 021-104-02).  
Note: The Planning Commission acted to deny the application on October 8, 2019.**

M/s, Kunstler/Wagstaff, motioned and the Commission voted 4-0-1 (Tauber abstained) to adopt the Findings of Denial for application DR/V/HT #19-13 requesting permit 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 at 233 Monte Vista Avenue.

- 2. Approval of the October 8, 2019 draft meeting minutes**

M/s, Wagstaff/Tsang, motioned and the Commission voted 4-0-1 (Tauber abstained) to approve the minutes from the meeting of October 8, 2019 meeting as submitted.

- 3. Holiday Meeting Schedule**

Planning Director Toft asked the Commission about their holiday schedules. He noted staff would definitely cancel the regular meeting on December 24 would probably cancel the meeting on November 26, which is the week of Thanksgiving. They could schedule a Special Meeting if necessary.

- 4. Planning Commissioners' Reports**

Commissioner Kunstler reported the City Council meeting on December 11<sup>th</sup> will include recognition of Councilmember Chu's years of service on the City Council.

Commissioner Wagstaff stated some communities required that story poles are surveyed and certified for accuracy. He asked if this process could be tightened up. Planning Director Toft noted the circumstances that occurred in the previous application were unusual. Larkspur does require detailed story pole plans, but has been somewhat flexible in regard to surveying the poles. In many cases, survey certification is not critical to the review. Staff may recommend certification if there are critical view or massing issues. He noted the Commission can ask for any information needed in order to make a decision- a scale model of the project, surveyed story poles, etc.

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 November 12, 2019.



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Neal Toft, Planning Director