

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF MAY 14, 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
Associate Planner Nicholas Armour

OPEN TIME FOR PUBLIC EXPRESSION

Mr. James Holmes, Larkspur, stated at the last meeting there was discussion about anonymous correspondence sent to staff and the Commission and he thought those comments should be considered on their merits similar to any others. People can feel intimidated.

PLANNING DIRECTOR'S REPORT

- The Council has received additional applications for the vacancy on the Commission and will be conducting interviews and making an appointment at its next meeting.
- Associate Planner Nicholas Armour has accepted a position with the City of Berkeley- Nicholas will be missed! June 5th will be his last day in Larkspur. The Commission thanked Associate Planner Armour for the quality of his work during his tenure in Larkspur.

CONSENT CALENDAR ITEMS

1. **DR/SUP/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 residence: 1) Design Review (DR); 2) Floor Area Ratio (FAR) Exception to allow an FAR of 0.31 where a maximum floor of 0.19 is allowed due to the slope of the parcel; 3) Slope Use Permit to allow 26 cubic yards of grading on a site with an average grade of 31%; 4) Heritage Tree Removal (HTR) permit to allow removal of one 36-inch heritage sized Coast Live Oak located in the rear of the lot.**

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/FAR/HT #18-50, 388 Bretano Way, 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/FAR #18-29: 85 Diane Lane; (APN 021-202-02); Patrick Clifford, Applicant/Owner; R-1 (First Residential) Zoning District. Request for the following permits to allow demolition of the existing residential structures and construction of a new single family residence with a ground floor garage: 1) Design Review (DR) to allow a new two-story residence reaching a maximum height of 29-feet ½ inch; 2) Floor Area Ratio (FAR) Exception Permit**

to permit 2,019 square feet of floor area and an FAR of 0.46 where 1,760 square feet and a 0.40 FAR is the maximum permitted by code.

Associate Planner Armour presented the staff report. He noted there were two items of late mail placed on the dais.

Commissioner Tsang referred to Plan Sheet A 4.1 and noted the new first floor elevation was 11-feet, 11-1/4 inches, and the new garage crawl space was 4-foot, 3-inches but the math has that at 7-feet, 8 ¼ inches. Associate Planner Armour stated the definition of floor area is to the ceiling of that room and not to the finished floor above.

Commissioner Tsang referred to the windows proposed for that crawl space and stated it could be easily converted to living space. Associate Planner Armour stated the Building Code requires seven feet of ceiling height for it to be considered habitable space.

Chair Ziesing opened the Public Hearing.

Mr. Patrick Clifford, applicant, made the following comments:

- The process has taken them over a year with three submittals to the City.
- They attempted to incorporate the neighbor's feedback, the City's guidelines, and ever-changing FEMA and CBC regulations.
- The base minimum height required as of January 1, 2020 is going to be 11 feet (the base flood elevation plus one foot). FEMA recommends that people go three feet above base flood elevation.
- Parking along Diane Lane is difficult due to the proximity to Redwood High School.
- This is a resilient, energy efficient design that will stand the test of time.
- The windows in the garage will provide light and air.
- There will not be anyone living in the garage- it is for storage and parking.
- Adding the dormers would eliminate four solar panels, leaving them with ten.

Ms. Sara Clifford, owner, made the following comments:

- They spoke to their neighbors throughout the process.
- They tried to incorporate the neighbor's feedback in the design.

Mr. A.J. Rea, Liberty Street, made the following comments:

- He believes in the applicant's right to a two-story home.
- He has privacy concerns and submitted photographs from the front of his house and his kitchen.
- There could be a landscaping or fencing solution.
- This would be a really large building looming over his property.
- He discussed the FAR's in Heather Gardens and stated these small lots cannot support going "up and out".

Ms. Nadine Hersheim, Diane Lane, made the following comments:

- This proposal would set a precedent in the neighborhood.
- Sea level rise is a reality but there are other prudent steps that can be taken to prevent flooding.
- There is a risk with these low lying lots.

Mr. Bob Brimas made the following comments:

- He supported the project.
- There were eleven revisions to the plans.
- They have "checked off all the boxes".

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

- The design is not bad and the story poles seem to indicate a building that is the same height as the one next door.
- The applicants could sign a deed restriction prohibiting the garage from being used as living space.
- He is concerned about the impression that they are “just slipping in by an inch”.
- This is a situation where Design Review becomes very important- where the letter of the FAR is met but the spirit is not.

Mr. Clifford made the following comments:

- Removing the siding and exposing the piers would not be a good look for his single-story neighbor.
- They are trying to bring the design all the way down so it is more pleasing aesthetically.
- They would be willing to make the windows smaller and higher.

Chair Ziesing closed the Public Hearing.

Commissioner Tauber provided the following comments:

- She shares some of the neighbor’s concerns.
- She looked at the story poles and the project looks big.
- The project is overbuilding on this lot. It is too much mass and too bulky.
- She is sympathetic to the desire to address flooding concerns.
- The next door neighbor’s view would be blocked and she thought it was a significant view of Mt. Tamalpais.

Commissioner Tsang provided the following comments:

- He agreed that the project looks very bulky even though the square footage does not indicate a large house.
- The “squareness” of the second floor makes it look even more bulky.
- He understood the flooding concerns.
- He would prefer it to be not enclosed as much (the crawlspace). This would also alleviate the concerns about it being living space.

Commissioner Kunstler provided the following comments:

- He agreed with the comments made by the other Commissioners.
- This neighborhood is problematic- the homes are small and they do not comport well with contemporary styles of living.
- He appreciated the applicant’s attempt to comply with the numerical limitations.
- He read all the letters and agreed with a lot of the comments. He noted the Commission is not questioning the motive of the applicants.
- It is difficult to ignore the concerns about privacy and bulk.
- He is not sure if the Commission should ask for a continuance or issue a denial.
- He agreed with Commissioner Tauber’s comment about the loss of a significant view.

Chair Ziesing provided the following comments:

- The Associate Planner got this right.
- He appreciated the goals of the applicant- the question is how they are translated into the design and whether or not it is compatible with the neighborhood.
- The way the first story/garage and the first living story “box up” creates a very vertical feeling.
- The Commission looks for staging and articulation to eliminate the feeling of bulk and mass.
- The project feels overbuilt for the property.
- The project misses the “spirit” of the neighborhood and would be an awkward precedent.

- The lot is a defined space and the neighborhood has a defined character and feeling and the challenge is to create a balance.
- A 0.46 FAR is high but was fine.
- He could not support the design.
- He recommended a denial.

The Commission discussed whether or not to continue or deny the application. Planning Director Toft stated he always encourages continuation of an application if there is a “clear path”.

M/s, Tauber/Kunstler, motioned and the Commission voted 4-0 to deny, without prejudice, DR/FAR #18-29, 85 Diane Lane, based on the Findings of Denial in the staff report.

Chair Ziesing stated there was a 10-day appeal.

- 3. 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. of fill); 3) Heritage Tree Removal (HTR) to permit the removal of two heritage-sized trees (one Pepper tree and one Chinaberry); 4) Exception Permit (EXC) to allow modifications to a residence that is non-conforming in height; 5) Fence Height Exception (FHE) to allow a 6-foot tall wood fencing and an auto gate within the 20-foot front yard and a 10-foot street side yard setbacks where 42 inches is permitted and a shrub row along the rear property line of indeterminate height where 6 feet is the limit.**

Associate Planner Armour presented the staff report. He stated the public notice for this application neglected to include the request for a Slope Use Permit. The application will need to be re-noticed and continued to the May 29th Commission meeting.

Commissioner Kunstler had questions about the square footage being added vs. removed. Associate Planner Armour stated there was about 1,500 square feet of structure being removed with some floor area being added plus the accessory structure.

Commissioner Kunstler referred to the slope and asked about prior grading to that area. Associate Planner Armour stated staff did not do an analysis of the original grading. There has been some grading on the site (flat pool area, etc.).

Commissioner Kunstler referred to Sheet A2.1 depicting the basement plan and asked if the property owner could convert this to an Accessory Dwelling Unit (ADU) at some time in the future. Associate Planner Armour stated “probably- the bedroom would meet the minimum square footage requirements but they would need to apply for a permit to install kitchen facilities”

Chair Ziesing opened the Public Hearing.

Mr. Jeremy Schneider, applicant, made the following comments:

- They plan improves safety and accessibility for older and future generations.
- Many of the elements of the house are not up to code so they expanded the scope of the project to address these issues.

Mr. David Wilson, architect, made the following comments:

- The upper floor has the best views and light.
- Eliminating the upper floor has a big view impact from a number of adjacent properties.

- Eliminating the garage and room above removes a curb cut.
- They wanted to make the project conform but also wanted some of the square footage back.
- He pointed to the area where they are proposing a new garage and study above and noted it was a location that would have the least impact.
- There is support from the surrounding neighbors.
- The existing fence runs all the way along Hazel Avenue. The new fence will be further back and less than half the length. They would be willing to modify it.
- There is quite a bit of grading proposed to make the plan work.
- The building will be a welcome addition to the neighborhood.
- They are removing all the roof decks.
- They are trying to modify the existing “blocky structure” by extended the eaves and using three different materials.
- He discussed the “green” aspects of the project including locating the windows for good solar gain, solar panels, insulation, etc. They have talked about radiant heating.
- The dimensions of the garage (20’ deep) are partly due to the turnaround.
- The garbage and recycling will be located behind the garage.
- They are adding a lot of vegetation around the fence and the driveway.

A resident made the following comments:

- She lives behind the subject property in a small house.
- The fence will separate the properties.
- The current cyclone fence is 6’ tall and covered with vegetation- a nice wooden fence would be an improvement.
- She is glad the fourth floor will be eliminated.
- She urged the Commission to approve whatever the applicants want.
- The project will improve the neighborhood.

Mr. James Holmes made the following comments:

- This is one of the oldest houses in Larkspur- it was built in 1884.
- He displayed a photograph from Larkspur Past and Present of the “Mahoney house” in 1890.
- There has been a lot of grading and changes to the natural state of the property.
- He referred to the fence and stated he was concerned about a “compound look”.
- One of the best features of the property is the vegetation - this should be maintained.

Chair Ziesing closed the Public Hearing.

Commissioner Tsang provided the following comments:

- The staff report was terrific.
- He is in awe with how the building is put together- a building this size could look big and bulky.
- He appreciated the applicant’s willingness to “lose their best view” and eliminate the fourth floor to bring the project into conformance.
- He does not like a “compound gated look”.
- He could support every aspect of the project except the fencing.

Commissioner Kunstler provided the following comments:

- He could support the Design Review application- this is a large house but it the design complies with the City’s standards in terms of bulk, access to light, etc.
- The off-sets to the size are an improvement over the existing conditions- elimination of violations, energy conservation measures, potential for an accessory dwelling unit, etc.
- He could make the Slope Use Permit and Heritage Tree Removal Permit Findings.
- He referred to the Fence Height Exception and stated he did not want to see a solid six-foot high fence. He was opposed to the appearance of a “compound”.

- He would not require additional vegetation.

Commissioner Tauber provided the following comments:

- She agreed with the comments made by Commission Kunstler.
- She likes the design.
- This is a large piece of property that has already been disturbed. She could approve the Slope Use Permit.
- She could approve the Heritage Tree Removal Permit.
- She referred to the fence and stated she would like to see a combination of fences with more openness along the street.

Chair Ziesing provided the following comments:

- This is an historical statement house for Larkspur that has gone through some changes.
- He is appreciative of the applicant honoring the history of the property.
- He could make the Design Review, Slope Use Permit, and Heritage Tree Removal Permit, and Exception Permit findings.
- He agreed with the other Commissioners about the Fence Height Exception. The Commission wants to encourage an open neighborhood feeling.
- He would like to see a modification of the fence in the front of the house.

M/s, Kunstler/Tsang, motioned and the Commission voted 4-0 to continue DR/SUP/HTR/EXC/FHE #18-56, 74 Hazel Avenue, to the May 28th Commission meeting with direction to the applicant to try to open up/redesign the fence in the front of the property.

BUSINESS ITEMS

1. Approval of the April 23, 2019 draft meeting minutes

M/s, Kunstler/Tauber, motioned and the Commission voted 4-0 to approve the minutes from the April 23, 2019 meeting as submitted.

2. Planning Commissioners' Reports

There were no reports.

The meeting was adjourned at 9:08 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 28, 2019.



Neal Toft, Planning Director