

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF MAY 12, 2020

The Larkspur Planning Commission was convened at 7:00 p.m. by Chair Tauber via teleconference due to the Coronavirus (COVID-19).

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

Staff Present: Planning Director Neal Toft
Planning Consultant Lorraine Weiss
Assistant Planner Aaron Matthews
Senior Planner Kristin Teiche

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- The shelter-in-place order was recently modified to allow all construction activities. The Planning and Building Department is assisting in the enforcement of the defined set of protocols. The majority of permits are for small, interior projects.
- Staff has been issuing Resale Reports (homes being sold or going into escrow) which have increased since updated protocols have been established.
- Staff has been working on assessing the upcoming Fiscal Year Budget and he noted staffing levels could be impacted. Discussions are taking place on procedures that need to take place to ensure a safe environment for staff and the public. Staff is working on on-line permitting activities including DocuSign which would allow for better management of documents.
- Staff sent out a Request for Proposal (RFP) for Land Management Software which would accommodate more on-line activities.
- Staff continues to work remotely with staggered shifts in City Hall.

PUBLIC HEARING ITEMS

1. **DR//V #20-05; 233 Monte Vista (APN: 021-104-02); David Grabham, G Design, LLC, Applicant; Benjamin Faber, Owner; R-1 (First Residential) Zoning District. Applicants are requesting permits to construct a new two-story 1,571 square foot home, including a one-car garage, on a existing 4,035 square foot vacant parcel: 1) Design Review (DR); 2) Variance (V) to allow three vehicular parking spaces where four are required for a new single family residence; 3) Heritage Tree Removal (HTR) Permit for removal of three heritage sized trees including, one 26 inch diameter Italian Stone Pine, one multi-trunk Avocado with a combined circumference of 140 inches, and one multi-trunk Glossy Privet with a combined circumference of 60 inches.**

Planning Consultant Weiss presented the staff report. She discussed the Commissions' comments about the previous proposal and the modifications that were made.

Planning Director Toft stated due to unforeseen circumstances staff discovered that the notice that was mailed to surrounding property owners did not meet the 10 day requirement. Staff is suggesting the Commission take public comment, conduct a discussion and provide some direction to the applicant, and continue the item to the next meeting to allow staff to provide adequate notice to the neighborhood.

Commissioner Kunstler referred to the side of the house that has an indentation for trash cans and an air conditioning unit and asked if there was an ordinance regulating the decibel level for an AC unit. Planning Consultant Weiss stated there were noise requirements for outdoor AC units and equipment. The City would test the level if there were any complaints and perhaps require some modifications.

Commissioner Tsang referred to Sheet A2.0 and had a question about the requirement for four parking spaces. He noted the applicant owns the property to the north and could grant an easement through that driveway. Planning Director Weiss noted they do not know how long the applicant will own this property and the subject property would have to have some sort of shared parking agreement. Planning Director Toft stated shared easements are typically deducted from lot area and are considered "common area". Requiring a share parking arrangement is not typical for single family dwelling sites.

Commissioner Wagstaff asked if there was parking on both sides of the street. Planning Consultant Weiss stated "yes".

Commissioner Tsang referred to Sheet A1.1 and asked if that 10" tree would be in jeopardy if they moved the house to the north. Planning Consultant Weiss stated "yes". She noted shifting the house could possibly save more trees.

Commissioner Tsang referred to Sheets A1.2 and 1.3 and had a question about the actual location of the building. The northwest corner of the deck is shown differently in the two examples.

Commissioner Wagstaff stated the foundation plan shows the house further from the south property line. Something does not jibe between the two sheets because the trees are further from the edge of the house in Sheet A1.2 vs. A1.3. Planning Director Toft stated the dark part shown in Sheet A1.2 is over living space and is part of the foundation.

Commissioner Tsang referred to Sheet A2.1 and asked if the garage door rolls up or swings out and whether or not cars would park on the sidewalk. Planning Consultant Weiss stated cars would overlap onto the sidewalk until the door was closed.

Chair Tauber opened the Public Hearing.

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

- They have worked closely with staff on the Commissions' and neighbor's comments.
- The intent is to design a beautiful house for the neighborhood.
- There was a previous concern about the second story blocking sunlight at 227 Monte Vista. They decided to flip the house giving 227 Monte Vista an extra two feet to the fence line.
- The shade study indicated the shade was not coming from the proposed project.
- The story poles have been up for about three months.
- They found more creative ways to respect the creek including pushing the house towards the south. They are also cantilevering the deck and pushing the posts back.
- Pushing the house to the south also pulls the yard away from the neighbor at 227 Monte Vista and provides more privacy for the applicant and the neighbors.
- Three parking spaces were typical and requiring four spaces on this narrow lot would result in a giant garage and a tiny entry to a house. They are proposing a one-car garage with two spaces in front.
- He doubts his client would agree to an easement.
- The foundation plan should be disregarded.

- They are trying to give the neighbors as much light as possible and they probably did not want to keep the nine or twelve inch trees. These are not Heritage Trees.
- The garage door goes straight up and rolls in- it does not go out.
- They tried to resolve all the conflicts and appease everyone.

Commissioner Wagstaff referred to Sheet A1.1E and asked if the house was set back seven feet in the old plans. The change in the angle of light may be different than shown. Mr. Grabham stated the goal was to make a drastic change and move the second story to give the neighbors a couple extra feet. Commissioner Wagstaff stated the location of the AC unit and garbage area would affect the neighbor and he asked if it could be moved to the other side. Mr. Grabham stated they could make that adjustment to the plan.

Commissioner Wagstaff announced the 8:00 p.m. “howling”.

Commissioner Tsang referred to Sheet A3.1, east elevation, and asked if there were railings at the entry deck. Mr. Grabham stated “no, it is under 30”. It is a small deck. Commissioner Tsang asked if there were railings on the back deck. Mr. Grabham stated “no”.

Commissioner Tsang referred to Sheet A3.1, west elevation, and asked if the living room and office were on the same plane (wall face). Mr. Grabham stated “yes”.

Commissioner Tsang referred to Sheet A2.1 and asked if there was a landing for the stairs that lead from the garage to the kitchen/dining area. Mr. Grabham stated “no”.

Chair Tauber asked the Commission if they reviewed the late mail from the neighbor expressing concerns about parking. The Commission said “yes”.

Eric, Monte Vista Avenue, made the following comments:

- He lives across the street.
- This is a beautiful home. It would be a good addition to the neighborhood.
- Some of the trees on the lot are ugly.
- He rarely has a problem with parking.
- There is an issue with parking from the Magnolia Avenue businesses or Redwood High School.
- He supports the project.

Chair Tauber closed the Public Hearing.

Commissioner Wagstaff provided the following comments:

- He asked staff if an FAR Exception would be required if they fill in that area designated for the AC/garbage. The indent makes no sense from an architectural point of view. He could support an FAR Exception. Planning Consultant Weiss stated they have 43 square feet to go before they meet the FAR maximum.
- He likes that this is a small house.
- He understood the compromise between moving to the north and getting squeezed to the creek. A small side yard makes sense.
- The house is now set back far enough from 227 Monte Vista.
- He can support the Parking Variance as proposed.

Commissioner Ziesing provided the following comments:

- He was not a huge fan of the first application.
- The revisions address all of his concerns- the massing, light, and placement on the lot.
- He could support the Design Review application as proposed.

- He could support the Parking Variance and Heritage Tree Removal Permit.
- This is a well design, beautiful house.

Commissioner Kunstler provided the following comments:

- The applicant responded to the original concerns.
- He asked the applicant to resubmit certain pages of the drawings (garage door, the indentation on the south side of the house, etc.).
- The Heritage Tree Removal Permit is not controversial.
- The Parking Variance is not controversial. It could be considered an undue burden to require four spaces.
- The proposal is modest.
- He thanked the applicant for the solar study- it was very helpful.
- He is leaning in the direction of supporting the project.

Commissioner Tsang provided the following comments:

- The applicant improved the project by flipping the two-story portion to the north and away from the immediate neighbor.
- He wanted to make sure the building is properly sited on the site plan to avoid any future problems.
- He could support the Parking Variance.
- This is an attractive house and it would add to the aesthetics of the streetscape.

Chair Tauber provided the following comments:

- There is support of the project pending additional input from the public.
- The applicant responded to the previous concerns.

M/s, Kunstler/Ziesing, motioned and the Commission voted 5-0 to continue DR/V #20-35, 233 Monte Vista Avenue, to the May 26th meeting.

BUSINESS ITEMS

1. GPC 20-20; General Plan Conformity Finding to permit the City to vacate and quitclaim a portion of the Elm and Pepper Avenue Right-of-Way to the adjacent property owner at 130 Pepper Avenue (APN 21-235-01); R-1 Zoning District

Senior Planner Teiche presented a staff report.

Chair Tauber asked about the sidewalk. Senior Planner Teiche stated there were no plans to install a sidewalk at that corner.

Commissioner Kunstler referred to the map and stated there was more land occupied by this resident (beyond the red line) and he asked if there would be enough room for a sidewalk if the City changed its mind. Senior Planner Teiche stated the Public Works Department has determined the property to be surplus but it appears there could be enough room (at least on Elm Avenue). Planning Director Toft agreed- there would be room for a four to five foot sidewalk.

Commissioner Tsang asked if the City could ask the property owner to pay for the sidewalk. Chair Tauber stated this was a blind corner but it would be nice to have a sidewalk there to serve as a refuge. Planning Director Toft stated one of the driving factors for DPW review for installing sidewalks was the potential to create of a continuous connection.

Commissioner Wagstaff asked if abandonment was the only way to handle this or could the City grant the property owners an easement to use the City property. Senior Planner Teiche stated this

would be done through an Encroachment Permit process but the Public Works Department does not want any portion of these improvements (a pool) in the City right-of-way. The options are to grant this request or move the pool.

Chair Tauber had a question about the utility easement. Senior Planner Teiche stated these were overhead wires for AT&T and Comcast.

Commissioner Wagstaff stated he understood granting more lot space along Elm Avenue but not necessarily along Pepper. Senior Planner Teiche stated this was the determination of the Public Works Department. Maintenance of any unimproved right-of-way fronting the lot becomes the responsibility of the property owner.

Chair Tauber stated it feels like they are rewarding bad behavior for building in the right-of-way. Senior Planner Teiche stated the situation was inherited by the current property owner.

Planning Director Toft stated he could ask the Public Works Director to clarify their position on abandonment of these types of street frontages in right-of-ways. The General Plan does not go onto great detail about these situations and as long as circulation system and the goals of the Circulation Element are maintained then it is consistent with the General Plan.

Commissioner Kunstler stated the distinction between a right-of-way and a property subject to title is critical. He would like clarification from the Public Works Director on the rationale for the way the lines were drawn.

Commissioner Ziesing stated the property lines were probably drawn carelessly years ago and this is basically correcting "reality". The property owners will take care of the property.

M/s, Kunstler/Ziesing, motioned and the Commission voted 4-0-1 (Chair Tauber abstained) that as proposed, the purpose, location, and extent of vacation of a portion of the Elm and Pepper Avenue right-of-ways, adjacent to 130 Pepper Avenue, is consistent with the Larkspur General Plan. Although Action Program 7 of the Trails and Paths Element of the General Plan calls for the use of paper streets as public trails or paths, this area is unsuitable for this purpose. Further, the proposed vacation applies only to the excess right-of-way width that is not needed for the purposes of maintaining an adequate roadway, maintaining on-street parking and existing City maintained facilities.

2. Approval of the April 28, 2020 draft meeting minutes

M/s, Wagstaff/Kunstler, motioned and the Commission voted 4-0-1 (Chair Tauber abstained) to approve the minutes from the meeting of April 28, 2020 meeting as submitted.

3. Planning Commissioners Reports

Commissioner Ziesing and Tsang stated their terms expire in June and they have decided not to reapply. Planning Director Toft asked the Commissioner to start recruiting!

Commissioner Ziesing asked if the Council has discussed closing Magnolia Avenue on Friday and Saturday nights and use it for outdoor restaurant seating. Planning Director Toft stated the idea is being reviewed by the City Manager.

The meeting was adjourned at 8:58 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 26, 2020.



Neal Toft, Planning Director