

LARKSPUR PLANNING COMMISSION MEETING
MINUTES OF FEBRUARY 27, 2007

The Larkspur Planning Commission was convened at 7:31 p.m. in the Council Chambers by Chair Heitkamp.

Commissioners Present: Chair Helen Heitkamp, Monte Deignan, Chris McCluney, Jeff Stahl, Richard Young

Staff Present: Nancy Kaufman, Planning Director
Kristen Teiche, City Planner
Deric Licko, Assistant Planner

OPEN TIME FOR PUBLIC EXPRESSION

Mr. Rick Adler, William Avenue, suggested the Zoning Maps include two overlays, one called Disaster Districts (slides, fires, high tides) and one called Environmental Overlay (wildlife, vegetation, wind tunnels). The Building Codes could be amended to take these overlays into account.

Chair Heitkamp stated Mr. Adler's suggestion made sense. Planning Director Kaufman stated many of those maps already exist and the Public Works Department is in the process of putting them into electronic form. She noted staff would soon begin the General Plan update which would include many of those maps.

PLANNING DIRECTOR'S REPORT

- Staff received the Preliminary Development Plan for the Niven Property. It is not complete.
- The next Commission meeting would include review of the Precise Development Plan and Design Review for the hotel at 2000 Larkspur Landing Circle.
- Staff has been informed that Star Academy is going to withdraw their application for a school at the Costello property. They found a site in San Rafael.

APPROVAL OF CONSENT CALENDAR ITEMS

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

1. **TEXT 06-73: Zoning Ordinance Text Amendments. Citywide; City of the Larkspur, applicant. Proposed text amendments to various sections of Chapter 18, Zoning Ordinance, of the Larkspur Municipal Code to resolve inconsistencies in the code, delete or amend antiquated and and/or superceded language, provide clarification on current policies and procedures, refine current definitions, and address recently enacted State planning and development law requirements. Examples of the types of amendments to be discussed at this workshop include, but are not limited to: 1) Refining residential parking standards; 2) clarifying regulations relating to**

nonconforming structures; 3) clarifying projects that are exempt from design review, and revising procedures for design review of projects involving historic structures; 4) revising standards for business signs; 5) adding regulations relating to solar energy systems to reflect recent changes in State law; and 6) adding performance standards applicable to all zoning districts.

Chair Heitkamp asked for comments on any of the sections.

Chair Heitkamp opened the Public Hearing.

Mr. Rick Adler, William Avenue, referred to Section 21, Performance Standards, (J) and stated neighbors can use this type of regulation as revenge against other neighbors. The “Planning Development Bible” warns against this type of thing. He stated the complainers should be required to state their name and address and give a reason for the complaint. This should be public information and should not be allowed to be anonymous. Larkspur is charming because all the houses are different. He did not want to see a “condominium association” mentality. Chair Heitkamp noted the following language: “The standards shall not be construed to regulate aesthetic preferences or personal taste”. She felt this addressed Mr. Adler’s concerns.

Planning Director Kaufman stated the City has a formal complaint form and procedures for handling complaints.

Commissioner McCluney referred to Section 21, Performance Standards, (K) and stated he was pleased with the addition of the words “to the extent feasible”.

Commissioner McCluney referred to Section 21, Performance Standards, (J) and stated it still felt “Orwellean”. He agreed with many of the comments made by Mr. Adler. He stated the complaint process should be formalized and complaints should not be allowed to be done anonymously. Commissioner Stahl suggested the following addition to the end of the first sentence: “...good order so as to maintain public health and safety”. Assistant Planner Licko stated the intent of the section was to go beyond health and safety. Planning Director Kaufman stated there are properties that are a constant eyesore and nuisance to the community, with junk cars, people living in trailers, etc. Chair Heitkamp stated she was concerned about the specificity in the wording. She would rather have a broad statement and let situations be handled on a case-by-case basis. Assistant Planner Licko added it was up to staff to determine whether or not the property was maintained in “reasonable good order”. Commissioner Stahl asked if there was any recourse for a homeowner. Assistant Planner Licko stated they could appeal any decision by a City official to the City Manager and then the City Council. Planning Director Kaufman stated this section could be revised to apply to only health and safety issues and staff would talk to the City Attorney about coming up with a Nuisance Ordinance. Chair Heitkamp stated they should delete the second sentence and add the following to the end of the last sentence: “...or personal taste *or expression*”.

It was the consensus of the Commission to support the amendments including the following: “All properties in the City of Larkspur..... *so as to maintain public health and safety*”. The second sentence (the list) shall be deleted. The last sentence shall read: “The standards.... aesthetic preferences, personal taste *or expression*.”

Commissioner McCluney stated he felt the complaints should not be anonymous. Planning Director Kaufman stated there are instances where there has been retaliation against someone who has lodged a complaint. The City's complaint form requires a name and address and states that the information would remain confidential. Commissioner Deignan stated the form struck a good balance in that names were required but not released. The other Commissioners, except Commissioner McCluney, agreed.

Commissioner Young referred to Section 21, Performance Standards, (I) and pointed out a typo. He referred to (I) (5), the reference to "any approved Storm Water Pollution Prevention Program" and questioned the word "any". Planning Director Kaufman stated a small project might not necessarily need one. Assistant Planner Licko asked if Commissioner Young would prefer the word "an". Commissioner Stahl asked if the City had such a program or do they rely on the County program. Planning Director Kaufman stated the Public Works Department enforces this program and they were working on updating City standards. She suggested they use the words "an approved..." and not capitalize the name of the program, thus making it all encompassing. Commissioner Deignan stated this type of plan was typically sent to the Regional Water Quality Control Board and perhaps that agency should be referenced. Assistant Planner Licko suggested the following language: "All water run-off..... *and in accordance with the Regional Water Quality Control Board standards*".

Commissioner Young referred to Section 25, Garages in Front Yard, and asked for clarification. Assistant Planner Licko stated staff was slightly changing the approval process. Commissioner McCluney noted the sentence lacked a verb and it was confusing. Commissioner Stahl recommended they insert the word "shall" in the sentence. Planning Director Kaufman stated this was only a portion of the section and referred the Commission to the full text.

It was the consensus of the Commission to support the amendments.

Chair Heitkamp referred to Section 42, Grading Control, (D), and stated "reasonable economic enjoyment" should not be a part of the findings. Safety was the issue. She would like the word "economic" deleted. Commissioner McCluney agreed. Assistant Planner Licko stated staff was attempting to make this similar to the Slope Use Permit Findings and meant to write "reasonable *development*" of the site. Chair Heitkamp stated she preferred this wording.

It was the consensus of the Commission to support the amendments.

Chair Heitkamp referred to Section 42, A-P District, and stated there was a drug store in one of the South Eliseo Medical Buildings. Planning Director Kaufman stated staff has interpreted that to be an accessory use as it is of limited size. Commissioner Heitkamp concurred that it was a small pharmacy.

It was the consensus of the Commission to support the amendments.

Chair Heitkamp referred to Section 60, Calculation of Parking Spaces, and stated the reference to "aggregate number" was confusing and somewhat contradictory. Assistant Planner Licko stated this allows staff to determine the primary function of a business with multiple functions within

the same business, and base the calculation on the primary function. The second sentence addresses the issue of multiple businesses or tenants located within the same building.

It was the consensus of the Commission to support the amendments.

Chair Heitkamp referred to Section 73, Design Review - Exempt, (6) and noted a typo.

Chair Heitkamp referred to Section 74, Design Review- ZA, (6), and stated the following words should be added: "...replacing windows, doors, molding, or siding *in the public view*, or changes...". She stated the only concerns, in terms of historic preservation, are changes made within the public view. Assistant Planner Licko stated that the intent of the revision was to allow Zoning Administrator review of minor changes that would not have to go before the Planning Commission. Chair Heitkamp stated any minor change that was not in the public view was inconsequential. City Planner Teiche stated she disagreed and stated most of these projects should be reviewed by the Architectural Historian to determine whether or not the changes were significant. Chair Heitkamp stated the City was trying to increase the inventory and this raises the threat of more supervision or control by the City. Commissioner Stahl asked for clarification on (3).

It was the consensus of the Commission to support the amendments.

Planning Director Kaufman referred to Section 75, Design Review- PC, and stated staff would like to add the following at the end: "...and if necessary based on review of the historic preservation consultant".

It was the consensus of the Commission to support the amendments.

Chair Heitkamp referred to Section 76, Nonconforming setback, and discussed a recent application that allowed extension of an existing nonconforming wall. Planning Director Kaufman stated they would have needed to apply for a variance under this provision. Assistant Planner Licko stated the intent of this section was to make it more difficult to justify keeping a nonconforming wall that is then torn down during construction.

It was the consensus of the Commission to support the amendments.

Chair Heitkamp discussed the Design Review finding related to architectural character, compatibility, and style and stated they did not want to create tract developments. Most of the neighborhoods have evolved over time. She was not comfortable with the term "architectural character of the neighborhood". Planning Director Kaufman stated the finding reads: "compatibility with neighbors, the height, elevation and placement of the proposed structure are consistent with the prevailing neighborhood architectural character and scale....". She suggested the term "architectural pattern". Chair Heitkamp was opposed to the term "architectural" since Design Review should focus on visual scale, massing, and compatibility with the site. Commissioner McCluney stated he was not sure how to eliminate the issue of architecture. Chair Heitkamp stated scale, bulk, and mass were the important issues and "architecture" was the wrong word given the unique character of neighborhoods. Commissioner Young suggested the

following wording: “compatible with the neighborhood individuality and uniqueness”. Chair Heitkamp stated she liked that wording. Commissioner McCluney stated he did not have a problem with the word “architecture”. Commissioner Young stated the word was all encompassing. Commissioner Stahl agreed and did not have a problem with the existing wording.

Planning Director Kaufman discussed the FAR Exception findings and suggested the following two additional findings relating to: 1) traffic or parking, and 2) health, safety, welfare, comfort. She stated this is to reinstate findings that were removed during the last set of revisions. Commissioner Stahl asked why they were eliminated. Planning Director Kaufman stated that most of the findings are now in Design Review. Commissioner Stahl stated he supported adding those two findings. Commissioner McCluney referred to the last finding and asked if they had a “boilerplate” sentence that was commonly used. City Planner Teiche stated that was in the Slope Use Permit Findings. Planning Director Kaufman stated that the Design Review finding for health, safety and welfare applied to multi-family and commercial uses, but it could be amended to apply to single-family homes. Commissioner McCluney stated he supported the staff suggestion. Commissioner Stahl referred to the current findings, #1, and stated he would prefer the word “mitigate” as opposed to “justify”. Commissioner Young agreed.

Mr. Rick Adler reiterated his opinion that an individual should be able to face his or her accuser.

Chair Heitkamp closed the Public Hearing.

M/s, Stahl/Young motioned and the Commission voted 5-0 to recommend to the City Council TEXT 06-73, Zoning Ordinance Text Amendments, with the revisions made tonight.

2. TEXT 07-11: Design Guidelines for Single Family Dwellings. Citywide: City of Larkspur, applicant. Proposed Design Guidelines for single-family dwellings.

Chair Heitkamp distributed some drawings that could be used in the document for clarification.

Commissioner McCluney stated he liked the idea of the drawings. He was happy with most of the document in terms of its content but was concerned about the layout and the approach. Chair Heitkamp opened the Public Hearing.

Mr. Rich Perlstein, architect, stated the document would be valuable for many people. He asked that these remain guidelines and not a “mandate” that people must follow. He suggested the document contain not one, but several illustrative diagrams since individuals might think they need to copy the one and only diagram.

Mr. Rich Adler stated he would like to see “Green” Design Review. Chair Heitkamp stated this is at the end of the document. Mr. Adler stated over time there would be more pressure to build larger homes with bigger FAR’s. He had questions about underground construction.

Mr. Bob Bussee stated he has done quite a bit of work in Larkspur and this would be a very helpful handout for the public.

Chair Heitkamp closed the Public Hearing.

Commissioner Deignan provided the following comments:

- He liked the idea of multiple drawings, diagrams, or photographs. This would help to clarify the text.

Commissioner Stahl provided the following comments:

- He stated the character of each neighborhood is so unique and drawings and photographs would not depict the richness and diversity of Larkspur.
- This document was a good start but he was concerned the approach was too simplistic.
- The structure and hierarchy of the guidelines need to be tightened up. It is too much of a laundry list and it should start with some guiding goals.
- They should start with the “Big Picture” ideas and the kind of values they want to promote in the community.
- The guideline should be about how to fit into the neighborhood.
- They should not rely too much on images.

Commissioner Young provided the following comments:

- He was uncomfortable with the document because it was too specific and prescriptive.
- Visual aids can be very helpful.

Commissioner McCluney provided the following comments:

- He was concerned that people would take this document as a mandate rather than guidelines.
- He agreed with most everything that was said.
- The document needs a lot of work. It could be better organized and not so wordy.
- The document should use the same voice (active).
- There was too much overlapping in the sections.
- He suggested an Introductory Section that was light on specifics.
- He would like to see all the information in Section I consolidated and simplified.
- Another option would be to do nothing at all. Maybe they do not need these guidelines.

Chair Heitkamp provided the following comments:

- The Table of Contents was a good start at spelling out what they want in the document.
- The document should use bullets.
- The document should be simple and readable.

Planning Director Kaufman stated the City Council has asked for these guidelines. She was concerned about coming up with goals unless they are already in the General Plan.

Commissioner Stahl discussed design principles such as walkability, working with natural setting, recognizing and responding to the historic character of the neighborhood. These are the right issues to discuss at this level. Another issue would be the design response to the public right-of-way and the neighborhood pattern of development.

Chair Heitkamp agreed with Commissioner Stahl's comments and stated that would be a good way to organize the particular elements. She stated the document should not be too specific.

Commissioner Young stated this "top down" approach made sense.

Planning Director Kaufman stated staff does not have any guidelines at this point in time and she was concerned about giving such general guidelines to the public.

M/s, Stahl/McCluney motioned and the Commission voted 5-0 to continue this item to the April 24th meeting.

BUSINESS ITEMS

1. Commissioner's Reports

There were no reports.

2. Planning Commission Minutes of January 9, 2007

M/s, McCluney/Young motioned and the Commission voted 4-0 (Deignan abstained) to approve the minutes of February 6, 2007 as submitted.

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Toni DeFrancis, Recording Secretary