

LARKSPUR PLANNING COMMISSION
MEETING MINUTES OF SEPTEMBER 25, 2007

The Larkspur Planning Commission was convened at 7:30 p.m. in the Council Chambers by Chair Heitkamp.

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

Commissioner Absent: Richard Young

Staff Present: Neal Toft, Acting Planning Director
Kristin Teiche, City Planner
Anna Camarota, Assistant Planner

OPEN TIME FOR PUBLIC EXPRESSION

Mr. Douglas Andolin, 19 Bay View Avenue, stated it was a beautiful night and the wind was coming from the east. He stated he was aware that Consent Calendar item #1, Design Review application for 11 Bay View Avenue, had been withdrawn. He wanted to read a letter, however, expressing his concerns about the proposed outdoor wood-burning fireplace, with a 14' high smoke stack, and a 11' high trellis structure that is proposed 20' from his residence, where he also conducts his business. He was concerned about his health, livelihood, privacy, and property value.

PLANNING DIRECTOR'S REPORT

Acting Director Toft gave the following report:

- The City Council took the following action at their September 19th meeting: 1) adoption of the resolution for the affordable housing in-lieu fee; 2) approval of the Design Review and Heritage Tree Removal proposal for the Twin Cities Police/Corporation Yard Facility.
- The City Council will hear the appeal of the Planning Commission's decision regarding 63 Laurel Avenue at their October 17th meeting.
- The Planning Commission will meet on October 11th and 30th to review the preliminary plan for CLASP Subarea 3.
- The regular Planning Commission meeting scheduled for October 9th might be cancelled. Staff would keep the Commission informed.

Commissioner McCluney asked if the proposal for 11 Bay View Avenue would be reviewed by the Commission. Acting Director Toft stated the project had been withdrawn because the applicant intended to revise the plan to meet all the zoning requirements and, therefore, the project would simply be subject to a Building Permit. He noted that Mr. Andolin is concerned that outside fireplaces are considered accessory structures and do not necessarily require discretionary review. Commissioner McCluney asked if Mr. Andolin had any recourse at this point in time. Acting Director Toft stated the City Council would need to adopt an emergency

ordinance regulating wood burning facilities because the Code does not specifically regulate such features at this time.

APPROVAL OF CONSENT CALENDAR ITEM

1. **DR 07-64: 11 Bay View Avenue (APN 021-233-01). Marci Jones, applicant, Sara and Bob Lundgren, property owners. Request for the following permits for exterior modifications and additions of approximately 273 square feet of floor area to an existing single-family dwelling, resulting in a total floor area of 5,247 square feet on a 13,773 square foot property: Design Review of a second level addition of 32.5 square feet of floor area
Staff Recommendation: No Action Required: Application Withdrawn by Applicant on September 21, 2007**

PUBLIC HEARING ITEMS

2. **DR/FAR 07-28: 61 Meadowood Drive (APN 022-263-08). Ed Jameson, applicant & property owner. Request for the following permits for exterior modifications and the addition of approximately 880 square feet of floor area to an existing single family dwelling, including under story grading and the addition of approximately 455 square feet of below grade basement (not counted as floor area): 1) Design Review; and 2) Floor Area Ratio (FAR) exception to increase the FAR from .34 to .46 where .36 is the maximum permitted FAR.**

City Planner Teiche presented the staff report. She stated there were two items of late mail.

Chair Heitkamp asked for clarification on the issue of the lot split calculation for determining permitted FAR. She believed the intent of the lot split calculation was to place construction on the flat portion of the lot. City Planner Teiche stated that was the Planning Director's interpretation and added that the lot split calculation gives people a bonus of more floor area. Acting Director Toft stated in this instance there is clearly a flat area and a steep area of the lot and the calculation presented excludes only a small portion of the steep area with all the addition located on the steep area of the lot as well. This seemed contrary to the intent of the lot split calculation.

Chair Heitkamp opened the Public Hearing.

Mr. Ed Jameson, applicant, made the following comments:

- He has lived at the subject property for 29 years.
- He has a letter of support from three neighbors.
- One of his neighbors is concerned about a window that is 85 to 90 feet away.
- The lot split calculation policy states that one could not build on an area that is excluded and you may exclude whatever you want as long as you use three contiguous lines.
- He displayed some photographs of the area showing the proximity of the proposal to Heatherwood Park and the neighboring homes.

- The site is surrounded by trees and hardly visible.
- A neighbor has expressed concern about further development on the hillside but other homes on the hillside are basically built-out.
- The requested FAR is well below the prevailing FAR's in the neighborhood for lots of comparable relatively flat slope.
- The proposed improvements are consistent with remodeling prevalent in the neighborhood.
- He is trying to utilize the crawlspace area.
- The architecture is sensitive and uses techniques that break up the mass. The design is not blocky or square and uses horizontal shed roofs to break up the mass.

Mr. Brock Wagstaff, architect, made the following comments:

- He has to bring the house to grade and the basement does not add to the bulk and mass.
- There are ways to break up the mass further and he would be willing to explore this issue.
- This is a unique site and this proposal would have the least impact to the park.
- They could pull the second floor back into the garage area.
- If the bottom floor is to be expanded it has to move towards the park.
- Part of the basement area would be used for a hobby/workshop area and wine cellar.

Mr. Dan Hillmer, Heather Way Avenue, made the following comments:

- He read a letter prepared by thirteen neighboring property owners requesting denial of the proposal due to the inability to make the findings.
- The proposal overbuilds the lot and has a "San Francisco kind of scale".
- The proposal is not compatible with the character of the surrounding neighborhood.
- There are other locations to distribute the mass and bulk of the project within the development envelope.
- The house was very prominent in the night sky due to the lighting and this would be exacerbated by the proposed development.

Chair Heitkamp closed the Public Hearing.

Chair Heitkamp noted there were three or four Monterey Pines in the park that appeared distressed and she asked if they were scheduled to be removed. City Planner Teiche stated the hearings for the renovation of Heatherwood Park were scheduled for next month and this topic would probably be discussed.

Commissioner Deignan provided the following comments:

- Mr. Hillmer captured the various concerns well.
- He had trouble making the findings based on the appearance of the project particularly from the park and the need for more mass reducing techniques.
- He agreed that the house should be brought down to grade but felt it added to the bulk and mass especially when viewed from below.
- The location chosen for development accentuated the mass and bulk.
- There is room for expansion but they have chosen the wrong location.
- He could not support the project.

Commissioner McCluney provided the following comments:

- The FAR element is only one component of the mix and the architectural appearance and Design Review issues weigh in a great deal.
- He thanked the applicant for his thorough presentation.
- The issue regarding the split lot calculation was not germane.
- He is not going to dwell on the FAR issue since that would not be a major factor in his decision.
- The project is a bit ambitious for the lot and it might not be the best layout.
- He would like to see more bulk and mass reducing techniques.
- He wanted the applicant to have his shop, elevator, and wine cellar.
- He does not count the basement portion towards FAR since that is the way the ordinance is written.
- He concurred with staff and felt there were a number of alternative ways to get more space.
- He would like to see something that is less intrusive and less looming.
- He looked forward to reviewing the next submittal.

Commissioner Stahl provided the following comments:

- He agreed with the comments made by Commissioners Deignan and McCluney.
- He agreed with the staff report.
- Some additional space may be appropriate but this is not the right proposal.
- It was very jammed up against the north side of the property and would impact the neighbors.
- He did not understand the choice of roofline.
- They are taking a two-story house and turning it into a split-level, three-story house.
- The proposal is overly bulky and the silhouette is boxy.
- He has a different philosophy than Commissioner McCluney about below level space that does not count towards FAR. It is part of the development, bulk, and mass of the site and is fair game for their consideration.
- Regardless of the FAR on other neighboring parcels, this is too much development on this parcel.

Chair Heitkamp provided the following comments:

- She agreed with the comments made by the other Commissioners.
- The project is too ambitious and out of scale for this site.
- The long driveway limits the developable site area.
- It was difficult to make comparisons with other lots since they are not all equal.
- This is a three-story project on the slope and it would set a precedent.
- The project would be visually overwhelming from the park and intrusive to 32 Heather Way.
- Some expansion can be done and there are other options- pushing back the second floor, etc.
- She could not make the findings.

M/s, McCluney/Stahl motioned and the Commission voted 4-0 (Young absent) to deny DR/FAR 07-28, 61 Meadowood Drive, without prejudice, based on the staff report and the comments made by the Commission and the inability to make the findings.

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

- 3. DR/VAR 04-95 (Amend): 85 Ardmore Avenue (021-135-03). Gustavo Kukichek, applicant, Patricia and Robert Raynum, property owners. Request for approval to amend a previously approved Design Review application to construct an approximately 1,465 square foot addition to an existing single-family dwelling: “as-built” modifications to the roof, resulting in changes to the approved ridgelines and an altered appearance to the front façade by increasing the height of the entryway and breakfast nook to approximately 15 feet 6 inches in height. Note: This project was originally approved by the Planning Commission on June 14, 2005.**

Commissioner Stahl stated he would recuse himself from this item since he lives within 300 feet of the project.

Assistant Planner Camarota presented the staff report.

Commissioner Deignan stated a three-foot difference is not a minor change and he asked why the applicant did not submit a modified set of plans given the high level of interest in the property. Assistant Planner Camarota stated the applicant could speak to this issue.

Commissioner McCluney asked about a consistent City doctrine relative to homeowners who deviate from an approved set of plans. The Commission was seeing a lot of these situations and getting different direction. Acting Planning Director Toft stated these issues tend to surface more this time of year as most construction is done in the summer months. He acknowledged that the Commission had seen some recent cases of where the scope of work went beyond what had been approved, to varying degrees. One, in particular, involved significant grading and the work that was done had been specifically denied by the City Council. There are different levels of violation and the Planning Director can often approve minor changes to a project. In this case, however, a STOPWORK order was issued and it was decided to bring this back to the Commission since the changes seemed contrary to the Commissions’ previous direction. The applicant will have to pay additional fees and penalties. Commissioner McCluney asked if the applicant would pay for the additional staff time. Acting Planning Director Toft stated it would be a combination of staff time and double the Building Permit fee.

Acting Director Toft noted that staff intends to schedule a discussion on enforcement issues for an upcoming agenda, but it would not be prudent to get into a policy discussion as part of this particular project review. Commissioner McCluney stated he would just like some consistency.

Chair Heitkamp opened the Public Hearing.

Mr. Robert Ranum, applicant, made the following comments:

- He has lived at the property since 1984.
- The Planning Department is not to blame for anything. He did not do anything intentionally to try to “get anything over” on the City. He did not think the change was a big deal.
- While framing the building they found the old roofline did not fit with the new construction.
- They were supposed to have a 7.5’ ceiling in the lower part of the house but the foundation would not accommodate this. The first floor had a very high ceiling and he decided to take the height from that area to get the normal height downstairs. He received Planning Department approval for 8’ high ceilings in the lower part of the house.
- Shifting these plate heights made everything “catawampus”. The framers raised the kitchen section of the old house to 10’, which gave it some balance. They had to tie the roofs together, which was a difficult thing to do. He kept the same angle of the rooflines but did not seek approval for the modifications.
- He felt the new plan is more aesthetically pleasing.

Mr. Lance Lesnesky, Marina Vista, made the following comments:

- Ardmore Avenue is a narrow street, but none of the neighbors would be impacted by this change.
- The change was more in proportion and an improvement.
- He had no objection to the change.

Chair Heitkamp closed the Public Hearing.

Commissioner McCluney provided the following comments:

- At the previous Commission meeting he referred to the proposal as “quirky”.
- The architecture is unusual.
- This is a complicated house with complicated issues.
- This is not a huge transgression but rather an attempt to resolve an unforeseen architectural situation.
- He concurred with the applicant and staff and felt the changes were reasonable and attractive.

Commissioner Deignan provided the following comments:

- He is disappointed that the applicant went ahead and made changes that were more than just incidental.
- He was initially concerned about the 3.9’ changes.
- He was relieved to hear that the applicant spoke to the Planning staff on previous occasions and he felt there were mitigating factors.
- He would have approved the new roofline back in 2005.
- He could support the staff recommendations and make the findings.

Chair Heitkamp provided the following comments:

- She agreed with the comments made by Commissioners Deignan and McCluney.
- The important view was from Ardmore Avenue and the change improves the design.
- She liked the replacement of the stone with stucco.

- The changes in the kitchen are in the rear of the house and not visible.
- She could make the findings.

M/s, McCluney/Stahl motioned and the Commission voted 3-0 (Stahl recused, Young absent) to approve DR/VAR 04-95 (Amend), 85 Ardmore Avenue, based on the findings and conditions set forth in the staff report.

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

BUSINESS ITEMS

1. Commissioner's Reports

There were no comments.

2. Planning Commission Minutes of September 11, 2007

M/s, Deignan/Stahl motioned and the Commission voted 3-0 (Young absent, McCluney abstain) to approve the minutes of September 11, 2007 as submitted.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary