

LARKSPUR PLANNING COMMISSION
MEETING MINUTES OF NOVEMBER 13, 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, Richard Young

Staff Present: Neal Toft, Senior Planner
Anna Camarota, Assistant Planner

OPEN TIME FOR PUBLIC EXPRESSION

Ms. Jenna LaFleur, Madrone Avenue, asked that item #1 be taken off the Consent Calendar.

PLANNING DIRECTOR'S REPORT

- ?? The City Council will be reviewing the Niven Nursery Preliminary Plan Project on Wednesday, November 14th and Thursday, November 15th. The meeting will be held at the Hall Middle School Gymnasium.
- ?? The Planning Commission meeting scheduled for Tuesday, December 25th has been cancelled.
- ?? City Hall will be closed on November 22nd and 23rd, and from December 24th to January 1st.
- ?? The Oak Road Improvement Agreement and Final Map will be forwarded to the City Council for administrative approval in December.
- ?? The Campus Properties Vesting Tentative Map will be reviewed by the Planning Commission in December.

Commissioner McCluney referred to the San Quentin Condemned Inmate Project and asked if the City had any jurisdiction over what is done at the prison. Senior Planner Toft stated the City has no legal jurisdiction but could address the matter through political avenues.

APPROVAL OF CONSENT CALENDAR ITEM

- 1. DR/V 07-68: 203 Madrone Avenue (APN 021-069-05). David C. Rutgers, applicant/property owner. Request for the following permits to allow exterior modifications and interior remodel to an existing non-conforming structure: (1) Design Review; and (2) Variance to increase height of the roof within the portion of the structure that does not conform to the 5-foot side yard and 15-foot rear yard setbacks required by the governing R-1 Zone District Development Standards. Staff Recommendation: Conditional approval**

Chair Heitkamp stated this item would be taken off the Consent Calendar.

Assistant Planner Camarota presented the staff report.

Commissioner Young asked if the additional 207 square feet would be obtained by raising a portion of the loft roof. Assistant Planner Camarota stated the western portion of the roof would be raised by 2 1/8 inches. Commissioner Young asked if that would be the highest point of the structure. Assistant Planner Camarota stated that would be the highest point along that ridgeline. The proposal would incorporate a 3:12 pitch gable roofline.

Chair Heitkamp asked if there were plans that showed the relationship to the adjacent properties. She asked about the distance from 207 Madrone. Assistant Planner Camarota stated the plans do not show the location of the neighboring buildings and she did not know the specific distances.

Chair Heitkamp opened the Public Hearing.

Mr. David Rutger, applicant, made the following comments:

- ?? He obtained the property through a lease agreement with an option to buy. He purchased the home in August.
- ?? The house is not livable the way it is and he would like to raise the roof in the loft area to accommodate a bedroom and bathroom.
- ?? The remodel would increase the square footage from around 830 to 1,000 square feet.
- ?? There would be no impact on the neighbors.
- ?? The house on the east side is in front of his house.
- ?? The distance between his house and the house at 207 Madrone is about ten feet.

Mr. Mark Zimmer, Madrone Avenue, made the following comments:

- ?? He distributed some photographs to the Commission.
- ?? He lives to the west of the proposal.
- ?? The photos show a 2.5 distance between rooflines. The proposal would pose an increased fire risk.
- ?? The proposal would exacerbate the nonconformity of the property.
- ?? The proposal would tower over his house and invade his privacy.
- ?? There is minimal sunlight in Madrone Canyon and the proposal would block the sunlight into his yard.
- ?? The proposal would be detrimental to the health, safety, and welfare of the neighbors.
- ?? He wants to protect his home and investment and felt the proposal would devalue his property.
- ?? The proposal would pose an increased fire risk.

Commissioner Deignan had questions about one of the photographs.

Ms. Amanda Zimmer, Madrone Avenue, made the following comments:

- ?? She was concerned they would lose all of their sunlight.
- ?? She is uncomfortable with the idea of having renters living next door.
- ?? She is concerned about flooding on the subject property since it is built on an easement that is supposed to protect her property from flooding. The floodwaters would now be directed towards her property.

Mr. James Holmes, Madrone Avenue, made the following comments:

- ?? The house was built in 1945 and not 1925. The garage was built in 1925.
- ?? He feels ambivalent about the merits of the project. They are talking about only two feet. However, with a lot like this, how much is too much?
- ?? This is the most misbegotten lot in Larkspur. It was flooded in 1982 and burned down in 1986.
- ?? He disagrees with staff's logic and statements offered in support of the variance.
- ?? There is no real showing of a need for this variance.
- ?? They should not make a bad situation worse.
- ?? The fire issue is real.

Ms. Julie Pizo, Madrone Avenue, made the following comments:

- ?? She has an auxiliary structure separate from her house that adjoins the subject property fence line.
- ?? She discussed the flood plain elevation, FEMA certification, and her difficulty in obtaining insurance. Her insurance rates double in the last year.
- ?? Her property is in Flood Zone A and B. The auxiliary structure is uninsurable.

Ms. Jenna LaFleur, Madrone Avenue, made the following comments:

- ?? She lives in front of this house.
- ?? The property was illegally subdivided and the structure was illegally built without permits on the creek bank easement.
- ?? This property takes away much of the flow of the water that is supposed to be able to go into the creek.
- ?? The proposal is located in the creek easement and Flood Zone A. It is also located in the creek itself.
- ?? She stated California State Law defines a variance as a "limited waiver for the property". She stated these laws were ignored for this property.
- ?? The purpose of the project is to sell for profit.
- ?? The neighbors will have to live with the consequences of this proposal.
- ?? This house has been a nightmare for the neighbors. She was concerned about the light from the house and the impact to sunlight and privacy.

- ?? She was concerned about the FEMA issues.
- ?? The average slope of the lot is over 25% and not less than 10% as indicated in the staff report.
- ?? The lot and house size requirements noted in the staff report were inaccurate.
- ?? They are creating 3-million dollar slums in Larkspur.
- ?? The project would affect privacy and light to surrounding properties.
- ?? She stated there are other things that she would like to say but is being prevented from doing so. Commissioner Stahl noted Ms. LaFleur was given 20 minutes for her comments.

Assistant Planner Camarota stated the Public Works Department reviewed the project and found that it met the requirements of FEMA. Senior Planner Toft noted the proposal was not expanding the footprint of the building and the FEMA elevation certificate is not required at this stage of the process.

Chair Heitkamp closed the Public Hearing.

Commissioner McCluney provided the following comments:

- ?? The Commission does not consider who owns or lives in the house or whether the owner plans to sell the house.
- ?? The proposal does not increase the footprint of the house- it is going up and not further into the creek. This brings a different level of focus to the deliberations.
- ?? They should not consider the risk of neighbor's devaluation.
- ?? He asked if the expansion would trigger the need for a sprinkler system. Assistant Planner Camarota stated "no" but he would need to address issues related to the proximity of windows to property lines and fire rated walls.
- ?? He is concerned about the windows and wanted to make sure they would include obscure glass.
- ?? He referred to the FEMA issue and stated the proposal was simply an addition on the top of the structure.
- ?? This is a minor addition and he is leaning in favor of approval.

Commissioner Young provided the following comments:

- ?? He agreed with the comments made by Commissioner McCluney.
- ?? The issue regarding whether or not the house should exist is not before the Commission.
- ?? This is a reasonable request.
- ?? Approving this request would not change anything with regard to fire, flooding, or any issues that that might impact the neighbors.
- ?? He could approve the proposal.

Commissioner Deignan provided the following comments:

- ?? This is a request for an addition to the top of the building and it would not increase the footprint of the building.
- ?? The structure would be under the allowable FAR.
- ?? He would like to see a site plan that showed the adjacent properties.
- ?? He was concerned that the structure could block sunlight to the neighbors.

Commissioner Stahl provided the following comments:

- ?? He has been swayed by a lot of what he has heard. This structure has been “shoehorned” and maybe enough is enough.
- ?? He could not make the finding for the Variance that the proposal would not have an adverse effect on the health, safety, and welfare of persons or property in the vicinity.
- ?? This is very close quarters and the bar should be quite high. This causes him to question the feasibility of any more additional space under the following extreme circumstances- the size of the lot, its adjacency to the creek, the location in the flood plain.
- ?? The proposal is on the top of the house and would not affect the flow of water.

Chair Heitkamp provided the following comments:

- ?? She is also struggling with this application.
- ?? She is sympathetic to the desire to have walkable space in that loft area.
- ?? A nonconformity should not be exacerbated and she suggested they pull back the space being added at the top. This would minimize the neighbor’s concerns about impacts to lights, privacy, views, etc.
- ?? She is concerned about the risk of fire.

Commissioner McCluney provided the following comments:

- ?? The Commission was concerned about the following issues: 1) obtain a better site plan that included the adjacent properties; 2) windows and lighting; 3) the FEMA concerns. Commissioner Young stated the site map should include the location of the creek, the flood plain, and the adjacent homes.

Commissioner Stahl provided the following comments:

- ?? He suggested the Commission deny the application without prejudice since this was a somewhat incomplete application and there were questions raised about the slope of the lot. Commissioner McCluney stated just because an issue was raised does not mean the staff’s work was incomplete or wrong. Commissioner Stahl stated there was not enough information provided.

M/s Young/Deignan motioned and the Commission voted 4-1 (Stahl voted no) to continue DR/V 07-68, 203 Madrone Avenue, to the December 11th meeting.

PUBLIC HEARING ITEMS

- 2. DR/FAR/SUP/V/HT 07-39: 31 Piedmont Avenue (APN 21-121-04) Jared Polsky. Polsky Perlstein Architects, applicant; Eric & Sally Blatt, property owners. Request for the following permits to allow demolition of an existing single-family dwelling and construction of a new 2,940 square foot single-family dwelling on a 9,632 square foot lot: (1) Design Review; (2) FAR exception to permit 0.31 FAR where no more than 0.14 FAR is permitted due to lot slope; (3) Slope Use Permit to grade approximately 785 cubic yards of earth (515 cubic yards excavation and 270 cubic yards fill) on a parcel of approximately 36% slope; (4) Variance to locate the garage façade and the dwelling façade within 15 feet and 8 feet, respectively, of the front property line, where a front yard setback of 20 feet is required; and (5) Heritage tree removal to remove two heritage trees; 1) an approximately 120-inch circumference Douglas Fir located along the east property line; and 2) a multi-trunk Sourwood located in the front yard.**

Senior Planner Toft presented the staff report.

Chair Heitkamp opened the Public Hearing.

Mr. Jared Polsky, architect, made the following comments:

- ?? This is a difficult site- it is dark, steep, and constrained. It is a wide site situated at the bend in the road.
- ?? The existing house is falling apart.
- ?? This is a modern, contemporary design solution.
- ?? This is a transition lot between the smaller, older homes along Piedmont and the newer homes near the loop.
- ?? There is no particular architectural style in the neighborhood.
- ?? The initial challenge was to figure out the parking so they studied a number of garage scenarios. They decided to locate the garage in the area of the existing parking pad. They had to site the garage far enough into the hillside to allow for two guest-parking stalls that would not encroach into the sidewalk. The garage is 21' deep and 21' wide to allow for some storage space.
- ?? They set the maximum driveway slope to the garage which in turn set the garage level at 103' (above sea level). This set the retaining wall height at the back of the garage at 16' to 17' tall.
- ?? They set the new upper floor at the same level as the existing house (126').
- ?? The lower floor level is set at 103'.
- ?? He broke the house into three smaller components to break up the massing; kitchen/family room on the east end; the middle, sloped roof, wood sided entry at the center; and the master bedroom wing which is set back from the garage on the west side.
- ?? The grade at the front yard is slightly raised to minimize the visual height of the house.
- ?? The house is set into the hillside and at no point does it appear to be a three-level house.

- ?? The house is very thin from front to back.
- ?? The second challenge was to preserve as much light and view and to create a usable rear yard.
- ?? He stated the staff report was somewhat confusing and contradictory.
- ?? They were extremely careful in siting the house and he stated it was in the right location.
- ?? The grading is not excessive and it is merely what is necessary to create a two-car garage and guest parking. They are keeping at least half of the cut on-site.
- ?? This is not a pristine, undeveloped hillside. The proposal is only 150 square feet more footprint than the existing house.
- ?? They are asking for a miniscule front yard setback variance.
- ?? The applicants met with the neighbors and there were no letters of opposition.

Ms. Sally Blatt, applicant, made the following comments:

- ?? They currently live on Christmas Tree Hill.
- ?? The design minimized any light, privacy, and view issues.
- ?? This is a transitional lot that bends with the curve of the road.
- ?? The project is true to the existing natural environment.
- ?? They are excited to be able to utilize Green Building techniques.

Mr. Michael Hooper, Madrone Avenue, made the following comments:

- ?? This is a difficult, sloping site made more difficult by the angle in the street.
- ?? They did a great job.
- ?? He is excited about the architecture. It has some interesting shapes to it. These differences should be encouraged.
- ?? This is not a deep house and this fact makes it work for the hillside.

Ms. Bernice Gilardi, Coleman Avenue, made the following comments:

- ?? This type of design would fit better in Greenbrae than this area of Larkspur.
- ?? This is not a transitional house.
- ?? The design does not fit into the character of the neighborhood.
- ?? She is concerned about the variance for the garage. This is a one-lane road and backing out of the driveway would be dangerous.
- ?? She is concerned that they are more than doubling the FAR.
- ?? The hillsides have a lot of serpentine and she was worried about creating more instability.
- ?? There is a history of earth movement on that hill.
- ?? The Portuguese Laurel (mistakenly identified as a Sourwood) is not a Heritage Tree but rather an overgrown weed. She recommended they remove it.
- ?? She is concerned about the runoff on the embankment in the back. There is a tremendous amount of water that comes off of that hill.

Mr. James Holmes, Madrone Avenue, made the following comments:

- ?? He does not like the design and felt it was very unattractive. It is industrial style.
- ?? This is a sad failure of imagination and possibility.
- ?? The design is a massive “box” that has a warehouse appearance. It belongs in the South of Market district and not in this neighborhood.
- ?? There are no contradictions in the staff report.
- ?? The visual mass and scale is compounded by the removal of the trees. This building needs all the screening it can get. The Portuguese Laurel (Sourwood) should be retained.
- ?? He distributed a photograph of the existing house and noted it towers over the neighborhood.
- ?? This is not a transitional lot but rather a very prominent and pivotal lot.
- ?? The garage door is very pedestrian, urban, and uninspired.
- ?? He was opposed to the setback variance request.
- ?? The project uses mass-expanding techniques.
- ?? The proposal should be denied.

Ms. Sara Garcia made the following comments:

- ?? The applicants met with the neighbors and have been great.
- ?? The Piedmont neighborhood is very unique and has not changed much over the years.
- ?? The existing house is dilapidated.
- ?? The new house is beautiful but a lot of neighbors, particularly long-time residents, are in shock.

Chair Heitkamp closed the Public Hearing.

Commissioner Young provided the following comments:

- ?? This is a well designed home and he liked the façade. It would be a wonderful addition to Larkspur.
- ?? The proposal is well done but to excess.
- ?? There is excessive grading and the removal of earth should be minimized.
- ?? The back yard development and landscaping is very attractive but excessive.
- ?? He does not object to the lower front yard lawn.
- ?? The square footage of the house is excessive and it should be reduced overall in size. The proposal would be about 3,700 square feet if one included the areas not counted towards the FAR.
- ?? He referred to the Slope Use Permit and stated they need to reconsider the excessive amount of cut and balance the cut and fill on the site.
- ?? The garage could be reduced in depth and perhaps mitigate the need for the variance.
- ?? He could approve the Heritage Tree Removal request.

Commissioner Deignan provided the following comments:

- ?? This is a very handsome house.

- ?? The design would make quite a dramatic statement in this transition area. The design should provide some type of bridge on this transition lot.
- ?? The mass should be reduced to help mitigate the impact of such a dramatic design.
- ?? The front façade does step a bit but does not rise to the level of a mass-reducing technique.
- ?? He is troubled by the amount of excavation even though they are using some of it on the site.
- ?? He could probably be swayed on the variance for the garage.

Commissioner Stahl provided the following comments:

- ?? He is comfortable with the contemporary design. It is very handsome.
- ?? He agreed with the comments made by Commissioners Young and Deignan.
- ?? The house is extremely well worked out as a site plan and is very thoughtful and sensitive.
- ?? There is a sense that the façade of the house is moving a lot when seen in plan view. When seen in elevation the house seems to fold around the hillside. He would like to see a few more steps.
- ?? He liked the boldness and simplicity of the design but it stacks up to be too much “stuff”.
- ?? The plate heights could be part of the problem with such tall stories.
- ?? He would like to see more breaking up of the façade.
- ?? In the aggregate it is quite ambitious.
- ?? There is a lot of earth movement to make the house work.
- ?? They could accomplish what they want to do without moving so much dirt.
- ?? The project is a little over scale.

Commissioner McCluney provided the following comments:

- ?? This is a very attractive house.
- ?? This is a transitional lot and the house might be a bit too much.
- ?? The comments made by the architect made sense.
- ?? The design is a bit of a “jolt”.
- ?? He would like to see some mass reducing techniques used in the façade.
- ?? He has a more liberal point of view regarding the “under the radar” square footage that is not counted towards the FAR.
- ?? The proposal seems to attempt to “max everything out” as opposed to blending things in.
- ?? The proposal needs to be scaled back and reduced a bit.
- ?? Some of the issues are derivative (tree removal, the garage location).
- ?? He would like to see more Natural State.

Chair Heitkamp provided the following comments:

- ?? She liked the design and felt a house should be of its period. This is a contemporary design.
- ?? The design works in the neighborhood.
- ?? She is concerned about the site grading and the amount of cut and fill.
- ?? The house is not tucked into the hill and what is being created is a flat lot landscape program.

- ?? The site grading is contrary to the Slope Ordinance since it does not work to minimize the bulk and mass.
- ?? The garage sets the beginning program and pulls everything closer to the street. It would have a more looming effect than the existing house.
- ?? The house itself is overly ambitious. It has more space and bulk than is needed.
- ?? The below grade space is not counted but it changes the building program and lifts the house up so it is more visible.
- ?? She is not concerned about the soil and runoff issues.
- ?? The cut and fill program needs some attention and needs to be reduced.
- ?? The Douglas Fir is a hazard and should be removed. The Portuguese Laurel could also be removed and future landscaping could provide screening.
- ?? She is pleased with the use of Green Building techniques.

Commissioner Stahl provided the following comments:

- ?? He could approve the Heritage Tree Removal Permit request and make the findings for the front yard setback variance.

Chair Heitkamp provided the following comments:

- ?? The front yard setback variance pulls the mass of the building forward.
- ?? She could probably make the findings if the design changed.

Commissioner McCluney provided the following comments:

- ?? The front yard setback variance is a derivative issue and this could change with the design.

Commissioner Young provided the following comments:

- ?? He would like to see a reduction in the garage depth.
- ?? Part of the cut and fill is to create an illusion of a flat lot in a non-flat lot neighborhood. This should be minimized.
- ?? The project is about 1,600 square feet larger than the existing house. The FAR is excessive.
- ?? A lot of the cut is due to the footprint.

Commissioner Deignan provided the following comments:

- ?? He was not bothered by the front yard setback variance. It would probably disappear with the redesign.
- ?? He could approve the Heritage Tree Removal request.

Mr. Polsky made the following comments:

- ?? Most of the excavation is the result of the garage.
- ?? They can reduce the dimensions of the garage to 20 X 20.
- ?? They could not move the garage forward or backward since that would increase the grading.
- ?? They have tried other strategies for parking on-site and this is the least amount of cut.

?? They could not massively reduce the amount of cut.

Chair Heitkamp provided the following comments:

?? The intent of the Slope Ordinance was to use the grading and excavation to minimize mass and it is not being used that way in the design program.

Senior Planner Toft stated the cut goes through the entire back of the house and there is a lot of fill around the dwelling. There is a significant amount of flattening to create walls in the front and rear yard. The project would require significant cut for the parking. Staff questioned whether so much fill should be installed on the site to balance the amount of excavation. He asked the Commission whether or not they want to minimize the amount of grading, set the building into the hill, and allow off-haul to minimize the flattening of the site. Staff is concerned with the amount of grading and the creation of flat surfaces that add potential for hard surface runoff. He noted the design is predicated on a certain grading plan.

Chair Heitkamp provided the following comments:

?? The Commission unanimously supports the design concept.

?? The requested changes were in the siting and the cut and fill program.

Commissioner McCluney provided the following comments:

?? The issue regarding what happens to the cut needs to be clarified.

Commissioner Stahl provided the following comments:

?? They need to get the cut and fill more in balance.

?? There is 245 yard of dirt being hauled off already. If they reduce the cut then that dirt just stays where it is. Mr. Polsky stated if they reduce the cut and keep the fill where it is then they could reduce the off-haul. That would be the best scenario.

The Commission discussed whether or not to continue the project or deny it without prejudice. Senior Planner Toft stated there were timing issues and the applicant would need to request a 90-day extension.

Mr. Eric Blatt, made the following comments:

?? There is a fundamental misunderstanding of the cut and fill areas.

?? They have spent a lot of money on reports.

?? They are not developers.

M/s, Deignan/Heitkamp motioned and the Commission voted 5-0 to deny DR/FAR/SUP/V/HT 07-39, 31 Piedmont Avenue, without prejudice.

Chair Heitkamp there was a 10-day appeal period.

BUSINESS ITEMS

1. Commissioner Reports

Chair Heitkamp displayed some photographs.

Commissioner McCluney asked staff about their interactions with applicants. He was concerned that applicants sometimes seem surprised at the conclusions in the staff reports. Senior Planner Toft stated that applicants often express surprise when staff is not supportive of their project. He noted that the initial review of applications can take several months and staff does try to indicate to applicants whether or not they are going in the right direction. It is sometimes difficult to reach conclusions without the benefit of story poles. Often the plans come in very detailed and finished before staff can give input, and the applicant's aren't willing to make many changes. The staff regularly consults with the Planning Director on recommendations for denial.

2. Planning Commission Minutes of October 11, 2007 and October 30, 2007

M/s, McCluney/Deignan motioned and the Commission voted 4-0 (Young abstained) to approve the minutes of October 11, 2007 as corrected.

M/s, McCluney/Deignan motioned and the Commission voted 5-0 to approve the minutes of October 30, 2007 as corrected.

The meeting was adjourned at 10:31 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary