

LARKSPUR PLANNING COMMISSION
MEETING MINUTES OF NOVEMBER 27, 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: Nancy Kaufman, Planning Director
Kristen Teiche, City Planner
Lorraine Weiss, Planning Consultant

OPEN TIME FOR PUBLIC EXPRESSION

There were none.

PLANNING DIRECTOR'S REPORT

- ?? There were inserts on the dais for each Commissioner's copy of the Municipal Code.
- ?? Additional soil contamination was found on the Campus Project property. Staff had hoped to bring the Vesting Tentative Map to the Commission next month. Commissioner Deignan asked about the type of contaminants. Planning Director Kaufman stated the current concern is with PCBs.
- ?? The Oak Road Final Map may be ready soon and staff will be bringing the Subdivision Improvement Agreement to the City Council for approval.

Commissioner McCluney asked staff for an update on the City Council's CLASP Public Hearings. Planning Director Kaufman briefly reported on the November 14^h and 15th Council meetings. She also noted that the Council's next hearing may be on December 19 and that the developer was making revisions to the project. Commissioners Heitkamp and Stahl also commented on the meetings.

APPROVAL OF CONSENT CALENDAR ITEM

No Consent Calendar items

PUBLIC HEARING ITEMS

- 1. DR/FAR/VAR/FHE 07-46: 15 Owlswood Drive (APN 021-142-02). Kevin and Kendra Appelbaum, applicants/property owners. Request for the following permits to allow approximately 650 sq. ft. of additions at the northwesterly front corner of an existing 2,400 sq. ft. single family residence: (1) Design Review; (2) Floor area ratio (FAR)**

Exception to increase the FAR from .29 to .38 where .16 is permitted by code due to the slope of the lot; (3) Variances from the 10' side yard setback required on a corner lot to allow new ground floor additions 4'10" from the lot line, a new second floor addition 5'2" from the lot line and a ground floor deck with no setback from the lot line; and (4) Fence height exception to allow the replacement of an existing 6' picket fence with a new wood fence in the front and street side setbacks and partially encroaching into the Owlswood public right-of-way

Commissioner Stahl recused himself from this item since he lives within 500 feet of the subject property.

City Planner Teiche presented the staff report.

Commissioner McCluney asked if the new fence would be built using horizontal slats. City Planner Teiche stated "yes".

Chair Heitkamp opened the Public Hearing.

Ms. Elizabeth Suzuki, architect, made the following comments:

- ?? If the house were built today they would not place it in the same location on the lot.
- ?? They are trying to do a minimal addition that would connect the upstairs to the yard.
- ?? They do not have a lot of options due to excavation issues.
- ?? They are proposing a less invasive remodel of the house.
- ?? The oak is not a good specimen and better screening of the addition could be done.

Commissioner Young asked if they considered expanding under the house. Ms. Suzuki stated they are expanding a little bit under the house. Her experience in the past has shown it to be prohibitively expensive. Containing construction in one area contains the cost. The owner originally wanted to add a garage at the back and convert the existing garage but staff had recommended against it. They are trying to build a small and straightforward project.

Chair Heitkamp closed the Public Hearing.

Commissioner Deignan provided the following comments:

- ?? He reviewed the plans and then went out to the site and found the story poles to be looming over the road.
- ?? The findings for an FAR exception talk about mass reducing techniques and the proposed location is mass enhancing.
- ?? Trimming of the oak tree will compromise the only the screening or lose it altogether.
- ?? The applicants seem to have chosen this location for the remodel because it is the cheapest but it does not make sense.

- ?? He would like them to look at alternative locations for the addition.
- ?? He could support the variance and fence height exception requests.
- ?? He could not support the proposal and could not make the FAR or design review findings.

Commissioner Young provided the following comments:

- ?? He agreed with the comments made by Commissioner Deignan.
- ?? The story poles tell the story and he felt the addition would be right “in your face” as you make the turn. The construction would be very close to the street.
- ?? The tree won’t be able to remain as it has already trimmed on the other side by P.G. & E.; a tree removal request should be a part of the application.
- ?? He would like them to look at other locations for the addition. This would help to justify the variance for the side yard setback.
- ?? He could support the fence height exception and the overall design.
- ?? The FAR Exception was dependent on looking at other locations on the site.

Commissioner McCluney provided the following comments:

- ?? He did not have a lot of problems with the application.
- ?? The addition would be in a location that would have relatively little effect on the neighbors.
- ?? The addition is in an appropriate location.
- ?? He is not concerned about the “looming” and “massing” components that the other Commissions mentioned; it could be better, but he found the location to be okay.
- ?? The design is appropriate for the property.
- ?? He could support the setback variance, FAR, and fence height exception requests; square feet could be shaved off the FAR so that it would not be largest home, but he was okay with it.

Chair Heitkamp provided the following comments:

- ?? This is a good example of why they do FAR Exceptions on a case-by-case basis.
- ?? Each lot in the neighborhood has a unique configuration.
- ?? This lot has a unique shape and is on a bluff; there is also an easement that constricts what they can do.
- ?? Excavation need to locate the addition elsewhere would be horrendous given the bluff location.
- ?? She initially cringed at the requested square footage but when she walked the site she realized it was a unique situation.
- ?? The house design is attractive and it steps along the configuration of the site.
- ?? The proposal would not impact any of the neighbors.
- ?? She could not see the house as she drove up to the site.
- ?? The square footage may be excessive and she would like to hear some options in lowering the FAR. It is wrong to assume that every house can be expanded.
- ?? The tree looks risky. The roots are adjacent to the street and any excavation would damage the roots. Some other type of screening could be provided.

- ?? She could support the setback variance and the fence height exception request.
- ?? The options for expansion are limited.

Chair Heitkamp asked the Commission to discuss whether or not a reduction in the square footage would make the project more acceptable.

Commissioner Deignan provided the following comments:

- ?? He would like to see a reduction in the square footage and it could be pulled back from the edge of the site.
- ?? The story poles made a big impression as he drove up to the site.
- ?? The house is already over the allowable FAR. He would like to see more justification for increasing the FAR even more.
- ?? The square footage should be reduced and alternate locations considered.

Commissioner Young provided the following comments:

- ?? He would like to see a recasting of the floor plan to see some elimination and reallocation of space. A lot of space was devoted to hallways and doors.
- ?? It would be very difficult to reduce space given the current design.

Commissioner McCluney provided the following comments:

- ?? He was in favor of the project.

Ms. Suzuki made the following comments:

- ?? The site goes up steeply and more excavation would be difficult.
- ?? They could trim some of the space but they are not overly generous spaces. They could make the space more efficient but could not get much under 600 sq. ft.
- ?? The addition could move over about 2 feet without changing the relationship of the spaces.

Chair Heitkamp provided the following comments:

- ?? The Commission recognized the difficulties with the site and the constraints, but are concerned with how much is being added.

Commissioner McCluney provided the following comments:

- ?? They do not often ask applicants to look into more excavation.

Commissioner Deignan provided the following comments:

- ?? He would like them to come back with a revised drawing showing how they have responded to the Commission's comments.
- ?? They could explore the option of a little more excavation.

Commissioner Young provided the following comments:

- ?? The application should be continued due to the need to advertise a heritage tree removal application.
- ?? The proposed expansion is a very logical solution but it leaves some space in the house that is not fully utilized. This could be explored.

Planning Director Kaufman recommended a denial without prejudice, as opposed to a continuance, since they are talking about a heritage tree removal permit and the possibility of a slope use permit, which were not previously advertised. The applicants would need to request, in writing, a 90-day extension should the Commission decide on a continuance.

Mr. Kevin Appelbaum, applicant, made the following comments:

- ?? They do not have unlimited resources.
- ?? They want to stay in Larkspur to raise their family.
- ?? The neighborhood is a dead end street.
- ?? They have no extravagant desires.
- ?? This is an odd lot and an odd space with 12' ceilings that are just empty space.
- ?? The house is basically a "box" that was built in 1933. Another "box" was added on in 1974.
- ?? The driveway does not lead to an entrance.
- ?? The design has minimal impact.
- ?? There is not much more that they can do.

Commissioner Young provided the following comments:

- ?? This is a reasonable request in terms of expansion.
- ?? The tree should be removed.
- ?? Reducing the project by merely 100 square feet does not make sense.
- ?? He could vote in favor of the project.

Chair Heitkamp provided the following comments:

- ?? The applicants should be aware of the reality of the lot and house that they bought.
- ?? This is a unique site.
- ?? Looking at the floor plan, she thought there was an opportunity to tighten up the interior.
- ?? This would not set a precedent.
- ?? She noted the configuration of the lot and the lack of nearby neighbors to the addition.
- ?? She would recommend a continuance.
- ?? She asked what happens when there is a 2 to 2 vote. Planning Director Kaufman stated that would be a denial of the project.

Commissioner McCluney asked if they came back with less than a 100 sq. ft. reduction would that be enough. Commissioner Deignan noted that wanting a larger family is not justification for the FAR exception. Commissioner Young commented that reducing the plan by less than 100' does not make sense. Commissioner Deignan agreed.

Ms. Suzuki made the following comments:

?? She would look at a small square footage reduction by pulling the addition back.

?? They will apply for the Heritage tree removal permit.

?? They will request, in writing, a 90-day extension.

M/s, Deignan/Young motioned and the Commission voted 4-0 (Stahl recused) to continue DR/FAR/VAR/FHE 07-46, 15 Owlswood Drive, to January 8, 2008 to allow the architect to revise the plans based on the comments made by the Commission and in the staff report. The applicant shall also apply for a heritage tree removal permit.

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

2. **DR/CAP/HTR/UP/EX 07-23; 501 Sir Francis Drake Boulevard (APN 022-040-46 & 48) Patrick Cousens, Fredrick C. Divine Associates, Architects, applicant; Schultz Investment Co., property owner. Request for the following permits to allow construction of a 29' high two-story, 8,944 sq. ft. commercial retail/office building with a 32' high elevator enclosure on a vacant 27,725 sq. ft. parcel; the first floor is to be occupied by a bank or saving and loan and the second floor is planned to be occupied by professional offices: (1) Design Review; (2) Circulation exception permit (no longer required); (3) Heritage tree removal permit to allow removal of one on-site Cork oak with a circumference of 57.1"; (4) Conditional use permit to allow for a bank and/or savings and loan use on the subject property; and (5) Height exception permit pursuant to Larkspur Municipal Code Section 18.48.040 to allow a building height of 29' where 25' is the maximum allowable height (Larkspur Municipal Code Section 18.16.090 allows for the height limit to be exceeded for elevator enclosures). In addition, an Initial Study and Mitigated Negative Declaration of environmental impact has been prepared for the project pursuant to the requirements of the California Environmental Quality Act.**

Planning Consultant Weiss presented the staff report. She noted staff received late mail from the Marin Municipal Water District.

Commissioner Stahl asked who owns the adjacent property to the west of the proposal. Planning Consultant Weiss stated Mr. Jeffory Morshead owns that property. The packet contained three letters from Mr. Morshead.

Commissioner Stahl asked about the minimum parking requirement for the proposed building size. Planning Director Kaufman stated that the parking was looked at early on in the project and she would find that information.

Commissioner Stahl asked if there were setback requirements for the commercial district. Planning Consultant Weiss stated “no”.

Commissioner McCluney asked why there was no height exception request for the element that is 32’ high. Planning Consultant Weiss stated the 32’ high element was the elevator enclosure and the code exempts this type of structure.

Commissioner McCluney stated they were asking for two signs and he thought only one was allowed. Planning Director Kaufman stated the ordinance was recently changed.

Commissioner Young asked about the existing height of the Bank of America building. Planning Consultant Weiss stated it was two-story but she was not sure of the height.

Chair Heitkamp asked if the Native American association was notified about the hearing. Planning Director Kaufman stated “yes” and added they were sent a copy of the Negative Declaration and Initial Study.

Chair Heitkamp opened the Public Hearing.

Mr. Pat Cousens, architect with Fredric Divine Architects, made the following comments:

- ?? He distributed a smaller version of the colored elevations.
- ?? The height of the adjacent building was around 32 feet.
- ?? Several things were driving the design including the rear yard landscaped area at 50 Bon Air Center. They wanted to take advantage of this area while spinning the design around the Cork oak.
- ?? The dominant pattern along the street includes buildings that are pushed out with minimal setbacks.
- ?? It did not seem appropriate to crowd this corner or screen off the Bank of America building.
- ?? The proposed parking layout is the most efficient and they are wasting as little asphalt space as possible and it allows them to add more landscaping.
- ?? The two-way driveway will be away from the corner of the busy intersection.
- ?? The median along the Bon Air Access Road would be clipped back about 12 feet.
- ?? They would rework the walkway since there is a lot of foot traffic in the back area of the building.
- ?? He briefly discussed the landscape plan and stated they would add one more tree.
- ?? He has included some slope roofs to screen some of the equipment and soften the corners.
- ?? The building is well articulated with colors that blend with the surrounding buildings. They are using stone at the entry to the building as a special feature.
- ?? They have submitted a lighting study and he noted there were special lighting requirements for banks and ATM’s.
- ?? The site would be screened by the landscaping.

- ?? The site has been thoroughly examined in terms of the archeological resources. He stated the resources start at about four feet below the surface. They will over-excavate the site and use a thin mat slab foundation system. There will be no drilling down through the middens.
- ?? The storm drainage system would be very shallow.
- ?? The mitigation measures were based on the archeological consultants review.

Commissioner Deignan asked if the roof section/parapet intended to screen the HVAC equipment was towards the backside of the building and he asked about the height of the fascia and edge of the hipped roof areas. Mr. Cousens stated they were all set at the same height- 29' to the top of the parapet and top of the roof section. The equipment is in the center. The ridge of the basic structure of the roof was at 25 feet and the eaves/fascia were at about 23 feet.

Planning Director Kaufman referred to the question from Commission Stahl about parking and stated they discounted a portion of the floor area for the handicapped restrooms and elevator shaft and they end up with a requirement of 41 parking spaces, which is what they are showing. They lost a couple spaces to accommodate the widening of the driveway.

Chair Heitkamp closed the Public Hearing.

Chair Heitkamp provided the following comments:

- ?? She is on the Heritage Preservation Board and is aware of the location of the middens. Middens are usually found at the base of a hill.
- ?? The parking is where the marsh used to be.
- ?? The siting of the building is appropriate in terms of the potential for discovering any archeological resources. It is also on solid ground.

Commissioner McCluney provided the following comments:

- ?? The building is tastefully articulated and designed.
- ?? The proposed location of the building and parking makes sense.
- ?? He liked the layout and design.
- ?? He could approve the heritage tree removal request, use permit, and height exception request.
- ?? The proposed ingress and egress along Sir Francis Drake Boulevard is addressed in the staff report and should not be a problem.

Commissioner Young provided the following comments:

- ?? The design is in keeping with the character of the shopping center.
- ?? This is a suitable location.
- ?? The curb cuts will work.
- ?? He could approve the heritage tree removal request, use permit, and height exception request. The proposed building is similar in height to other buildings in the area.

Commissioner Stahl provided the following comments:

- ?? His initial reaction was concern that they were burying the building behind all the parking.
- ?? The effect of the siting of the building is that the parking is overwhelming and the building feels jammed in the corner and detracts from the lovely knoll.
- ?? The building is too deferential to its neighbors, in particular the one along Sir Francis Drake Boulevard.
- ?? The building is pushed too far back from Sir Francis Drake Boulevard.
- ?? He would like to get rid of some of the parking on the site and he would not mind being more aggressive in terms of what they subtract from the gross floor area to come up with the net usable area and thus the required amount of parking.
- ?? The test for the curb cut should be not whether there is a problem but rather whether there is a benefit. He did not think there was a benefit. There is a legitimate concern about people coming out onto Sir Francis Drake and being able to get into the left turn lane.
- ?? He would prefer not to have an additional curb cut. He would like to get rid of a row of cars in front and allow parking along Sir Francis Drake and slide the building towards Drake Boulevard by about sixteen feet.
- ?? There is an opportunity to expand the courtyard space.
- ?? The height and the massing of the building are appropriate.
- ?? The building would fit in from a design standpoint.
- ?? The entrance to the lobby does not work very well and he felt there was a better solution.
- ?? He would encourage the use of drought tolerant plants material and permeable paving for the parking area.
- ?? He could not make the findings for the conditional use permit and cited Action Item #21, Plan Goal "H" (creating good pedestrian environments and a positive relationship to the neighboring buildings) which the project does not meet.

Commissioner Deignan provided the following comments:

- ?? This is the appropriate location for the building. It has historically been a shopping center with parking in front allowing sight lines along the corner.
- ?? The proposal is a reasonable and logical response to the conditions.
- ?? The staff report gives the Commission a good basis to move forward on the proposal.
- ?? Bringing the hip roof down to 25' helps to soften the front façade.
- ?? He could support the application.

Chair Heitkamp provided the following comments:

- ?? This is a site that is a known midden area where remains have been found.
- ?? A Cork oak would not be able to survive in bay mud.
- ?? She preferred siting the building on the solid ground of the former knoll than in the bay mud.
- ?? This was the proper location for the building.
- ?? She could approve the heritage tree removal permit, conditional use permit, and height exception permit.

- ?? The siting of the building was respectful of the two adjacent neighbors and it follows the pattern of the shopping center.
- ?? She has a major problem with the exiting onto Sir Francis Drake Boulevard. She did not mind the entrance.
- ?? The major entrance should be off of Bon Air Center.
- ?? She appreciated the sharing of the landscaping and stated that the back area was delightful. She asked if the parking in the back could also be shared. Mr. Cousens stated the parking was not monitored. Mr. Philip Simon, representing Greenbrae Management Inc., stated that the back lot was often full during the day. Sharing would be problematic.
- ?? She could not approve the application as she had major problems with the driveway onto Sir Francis Drake.

M/s, McCluney/Deignan motioned and the Commission voted 3-2 (Heitkamp and Stahl voted no) to approve DR/CAP/HT/UP/EX 07-23, 501 Sir Francis Drake Boulevard, subject to the findings and conditions set forth in the staff report, and with the deletion of condition #24, which was essentially the same as condition #13.

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

BUSINESS ITEMS

1. Commissioner Reports

Commissioner Stahl discussed a house for sale on Wiltshire Avenue and stated it represented an example of extreme over-development of a site. He noted no exceptions or variances were required for the improvements. Chair Heitkamp stated the Commission needs to address the FAR Ordinance. Planning Director Kaufman stated staff would bring the ordinance to the Commission for review.

Commissioner Young had a question about the number of planning and building applications reviewed per month. Planning Director Kaufman stated she did not know the exact number offhand but things have dropped off.

2. Planning Commission Minutes of October 23, 2007

M/s McCluney/Deignan motioned and the Commission voted 3-0 (Stahl and Young abstained) to approve the minutes of October 23, 2007 as submitted.

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary