

LARKSPUR PLANNING COMMISSION  
MEETING MINUTES OF JANUARY 22, 2008

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

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

Staff Present: Nancy Kaufman, Planning Director  
Neal Toft, Senior Planner  
Kristen Teiche, City Planner

### **OPEN TIME FOR PUBLIC EXPRESSION**

There were none.

### **PLANNING DIRECTOR'S REPORT**

- Staff is following the lead of the City Council and has made refillable water bottles available on the dais for the Commission.
- The Larkspur Café Theater is changing its name to the Sweetwater Station.
- She asked the Commission to discuss a Special Meeting date to review the Niven property application at the end of tonight's meeting.

### **APPROVAL OF CONSENT CALENDAR ITEM**

There were 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 599 sq. ft. (reduced from 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 0.29 to 0.37 (reduced from 0.38) where 0.16 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 now 7'2" from the lot line and a new second floor addition 5'2" from the lot line; (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; and (5) Heritage Tree Permit to allow the removal of an existing Coast Live Oak located adjacent to the proposed additions and the**

**northwesterly side lot line, within the Owlswood Drive public right-of-way. This item was continued from the November 27, 2007 Planning Commission meeting.**

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

Commissioner Deignan asked if the tree subject to the Heritage Tree Removal Permit was in the public right-of-way. City Planner Teiche stated the trunk was in the right-of-way but the canopy hangs over the property. Commissioner Deignan asked what the FAR would be if the family room were removed as suggested by staff. City Planner Teiche stated it would be reduced to .34 from the current design of .37.

Chair Young opened the Public Hearing.

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

- They tried to address the Commission's previous concerns in the redesign.
- The Commission's discussion covered a wide range of topics, including "reasonableness". They understood that the Commission felt the prior application was "reasonable".
- The lot is unique and there are no impacts to the neighbors.
- The neighbors support the application.
- The changes are not incremental given the size of the project: 1) 8% reduction of the FAR; 2) 14% and 10% reduction of the projection of the addition into the yard; 3) 15% reduction in the footprint.
- She referred to a previous report from the arborist that indicated that 25% of the foliage would be pruned but much of the crown would remain. They do not plan to remove the tree and the project has been designed around the tree. The redesign would result in less pruning.
- Other plantings could be used as screening.

Mr. John McCurnan, neighbor, made the following comments:

- He disagreed with the assertion that the project was looming and offensive.
- The project would be a welcome addition to the neighborhood.
- There are only five houses on the street.
- He asked the Commission to support the project.

Chair Young closed the Public Hearing.

Commissioner Deignan provided the following comments:

- There has been a reduction of approximately 50 square feet, which amounts to only an incremental subtraction from the total.
- He was not sure the entire family room should be removed.
- He acknowledged there have been no complaints from the neighbors but it is quite a bit over the allowable FAR without any other justification than they want that much space.

- This is an unusually shaped lot but there were previous comments by the Commission to seek other, less prominent locations for the addition.
- One of the FAR findings calls for the use of mass reducing techniques and the project did not fit the finding.
- He was concerned about setting a precedent.
- The codes should have meaning.
- He could not support the project.

Commissioner McCluney provided the following comments:

- He disagreed with the comments made by Commissioner Deignan.
- He was in favor of the project at the last meeting.
- He disagreed with the assertion that the project would have a looming effect.
- The location of the site is quite secluded and not surrounded by other properties.
- He is not concerned about the family room.
- The Commission looks at each project on a case-by-case basis.
- They responded to the Commission's previous comments.
- He could approve the Fence Height Exception and Variance for the side yard setback. He was not concerned about the tree.
- Though he favored the project, he noted that reducing the project by only 50 square feet was not a good response to the other Commissioner's concerns.

Commissioner Heitkamp provided the following comments:

- The house has an awkward floor plan and it was stated at the last meeting that the intent of the remodel was to improve the circulation. However, the remodel did not solve this problem and the family room addition is a totally isolated area. The entrance is still through the kitchen to the living room. The project does not work. Ms. Suzuki clarified that the back door enters the kitchen and the front door was down by the garage.
- She liked the look of the house and the addition above.
- She agreed with the staff recommendations.
- She is concerned about the precedent that would be set.
- She is concerned about the overall amount of addition requested in this project and throughout the City.
- She could approve the setback variance for the dining room but not the family room.

Chair Young provided the following comments:

- He agreed with the staff recommendations.
- He had a problem with the location of the family room and felt it would be "in your face" as one comes up the street. The visual mass and scale would be compounded by the nearness of the street and the fact it is elevated.
- He does not object to some increase in the floor area and felt it could be achieved in the existing footprint.
- He had no problem with the upper floor expansion.

- He had a problem with the side yard variance because it puts the mass right on the street.
- He could approve the Fence Height Exception.
- He agreed with Commissioner Heitkamp's concerns about the lack of efficiency and functionality of the proposal.
- The overall design could be reworked to keep the family room mass away from the street.

The Commission asked the applicants if they were willing to make the revisions recommended by staff or would they prefer a denial. Speaking for the property owners, Ms. Suzuki stated that they would prefer a denial. M/s, Heitkamp/Deignan motioned and the Commission voted 3-1 (McCluney voted no, Stahl recused) to deny DR/FAR/VAR/FHE 07-46, 15 Owlswood Drive, without prejudice, based on the Commission's comments. The findings for denial would be continued to the February 12<sup>th</sup> meeting as a Business Item.

Chair Young stated there was a 10-day appeal period after the findings for denial are approved.

- 2. DR/VAR/HT 07-70: 200 Acacia Avenue (AN 21-175-29). Darrell LeClair, applicant/property owner. Request for the following permits to allow approximately 1,800 sq. ft. of new additions to an existing 2,735 sq. ft. single-family residence, and removal of an existing 400 sq. ft. carport: (1) Design Review; (2) Variances from the 20' front yard setback to allow new first and second floor additions to extend within 4-6' of the front lot line; and (3) Heritage Tree Permit to allow the removal of the following three heritage sized trees located on the easterly side of the existing residence; one 30" diameter Deodora Cedar, one 38" diameter Monterey Pine, and one 25" Black Oak (arborists notes this tree is dead and beginning to decay).**

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

City Planner Teiche asked the Commission if they had any objections to a change in the roofing material from standing seam metal to composition shingle. The Commission did not object.

Chair Young asked if anyone in the audience would like to address this application. There was no response. He asked the applicant if he agreed to the conditions contained in the staff report. The applicant responded "yes".

M/s, Heitkamp/McCluney motioned and the Commission voted 4-0 (Deignan recused) to approve DR/VAR/HT 07-70, 200 Acacia Avenue, based on the findings and conditions set forth in the staff report.

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

- 3. DR/FAR/SUP/V/HT 07-79: 31 Piedmont Road (APN 21-121-04). Jared Polsky, Polsky Perlstein Architects, applicant; Eric and Sally Blatt, property owners. Request for the following permits to allow demolition of an existing single-family dwelling and construction of a new single-family dwelling of approximately 2,700 square feet of floor area on a 9,632 square foot lot: (1) Design Review; (2) FAR Exception to permit .28 FAR where no more than .14 FAR is permitted due to lot slope; (3) Slope Use Permit to grade approximately 583 cubic yards of earth (345 cubic yards excavation and 238 cubic yards fill) on a parcel of approximately 36% slope. This would result in approximately 106 cubic yards of off-haul; (4) Variance to locate the garage façade within 15' 3" of the front yard property line, where a front yard setback of 20' is require; and (5) Heritage Tree Removal Permit to remove two heritage trees: one approximately 120" circumference Douglas Fir located along the east property line; and one non-native, multi-trunk tree located in the front yard.**

Senior Planner Toft presented the staff report.

Commissioner Heitkamp asked if the elevation of the front façade was similar to the existing house. Senior Planner Toft stated the proposed house was not as wide and appeared to be as close to the street. He stated the house was angled back and the front corner of the house was at the location of the existing stairway. Mr. Jared Polsky, architect, stated the front façade elevation was at the same location as the existing house and was no closer to the street.

Commissioner Heitkamp referred to the cut and fill at the back and had questions about the drainage system. Senior Planner Toft stated the grading plan includes a preliminary drainage design. The plans include inlet and protection drainage around the rear yard. All retaining walls must be back drained.

Chair Young stated new construction should be conforming and he noticed the retaining wall was located in the street right-of-way at the corner of the driveway and adjacent to the sidewalk. Senior Planner Toft stated the Public Works Department does allow retaining walls to be in the right-of-way since it can be five to ten feet back from the edge of the street paving to the property line. This is not an unusual situation. The existing retaining wall would be replaced.

Chair Young asked if it would require a variance. Senior Planner Toft stated "no". Chair Young stated the retaining wall adjacent to the driveway extends to the right-of-way and could block future extension of the sidewalk. Senior Planner Toft stated the Public Works Department reviewed this and felt it was appropriate to continue the wall to retain the continuing hillside. Continuation of the sidewalk would require significant redevelopment of the adjacent property. Commissioner Stahl asked if the City could require the removal of anything constructed in the public right-of-way. Senior Planner Toft stated "yes".

Chair Young opened the Public Hearing.

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

- The house is 2,615 square feet on a constrained, hillside site.
- They heard the comments from the Commission at the last meeting- nice architecture, less cut, smaller house with more stepped massing.
- This is a thin, one room deep house that bends and steps with the topography.
- There is a lot of articulation in the front façade.
- The house will be well screened and does not block any of the neighbors' views, light, or air.
- This is a transition lot.
- The house would be located in the same silhouette as the existing house. The top floor is at the same level as the existing house. The front walls are in the same location.
- They have not heard any opposition from the neighbors.
- This is a contemporary design.
- They reduced the floor area by 270 square feet resulting in a 27.2% FAR. The average for the neighborhood is about 26%.
- They removed 236 square feet from the lower floor.
- They reduced the cut from 515 to 345 cubic yards.
- They reduced the off-haul by more than 50%.
- They reduced the fill from 270 to 238 cubic yards.
- If they did not fill the area behind the house they would have a big hole and a drainage problem.
- They are not trying to create vast, expansive patio areas. The rear patio exists.
- They did not try to make an extensive, flat yard in the front.
- They designed the hardscape and landscape to meet the Natural State Ordinance.
- They pulled in the kitchen, the master bedroom, and the sides of the house. They reduced the ceiling height in the master bedroom.
- They tweaked every room.
- This house would be a credit to Larkspur.

Commissioner Heitkamp asked about the drainage system in the back yard. Mr. Jared Polsky stated they met with the City Engineer and developed a detailed dissipater drainage system. Mr. Brad Hubbell, architect, corrected Mr. Polsky's statement and noted that the water from the site drains to drop inlets and then to the City storm drains. Commissioner Heitkamp stated she would prefer this system as opposed to a dissipater system.

Commissioner Stahl asked about the height of the proposed trees in the front yard. Mr. Hubbell stated the Carolina Cherry was an evergreen and would reach a height of about 25 feet. The Chanticleer Pear was deciduous and would reach a height of about 30 feet.

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

- The staff got it right and these were incremental changes. They were minimal relative to the basic mass and scale issues identified by the Commission.

- He apologized for calling the design “ugly” in his previous comments and noted the comment was irrelevant. The proposal does not meet the required findings.
- The assertion that this is a “transitional” lot is debatable. However, if this assertion is accepted, there is no way that this can be accurately characterized as a “transitional” structure as it does not include transitional elements. This is a hard-core, contemporary, industrial design that does not fit in this older neighborhood and on this conspicuous lot.
- He asked the Commission to consider the individuals in the neighborhood that are not speaking up in opposition to the proposal as he had heard others in the audience at the last meeting who were opposed to the design.
- He asked the Commission to reject the proposal.

Mr. David Lestenev, Piedmont Drive, made the following comments:

- He stated the proposal was attractive and he had no objections.

Chair Young closed the Public Hearing.

Commissioner Stahl provided the following comments:

- The bottom line is that anything other than a cottage would probably seem out of context to the neighbors that Mr. Holmes spoke to. He is empathetic to the discomfort that some neighbors may feel.
- This is a bold, contemporary design solution for the neighborhood.
- They should not decree that a certain style of house should go on the lot.
- The Commission did not deny the project at the prior meeting because it was the wrong approach but rather because the solution was a more nuanced one.
- He is comforted by the architect’s initial assessment of what the Commission wanted- balance out the cut and fill, step the façade, and “scrunch” the house up to reduce its visual presence.
- He is supportive of all the revisions.
- He can make the findings for design review, FAR exception, variance, and heritage tree removal permit.
- He referred to the Slope Use Permit request and stated staff brought up a good philosophical question- Was taking the cut and using it as fill to create a level lot on an otherwise sloping site consistent with the intent of the Hillside Development Ordinance? He stated this was arguable but he could support the slope use permit for this project
- He wanted to come back to the landscaping after the other Commissioners have made their comments.

Commissioner Heitkamp provided the following comments:

- She appreciated the changes that were made.
- She liked the design and the way it wraps around the site.
- The front façade setback is at the same location as the existing house, no closer to the street, and the addition steps back.

- The existing house looms over the street and the new design steps into the site.
- The FAR numbers in the neighborhood is a “mixed bag”. They have reduced the FAR and she could approve the FAR exception.
- She liked the balance of the cut and fill and would rather see the fill used on the site.
- Her initial concerns about the drainage have been alleviated.
- She could approve the heritage tree removal permit and variance application.
- She could support the project.

Commissioner McCluney provided the following comments:

- The modern design and architecture fits into the area well. This is a tasteful, modern addition to the neighborhood.
- They have responded to the Commission’s concerns.
- He could approve the project.

Commissioner Deignan provided the following comments:

- The two elevations (prior and current submittal) look very similar.
- He stated the “tweaks” improved the project, including the reduction in the FAR.
- There is a traditional design to the east and a “boxy” design to the west. There is a mix in the neighborhood and this is not a bad solution.
- This is a creative application for this site.
- The FAR is consistent with adjacent properties.
- He could approve the variance and heritage tree permit application.
- Staff made some worthwhile comments about the slope and hillside aspects and the Commission should look at this more closely in future applications.
- The drainage system in the back of the house was appropriate.
- He could support the application.

Chair Young provided the following comments:

- He agreed with all the comments made by the Commission.
- The design has been improved. It is still quite ambitious but the reduction in size is a step in the right direction.
- The balance of the cut and fill was an improvement.
- He could approve the variance and heritage tree permit.

Commissioner Stahl provided the following comments:

- The house would be a better fit in the neighborhood by using more appropriate front yard landscaping.
- They are proposing native vegetation for the back yard and non-native for the front yard. He recommended a condition that would require some native trees in the front yard for screening. Commissioner Heitkamp discussed several native species and stated the scale would not be appropriate. She stated the proposed landscaping was the right scale.

Commissioner Stahl agreed. Commissioners Deignan and McCluney stated although the suggestion was a good one they did not want to micromanage the landscape plan.

M/s, McCluney/Stahl motioned and the Commission voted 5-0 to approve DR/FAR/SUP/VAR/HT 07-79, 31 Piedmont Road, but continued the matter to the next meeting agenda for review of the findings and conditions of approvals.

Chair Young stated there was a 10-day appeal period after the findings and conditions of approval are approved.

## **BUSINESS ITEMS**

### **1. Distribution of Draft Design Guidelines and Submittal Requirements for Single Family Dwellings for future discussion**

Planning Director Kaufman presented the staff report. She asked the Commission to review the draft guidelines and e-mail comments to her before the first meeting in March.

Commissioner Heitkamp stated the more illustrations and drawings the better.

### **2. Commissioner's Reports**

Commissioner McCluney referred to the Green Building Ordinance and asked at what level (Silver, Gold, Platinum) a homeowner would need to consider installing solar panels. He stated he was thinking ahead about the Niven property development. Planning Director Kaufman stated the LEED Standards were still being developed for single-family homes. The Commission could recommend this as a condition of the Preliminary Development Plan. Commissioner Stahl stated it was pretty easy to obtain the Silver Certification and the required level would probably be Gold.

Commissioner McCluney announced it was his birthday. Everyone wished him a Happy Birthday.

### **3. Planning Commission Minutes from December 11, 2007**

M/s, McCluney/Deignan motioned and the Commission voted 5-0 to approve the December 11, 2007 minutes as submitted.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary