

LARKSPUR PLANNING COMMISSION  
MEETING MINUTES OF JULY 8, 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

Commissioners Absent: Jeff Stahl

Staff Present: Nancy Kaufman, Planning Director  
Kristin Teiche, Planner  
Ana Camaraota, Assistant Planner

**OPEN TIME FOR PUBLIC EXPRESSION**

There were none.

**CITY MANAGER'S REPORT on the City's possible purchase of property at 111 Lucky Drive**

City Manager Jean Bonander stated the City of Larkspur has negotiated and made an offer for the purchase of a piece of property that would serve as the Public Works Office/Corporation Yard site. Staff has been trying for many years to identify an appropriate place for these facilities and the need to find another location has been magnified due to the proposed Twin Cities Police Facility. Staff looked at a permanent site for the Public Works Office/Corporation Yard within Piper Park but there was much public concern about expanding the non-permeable footprint in the park. A piece of property came on the market in Corte Madera and staff performed an initial evaluation about the feasibility of the site for the Public Works facility. The property owner and the City came to an agreement on the purchase price on June 30<sup>th</sup> and the City is now in the "due diligence" period. The City is in the process of examining all pertinent reports (environmental, structural) and has a 60-day period to determine whether or not the site would meet the City's needs. She encouraged the Commission to attend the July 16<sup>th</sup> Council meeting where the matter would be discussed.

Commissioner Heitkamp asked about any complications that might occur in locating the facility in Corte Madera. The City Manager stated "of course" but noted that the Town of Corte Madera owns quite a bit of property in Larkspur in the area of the Sandra Marker Trail. It is not an uncommon occurrence and the City is investigating CEQA issues. The Town of Corte Madera is in the process of updating their General Plan and Larkspur has asked for a rezoning of the property to include Public Facilities. Commissioner Heitkamp asked if there would be adequate

space to combine the Larkspur and the Corte Madera Corporation Yards. City Manager Bonander stated there were expansion possibilities and the financing mechanisms would require that all the activities were municipally or non-profit based. She noted there were two other agency corporation yards in the vicinity. Larkspur is always open to suggestions.

Commissioner McCluney asked how the City would pay for the property. City Manager Bonander stated staff was looking at a financing mechanism called Certificates of Participation, which allows the City to purchase the property much like a private property owner would use a mortgage. The City would have a note and would not be overly concerned about the length of the mortgage since the facility would be used for a long time. The City would be receiving some compensation for the Town of Corte Madera for the Police Facility that would offset the costs. The Council has authorized her to examine all unused City owned property that might be available for sale.

Chair Young referred to the location and asked how it would be accessible during flooding. City Manager Bonander stated that would be a challenge and was one of the limitations to the site and the current Corporation Yard site. Staff is reviewing this issue and she noted Corte Madera is considering the development of a significant flood control project in that area. Staff is of the opinion that there are ways to mitigate some of the hazards due to flooding.

Chair Young asked if the existing building on the site would be converted to offices. City Manager Bonander stated "yes". She stated the parcel is approximately one acre and the existing facility is elevated and on pilings. It is between 8,000 to 9,000 square feet. Program studies indicated they would need a 5,000 to 6,000 square foot building. The existing building is in reasonably good shape, is ADA accessible, and has a sprinkler system.

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

- Tomorrow night the City Council would hold the continued public hearing on the Niven property project, The Rose Garden, and the appeal of the Planning Commission decision on 7 Palm Court.
- Planning Commission appointments would be made by the City Council on July 16<sup>th</sup>.
- Commissioner Stahl would like the Public Works Director to make a presentation on the Bon Air and Doherty Drive Bridge Improvement Projects.
- Chair Young won a Special award at the Marin County Fair for photography.

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

- 1. DR 08-37: 63 Cornell Avenue (APN 20-112-04). Pacific Design Group, applicant; Larry and Jill Knott, property owners. Request for design review approval to add approximately 989 sq. ft. of ground floor additions, with a roof elevation of 16'8", to an existing single-family residence  
Staff Recommendations: Conditional Approval**

Planning Director Kaufman stated there was an additional condition regarding the curb, gutter, sidewalk and driveway work

Chair Young asked the applicants if they agreed to the conditions. They responded “yes”.

On the Consent Calendar, M/s, Heitkamp/Deignan motioned and the Commission voted 4-0 (Stahl absent) to approve DR 08-37, 63 Cornell Avenue, based on the findings and conditions set forth in the staff report, including the additional condition recommended by staff.

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

## **PUBLIC HEARING ITEM**

- 1. DR/FAR 08-20: 54 Yale Avenue (APN 020-101-07). Chad and Leah Solter, applicants/property owners. Request for the following permits to construct a 495 square-foot second-level addition on a single-level residence, resulting in 3,348 square feet of total floor area on the 7,500 square-foot property: (1) Design Review, and (2) Floor Area Ratio (FAR) Exception to allow a 0.446 FAR where 0.40 is the maximum FAR permitted by the Code.**

Assistant Planner Camaraota presented the staff report. She noted there were recommended revisions to the conditions of approval on the dais. Planning Director Kaufman stated staff had difficulty with this application due to the Commissions’ concern about creeping FAR’s. Even though staff found this to be at the upper limit for the neighborhood, it meets the design guidelines and is a good example of how a second floor addition should be done.

Chair Young opened the Public Hearing.

Mr. Ralph Key, architect, made the following comments:

- The applicants’ are asking for an FAR exception due to the growing needs of their family.
- They would like to relocate the existing lower level small bedrooms to the upstairs so their children would have a place to study and play.
- The height was minimized to lessen the impact of the addition by following the same roof pitch and architectural style of the existing structure.
- They are utilizing the existing attic space as much as possible.
- The neighbors’ privacy would not be compromised since there are no windows on the back or towards the rear of the house.
- The two dormers that are stepped back from the front of the house are in keeping with the original design and will help articulate the front mass by stepping the façade back from the street.

- The six neighbors that would be most impacted are in support of the project.
- There are seven residences in a three block radius with FAR's ranging from 0.43 to 0.46.

Chair Young asked about the distance of the three-block radius. Mr. Key stated it was about 500 to 600 feet.

Mr. Brent Lauchle, Hillview resident, made the following comments:

- He supports the project.
- This is a family neighborhood.

Ms. Judy Kirshbaum, Harvard Drive, made the following comments:

- She supports the project.
- She would like families to stay in the neighborhood.
- She asked the Commission to approve the project.

Mr. Bob Marks, Hillview resident, made the following comments:

- This is a family neighborhood.
- There is a right way and a wrong way to do a project. The applicant's have gone to great lengths to make this aesthetically pleasing and to be considerate of the neighbors.

Mr. Bill Bane, Hillview resident, made the following comments:

- This is a great neighborhood for families.
- The proposal would be a nice addition to the neighborhood.
- He supports the project.

Chair Young closed the Public Hearing.

Commissioner Heitkamp provided the following comments:

- This project could be used as an example in the design guidelines on how to do a second floor addition by utilizing the attic space and breaking up the mass.
- It is high on the FAR scale but the design mitigates the additional square feet.

Commissioner McCluney provided the following comments:

- The support of the neighborhood was nice to see.
- This is a second story addition that "got it right".
- He noted that the Commission does not make decisions based on family size or dynamics but rather the ordinances and findings.
- The addition could have been done with slightly less square footage so it did not push the high end.
- They did a good job on the design even though it pushed the edge.

Commissioner McCluney provided the following comments:

- He is conflicted about the proposal.
- They have done the proper routine of centering and stepping back the mass.
- Each application should be judged on its own merits.
- This house is taller than the surrounding homes.
- The front setbacks are close to the street and the house would appear quite large.
- The proposal should be smaller.
- He could not make the FAR findings.

Chair Young provided the following comments:

- The addition pushes the FAR by about 348 square feet which is a considerable amount of area.
- The house is not overly large and is a reasonable development.
- The addition is reasonable and great care was taken in its placement.
- He could support the proposal.

Commissioner Heitkamp provided the following comments:

- The look of this neighborhood has changed greatly over the years.
- These were small homes to begin with but given the percentage of high square footage homes they have already maxed out the neighborhood in terms of numbers that are that high.
- The proposal is tastefully and skillfully done.
- The design mitigates the bulk of the house.

Commissioner McCluney provided the following comments:

- He agreed that the proposal is well done.
- He would have been happier with a 0.43 rather than a 0.45 FAR.
- There is nothing unique in the architecture that requires “pushing the envelope”.

Chair Young provided the following comments:

- He would have a tough time approving this proposal with another design.

In response to the comment on the building height, Planning Director Kaufman stated the irregular boundary of the flood zone requires that some homes within the neighborhood be elevated. The house was probably raised due to a flood zone issue. FEMA is updating their flood maps and it is possible that more of the neighborhood would be in the flood zone and that future remodels and additions will result in taller structures.

M/s, Heitkamp/McCluney motioned and the Commission voted 3-1 (Deignan voted no; Stahl absent) to approve DR/FAR 08-20, 54 Yale Avenue, based on the findings set forth in the staff report and the amended conditions.

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

## **BUSINESS ITEMS**

1. General discussion on such topics as application submittal requirements for design review and slope use permits; floor area ratio exceptions, and parking

Commissioner Heitkamp provided the following comments:

- The key issue was the below grade area that does not count towards FAR but creates bulk and mass.
- The FAR exception envisions a modest enlargement.
- She referred to Table #3 and stated she liked the idea of using percentages and implementing a variance procedure to go beyond the percentage.

Commissioner McCluney provided the following comments:

- A variance procedure would certainly give the Commission more teeth.
- He is not concerned about the below grade issue.
- Using Table #3 might change things and make new rules and procedures. He did not see a great deal of value added with the variance procedure.
- The system is not broken.

Planning Director Kaufman noted that if “variance” is referred to in the report, it is a mistake as “variance” is the wrong term; staff would highly recommend against a variance procedure since physical hardship findings do not work well for FARs.

Commissioner Deignan provided the following comments:

- Subarea does contribute to bulk, mass, and intensity of use.
- The City Council is not in favor of counting below grade space as FAR.
- They need something different, such as a cap, to discourage people from coming in with a request for two to three times the allowable FAR.
- They could look at whether or not to count carports towards the FAR.

Commissioner Heitkamp provided the following comments:

- The process should be simplified.
- The Slope Ordinance addresses the degree, and not the size, of the lot.
- It is a burden to staff to require a topographic map.

Chair Young provided the following comments:

- There are two types of below grade space- crawlspace and livable space.
- He would like to see the “livable” space treated as a realtor would treat it.

Chair Young opened the Public Hearing.

Mr. Ed Jameson, Meadowood Avenue, made the following comments:

- A licensed surveyor does slope calculations and there should be no staff work required.
- The issue of neighborhood FAR should not be a difficult thing.
- The County Assessor's Office numbers are not accurate but are fixable.
- The Commission should apply the laws that exist and not "wing it".
- The Commission is not empowered to take away property owner's rights.
- Heather Gardens is crying out for a legal FAR limit of 0.49 or 0.50.
- The lot split law is not open to interpretation and does not say that all structures must be on the unsloped portion of the property.
- There is nothing wrong with flag lots.
- The laws should be applied consistently.
- The Commission should not create a rule out of the exception.
- People invest an enormous amount of time and money before the Commission reviews the application.

Chair Young closed the Public Hearing.

Chair Young stated he would like the Commission to think about these issues and continue this item when there is a full Commission.

## 2. Commissioner's Reports

Commissioner Deignan reported on a discussion he had with a council member about the Commission's recommendations regarding the Niven property.

The meeting was adjourned at 8:53 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary