

LARKSPUR PLANNING COMMISSION
REGULAR MEETING MINUTES OF JANUARY 22, 2019

The Larkspur Planning Commission was convened at 7:00 p.m. in the Council Chambers by Chair Deignan.

Commissioners Present: Chair Monte Deignan, Daniel Kunstler, Laura Tauber, Ignatius Tsang, Todd Ziesing

Staff Present: Planning Director Neal Toft
Public Works Director Julian Skinner

OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

PLANNING DIRECTOR'S REPORT

- The year is off to a busy start - the building division has 69 permits submitted as of today. A good portion of them include permits for lateral repairs (due to the City's road paving program).
- There is a fifth Tuesday in January - the next Regular Commission meeting will be held on February 12th.

BUSINESS ITEMS

1. **GPC #18-47: General Plan Conformity Finding to permit the City to vacate and quitclaim a portion of the Walnut Avenue right-of-way to the adjacent property owner (Haramis) at 10 Walnut Avenue (APN 021-103-05 & -10).**

Planning Director Toft presented the staff report.

Commissioner Kunstler asked who held title to that piece of land between Walnut Avenue and the boundary of the applicant's property. Planning Director Toft stated the underlying title belongs to the inheritors of the property even though it is considered a right-of-way. Public Works Director Skinner stated the Walnut Avenue right-of-way was dedicated for use by the City on an old subdivision map. The presumption is that an adjoining property owner is the underlying fee owner for all dedicated streets unless there is something that is stated to the contrary. The sub-divider (Jegen family) came forward and claimed rights to the underlying property. The City's looks at whether this right-of-way will be needed for public use in the foreseeable future, and if not, the City can vacate the right-of-way over that property. Ownership of the property is a separate process that the homeowner would undertake. The homeowner would then need to merge that vacated right-of-way into their parcel. The City does not own the land but is giving up the public use over that portion of property.

Commissioner Tauber asked about the history of the property and why so much is built in the right-of-way. Planning Director Toft stated there is no clear record. The rights-of-ways are much wider than the actual roadways and it is not unusual for garages, carport, and accessory structures to be located in the rights-of-ways. This is one of the oldest area in the City.

Commissioner Kunstler asked where the property line to the south would be located once the right-of-way was relinquished. Planning Director Toft stated the property line on the south side (towards Madrone Avenue) would not move. It would expand to the west and directly up towards Walnut Avenue. Commissioner Kunstler asked if the street light was in the right-of-way or on the property.

Public Works Director stated it is within the right-of-way – The lines would be located in an easement.

Chair Deignan opened the meeting to public comments.

Mr. Anton Haramis made the following comments:

- He owns 10 Walnut Avenue.
- This has been a complicated and messy situation.
- The street right-of-way is sixty feet and is off-set.
- The street light pole is not in the requested title area.
- He has gone through the time, pain, and expense of going through a “quiet title” process and has negotiated a quit claim with Mr. Jegen.

Mr. James Holmes, Larkspur, made the following comments:

- The City was originally subdivided by the Wright family.
- The Wright’s retained title to all the streets giving the City a right-of-way only.
- All of the property was bequeathed to Ms. Jegen and then to her son.
- He pointed to a yellow line and asked if that indicated the vacation. Planning Director Toft stated “yes”.
- He did not agree with the way it has been drawn- it is more rectangular.
- He pointed to a parking area in front of the applicant’s lot and stated it was public parking that is frequently used.
- Parking is scarce in this area and citizens should be able to use the parking.
- He referred to General Plan policies to maintain and enhance transportation systems and circulation.
- The City should not relinquish its rights relating to public parking- vacation would be contrary to the General Plan.

Public Works Director Skinner stated the new right-of-way line will be drawn behind the existing utility pole and where people park. This area is not paved (gravel) and is very informal. It is consistent with what is on the rest of Walnut (white boxes). The City does not want to own the improvements that are further downslope. No public parking is being removed. Staff could include in the report to the Council that those spaces in front of the lot are to remain public parking spaces.

Chair Deignan closed the meeting to public comments.

Commissioner Tauber provided the following comments:

- It makes sense to move this forward for approval by the Council.
- The situation is “a little weird” - She appreciated the homeowner’s perspective.
- She understood Mr. Holmes’ concern about parking.
- Parking should be maintained on the street.

Commissioner Ziesing provided the following comments:

- He supports this proposal.
- There are no significant benefits in terms of entitlements.
- Greater clarification about the parking should be added to the motion.

Commissioner Kunstler provided the following comments:

- He supports moving this forward to the Council. It makes sense.
- He does not have an issue with the parking. He is not sure the purpose of the right-of-way is to supply parking.

- He raised a concern regarding inconsistencies in the lot and map references within the resolution. He asked if the resolution should refer only to Lot 4B.

The Planning Director Toft consulted with the Public Works Director Skinner and concluded that that they had referenced the wrong map in the resolution. He recommend that the resolution refer to the map entitled "Re-subdivision of Block Y, Larkspur, filed in Book 4 of Maps at page 26, Marin County Records"

Commissioner Tsang provided the following comments:

- He supports this proposal.
- Maintaining public parking would be a good thing.

Chair Deignan provided the following comments:

- It makes sense to clean up a paper street problem.
- The parking spaces should be left in the public right-of-way and not the new parcel.

Chair Deignan reopened the meeting to public comments.

Ms. Tara Sutton, Walnut Avenue, made the following comments:

- She asked if an owner who builds a retaining wall specifically for providing public parking would own the parking. Chair Deignan stated parking in a right-of-way was public parking.
- The City should maintain the public parking.

Public Works Director Skinner stated the parking would be for public use unless there is a license agreement for the property owner's sole use. Street maintenance is done by the City. The area beyond the traveled way of the street is the responsibility of the abutting property owner.

Chair Deignan closed the meeting to public comments.

M/s, Ziesing/Kunstler, motioned and the Commission voted 5-0 to adopt Resolution No. 01-19 and recommend that the Council approve GPC #18-47. Consistency is based on merging all three parcels (4B, 4C and 4D) depicted on the map entitled "Re-subdivision of Block Y, Larkspur, filed in Book 4 of Maps at page 26, Marin County Records". There should be clarification about the distinct parking area outside of that public right-of-way.

2. Election of Officers for 2019 (Chair, Vice Chair, and Chair Pro-Tempore)

M/s, Kunstler/Tauber, motioned and the Commission voted 5-0 to elect Commissioner Ziesing as Chair, Commissioner Tauber as Vice-Chair, and Commissioner Tsang as Chair Pro-Tempore for 2019.

3. Review of 2018 Permit Application Activities and upcoming projects and programs for 2019

Planning Director Toft presented the staff report. There were 56 applications submitted in 2018 with 16 carried over into this year. There were a two denials and no appeals filed in 2018, which reflects a pretty effective review process. The list also reflects several policy or program matters. Staff is working on making the in-house tracking list more accessible to the public and the Commission. He summarized some of the upcoming work: 1) Review of the General Plan Circulation Element and Land Use Element; 2) Annual reporting for HCD on the Housing Element; 3) Review of the Accessory Dwelling Unit Ordinance; 4) Update to the Telecommunications Ordinance with respect to

5G technology; 5) Review of the Draft Climate Action Plan; 6) Working on records retention; 7) More code enforcement activities; 8) Update of the California Building Code and Green Building Code.

Chair Deignan stated it was very helpful to look at what happened last year and also what was ahead for the year.

Commissioner Ziesing stated he would like to see a list of permits that have been completed (final inspections), perhaps on a quarterly basis. Planning Director Toft stated that presents a more challenging tracking process. He will consider that - staff would certainly try to be more proactive in giving the Commission a heads-up when significant projects are completed.

Commissioner Kunstler asked if the two denials included projects that came back within the year and were ultimately approved. Planning Director Toft stated "yes".

4. Planning Commissioner Reports

Commissioner Kunstler stated he was asked by a resident about the number of private vehicles going up King Mountain on the fire roads (past Ward into the Open Space). Planning Director Toft stated he thought there was a gate. Public Works Director Skinner said he would get more information and report back.

5. Approval of minutes of Planning Commission meeting on December 11, 2018

M/s, Kunstler/Tauber, motioned and the Commission voted 5-0 to approve the minutes from the December 11, 2018 meeting as submitted.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,
Toni DeFrancis,
Recording Secretary

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Larkspur Planning Commission on January 26, 2019.



Neal Toft, Planning Director