

LARKSPUR PLANNING COMMISSION  
REGULAR MEETING MINUTES OF SEPTEMBER 28, 2021

The Larkspur Planning Commission was convened at 7:00 p.m. by Chair Wagstaff via teleconference due to Coronavirus (COVID-19).

Commissioners Present: Chair Brock Wagstaff, Natasha Chalmers,  
Daniel Kunstler, Laura Tauber

Commissioners Absent: Jeffrey Swisher

Staff Present: Planning Director Neal Toft  
Senior Planner Kristin Teiche  
Planning Consultant Lorraine Weiss

### OPEN TIME FOR PUBLIC EXPRESSION

Mr. Kevin Haroff stated he is speaking as a private citizen and not as the Mayor of Larkspur. He is concerned about the project at 50 La Cuesta Drive which entails major modifications to the height, extent, and bulk of an existing roofline. The property is level and does not have the topographic characteristics the City had in mind when it approved amendments to the Design Review Code. He is asking that the Commission support his request for review of the project by the City Council.

Mr. James Holmes agreed with the comments made by Mr. Haroff and supported his request.

### PLANNING DIRECTOR'S REPORT

- There is a tentative proposal to develop transitional housing for the homeless on a vacant property at 1251 South Eliseo Boulevard. The building has been vacant for many years but was the former location of Marin Services for Women. The proposal is called Project Homekey and would include a partnership with the County and other not-for-profit organizations. He clarified it is not a homeless shelter.
- The City Council will be hearing a presentation from the Marin County Housing Authority on AB 686 at its October 6<sup>th</sup> meeting. The Council will also consider a Climate Emergency Resolution as well as review a preface to the Climate Action Plan.
- Staff has been working with the EMC Planning Group on the Housing Element process.

Chair Wagstaff had a question about the number of low income units at the South Eliseo address and the Project Homekey proposal.

### PUBLIC HEARING ITEMS

1. **UP #21-34, 110 Magnolia Avenue; APN 021-181-14; Celeste Ezell, Chronos Academy, applicant; Redwood Presbyterian Church, owners; R-1 (First Residential) Zoning District. Applicants are requesting a Conditional Use Permit (CUP) to allow a private educational/school use at the Redwood Presbyterian Church. The use is proposed to involve up to 5 teachers and 2 staff members serving up to 32 students in three classrooms and an administrative space in the lower floor of the facility. The school activities are proposed to occur typically 4 days a week from 8:30 AM to 3:30 PM and optional morning extended care and afternoon enrichment classes from 8:00 am to 5:00 PM.**

Planning Consultant Weiss presented the staff report.

Chair Wagstaff asked if there would be a crossing guard at that busy intersection. Consultant Weiss stated “yes”. Chair Wagstaff would like to see flashing lights installed at that crosswalk. Senior Planner Teiche stated she was not sure the Commission could adopt this condition. Staff could send a recommendation to the Public Works Department. Planning Director Toft stated this crosswalk might be identified in the Capital Improvement Budget for that type of improvement.

Commissioner Tauber asked if the school would be operating the same four days a week. Consultant Weiss stated it would be Monday through Thursday. Commissioner Tauber asked if there would be no kids there on Friday. Consultant Weiss stated that was her understanding.

Commissioner Chalmers asked if they could be held to the four days a week schedule. Consultant Weiss stated they could be held to the operational program provided in the project description. A future operator would need to revise the Conditional Use Permit.

Chair Wagstaff opened the Public Hearing.

Ms. Celeste Ezell, applicant, made the following comments:

- The application says that the after school enrichment classes are four days a week. It does not say the regular school hours are four days a week.
- The school hours are Monday through Friday, 8:30 a.m. to 3:30 p.m. After school classes are 3:45 p.m. to 5:00 p.m. four days a week.
- They are not typically there on the weekends.

Commissioner Tauber asked how many years the school has been operational. Ms. Ezell stated this is their third year as a private school and she has owned the business for fifteen years. Commissioner Tauber asked if the current enrollment was at capacity. Ms. Ezell stated “no”. They have twelve students and three staff. Commissioner Tauber asked when they would move in. Ms. Ezell stated as soon as the application is approved. Commissioner Tauber asked about the expected increase in enrollment. Ms. Ezell stated they would probably have twenty to thirty students by next fall. Commissioner Tauber asked about the type of students this school attracts. Ms. Ezell stated they are a micro-school and typically attract gifted students and ones with mild learning differences who would benefit from a small classroom. Commissioner Tauber asked where these students typically go to high school. Ms. Ezell stated prior students went to Archie Williams, Marin Academy, San Dominco, Marin Catholic, and a boarding school.

Commissioner Kunstler asked about the legal status of the school- 501(c)(3), etc. Ms. Ezell stated they are in the process of becoming an “S” Corp but are currently a sole proprietorship. Commissioner Kunstler asked about the accreditation profile. Ms. Ezell stated they are too new to be accredited. Commissioner Kunstler noted there is no on-site parking for parents and recommended if there are more than three cars at the stop sign then parents should go around the block. Ms. Ezell stated that is great advice.

Ms. Kristin Bennett, Alexander Avenue, made the following comments:

- She did not receive any notice about this application.
- She was concerned about the traffic, parking, and litter.
- The classes would look into her back yard. She is concerned about her privacy.
- Marin Primary is right across the way.
- The application should be denied.

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

- This is a continuation of the status quo and not a substantial increase in use from what has occurred for a number of years.
- There have been schools at this location before with the same level of activity.
- There are huge Redwoods on the property that would provide privacy.
- The applicant should pay attention to the litter issue.

Senior Planner Teiche pointed out the location of the classrooms.

Chair Wagstaff asked if the handicapped bathrooms, etc. have been accounted for. Consultant Weiss stated the bathrooms appeared to be accessible.

Commissioner Tauber asked about the length of the lease. Ms. Ezell stated the lease is for one year with an option to renew a year at a time.

Ms. Bennett made the following comments:

- The fence that has gone up was at the request of the church.
- The Redwoods do not screen for privacy.
- The issues of traffic and parking remain and perhaps the church or school could put in a parking lot.

Chair Wagstaff closed the Public Hearing.

Commissioner Kunstler provided the following comments:

- He asked if the Conditional Use Permit includes a cap on the number of students allowed to enroll. Consultant Weiss stated the cap is specific to the project description (up to 32 students, 5 teachers, and 2 administrative staff).
- The Commission is not authorized to regulate or police the behavior of an applicant.
- He does not see a major impact to traffic or parking given the limited number of students and staff.
- He would welcome an aggressive Traffic Management Plan on the part of the applicant.
- There is no reason to deny the application.

Commissioner Chalmers provided the following comments:

- The lease for the school is one year and she asked if the CUP exists longer than a year. Consultant Weiss stated the use runs with the land but would expire if the school discontinues operations for 180 consecutive days or longer.
- She noted the close proximity of Ms. Bennett's house to the church.
- This is a natural conflict between new uses and existing residences.
- This is a good adaptive use of the existing space in the church.
- It has been previously used for classrooms with success.
- She is inclined to make the CUP Findings.
- She agreed with Commissioner Kunstler about the potential traffic issues.
- Parking is lacking significantly.
- She would welcome some investigation into the traffic.

Commissioner Tauber provided the following comments:

- There are a lot of cars that drop off and pick up students at Marin Primary.
- Baseball games occur at Joe Wagner Field on the weekends but practices are scheduled during the week.
- Magnolia and Alexander Avenue has a lot of Neil Cummins traffic.

- The parking issue is about the staff and not the parents dropping off students.
- This church has a long history as an “incubator” for schools.
- This is a continuation of a use that is approximately at the same level. It is not inconsistent with the historical use of the space.
- She supports the application.

Chair Wagstaff provided the following comments:

- He is concerned about the traffic.
- It would be nice if there was a space for students to run around.
- He asked if this application could be reviewed by the Commission in one year. He wants to see the interface with the neighborhood.
- He supports a small school but has some misgivings about this location.

M/s, Tauber/Kunstler, motioned and the Commission voted 4-0-1 (Swisher absent) to approve UP #21-34, 110 Magnolia Avenue, subject to the findings and conditions set forth in the staff report.

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

## **BUSINESS ITEMS**

### **1. GPC #21-36, General Plan Conformity Findings to permit the City to vacate a portion of Laurel Avenue right-of-way the adjacent property owner at 24 Laurel Avenue, APN 21-084-04, R-1 Zoning District**

Senior Planner Teiche asked if there were any questions.

Commissioner Tauber noted the City recently gave the applicant permission to build a dining room into the easement and she asked if there was any financial remuneration to the City. Senior Planner Teiche stated “no”.

Commissioner Chalmers stated she is disappointed that the City cannot receive a financial gain. Senior Planner Teiche stated the land is owned by the public and the City cannot ask for money for its value.

Planning Director Toft reiterated it is a public right-of-way and there are certain procedures prescribed in the Streets and Highway Code that allow for abandonment. The City does not own it as “fee title” to sell. He will asked for clarification from the Public Works Director since staff is seeing more of these requests. He discussed the liabilities related to these areas.

Chair Wagstaff asked if there would be an increase in the property owner’s Property Tax bill. Planning Director Toft stated he did not know. Commissioner Kunstler stated there would be an increase if improvements were made.

Chair Wagstaff opened the meeting to public comments.

There were no comments.

Chair Wagstaff closed the meeting to public comments.

M/s, Chalmers/Kunstler, motioned and the Commission voted 4-0-1 (Swisher absent) that as proposed, the purpose, location, and extent of vacation of a portion of the Laurel Avenue right-of-way, adjacent to 24 Laurel Avenue, is consistent with the Larkspur General Plan. Although Action

Program 7 of the Trails and Paths Element of the General Plan calls for the use of paper streets as public trails or paths, this area is unsuitable for this purpose. Further, the proposed vacation applies only to the excess right-of-way width that is not needed for the purposes of maintaining an adjacent roadway, maintaining on-street parking and existing City maintained facilities.

The Commission expressed disappointment that the City is not able to seek remuneration for the land.

## **2. Approval of Minutes from the August 24, 2021 meeting**

M/s, Kunstler/Chalmers, motioned and the Commission voted 3-0-2 (Swisher absent, Tauber abstained) to approve the minutes from the meeting of August 24, 2021 as submitted.

## **3. Planning Commissioners Reports**

There were no reports.

The meeting was adjourned at 8:16 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 \_\_\_\_\_.

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Neal Toft, Planning Director