

Fairfax Planning Commission Meeting
Fairfax Women's Club
December 20, 2007

The meeting was called to order at 7:30 PM.

ROLL CALL

Commissioners present: Peter Lacques
Brannon Ketchum

Alec Hoffmann (arrived at 7:59 PM)
Barbara Petty
Chair Pam Meigs

Commissioners absent: Shelley Hamilton

Staff members present: Ann Welsh, Planning Director
Linda Neal, Senior Planner
Amy Dunnigan, Minutes Clerk

APPROVAL OF AGENDA

M/S, Petty-Lacques motioned to approve the agenda.

AYES: All (4)

CONSENT CALENDAR

25 San Gabriel Drive; Application # 07-49

Request for a Use Permit to construct a 70sf addition to an existing 3,040sf single-family residence; Assessor's Parcel No. 001-261-03; Residential Single-family RS 7.5 Zone; Brian Brown, architect/applicant; Jill and Peter Holbrook, owners; CEQA categorically exempt, § 15301(e)(1).

M/S, Ketcham-Petty motioned to approve consent calendar.

AYES: All (4)

APPROVAL OF MINUTES FROM 11-15-07

Commissioner Lacques made a change to the last paragraph on page 7 of the minutes, indicating that he said, "because Fairfax was much smaller than Berkeley that Fairfax could *not* substitute bicycles for cars". .

Chair Meigs stated that midway on page 1 of the minutes the date should read, "October 18th not November 15th".

M/S, Hamilton-Petty motioned to approve minutes.
AYES: All (4)

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments on non-agenda items.

COMMISSIONER COMMENTS AND REQUESTS

Chairperson Meigs requested for the January public hearing that a resolution for Commissioner Madsen (for support/appreciation) be drawn up. The meeting will be the third Thursday of January, 01/17/2008). The workshop was moved to the 10th of January per Chairperson Meigs.

Due to the lack of a quorum of Planning Commissioner's necessary to act on agenda item # 3, the Commission moved on to agenda item #4.

Director Welsh noted from sub-committee meeting 12-18-07:

The recommendation from the sub-committee to Housing and Community Development (HCD) was to inform them that the Town had adopted a second ordinance and describe the Mixed Use Overlay Zone that had been discussed so far. Projects that were in progress (affordable housing and herbivore restaurant) had previously been discussed. It took approximately 6 weeks to get a response from HCD for comments. Director Welsh proposed the Commission move forward with the Mixed Use Overlay Ordinance and have Larry Kennings help with guidelines as Mr. Kennings didn't believe it would take a lot of work to come up with guidelines and amendments. Design elements could still move forward while the Commission waited for a response from HCD.

Chairperson Meigs explained that the sub-committee meetings were ad hoc meetings and that the entire housing element was done by sub-committee. Commissioner Ketcham felt comfortable with the sub-committee working on the housing element issues, but felt some issues were too vague (e.g. the parking).

Director Welsh said she would draft a letter to HCD and if there were any gaps, they could be filled in, but hoped to have a draft possibly by the 10th of January.

Senior Planner Neal stated there were no fees for merging parcels voluntarily and Chairperson Meigs reminded the Board that the letter would be only a draft.

ACTION: Chairperson Meigs stated that the density bonus would be brought back to the sub-committee.

**At 7:57 PM, Senior Planner Neal advised that Commissioner Hoffman was en route to the meeting.

**Hoffman arrived 7:59 PM.

PUBLIC HEARING

133 Live Oak Avenue; Application # 07-50 in Request for a Use Permit, Setback Variance and Variance of the .40 Floor Area Ratio limitation to construct a 866.25sf lower floor living addition to an existing 1,253sf single-family residence; Assessor's Parcel No. 001-236-02; Residential RD 5.5-7 Zone; Thomas Meece, applicant; Susan Pons, owner; CEQA categorically exempt, § 15301(e)(1).

Senior Planner Neal gave the staff report indicating that the proposal was to increase the residence 833 square feet and because the project was not a 50% remodel, it did not require design review, but a Town Use Permit only. Approval of the project was recommended based on what was found in the Report.

** 8 PM Lacques had to recuse himself because he resided within 300' of the residence.

Commissioner Petty questioned how the dollar amount per square foot cost was calculated. The \$132 per sq cost for new construction is really more like \$300-\$400 per square foot at the time of the meeting. Senior Planner Neal stated the fee analysis and increase was on the list of things to accomplish and that the values were what the Council provided at this time and the Town was aware that the estimates were low.

Senior Planner Neal explained that the deed restriction for the project would state that the house was to have only one kitchen and was to be used as a single family dwelling.

Commissioner Ketcham asked what the parking requirement was for a six room house. Senior Planner Neal replied that there were only 3 spaces required and that the residents do not have a way to physically provide any additional parking .

Chairperson Miegs stated Commissioner Lacques should sit in and comment as a neighbor, but not as a Commissioner.

Tom Meese, the project Structural Engineer, indicated that he created the plans and felt it was a good idea and that the owners should consider solar panels when questioned by Commissioner Hoffman about the residence's southern exposure and green building options.

Commissioner Petty felt that the program is for affordable housing and the size of the unit was too large to be considered affordable housing.

Director Welsh said 750 square feet was used as sizing for affordable limitations.

Commissioner Petty said they'd gotten points over for green building and that variances could be considered.

Senior Planner Neal stated that the green standards were created by the previous planning director.

Commissioner Ketcham confirmed that the standards were decided on by the Commission.

Suan Pons, the owner said if they could possibly replace the upstairs windows, they would, but that it was a matter of affordability. They did not have plans to create a duplex and were willing to document that. The upstairs would be for her mother, so her mother will never have to use stairs as she ages. The upstairs was insulated, but the windows were in need of replacement.

Peter Lacques, resident of 130 Live Oak Avenue, stated he supported the project and that there were three houses built identically and pointed out that the others had built out of the bottom and looked nice. He did not foresee any problems.

Chair Meigs closed the public hearing.

Commissioner Petty stated she was pleased that the applicant stepped up and advised of the family's plans and that seeing the extended family present at the meeting and hearing the family's intentions really helped.

Commissioner Hoffman proposed to Staff that the materials and technologies be specified in the ordinance.

Senior Planner Neal stated that the Ordinance just contains a big list by categories at the time of this application.

Commissioner Hoffman felt the application certainly exceeded the standard green building techniques, but questioned the percentage of fly ash used in the foundation be updated (20-25%) in the future and would also request 90% efficiency in the water heaters, non-VOC paint, etc.

Engineer Meese stated that for the concrete they were really close to the .4

Suan Pon, the owner, indicated that she wanted to use denim for insulation and stated the planning codes were vague. Fly ash or anything reasonable would be reviewed and considered.

Chairperson Meigs stated she was uncomfortable requiring the owner to do anything beyond what was included within the ordinance and she would not vote to impose upon the applicant more changes. Commissioner Meigs stated that the ordinance would need to go back to the Council as it is not up-to-date.

M/S, Petty-Hoffman motioned to approve # 07-50 with 4 additional conditions "1) the applicants shall complete a deed restriction stating there shall only be one kitchen, 2) The Town Engineer shall review and approve the project plans and soils report prior to issuance of the building permit. The Town Engineer's time shall be paid for by the

owner., 3) 20% fly ash be used in all concrete work, and 4) that the furnace be 90% efficient”

Commissioner Ketcham confirmed each individual item counting as a separate point.

AYES: All (4 - Petty, Hoffman, Meigs, Ketcham)

Commissioner Lacques rejoined the commission at 8:55 PM.

M/S, Meigs-Hoffman motioned to adjourn meeting at 8:55 PM.

Respectfully submitted,

Amy Dunnigan
Minutes Clerk