

TOWN OF FAIRFAX PLANNING COMMISSION MEETING

Minutes

June 21, 2007

CALL TO ORDER

Chairperson Meigs called the meeting to order at 7:35 p.m.

ROLL CALL

Commissioners present: Bill Madsen, Barbara Petty, Alec Hoffmann, Chairperson Pamela Meigs, Peter Lacques, Shelley Hamilton, and Brannon Ketcham.

Commissioners absent: None

Staff present: Planning Director, Ann Welsh; Senior Planner, Linda Neal; Minutes Clerk, Susan Waters

APPROVAL OF AGENDA

M/S Commissioner Madsen moved to approve Agenda as presented and Commissioner Ketcham seconded the motion.

ALL: AYES

APPROVAL OF MINUTES

1. Minutes from May 3rd, 2007 and May 17, 2007 Planning Commission meetings.

➤ May 3, 2007 Minutes

M/S Commissioner Petty motioned to approve the Minutes from May 3, 2007. Commissioner Hamilton seconded motion.

ALL: AYES

➤ May 17, 2007 Minutes

M/S Commissioner Petty motioned to approve the Minutes from May 17, 2007. Commissioner Ketcham seconded the motion.

ALL: AYES

Commissioner Madsen and Chairperson Meigs abstained due to their absence at May 17th meeting.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Diana Purdue – 199 Scenic Road

Mrs. Purdue expressed concern that the owner/builder has not responded regarding discrepancies. She said the Permit has not been checked off. She is concerned that policies and procedures have been ignored. During the past few months, the family has been at the address sporadically. Today movers have moved the family. She is requesting the occupancy permit be revoked on the dwelling until all deficiencies are corrected. Mrs. Purdue thanked the Commission.

Planning Director Welsh shared that a letter from Irv Schwartz, Engineer, has been received regarding the property and that the Town Engineer, Ray Wrynski must respond by tomorrow. Director Welsh said a completeness letter is due by the 24th. The berm is still an issue and could create water problems for other neighbors on Scenic. Ray

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Wrysinski is trying to come up with a solution. The item may be on the August of September agenda depending on the timing of a response.

Commissioner Hamilton inquired if the Griffonis responded to the landscape requirements, adding planter boxes and fences.

Director Welsh said the Griffonis did submit landscape plans prepared by a landscape designer and that the plan shows additional planting. She was not aware of the occupants leaving the property.

Commissioner Madsen asked if the matter could be placed on a public hearing agenda, especially if the property goes up for sale.

Director Welsh indicated there must be a resale inspection and outstanding items may be addressed at that time. The Town Attorney would need to advise measures the Town could take to make the owners address outstanding items.

No other public comments were made.

COMMISSIONER COMMENTS AND REQUESTS

Chairperson Meigs shared that there is a good Affordable Housing article in this week's Pacific Sun related to Marin County and may help with the Mixed Use Overlay that the Planning Commission is currently working on.

Commissioner Lacques commented on two issues regarding flooding, water conservation and possible drought cycle. He would like to discuss at a future Planning Commission meeting to review plans for sisterns, water conservation systems and plans for water control. He is interested in water retention systems on roofs to collect rainfall. He suggested bringing these ideas up in future meetings to provide significant water savings.

Chairperson Meigs recommended that Commissioner Lacques bring this suggestion to the GPAC Committee as Director Welsh and Larry Kennings are working with the GPAC on these in relation to the General Plan and related topics. She reminded the group that there are water tanks in the Cascades for emergency use.

Director Welsh shared that a few weeks ago the Town Council requested that the Town may need an ordinance for a broader array for water retention and increased permeability. Marin County is developing guidelines for different municipalities to adopt and a guidebook is being prepared. A workshop for Marin County Planning Directors is scheduled for July 26, 2007.

CONSENT CALENDAR

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2. 610 Cascade Drive; Application #07-20

Request for an Excavation/fill Permit to deposit 15 cubic yards of material into an existing single-family residence in order to abandon it: Assessor's Parcel No. 003-012-06 and 003-022-16; Residential Single-family RS 6 Zone; Larry Beck, applicant/owner; CEQA categorically exempt, §(1)(4).

Chairperson Meigs invited anyone from the public to speak on this item. No public member came forward.

Commissioner Ketcham requested clarification on information received for 610 Cascade Drive.

Senior Planner Neal said that the staff recommends removing condition of approval because the deed restriction is no longer needed. She indicated the owner, Larry Beck was present tonight. She explained that for the area of fill for 610 Cascade, the owner will provide a letter from their engineer certifying that it has been completed and therefore the deed restriction is no longer needed.

Commissioner Petty motioned to approve the consent calendar as amended, removing item #2 from the Consent Calendar to the first item under Public Hearing Items.

Commissioner Lacques seconded.

ALL: AYES

Opposed: None

3. 201 Cascade Drive; Application #07-04

Request for a modification of a previously approved Use Permit for a 317 sf pool house/play room adjacent to an existing single-family residence: Assessor's Parcel No. 003-134-10; Residential Single-family RS 6 Zone; Morgan Hall, applicant/architect: Scott and Erinn Lance, owners: CEQA categorically exempt, §15303(e).

No one from the public was present to speak on this item.

PUBLIC HEARING ITEMS

1. 610 Cascade Drive; Application #07-20

Request for an Excavation/fill Permit to deposit 15 cubic yards of material into an existing single-family residence in order to abandon it: Assessor's Parcel No. 003-012-06 and 003-022-16; Residential Single-family RS 6 Zone; Larry Beck, applicant/owner; CEQA categorically exempt, §(1)(4).

Senior Planner Neal clarified that a lot of times when people fill swimming pools, they do not want to go the extra step to provide an engineering report stating that the area has

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been compacted to a degree to allow safe construction in the future. This makes potential buyers feel at risk. The added restriction alerts future buyers. This owner is providing a letter from an engineer certifying that the fill has been compacted to support future construction.

M/S Commissioner Ketcham motioned to approve Application #07-20 based on conditions and subject to the findings in the staff report. The Building Inspector will perform a final inspection of the site to approve the fill of the pool and the condition for notice of the fill for the deed restriction will be removed and a letter from a civil engineer will be provided to certify that the work has been completed. Commissioner Lacques seconded.

ALL: AYES

Opposed: None

2. 75 Rocca Drive; Application #07-21

Request for a Use Permit, Front Setback Variance and Parking Variance to legalize the expansion of an existing single family residence that increased the residence square footage by 280 sf from 846sf to 1,126sf: Assessor's Parcel No 001-225-22: Residential Single-family RS 6 Zone: Ken and Gwendelynn Mayer, applicant/owners: CEQA Categorically exempt. §15301(e)(1).

Director Welsh read the project description and read the staff report. This project includes a Use Permit, Setback Variance and Parking Variance. Two off street parking spaces required. A parking pad shall be completed which meets engineering standards for compaction. See Staff Report for staff recommendations.

This project is currently under a work stop order because many of the improvements to the home were done without a building permit. The lot is non-conforming in lot area and width and has a 20.5 percent average slope. Due to the fact the floor space was added to the existing non-conforming structure and the fact that this project was deemed by staff to be a 50% remodel, this triggers the need to comply with parking requirements or receive a parking variance.

The applicant appealed the staff decision that this project was a 50% remodel and the decision of Town Council was to uphold staff's decision that the project was a 50% remodel and that the project required Planning Commission approval at a public hearing.

Commissioner Hoffmann asked if Director Welsh felt there was room for off-street parking. She replied that it seems reasonable since the use has been changed. She indicated the staff seems to feel it is necessary to provide additional off-street parking and may take place within the side yard area. The space may not be totally conforming, but seems reasonable due to ~~different type~~ more intense use there. Staff feels it reasonable to require some off-street parking there.

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Commissioner Madsen asked if in relation to the setback variance would the Commission probably have seen the project whether it was more than a 50% remodel or not?

Director Welsh said that yes, a setback variance would require Planning Commission review regardless of the fact that it is a 50% remodel.

Commissioner Ketcham asked if a use permit is granted on condition that the off-street parking is applied for or on completion of the off-street parking. What comes first? Would this application packet cover any deck that might be planned to be built on back side or would that be a separate planning application?

Director Welsh said that the condition to grant use permit could be revoked if they did not provide off-street parking and before occupancy is granted. The deck would not need entitlement. A stop order could take place because there was no permit for the deck. To build a deck, a building permit would be required. A parking deck would need structural approval.

Commissioner Lacques asked if the Commission was being asked to approve a parking deck and therefore a variance? We have no plans for that in front of us at this time. What are we approving at this time and what may return later?

Director Welsh said it depends on the extent of the parking deck. Retaining walls and fill less than 100 cu yd can be done without a permit.

Commissioner Lacques stated that it seems like a wall may be higher than 4 ft due to the slope which would then increase the fill, more than 150 cu yd of fill? If the variance is granted to build out 5 ft it may exceed requirements. Without plans it is hard to determine. It may be possible to grant a use permit with a condition to return for parking. It will probably need to be presented to Design Review Board because it is a 50% remodel. Do we need to specify area to be filled?

Director Welsh said if you grant a variance to allow applicant to provide some off-street parking and continue retaining wall out 5 feet, he may exceed the height for retaining walls. Without plans it's hard to tell. He's asking for a variance for parking. The Commission could grant a use permit on the condition the applicant return for a parking variance. The project would probably need Design Review since it is 50% remodel.

Senior Planner Neal said that based on the narrow width of the lot, if you did build a parking deck there, the project will need a setback variance and may also need a retaining wall height variance depending on the design and based on the depth of fill.

Commissioner Hamilton stated she hears the recommendation that the use permit and setback variance be conditioned upon the applicant creating plans for off-street parking,

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returning to the Commission and having those plans approved by the Commission and then the condition would be waived.

Director Welsh said she thinks that is how it would have to be. The applicant is asking for a parking variance and feels the current parking is adequate, that is what he presented. He will need to return for the parking.

Senior Planner Neal said that conditions placed on the use permit and side yard setback variance will allow the Town to retain some control of the project. Approve use permit subject to

Chairperson Meigs asked where the 2 parking spaces would be located.

Director Welsh said they would be upslope from the home (to the right of the house).

Commissioner Petty said she understood the space was grandfathered in and asked if the difference in valuation is what determined required parking is now required. She said she understood the applicant did not apply for permits.

Director Welsh said the valuation and increased floor area triggered the requirement. Director Welsh said that the side yard would allow tandem parking. The increased habitable floor space area (now around 1100 sq. ft), including floor area from basement and 5-6 sq ft on 2nd & 3rd floor triggers the need for parking due to the 50% remodel ordinance, therefore requiring parking off-street. Valuation was required. We have 4 different appraisals.

Director Welsh said the applicant applied for permits for windows and siding and that the owner found dry rot during the process, continued with work and went beyond the scope of the permit. That is why there was a stop work order. He did apply for permits.

Planner Neal said following the Oakland Hills fire, the Council and Commission adopted the 50% ordinance so that larger projects would include and provide off-street parking to get more cars off the road.

Chairperson Meigs asked Director Welsh to verify that with a 50% remodel, Design Review is needed. She also asked if a landscaping plan is required when Design Review looks at it.

Senior Planner Neal said that a landscape plan is required with Design Review.

Building Official, Mark Lockaby read his Staff Report to the Town Council dated April 4, 2007. It is a background letter determining the project needed to go to the Planning Commission.

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Commissioner Madsen asked Mr. Lockaby what his impression of the work was in relationship to the scope of the project.

Mr. Lockaby said he was aware of substandard conditions initially. Mr. Lockaby said once the building was gutted and reframed that the home's full fire suppression system became operational. He was aware that the joist went in the wrong direction and that the engineer addressed the problem due to the peak roof and that the problem was resolved.

Chairperson Meigs inquired about the front part of the home near the road.

Mr. Lockaby said that the narrow stairway was too steep and narrow. The applicant traded space to improve the look and removed the stairway to the side of the house. A bathroom was added.

Chairperson Meigs asked if the Town recommended the change and Mr. Lockaby replied that the Town did not recommend the change.

Commissioner Madsen asked if the additional square footage was from the storage space, turning that into living space and done to code. Mr. Lockaby replied, "Yes." A heating system and water heater was located down there.

Ken Mayer, Applicant, came forward. – 75 Rocca Drive.
He requested clarification from the chairperson on the Staff Report stating that it seemed to him that Recommendations 4-13 were based on items 1-3 in 'Setback Variance Findings' of the Staff Report. He is looking for clarification for what the staff stated in the report regarding "creation of additional habitable floor area to the existing space." There are some discrepancies between the appraisals in the amount of square footage in the report. He will debate that he added any square footage to the house. They moved the façade and removed a triangle (2.25') that takes away the angle to give more curb appeal.

Chairperson Meigs reminded the applicant that this application has already gone to the Town Council and it is here this evening at the Planning Commission meeting to review Use Permit, Variance and Setback. The Town Council determined this was a 50% remodel. Council member Susan Brandborg had motioned to turn over the Planning Commission based on the Staff Report. This decision was based on the appraisals and photographs and a number of other determinations.

Mr. Mayer stated that as of November 2005, the setback only required a building permit. He was adamant he never encroached on a front setback. However he did encroach by 1.5 sq ft. He said "for the record" that the Town Council moved to approve based on the Staff Report. He appreciated the Commissioners who came to his "Open House." He said he specially purchased this home and also 79 Rocca which he sold to Carl Willis. Mr. Mayer said he replaced siding, windows, necessary dry rot and the upstairs sky-light.

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When they began working on the upstairs, they discovered more dry rot. This is the point where Mark Lockaby was introduced to the project. It needed roof improvements for more waterproofing. The work went beyond the scope of the project when work began on the staircase. He said he had requested not to go to the Planning Commission because he was concerned he would not receive a "fair trial." He indicated a second permit was taken out. His interpretation was that the encroachment triggered issues. He feels he can get 3 parking spaces ~~in tandem~~ parallel to the road and comply with fire regulations.

Off the road bed which is 8 ft wide, a retaining wall that does not exceed 4ft can be built with a simple permit. Mr. Mayer presented parking place plans. He feels that the Page residence across the street has the most difficulty due to their access of their hill and driveway. Mr. Maier said that 8 ft could get a legal parking space parallel to the street. He estimated a 2 parking space deck without roof may value at \$40,000. He is trying to get the property on the market by August and this is a very big issue due to the expense.

Commissioner Lacques asked what the prospects are of building 2 spaces parallel.

Director Welsh said that 2 cars can fit and that parallel parking depends on the size of the car. 9 ft x 19 ft is required for a legal space. She said slightly angled space could get more parking.

Mr. Mayer reiterated that no additional footage was added to the road.

Mr. Lockaby said he has not performed a resale inspection on the property.

Chairperson Meigs invited the public to come forward with any comments on the project. There were no public comments made on this matter.

The matter was returned to the Commissioners for further discussion.

Commissioner Lacques expressed that parking is an issue in this neighborhood. There is clearly no off-street parking and this is a parking-sensitive neighborhood.

Commissioner Ketcham asked how do we evaluate this is if it were a proposal rather than a reaction to something done. It appears to be a 50% private property/50% Town parking issue. He respects the work that has been done is up to standards.

Commissioner Hamilton expressed concern for the health and safety of the entire neighborhood. She does feel parking is an issue and respects the applicants desire to move forward. Appreciated request to Commission and Staff for guidelines. Recommends including direction in language of notes of the meeting.

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Commissioner Madsen said some points are good. He feels the square footage is relevant. The Commission must consider the size of the remodel. There are paint marks for parking further down the road that go out to the center of the road from some other properties on the street. For appraisals, must use fire department guidelines. Our ordinance is not as clear he felt. He expressed concern that the Commission may be placing a hardship on the applicant. He estimated a deck without a cover may be a \$40,000 expense. A \$40,000 deck for parking may be an extreme expense.

Commissioner Petty said she could see conflicts. If applicant started with a “shack”, he’s not being treated in an equitable manner if the work was normal – she sees the main issue as a parking issue. Encroachment is minimal issue. If all the work done was improvements and upgrades to make the house habitable, it does not seem equitable that he should be required to provide a \$40,000 parking deck.

Director Welsh said that the property must have 2 off-street parking spaces and could have also have one on the street (i.e., non-conforming).

Commissioner Petty said this may be a good time to consider non-conforming guidelines.

Commissioner Ketcham said the group must consider a realistic assessment of parking. The current parking is shown over the stairs and front door.

Commissioner Lacques said it would be important to review the effect the decision may make on someone who purchases compromised parking.

Commissioner Hamilton also had questions regarding the series of events and why the project did not come earlier to consider parking variances. She asked if the process is to pause the process to ensure that the project is in compliance.

Director Welsh shared that staff has written several letters to the applicant and advised the applicant that he could appeal the 50% remodel to the Town Council. The Council agreed that this project was a 50% remodel.

Senior Planner Neal indicated that for preferential parking, \$10,000.00 or more is spent to create parking spaces on a road. The spaces would be first come first serve due to the right-of-way. The property owner can claim parking but must also continue to maintain the space. It is kept in perpetuity for the property unless the owners do not maintain it.

Commissioner Hoffmann stated he had no issue approving a variance. As to parking, it is the hottest issue for the Planning Commission and residents of Fairfax. He feels it is necessary to upgrade requirements for parking. There is room for a solution of 2 parking spaces. Due to the narrowness of Rocca Drive, parking must be allowed on the properties. We are a car driven society and now there are often 2-3 cars per household. It is a hardship for this location due to how the project was developed. He feels 2 off-

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street parking spaces are best and to the Commission should waive the 3rd parking spot requirement. Can the Commission speed up the process and grant a side-yard setback so that the item does not need to return to the Commission? Can we pre-approve a front-side yard variance?

Director Welsh said the retaining wall is on Mr. Mayer's property and that a parking variance could be granted.

Senior Planner Neal reminded the Commission that the neighbors have a right to review plans, etc.

Commissioner Madsen reminded the Commission to be sure they are not "designing" the project for the applicant.

Commissioner Hamilton said that the additional bedroom and bath that were added potentially increases parking and traffic.

Commissioner Lacques stated it is important to have a sense on how the project will come back to the Commission due to the engineering design and nature of the property.

Commissioner Petty expressed concern that by requiring a parking deck, building would increase on the property and may affect water flow.

Commissioner Ketcham indicated he was not comfortable with a parking variance. He did not feel all members of the Commission were in favor of a parking structure. It may not be a conforming use. He was in ~~factor~~ favor of other potential options ~~that may not be~~ including a deck.

Commissioner Madsen said if a front yard variance was approved, the applicant could potentially receive on off-street parking space and a dedicated parking space. The applicant would have the option to design it.

Commissioner Ketcham agreed that this suggestion was a reasonable opportunity and said tandem parking may be possible. The Commission should keep in mind prospective buyers.

Commissioner Lacques asked if the applicant needs 3 parking spaces due to the 50% remodel. He said staff required 2 spaces. He thought the Commission should see real designs to consider parking requirements. He felt it a reasonable compromise to only have 2 spaces. He said the cars do not honor the 12 feet passage and he is concerned ~~regarding~~ with fire safety.

Commissioner Madsen said the applicant would need a design, but that the applicant had expressed concern about missing an August sell date. He said a good design would

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increase property value.

Chairperson Meigs stated she thought the discussions to this point were split. She feels parking out on the street is not the best way to go. The Commission must consider the Town's liability in such a situation. Her feeling is to go with staff recommendations and waive off-street parking. For future planning the land is everything. She thinks the water is not too much of a concern. A geotechnical engineer will review. She does not want Fairfax to resemble some places in Italy where shuttles are needed because there are too many cars on the hillsides.

Commissioner Madsen said many neighbors came to the meeting tonight for the Dominga application. Not one neighbor appeared tonight to oppose the 75 Rocca application.

Commissioner Ketcham expressed that good planning is not based on uproar and outrage.

M/S Ketcham/Lacques

Motion to approve Application #07-21 that follows Staff recommendations with following amendments:

- p. 6
1. Strike 3rd space requirement. Revise pad to be "off street parking" to be developed with engineering standards.
 2. Use permit (to be granted). Occupancy notice to be noticed before structure may be occupied.
 3. No changes to other requirements

ROLL CALL VOTE

Commissioner Madsen – NO

Commissioner Petty – NO

Commission Hoffmann – AYE

Chairperson Meigs – AYE

Commissioner Lacques – AYE

Commissioner Ketcham – AYE

Commissioner Hamilton – AYE

AYES Carry.

Motion Passed.

You and the neighbors have 30 days to appeal.

2 minute break in the meeting.

3. 290 Tamalpais Road; Application #07-22

Request for a Height Variance to construct a 1,222sf garage/store/carport structure adjacent to an existing single-family residence: Assessor's Parcel No. 001-064-02 and 03:

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Residential Single-family RS 6 Zone: Leo den Ouden, applicant/architect: Christopher Morrill, owner: CEQA categorically exempt. § 15303(e).

Senior Planner Neal read the Staff report. The application will go to the Design Review Board. The applicant has revised the site plan. It will discharge onto Tamalpais Road. She reminded the Commission that the strict application of this title would be a hardship because the owner would be unable to rebuild an accessory structure in the same location as the existing garage and tool shed. She asked the group to please direct any questions to the architect as the Planning Department had just received a revision tonight.

Chairperson Meigs asked if looking down the hill from the property, a slide is visible - was that addressed in the flood? Please review the 500 sq ft requirement that is deducted.

Senior Planner Neal said, yes, the applicant brought a soils report. The slide is located on another property. You can ask applicant to waive the rights and continue. The questions will be addressed at the permit stage. Our FAR definition indicates that you can only count over and above 500 sq ft to count towards FAR. The house is 2800 sq ft. The ordinance is 5,000 sq ft. (residence only). The ordinance should have been written to include all structures.

Commissioner Hamilton asked if the water flow change would trigger the project to come before the Planning Commission.

Linda Neal said that the water flow change would not have triggered the project to come before the Planning Commission.

Mr. Leo den Ouden, applicant came forward at the invitation of the chairperson.

Mr. Den Ouden apologized for the late addition to the site plan. It is the architect and said the late addition was his fault. He said there are many trees on the property. Water catchment is most important issue. The diversion valve will be located on the east side. Part of the idea of the plan layout was to avoid trees. The owner is very concerned regarding the trees and has been in touch with Ray Morritz and will consult with an Arborist. He said the structure is viable. The applicant has changed the roof to be a more "green" roof (metal with terra cotta). The water catchment is in Phase 2. It is not included in the permit requirements. The soils report is from the same soils engineer for the slide. The project has been a year and a half in process and hopes the area stabilizes soon. 100 sq ft will be demolished (back of existing carport).

Chairperson Meigs asked for Mr. den Ouden to clarify "stabilize." She asked if part of the slide issue was in the report. What about a hydrology report?

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Mr. den Ouden said that the problem is on 2 parcels, Mr. Morrill's and the Jones'. The insurance companies are determining who is paying for the project including the rip-rack rock. Mr. den Ouden said that there was a separate report for the slide.

Senior Planner Neal said that the Town Engineer requires additional hydrology reports since the last flood. He has been requested to calculate the runoff. There may be an increased drainage requirement due to expanded structure.

Commissioner Ketcham asked if roof drainage is a requirement.

Senior Planner Neal said it is a building code requirement and may be a maintenance issue. The Commission could add a condition so that the Town Engineer will review it.

Mr. den Ouden said it is concentrated and to be kept away from the foundation.

Commissioner Hoffmann asked if there is an ordinance that says you cannot discharge into streets.

Director Welsh said that the drainage requirement must comply with "best practices."

Chairperson Meigs stated that each site is reviewed according to its own requirements. She invited the public for comments or questions on this application. There were none.

Commissioner Hoffmann shared that he lives on a hillside and is concerned when water is shunted to the street and downhill, causing problems. He feels it is important to focus on individual properties on hillside developments especially to retain water. He said he would like to see no additional runoff as part of the conditions and to add the Arborist review and report regarding the tree as per the Staff report, pg. 5 – item g.

Commissioner Lacques said the site is problematic. He feels comfortable deferring it to a hydrologist. He likes the idea of a sistrin. He is in favor of the Town Engineer and hydrologist to consult with each other for a positive outcome. He felt the overall design is good and enhances the area and is comfortable deferring to the expertise of the arborist regarding the tree.

Commissioner Ketcham agrees with the Commissioner Hoffmann regarding concerns on dispersing water on hillsides. The sistrin idea could be considered. He said it is important to not pass on the water problem unintentionally; i.e., 205 Scenic. In the interim, a tank could be used to drain the water after the storm. He feels it is better to check with the Town Engineer and assess the volume of water's effects down slope.

Commissioner Madsen said he agrees that the plan will improve the property and that the requirements may be overstating.

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Commissioner Hoffmann said that all of Fairfax now has to deal with watershed issues. We must start in some direction to correct runoff issues.

Commissioner Petty expressed that she thought the experts would determine the requirements and report to the commission.

Senior Planner Neal indicated that the Town Engineer has requested dissipation tanks and feels the increase water load is significant.

Chairperson Meigs said the garage is more than 700 sq ft. It is a large increase in space. Some homes are not as large. She prefers the direction Commissioner Hoffmann recommended in reviewing the watershed capacities. Everything can be changed in the future if we don't take a step ahead at this time.

M/S Hamilton/Lacques

Motion to approve application #07-22 based on the following findings and subject to the following conditions of approval recommended in the Staff report with the addition of a site hydrology report that was presented this evening (new) and proposed changes to be approved by the Town Engineer in compliance with the section of the code and if deemed appropriate, excess water to be kept on site.

The Commissioners voted on the motion:

Commissioners Madsen, Petty, Lacques, Ketcham, and Hamilton – AYES

Chairperson Meigs - AYE

Commissioner Hoffmann – NO

Motion carried. Anyone wishing to appeal may do so within the next 10 days.

4. 5 Hawthorne Court; Application #07-23

Request for a User Permit to construct an addition, including a second story, to an existing single-family residence, increasing the square footage by 503sf from 1,690sf (includes 420sf garage) to 2,193sf: Assessor's Parcel No. 001-073-09: Residential Single-family RS 6 Zone: Dennis Ludlow, applicant: Kathryn Petrocelli and Stefan Schermerhorn, owners: CEQA categorically exempt. § 15301(e)(1).

Senior Planner Neal read the Staff report.

Commissioner Ketcham asked when is a story pole required.

Senior Planner Neal said that a story pole is required if there is a 50% or more remodel. When asked about the swimming pool from Chairperson Meigs, Planner Neal said that it is an existing pre-existing condition. She also shared that the additional space should have been labeled "attic." It is not standable or livable. If you look at the front elevation of the house on page 3 of the plans, you will see the bay window at the master bedroom window. 1 Hawthorne is a similar design.

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The applicant, Stefan Schermerhorn – 5 Hawthorne Court came forward. He submitted a letter of support from the neighbor across the street. He also has support from his neighbor at 13 Hawthorne Court for the current application. He said that the original concept was to take covered parking and change it to match neighbors who did a similar process in 2005 and to keep the garage to an ample size for the families needs. They have used green building materials wherever possible, including solar panels and engineered lumber. I-beams for the floor joist are being considered, as well as bamboo for flooring.

There were no questions for the applicant from the Commission or public.

Steve Kroeder – 13 Hawthorne spoke in support of Stefan Schermerhorn and Kathy Petrocelli's plans and has a positive relationship with them as neighbors.

Commissioner Ketcham asked to review the letter from the neighbors across the street. The letter from Will Anielewicz and Vanessa Sturman at 6 Hawthorne Court in support of the second story addition was read.

Chairperson Meigs asked for any comments from the Commissioners on the project. Commissioner Lacques expressed that he felt the project is appropriate for the neighborhood.

Commissioner Petty also acknowledged she believes the project is a good structure for the neighborhood.

M/S Commissioners Madsen/Ketcham

Motion to approve Application #07-03 based on the findings and subject to the conditions in the Staff report on pages 3-5.

The Commissioners voted on the motion:

Commissioners Madsen, Petty, Hoffmann, Lacques, Ketcham, and Hamilton – AYES
Chairperson Meigs – AYE

Vote was unanimous.

Motion carried. Anyone wishing to appeal may do so within the next 30 days.

5. 17 Scenic Road; Application #07-24

Request for a User Permit and Side Yard Setback Variance to demolish an existing 704sf single-family residence to construct a 1.835sf, two story single-family residence with an attached 292sf single-car garage; Assessor's Parcel No. 001-146-02; Residential RD 5.5-7 Zone; Mark Hulbert, architect: Ginny Cannon and Bob Schafgans, owners: CEQA categorically exempt. § 15303(a) and 15301(a).

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Mark Hulbert, Architect for the applicants came forward to advise that the project is 1800 sq ft which is 250 sq ft less than allowed for FAR. All the areas are modest sized spaces. The Staff report summarized the request for a side yard setback well. There are 6 ft and 5 ft setbacks, totaling 11 ft. To accommodate the neighbors, the applicant has sent design materials to them and has not received negative comments to date. The applicants have also tried to steward the tree. The 4 ft set back requirement may be an issue. The architects are planning to pull back the porch roof to create an exterior space. The clients are very happy with the design and there will be a courtyard created on the interior. The tree will be behind the house.

Commissioner Ketcham asked about the composition of the uncovered parking cement pad.

Mr. Hulbert stated that it will be pervious concrete. The side portion is more level and it slopes approaching the garage.

Chairperson Meigs asked about the height of the house.

Senior Planner Neal said others in the neighborhood are similar height.

Commissioner Hamilton noted 4-5 homes seemed taller. Some others in the area are smaller.

John Hannan - 21 Scenic Road – next door, downhill side.

John said he is ambivalent being here. Bob and Ginny have been great neighbors, but he is concerned about the story poles. They look pretty tall. The second story is closer to his fence. His main concern is privacy. He wondered which windows will be looking into their property. He thanked the Planning Commission for their consideration of his concern.

Commissioner Madsen asked if the architect had considered changing the pitch of the roof to 4/12.

Commissioner Hoffmann asked Mr. Hulbert what green materials would be used in the construction.

Mr. Hulbert stated that fly ash, special insulation, a small heater, and solar enhancements may be used, but not sure as the tree has an affect. On the exterior there is recycled lumber from local resources, a long-life roof, recycled content and composite decks that will be permeable. The building will be above grade and therefore some green benefits may not work as well, but there are many opportunities to incorporate the green materials.

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Commission Hoffmann asked Mr. Hulbert if he was willing to use the green point system and get the residence certified. It would be wonderful for the Town and add resale value to the residence. He also stated he wanted to be sure to research keeping winter-time rain on the site. It appears the home is being built over the drip line of the tree. He did not see a reference to this water storage in Ray Morritz' letter.

Commissioner Ketcham asked if the parcel is absolutely flat. Has the architect considered dropping the floor to bring the second floor mass down to a split level?

Mr. Hulbert said that they are not building a drop-off. They worked hard to get under FAR – the story poles are not the best read. Over the bedroom there is a cupola which affects the view. Once built, it will appear smaller than the story poles indicate.

Chairperson Meigs said the Tree Ordinance is being developed and she is concerned regarding the character of the home, primarily due to the size of the building, the lot size and setting precedence. Would you consider creating the project with fewer square feet?

Bob Schafgans said that stairs take space – putting a second bedroom downstairs does not seem feasible due to the tree. We could pull the height down a foot. The three tall redwoods are growing.

Commissioner Madsen expressed that .35% of FAR is good. The problem for the neighbor with the story poles brings up the idea that if you could lower the ceilings 1-2 ft, you may make a difference to the neighbor.

Commissioner Hoffman agreed and said that bringing down the height would go along way, especially with low sun angles in the winter. 1800 sq ft is the average home size for Fairfax. He appreciates the efforts towards tree preservation. He also appreciates the amenity to change the roof pitch, understanding the constraints and that the mass is more apparent due to height.

Commissioner Ketcham appreciates the willingness. It is the mass, especially the large garage that is affecting the design. It is possible to use the garage for another space. He echoes the suggestions to lower the pitch and to review the height. The window discussion may be a Design Review Board matter.

Chairperson Meigs closed the session to the applicant at 11:40 p.m.

Commissioner Lacques agreed with the previous Commissioners' suggestions regarding the vaulted ceiling to lower the roof and ease visual impact.

Chairperson Meigs replied that she is not sold on the design. She is concerned with the footprint and character of the home. She is concerned regarding the health of the tree.

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She acknowledged the applicant stating that a lot has been done but is requesting a smaller home. She could not support the project unless it is reduced in size.

Commissioner Ketcham stated that this is the farthest we have seen an applicant work to achieve tree protection and address drainage runoff, in the short time that Commissioner Ketcham has served on the Commission. Including the tree information is very helpful, for example the construction guidelines for protected trees.

Commissioner Lacques asked if more height, greater than 1.5 ft up to 3 ft be reduced without compromising the design?

Commissioner Petty said she feels the Commission may be “whittling away” the house. She feels 1.5 ft is a big change. The height requirement is 28.5 ft – they are at 27.5 ft. She said the project is within scope, including the drainage.

Chairperson Meigs stated that she would really like the Commission to give special privileges to folks who have worked hard to comply with recommendations. Should we consider a continuance?

Commissioner Hoffman said that rather than a specific measurement, we could say “per our agreement 4/12 and reduce main floor.”

Commissioner Hamilton said the agreement is a height reduction. The discussion will be how to achieve and is in favor of letting applicants decide how to achieve the reduction.

The applicant came forward and Mr. Schafgans said it may be possible to drop the first floor 1 ft, reduce the pitch to 4/12 and possible another 6”. He is probably comfortable with 1.5 ft target height reduction.

Mr. Hulbert said the crawl space is important to keep for technical purposes. 3 ft would be onerous. He promised to do what they can do.

M/S Commissioners Madsen/Lacques

Motion to approve Application #07-24 based on the findings and subject to the conditions in the Staff report with the added condition that when the application goes before the Design Review Board that the second floor height be dropped 18” and include the drainage condition 832020.

Commissioner Hoffman: Unfriendly amendment that the storm water be contained on site to extent feasible at the Town Engineer’s recommendation.

Commissioner Madsen responded that the unfriendly amendment was not accepted.

The Commission voted as follows:

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Commissioners Madsen, Petty, Hoffmann, Lacques, Ketcham and Hamilton – AYES
Chairperson Meigs – NO

Motion carried.

Anyone wishing to appeal may do so within the next 10 days.

Chairperson Meigs requested that the Mixed Use Overlay Zone be placed on the next Agenda.

Commissioner Hoffman motioned to adjourn the meeting at 12:15 a.m. on 7/22/07.

Commissioner Ketcham seconded the motion.

ALL: AYES

Meeting adjourned.

Respectfully submitted,

Susan Waters
Minutes Clerk

WORKSHOP DISCUSSION

- **Mixed Use Overlay Zone**
- **Planning Director's Report**