

DRAFT Fairfax Planning Commission Minutes
Regular Meeting
Fairfax Women's Club
Thursday, November 20, 2008

Call to Order/Roll Call

COMMISSIONER'S PRESENT: Pam Meigs (Chair)
Shelley Hamilton
Brannon Ketcham
Peter Lacques (joined the meeting at 7.40pm)
Peter Ramsay

STAFF PRESENT: Anne Welsh, Planning Director
Neal, Senior Planner
Joanne O'Hehir, Minutes-Secretary

Chair Meigs called the meeting to order at 7.35pm.

Approval of Agenda

In response to Commissioner Ketcham, Senior Planner Neal confirmed the Assessor's Parcel Number for 56 Manor Road.

M/S, Ketcham/Ramsey, motion to approve the agenda.

AYES: All

56 Manor Road; Applicant # 08-45

Request for a Variance of the combined front/rear setback requirement to construct at 319sf kitchen expansion, bedroom and bath addition/remodel to an existing 1,276sf, two bedroom one bath single-family residence for a total living space square footage of 1,595sf; Assessor's Parcel Numbers 001-113-11 & 12; Residential RD 5.5-7 Zone; Shelby LaMotte and Gary Roth, applicants/owners; CEQA categorically exempt § 15301(e).

Senior Planner Neal introduced the staff report, when she noted that staff had recalculated the lot's size, which would not affect the floor area ratio. She provided background information on the project, and discussed the front and rear setbacks. Ms. Neal said that the addition would not infringe upon the neighbors' privacy, and that the design was in keeping with the size and style of other residences in the neighborhood. For these reasons, in addition to those contained in the Staff Report, staff recommended approval of the project.

Chair Meigs introduced the new attorney, Ms.

In response to Commissioner Hamilton, Ms. Neal clarified the front and combined setbacks. She noted that they were 15 feet, where normally 25 feet would be required.

Commissioners Lacques and Ketcham discussed setbacks in relation to the plans with Ms. Neal.

The Chair opened the hearing to the public.

Gary Roth, applicant, said they needed an extra bedroom, and that they had worked hard to minimize the space required and keep the profile of the addition low in order to minimize the project's impact on the neighborhood.

Max Crome, project architect, discussed the options to increase square footage, and said that it would be less typical of the neighborhood to add another story. He discussed the design in more detail

The Chair closed the hearing to the public.

In response to Commissioner Ketcham, Mr. Crome confirmed they were removing the wood-burning fireplace. He discussed the materials being used for the garage, and noted that the roof of the addition would match the garage.

Commissioner Hamilton said that this was a modest addition that fitted in well with the character of the neighborhood, with which Commissioner Lacques was in agreement. He noted that the variance was minor.

Commissioner Ketcham also concurred, and he said that this was a modest improvement to the neighborhood. Commissioner Ramsey was in agreement, and Chair Meigs noted that the increase in square footage was limited and that she also supported the project.

M/S, Hamilton/Ramsey, Motion to approve Application # 08-45 for a Variance of the combined front/rear setback requirement to construct at 319sf kitchen expansion, bedroom and bath addition/remodel to an existing 1,276sf, two bedroom one bath single-family residence for a total living space square footage of 1,595sf; Assessor's Parcel Numbers 001-113-11 & 12; Residential RD 5.5-7 Zone;

AYES: All

The Chair read the appeal rights.

15 Acacia Road; Applicant # 08-46

Request for a Hill Area Residential Development Permit, Front Setback Variance, Combined Side Yard Setback Variance, Height Variance for a 4-story building, Encroachment Permit and an Excavation Permit to construct a 2,184sf single-family residence with an attached 583sf two car garage for a total square footage of 2,767sf; Assessors Parcel No. 001-112-30

Senior Planner Neal presented the staff report, when she discussed excavation, and noted that the minimum amount of earth would be removed in order to allow construction. Ms. Neal discussed the removal of trees, for which replacements will be planted in other areas of the property.

However, she noted that the proposed residence was not in character with the neighborhood based on the floor area ratio (FAR), which she explained. Ms. Neal discussed changes staff believed should be made in order that the project complied with FAR guidelines. She said that infill developments on hillside lots needed to conform to similar styles in the area to ensure harmony, and that the design should meet the requirements of the General Plan Zoning Ordinances.

Ms. Neal said that the Town Engineer believed the site could be developed and she discussed the variances and the conditions under which they could be granted. She noted that the lot was narrow, steep, and the front property line was close to the road. She discussed the height variance, and noted that staff did not believe a reason existed to grant a four-story residence. Ms. Neal stated that there are other undeveloped lots, which were similar, so future height variances could be requested if this variance were approved. She discussed the options staff suggested, including denial of the project with the findings in the staff report.

Chair Meigs and Ms. Neal discussed a previous project, when Ms. Neal noted that the majority of the space consisted of two stories, with a few feet constituting a third story. In this instance, a new third story addition was being proposed.

In response to Commissioner Ketcham, the Town Attorney explained that the time limits of the Permit Streamlining Act could not be surpassed by time limits set by the Town's Ordinances. Thus, the shortest time limit would apply.

Ms. Neal confirmed the completion date of the submission of plans and materials for the project in response to the Chair.

Commissioner Hamilton and Ms. Neal discussed the driveway width, which Ms. Neal stated would be brought before the Town Council.

Ms. Neal and the Chair discussed the tiebacks in relation to a neighboring property. They also discussed an easement in relation to the neighboring property, which Ms. Neal said would be necessary.

Commissioner Ketcham and Ms. Neal discussed height and how it was measured.

Chair Meigs expressed concern over privacy issues caused by the third story windows to the neighboring property owner, and Ms. Neal confirmed that the neighbor had not contacted the Town with concerns.

The Chair and Ms. Neal discussed drainage in relation to the driveway wall.

Commissioner Lacques and Ms. Neal discussed a grey-water system, which Ms. Neal confirmed had been withdrawn by the applicant. They discussed the stability of the hillside.

Commissioner Ketcham and Ms. Neal discussed drainage, and Ms. Neal confirmed that the Town Engineer was comfortable that the lot could be developed.

The Chair opened the hearing to the public.

Ted Hugh, applicant, discussed the engineering issues, and the reasons they were requesting the variances. He noted that the request for a wider driveway was in response to the Fire Department. He addressed the design, and noted that they wished to collect grey water and install a ventilation system, which would require the height variance. Mr. Hugh also discussed the window design of the upper floors and the building materials.

In response to the Chair, Mr. Hugh said he had been in contact with Mr. Hoffmann.

Jeff Kroot, project architect, said that the site was extremely challenging, and discussed the reasons for the variances. He addressed the size of the house, and noted that the retaining walls constituted part of the calculations and, thus, the living space requested was fairly modest. He discussed the mezzanine loft and the windows, which served to ventilate the house.

Mr. Kroot also explained why he believed the house did not constitute four stories, partly because the garage should be considered a basement. He discussed the utility room in relation to a grey water system that is desired, and suggested that the height of the utility room could be lowered.

Mr. Kroot noted that parking was needed, and that he believed the house to be in scale with others in the neighborhood. He discussed the FAR, and noted that the variances requested are site specific, and were needed to build on a steep lot, whilst retaining redwood trees. The retaining walls were necessary to make the site safer and he discussed other reasons why the variances should be granted.

He discussed the setback in relation to the neighbors, the Hustons, when he noted that their house was close to the property line.

Chair Meigs and Mr. Kroot discussed the windows on the mezzanine floor, and Mr. Kroot noted that these were landing windows, and thus should not cause privacy issues, but that the sill heights could be raised.

In response to the Chair, Ms. Neal confirmed that ventilation is not required in the Code.

In response to the Chair, Mr. Kroot said he suggested lowering the ceiling height of the utility room so that it could not be used as living space and, thus, would not constitute a story.

Commissioner Ketcham noted the whole of the garage and utility were considered a story, and Ms. Neal explained that the Town Council had issued directions whereby a garage constituted a story, which made the project a four-story development.

Commissioner Ketcham and Mr. Kroot discussed the mezzanine and Commissioner Ketcham suggested design changes that would render the development a three-story structure, and discussion followed between staff and the architect.

Commissioner Lacques discussed ceiling heights with the architect, and solar paneling.

In response to Commissioner Hamilton, Ms. Neal said that variances could only be granted based upon physical features and not on green issues. However, conditions could be added to an approval to ensure that green features that are promised would be incorporated into the structure.

Commissioner Hamilton and Ms. Neal discussed how size was calculated.

Mr. Hugh discussed the foundation, which was designed to ensure a slide would not occur.

Ketcham suggested that changes could be made to the design to reduce the space and negate the necessity of a variance for a fourth level, and Mr. Kroot explained that the physical constraints of the lot have necessitated the variances.

Commissioner Ketcham reiterated his belief that space could be removed and the design changed so that a fourth story could be omitted.

Commissioner Hamilton and Neal discussed the retaining wall and the distance between the wall and the back of the house and the redwood trees.

Chair Meigs and Ms. Neal discussed lot coverage in relation to the patio area.

Commissioner Lacques and Mr. Kroot discussed the north elevation in relation to the Huston's property.

Commissioner Lacques and Mr. Pugh discussed the green features, and Mr. Pugh said he would abandon the green features if he were not able to obtain the fourth story variance.

In response to Commissioner Ketchm, Mr. Kroot discussed the necessity of the stairwell to the mezzanine floor, and Mr. Pugh discussed the reasons he believed his project should be approved.

The Chair announced a 5-minute break at 9.30pm.

Neil Krause, Acacia Road, said that a project in this location could impact him, but that the applicant has done all that was necessary to be considerate to his neighbors. He supported the project.

Kretchen Coles, Acacia Road, said that she appreciated the effort the applicant had made to stabilize the property and had done a good job.

A resident of Acacia Road said she was happy that the hillside would be stabilized and that an attractive house that fits the neighborhood will be built on the lot.

Babs Walker, Acacia Road, said that she had submitted a letter of support. She said that it would be a nice house and the hillside would be stabilized.

Jeff Bickner, Acacia Road, said that the lot was in need of attention and was suitable for a project such as this. He supported the project.

The Chair closed the hearing to the public.

Commissioner Lacques expressed concern that the outcome might not be positive unless the applicant waived his rights to ... under the Streamlining Act.

Commissioner Ramsey said that he appreciated the amount of care that had gone into the design; it was a difficult site; the public would benefit with a stabilized hillside, and the neighbors supported the project. He said that the argument was persuasive that the existence of the fourth floor would not be detected from the street, and he noted that variances were not inherently prescient. The Commissioner supported the project.

Commissioner Ketcham said that the proposal was well thought out, and that exceptions to the rules existed relating to the wall and driveway that would allow variances. However, they had an obligation to uphold the Town Code, and there appeared to be other areas of the property that could be used for construction. Commissioner Ketcham suggested that a variance for developing the front of the property could be more palatable than a variance for a fourth story. He was concerned that on small lots such as this, four-story additions could become the requested exception to the rules. The Town Council drafted an ordinance that allowed third stories, which was not well received, and he did not believe that findings could be made to allow the fourth story. He would, therefore, deny the request for the fourth-story variance for the reasons contained in the staff report.

Commissioner Lacques stated that he appreciated the work that had been put into the design on a difficult lot, and that all the variances requested, with the exception of the fourth-story addition, were necessary in order to construct a residence on the lot. He could not support a fourth-floor variance because a hardship was not being caused and would not be a limitation on building a home. Furthermore, the ceiling of the top floor could be opened in order to provide light, which would not necessitate a fourth floor. The variance request for a fourth story was too large and he would not wish to set a precedent. He supported the project, other than the variance for the fourth-story addition.

Commissioner Hamilton complemented the applicant on his design that has gained his neighbors' support, but they needed to consider the town as a whole. She would like to make the finding for the variance for the fourth story, but the green aspects that are planned for the project

could be incorporated into a three-story residence. She suggested that a front setback variance could be granted but that the fourth story was not a necessary feature that would warrant a variance.

Chair Meigs stated that everyone had worked hard on the project, but that the political will or an Ordinance did not exist to allow a four-story residence. She had not seen so many variance requests or so much excavation in one package. She could not support the project with a fourth story and Commissioner Ketcham and staff had made alternative suggestions.

General discussion followed, and staff confirmed that a different design without a fourth story had not been presented for consideration, and Commissioner Lacques noted that the Commissioner had been generous with the other variances.

Chair Meigs stated that the Town Code protected the town and its character and that it forbade a fourth story.

Discussion on the way forward followed. The Attorney explained the options available to the applicant.

The applicant waived his rights under the Permit Streamlining Act.

M/S, Lacques/Ketcham, Motion to continue application # 08-46 for a Hill Area Residential Development Permit, Front Setback Variance, Combined Side Yard Setback Variance, Height Variance for a 4-story building, Encroachment Permit and an Excavation Permit to construct a 2,184sf single-family residence with an attached 583sf two car garage for a total square footage of 2,767sf upon the consent of the applicant to submit new plans to the Planning Commission with the understanding that the applicant has waived his rights under the Permit Streamlining Act.

AYES: All

Consideration/adoption of a Resolution 08-04, A Resolution of the Planning Commission that Recommends that the Town Council Adopt the Mixed-Use Overlay Zone Expanded Design Guidelines.

Chair Meigs stated that there were items included in the Resolution that the Subcommittee did not discuss. She further believed that the word 'Regulations' should be substituted for 'Guidelines', which would be more suitable.

Commissioner Hamilton agreed with the substitution and suggested other changes.

Commissioner Lacques stated that language should be added that the guidelines apply to properties in the Mixed Use Overlay Zone and did not apply to the whole town. Discussion followed.

M/S, Hamilton/Ramsey, Motion to adopt Resolution 08-04, A Resolution of the Planning Commission that Recommends that the Town Council Adopt the Mixed-Use Overlay Zone Expanded Design Guidelines with amendments.

AYES: All

Approval of Minutes of October 16, 2008

Concern was expressed that the minutes submitted to the Town Council were in draft form. Ms. Neal noted that the minutes were needed for a project that was appealed and heard by the Council before the Planning Commission could vote on the final minutes.

M/S, Ketcham/Lacques, Motion to approve the minutes of the meeting of October 16th, 2008, with the addition of an announcement that a recording of the minutes was available at Town Hall.

Commission Comments and Requests

In response to Chair Meigs, Ms. Neal stated that discussion of fifty per cent remodels required a public hearing, and that the Circulation Element would be discussed at the next workshop.

The Chair reported that a subcommittee had formed to discuss the Tree Ordinance.

Commissioner Hamilton and Town Attorney ... discussed changes that were made to plans for projects that had been denied by the Planning Commission and which are then appealed to the Town Council. Ms. Explained that it is not unusual for applicants to amend the plans, which might then be approved by the Town Council. She said that different standards were applied by districts to determine if the changes were minor or major.

Chair Meigs and Ms..... discussed Planning Commissioners who speak during open time at Town Council meetings when projects have been appealed.

General discussion followed on denied projects that are presented as new projects, whose design had not changed and time limitation factors.

Chair Meigs adjourned the meeting at 11.15pm.

Respectfully submitted by Joanne O'Hehir, Minutes Clerk

A recording of the minutes is available at Town Hall upon request.