

Fairfax Planning Commission Meeting
February 21, 2008
Fairfax Women's Club, 46 Park Road

CALL TO ORDER 7:30 pm

ROLL CALL

Commission members present:

Shelby LaMotte
Terry Goyan
Pam Meigs
Shelley Hamilton
Brannon Ketchum
Alec Hoffmann
Peter Lacques (arrived 7:34 pm)

Staff present: Ann Welsh, Director of Planning and Building Services
Linda Neal, Senior Planner
Amy Dunnigan, Minutes Clerk

APPROVAL OF MINUTES

1. M/S, Hamilton-Ketchum motioned to move the approval of the minutes to after the Public Hearing Items so Commissioner Lacques (delayed arrival) was able to vote.

AYES: All (6)

APPROVAL OF AGENDA

M/S, Hamilton-Goyan motioned to approve the agenda.

AYES: All (6)

PUBLIC HEARING ITEMS

None.

COMMISSIONER COMMENTS AND REQUESTS

Chair Meigs stated the Commission would like to honor Barbara Petty for her time serving on the Planning Commission (resigned).

ACTION: Planning Director Welsh indicated she would contact Petty, invite her to the next meeting and draft a resolution commending her on her years of service.

Chair Meigs indicated she had invited Leelee Thomas from the Marin Housing Authority to speak and answer questions at the March 6, 2008 meeting.

CONSENT CALENDAR ITEMS

None.

PUBLIC HEARING ITEMS

2. 32 Hill Avenue; Application # 08-07

Request for a Use Permit and A Height Variance to construct a 772sf addition including a second story living space, onto an existing 1,187sf single-family residence for a total living space square footage of 1,959sf; Assessor's Parcel No. 002-214-02; Residential RD 5.5-7 Zone; Aaron and Kelly O'Brien, applicants/owners; CEQA categorically exempt, 15301(e)(1).

Senior Planner Neal said that the Town Code must be complied with. She indicated that the fear when the FAR was adopted was that people would try to get around the floor area ratio (FAR) by creating basements and using them as living space. If the exterior walls of a below ground area are 3 feet or less above grade, the area can count as a basement and not living space. If the walls extend over three feet above grade the area counts as floor area and not a basement. The addition at 32 Hill Avenue met the 28.5 feet height limitation, but exceeds the permitted 3 stories in height where the lower floor (basement) was. The basement is not used for living space. The area was unfinished. The project was not considered a 50% remodel, so it was not required to go to Design Review Board.

Commissioner Hoffmann reminded the Commissioners that The Building Code differing from the UBC was not out of the ordinary. Commissioner Goyan asked if a project has to constitute a 50% remodel before it is subject to going to the Design Review Board. He asked for clarification regarding what the Town estimated and the construction price per square foot to be.

Staff verified that new construction was \$132 per square foot. Remodels and decks and other areas have a whole list of pricing per Senior Planner Neal. Commissioner Hamilton asked about how the costs were adopted. Senior Planner Neal was unsure as the costs were prior to her being hired by the Town (21 years prior) but believed they were based on the 1985 Building Code.

Applicant Aaron O'Brien 32 Hill Avenue (between Center and Sir Francis Drake) said that they were not aware of the basement being counted as a story. His family had three boys, so they were looking to expand and remain in Fairfax. The best solution to

minimize all impacts to the neighbors was the proposal. Moving the square footage closer to the street had a broader impact on the street façade and that was one of the reasons to make the changes proposed. Window square footage would decrease by over a third with the proposed changes. The neighbor across the street from the residence wrote a letter supporting the project and indicating he was the most affected.

Chair Meigs asked about how the exterior of the newer addition would relate to the existing lower portion.

Mr. O'Brien said that the old and new structure had been incorporated relatively well.

Commissioner Hoffmann asked about the additional square footage, the environmental impact of the project, and if he had considered incorporating any green building into the project.

Mr. O'Brien said that all the single pane windows would be eliminated and they were looking at a water recycling system for bath and shower water. Mr. O'Brien added that they were looking at thicker walls to hold more insulation and that solar would be nice, but he was concerned about affecting the neighbors more and did not know if he would be able to afford solar, so that was being left out at the time.

Planning Director Welsh said that the owner of the vacant lot had concern about the height and worried that the project could obstruct their views, but O'Brien advised that the project was not zero impact and the property owners were not present at the meeting. Planning Director Welsh showed the owners of the vacant lot the Staff Report and surmised the documentation had been enough to clear up since the owners were not in the audience.

Commissioner Ketchum questioned if they would have to tear down to ground level. Mr. O'Brien said that they would be using a lot of existing foundation. The last remodel was a single bathroom and bedroom and they had added sprinklers throughout the house as they continued with the remodel. The Fire Department did approve the project. Commissioner Ketchum appreciated that the plans were present and that the owner was still flexible. Commissioner Goyan asked if tonight's meeting was the last that the plans would be reviewed by the Commission. Senior Planner Neal confirmed that it was the last opportunity.

Chair Meigs asked the construction plans would have to be drawn by an architect.

Senior Planner Neal said that a structural engineer would be necessary.

Mr. O'Brien added that he was a Civil Engineer.

Commissioner LaMotte asked about future upgrades with roofs and asked if the applicant had considered fitting the roof so that it could accommodate solar at a later date.

Mr. O'Brien stated that he was talking to a solar person about preparing the roof for future upgrades along with the electricity.

Commissioner Lacques was concerned about further excavation in the basement area creating extra space, but felt the circumstances were special and that the unique characteristics of the property deemed it necessary.

Commissioner Ketchum wanted it noted that the basement was not approved as developable and any future work in the basement would be considered a change that would have to be reviewed by the Planning Commission and that the lower level should remain undeveloped. Commissioner Ketchum requested that language be included in the motion similar to the basement (unfinished story) and that it was "an unfinished, undeveloped storage area and that the Use Permit would need to be modified if any future development is proposed in this area".

Commissioner LaMotte felt building up was a more suitable way to expand, keeping the footprint the same and not increasing the impact to the streetscape and she supported the project.

Chair Meigs felt uncomfortable that the plans did not require an architect, but everything seemed to be explained.

Senior Planner Neal said there was nothing in the Code that forced the project plans to be drawn by an architect.

M/S Hamilton-Ketchum motioned that application # 08-07 for 32 Hill Avenue be approved subject to the conditions contained in the staff report and following modified findings for approval:

The lot slopes down from Hill Avenue which results in less than half of the underground portion of the residence not meeting the requirement to be designated a basement. This results in staff having to make the determination that the residence is three stories. ***However, the portion of the 1st story shall remain undeveloped and uninhabitable. Any change be made to this portion of the residence will require the approval of a modification of Use Permit Application # 08-07.*** Therefore, the lot slope is the special circumstance applicable to the property. The strict application of the height regulation, if it were applied, would deprive the applicant of the ability to expand their residence while still complying with the 28.5ft height limit.

Roll Call Vote

AYES: LaMotte, Goyan, Chair Meigs, Hamilton, Ketchum, Hoffmann, Lacques

Chair Meigs advised that any member of the public had 10 days to appeal the application and the application was available at Town Hall.

3. 88 Dominga Avenue; Application # 08-08

Request for Use Permit and a Setback Variance to demolish an existing 420sf garage to construct a new 400sf garage including a roof deck and 15ft high, lattice, privacy screen on the side property line between 84 and 88 Dominga Avenue; Residential RD 5.5-7 Zone; Graham Irwin, applicant/owner; CEQA categorically, 15301(1)(4) and 15305(a).

Commissioner Ketchum confirmed that the roof would remain the same and only the railing and the stairs would be removed.

Chair Meigs asked if the wall behind the stair railing on the drawings would be removed.

Senior Planner Neal confirmed that the wall was actually a privacy screen and it would be removed, the new roof would be level and that the old roof was slightly sloped.

Commissioner Hamilton questioned allowing the restoration of existing structures.

Senior Planner Neal advised that the Town indicates that as long as modifications were to restore and not change a building, construction was allowed.

Graham Irwin, the applicant and resident of 88 Dominga was present to request approval of the permit to restore the garage. The house and the garage were considered a teardown when he bought it 4 years prior and he had tried to work with what was there. He felt that his roof transitioned nicely between the drycleaners and the residences on the other side. Mr. Irwin planned to use a carriage house style garage door.

Commissioner Ketchum felt that additional plans were unnecessary.

Commissioner Hoffmann asked about green building measures.

Mr. Irwin stated he was maximizing the amount of fly ash in the foundation and using a minimum amount of framing. He would attempt to make the roof ready for solar. Mr. Irwin already had a solar water heater of the roof of his second unit.

There was no public comment on this agenda item.

Commissioner Hamilton felt it was a pretty straight forward restoration project.

Commissioner Goyan stated that the project was a prime example of why the code was revised to allow reconstruction of non-conforming structures in 2002.

Commissioner Hoffmann commended the applicant for removing the roof deck and said the project works well.

Chair Meigs stated she was very happy with the appearance of this corner property and was in favor of the project.

M/S, Ketchum-Hamilton motioned to approve application # 08-08 including the findings and the recommendations of Staff including the conditions that the that the garage roof deck be removed from the plans.

AYES: All

Chair Meigs advised that any member of the public had 10 days to appeal the application and the application was available at Town Hall.

APPROVAL OF MINUTES from January 17, 2008 meeting.

M/S Lacques-Meigs motioned to approve the minutes. (Hoffmann abstained and Hamilton and Ketchum were not present for the meeting in question, so they were excused.)

AYES: All

Draft Mixed Use Overlay Zone Ordinance

Commissioner Hamilton presented an overview matrix of the complete ordinance with respect to items that needed policy level instruction (highlighted green), white had already been approved by the Commission and topics in color had not been agreed upon.

The largest topic area yet to be addressed had to do with the pedestrian realm and design enhancements. There were currently seven items needing completion. Consultant Kennings would put all information into an ordinance document. Item number 1 (affordable housing at 40%) was being revisited and Leelee Thomas was coming to speak to the Commission to provide more insight. The Council was also going to be invited to come hear Ms. Thomas speak. Page 4, number 12, the parking was already written and the developer had the option to do another study. 16, 17, and 18 landscaping (growing scape) 16 adequately addressed the storm water run-off, so there was no additional need to require additional permeable surfaces. 15% landscape requirement for the lot.

Commissioner LaMotte questioned whether or not language to require a developer to t protecting existing vegetation has been discussed and questioned if retained existing vegetation t would be included in the 15% landscape requirement not as an aesthetic issue, but health and safety (reducing glare). The Tree Ordinance covered existing trees.

Chair Meigs felt that Commissioner LaMotte's idea was very good and it could be addressed at another sub-committee meeting. 18 was crossed out because it was already addressed.

Commissioner Hoffmann questioned that the landscaping be on the grade and not rooftop gardens, etc. Sub-committee recommended eliminating 18 by default.

Chair Meigs: Page 7, number 20 (lofts), felt as a committee that they did not want to change what was already existing. Commissioner Goyan asked if FAR included loft areas.

Planning Director Welsh said that a loft would be counted as floor area.

Commissioner Hoffmann asked about the number of units per acre and dwelling size.

Commissioner Hamilton said that the traffic impact study would also have an impact on the FAR. An applicant needed to demonstrate that they were not going to impact the traffic to a certain degree.

Planning Director Welsh stated that the ordinance indirectly stated lofts were another story within a floor.

Commissioner Ketchum asked if 28.5 feet and two stories were discussed.

Chair Meigs felt that it should be left as is, but Commissioner Ketchum felt that it should be something the Commission discusses further .

Chair Meigs said that stories and lofts would be discussed on March 6.

Commissioner Hoffmann asked what the Commission's goal was to accomplish in the next 30 minutes.

Chair Meigs confirmed no new items were being opened for discussion tonight. Number 21 (layout and uses), Consultant Kennings was going to review and bring back suggestions. Number 22 was going to Design Review Board. 23 and 24 (on Page 8) were going to Design Review Board.

Planning Director Welsh said that the Town was going to contact Consultant Kennings to get a proposal for the CH District. The Mixed Use Ordinance was going to be sent to the State and Design Guidelines would be worked out in the interim. Once the critique came back from the State it be adopted together.

Commissioner Hamilton said Consultant Kennings advised that different types of businesses would lend themselves to an open pedestrian area out front and asked how to create the look and feel the Town wants without being too dogmatic about it and limiting the type of business that would want to be in Town. The Commission should look at what was being proposed before the next meeting and decide what should be in the Ordinance as a requirement; design versus law. Chair Meigs felt Consultant Kennings was very helpful and would extract Design issues.

Page 9 (22, 30, 31, 32) were all Design issues.

Commissioner Hamilton said pedestrian realm being put on a developer should be in the area of Center Boulevard and maybe the other end of Town instead of a developer having to determine what they can do.

Planning Director Welsh confirmed for the next meeting on March 6, using the Matrix and suggestions that were not spelled out on the Matrix would be grouped in a packet to facilitate agreement.

Commissioner Hoffmann felt that there was a lot of information on the Matrixes and perhaps the items already addressed not be reprinted each time.

Chair Meigs said that for March 6 it would be clearly defined and Commissioner Hoffmann and Commission would not see what was already decided, but see only items open for discussion.

ACTION: Planning Director Welsh said she would prepare a Staff Report with the seven open issues if everyone kept their sub-committee notes provided from tonight's meeting.

Commissioner Hamilton questioned Staff with things not stated in the MUO and where it fell. Planning Director Welsh stated if it was not stated in the MUO it defaulted to the CH District.

Commissioner Hoffmann asked that email addresses be added to the contact list.

ACTION: Senior Planner Neal would email addresses from the Town Clerk.

Chair Meigs said she talked to Michael Rock about the Sacramento training. San Rafael's training for the Planning Academy was 6 sessions for \$25 on Wednesday nights through March. The deadline was February 22, 2008.

Planning Director Welsh went to the Planning Director's meeting Wednesday, February 13, 2008 and the Housing Element was supposed to be approved by March 2009. The Town was being asked to contribute \$6,000 to contribute to the Housing Workbook. In the past, all towns sent representatives to the County with updated census data (income and other information) and even though Fairfax did not have a certified Housing Element, a lot of work could just be transferred into the Workbook format. Once the workbook was ready it will go to GPAC first. Marin Municipalities are trying to get more information on how ABAG arrives at the number for affordable housing and what formula was used.

M/S, Ketchum-Hamilton adjourned the meeting at 9:41 pm.

AYES: All

Respectfully submitted,

Amy Dunnigan
Minutes Clerk