

DRAFT Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, September 17, 2009

Call to Order/Roll Call:

COMMISSIONERS PRESENT: Terry Goyan
Shelley Hamilton
Brannon Ketcham
Peter Lacques, Chair
Peter Ramsay
Shelby LaMotte

COMMISSIONERS ABSENT: Terry Goyan
Pam Meigs

STAFF PRESENT: Jim Moore, Planning Director
Linda Neal, Senior Planner
Joanne O'Hehir, Minutes-Secretary

Chair Lacques called the meeting to order at 7.35pm

Approval of the Agenda

Chair Lacques said he had concerns about 200 Canyon Road and wished to remove it from Consent to the Public Hearing Items for discussion.

M/S Lacques/Ketcham, Motion to move Item 1 of Consent, 200 Canyon Road, to the Public Hearing Items for public discussion.

AYES: All

M/S Ketcham/Ramsay, Motion to approve the amended Agenda.

AYES: All

Public Comments on Non-Agenda Items

None.

Public Hearing Items

1. 200 Canyon Road; Application # 09-18: Request for a fence height variance for a 5ft high fence along the property frontage within the required 6ft front setback; Residential Single-family RS 6 Zone; Derek Gregory, applicant/owner; CEQA categorically exempt, § 15303(e).

Senior Planner Neal presented the staff report. She noted that, according to the application, approval was being sought for a 5ft fence, when the Ordinance permits a 4ft fence height. Ms. Neal discussed the reasons that staff was able to support the application, which included that the fence would not obstruct vehicular or pedestrian visibility. Furthermore, Ms. Neal noted that staff recommended the condition that the owner should obtain approval by the Fire Department for the reasons laid out in the staff report.

In response to Chair Lacques, Ms. Neal said that the owner began the project before a permit had been obtained because he did not know that a permit was needed.

Chair Lacques and Ms. Neal discussed the fence height. Chair Lacques expressed concern that the fence posts appeared to be higher than 6ft.

Derek Gregory, applicant, said that he would reduce the height of the posts which were intended to support a higher fence. He said that the existing fence was falling apart and that he wanted to replace it with a new fence that would prevent people from entering his swimming pool. Mr. Gregory said he had thought a 6ft fence was necessary but that he would build a fence that was no higher than about 5ft 2in.

In response to Commissioner Ketcham, Ms. Neal said the Building Official had confirmed that a fence height of 4ft around a swimming pool was required by the Building Code.

Commissioner Ketcham and Ms. Neal discussed the curb, which did not comply with the Town's Code. However, Ms. Neal confirmed that the Fire Department had deemed it sufficiently low to be driven over by an emergency vehicle.

Chair Lacques opened the meeting to the public but no speakers came forward.

M/S, Hamilton/LaMotte, Motion to approve Application #09-18 for a height variance for a fence along the property frontage within the 6ft front setback, which must not be higher than 5ft, 3in at 200 Canyon road.

AYES: All

Chair Lacques read the appeal rights.

2. 89 Taylor Drive; Application # 09-19: Request for an encroachment permit and variances to construct a two-car garage adjacent to a single-family residence; Residential Single-family RS 6 Zone; Morgan Hall, architect; Marciel Rivera, owner; CEQA categorically exempt, § 15303(e), 15305(a) and 15305(b).

Senior Planner Neal presented the staff report. Ms. Neal explained that a Use Permit was necessary because the site was irregularly shaped and a parking structure could not be built which would conform to the combined side yard setback requirements. Ms. Neal explained that an encroachment permit was required for the eaves because they would protrude into the public right-of-way, in addition to a combined side setback variance and a front setback variance for reasons she explained.

Ms. Neal discussed excavation of the site and noted that minimal excavation would take place.

Ms. Neal explained why staff could make the findings to support the project, and that the conditions of approval included the requirement that the building plans must be approved by the town-appointed engineer and a geotechnical report provided.

In response to Commissioner Ketcham, Ms. Neal said that the existing retaining wall would need to be moved back.

In response to Chair Lacques, Ms. Neal said that a survey would need to be recorded before the building permit was issued. The applicants wished to obtain project approval from the Planning Commission before going to the expense of a survey.

Chair Lacques and Ms Neal discussed soil excavation.

Morgan Hall, project architect, said he'd be pleased to answer questions about the project.

Mr. Hall and Commissioner Ketcham discussed the retaining walls and those that will be replaced.

Chair Lacques and Mr. Hall discussed retaining walls and garage elevations, and the materials and eaves. Chair Lacques expressed concern that the south elevation of the garage wall might have view impacts.

The hearing was opened to the public and closed when no speakers came forward.

Commissioner Hamilton said that the project was an improvement and that it would consist of creating legal, conforming space. She said she appreciated that the excavation would be minimal.

Commissioner Ketcham also agreed that the project was an improvement over the existing conditions in terms of creating conforming space where there was non-

conforming space. He said that the protrusion of the eaves into the setback was reasonable. Commissioner Ketcham said that it was a good compromise to improve parking and fix the walls; that he hoped that the garage would not increase the FAR and that fire sprinklers would not be necessary. He expressed the wish that the survey would be undertaken.

Senior Planner Neal said they were working with the Fire Department to ascertain whether or not sprinklers would be necessary but that the sprinkler requirements have been included in the Conditions of Approval should the Fire Department deem them necessary.

Commissioner Ramsay said that the project would be an improvement for the neighborhood and parking conditions. He said that the design was tasteful.

In response to Commissioner Ramsay, Ms. Neal said that the Fire Department would probably make a decision on the necessity of fire sprinklers when they received the plans on submission of the building permit application.

Commissioner LaMotte said that the design was tasteful and an improvement for the property and streetscape.

In response to Chair Lacques, Mr. Hall discussed the difficulties of obtaining a survey.

Chair Lacques expressed concern that the garage would be so closely situated to the property line, but that he would support the project because it would be an improvement and because of the unique constraints of the lot. However he would not wish the project to set a precedent for other homeowners to build garages with zero setbacks. He suggested that a condition of approval should be added that the variance would be granted because of the property constraints.

Commissioner Ketcham and Ms. Neal discussed the conditions required by other agencies for building permit applications. Commissioner Ketcham suggested that as part of the findings it be made clear that the garage was completely separate from the main residence.

M/S Hamilton/LaMotte, Motion to approve the request for an encroachment permit and variances to construct a two-car garage adjacent to a single-family residence at 89 Taylor Drive, with the following amendment to finding number 7:

“.....providing a secure parking structure on their property.”; to

“.....providing a secure parking structure on their property due to the unique constraints of the property”; and an additional finding number 9:

“That the garage is a separate structure approximately 30 feet from the residence and is not structurally integrated with the property”.

AYES: All

Chair Lacques read the appeal rights.

3. Resolution No. 09-05 Approving the Draft Circulation Element of the General Plan and Recommending Adoption of the Element to the Fairfax Town Council

Planning Director Moore presented the staff report, when he noted that the passing of the Resolution was not imperative for reasons he explained.

Mr. Moore introduced Andy Perry of the Marin Bicycle Coalition who would address two policy items that he would wish to be included in the Circulation Element. He suggested that, with the Commissioners’ approval, a meeting take place with staff, Mr. Perry and a Commissioner to incorporate language pertaining to the Complete Streets Law and include a goal that by the year 2020, the desired number of journeys completed on foot or by bike be 20%. There was general consensus amongst Commissioners.

Andy Perry discussed the Complete Streets Law that required cities and counties to include policies as part of their general plans to ensure that roadways were designed to accommodate all users, including bicyclists and pedestrians. He said that this rule had been incorporated in the Bicycle Plan, which would be sufficient if the Bicycle Plan were included as an addendum to the General Plan.

Mr. Perry said that the County had adopted in their General plan the goal that 20% of all journeys be made on foot or by bike by the year 2020, which was the reason he suggested this goal be included in the General Plan.

Mr. Perry discussed minor amendments and mistakes in the document and he expressed concern that the road improvements planned for Bolinas Road might not provide sufficient room for bicyclists.

Planning Director Moore noted that the sidewalks would have to be widened sufficiently to meet the requirements of the Americans with Disabilities Act, which would probably lead to a narrower road. Mr. Moore noted that parking issues would be addressed through the Town Center Element.

General discussion took place between Mr. Moore, the Commissioners and Mr. Perry about suitable places in which to incorporate the language suggested by Mr. Perry.

There was general consensus amongst Commissioners that presentation of a final document with photographs and amendments should be provided to the Commissioners.

It was, therefore, agreed that the Commission would meet before the next Council Meeting in order to review a final draft Circulation Element.

Staff and Commissioners discussed the Resolution, to which an amendment was made that the Town Council “reviews” the Circulation Element and not “edits” the Circulation Element.

It was further agreed that the Town Center Element would be included in the packets for the next workshop.

Discussion Items

4. Commence discussion/consideration of the Safety Element

A brief discussion on the Safety Element took place, when Commissioner Ketcham requested that references be provided where appropriate. Chair Lacques requested that these be provided for the next meeting.

5. Discuss disposition of Town Center Element with new Appendix.

6. Discuss final “packaging” of all eight General Plan elements and critical path to adoption.

There was general consensus amongst Commissioners and staff that the hour was too late for discussion and that a further meeting was, in any case, required for the Circulation Element.

Planning Director’s Report

Planning Director Moore noted that Commissioner Meigs had addressed the Town Council about Ross Valley Fire Department’s requirement that property owners need to provide street fire hydrants when building modest additions. Mr. Moore said that the Council had directed the Town Manager to provide a response.

Mr. Moore noted that a forum would be held to discuss fire regulations of different agencies, including the County, the Town of Fairfax and Ross Valley Fire Department.

Mr. Moore discussed defensible space.

Approval of the Minutes

7. Review of the minutes from the meeting of July 16, 2009.

M/S, Lacques/Hamilton, Motion to approve the minutes of July 16, 2009 with the following amendments:

In Item 4, Continued Discussion/Consideration of the Circulation Element, “Chapter 3” to be changed to “Section 3”;

On page 7, under Item 4, “Chair Lacques said he would not like to see Chapter 3 taken out of the Circulation Element.....”, amended to:

“Chair Lacques said he disagreed with Section 3 being deleted from the Circulation Element.....”

AYES: All

Commission Comments and Requests

Commissioner Ketcham discussed the reasons he believed that individual homeowners should not be solely responsible for fire hydrants, which included that fire hydrants benefitted multiple residences.

Chair Lacques requested that the Commissioners be provided with the fire prevention requirements of Ross Valley Fire Department, the Building Code and any other departmental requirement.

Adjournment

A motion was made, seconded and unanimously passed to adjourn the meeting at 9.45 p.m.

Respectfully submitted,

Joanne O’Hehir