

Minutes from the October 21, 2010 meeting of the Fairfax Planning Commission

## **CALL TO ORDER**

Chair Ketcham called the meeting to order at 7:40 PM.

## **ROLL CALL**

Commissioners Present: Chair Brannon Ketcham  
Peter Lacques  
Shelby LaMotte  
Peter Ramsay

Commissioners Absent: Shelley Hamilton  
Pam Meigs

The seventh seat on the Planning Commission is currently vacant.

## **APPROVAL OF AGENDA**

M/S, LaMotte-Lacques, motion to approve the agenda as submitted.

AYES: all

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

There were no public comments on non-agenda items.

## **Consent Items**

**339 Cypress Drive; Application # 10-25; Request for an encroachment permit and retaining wall height variance to construct a 50 foot long, up to 5 ½ feet high, concrete retaining wall within the right-of-way to repair a failing wooden wall and create a trash/recycling area; Assessor's Parcel No. 003-131-22; Residential Single-family RS 6 Zone District; Scott Coutour, applicant/architect; Danny Rubenstein and Janet Di Giovanna, owners; CEQA categorically exempt, § 15302, 15303(e) and 15305(b).**

**17 Hill Avenue; Application # 10-27; Request for a Combined Side-yard Setback Variance to construct a 220 square foot living room addition onto an existing 1,222 square foot residence (square footage includes 611 square foot basement area); Assessor's Parcel No. 002-213-24; Residential RD 5.5-7 Zone District; Derek Schutt, applicant; Rachel Schutt-Mesrahi, owner; CEQA categorically exempt, § 15301(e)(1) and 15305(a).**

M/S, LaMotte-Lacques, motion to approve both of the consent items based on staff findings and subject to the conditions listed in the staff reports.

AYES: All

## **PUBLIC HEARING ITEMS**

**124 Redwood Road; Application # 10-26; Request for a Use Permit and Minimum and the Minimum Side Yard Setback Variance to construct a 639 square foot garage/roof deck addition onto an existing 1,025 square foot single-family residence; Assessor's Parcel No. 001-025-01; Residential Single-family RS 6 Zone District; Albert Delima, Architect; Nick or Chris Cedar, applicants/owners; CEQA categorically exempt, § 15301(e)(1) and 15305(a).**

Senior Planner Neal gave the staff report recommending that the project be approved.

Nick Cedar, the owner, stated that he and his wife have lived in their home for 13 years and they intend to stay there. The house is small and the parking deck has become deteriorated over time. They are tired of having their vehicle un-protected from the weather. Once so many oak leaves got into his car that they started a fire in the ventilation system. They would like to have two parking spaces and enough space to store their cycles, recycling cans and garbage can. He finished by stating that the lot is unique in that it is irregularly shaped, a drainage channel crosses the site, it is steep and the Fir Trail easement runs alongside it.

Commissioner Lacques verified with the applicant that the existing parking deck maintains a 9 foot setback from the side property line now and that the proposed addition will be 50 feet from the nearest house at 130 Redwood Road.

Commissioner Lacques asked about the oak tree that will have to be removed to construct the addition and the owner stated that it is a "leaner" at almost of 45 degree angle and it will probably have to come out soon whether the project is done or not.

Chris Cedar, owner, provided copies from the two nearest neighbors at 129 and 130 Redwood Road supporting the project.

Chair Ketcham verified with staff that a third parking space was shown on the plans in front of the garage but the space is in tandem with the garage spaces and is not required by the code because the project is not a 50% remodel.

Commissioner Lacques asked the owners if they would be willing to obtain an arborist's report to ensure the continued good health of the oak tree near the mailbox during and after construction and the owners were willing. They stated that the people across the street also like this particular oak tree because it provides privacy and shade and both properties would hate to lose the tree.

Commissioner Ramsay reminded the other Commissioners and the owner that a tree permit will be required prior to the removal of any trees.

M/S, Shelby-Lacques, motion to approve application # 10-26 based on the findings and subject to the conditions listed in the staff report.

**305 Scenic Road; Application # 10-28; Request for a Hill Area Residential Development Permit, Encroachment Permit, Minimum Front Setback Variance and Excavation Permit to demolish an existing 1,397 square foot single-family residence to construct a 2,563 square foot single-family residence and attached carport; Assessor's Parcel No. 001-052-07; Residential Single-family RS 6 Zone District; Onju Updgrave, architect/applicant; Michael McLennan, owner; CEQA categorically exempt, § 15303(a), 15305(a) and 15305(b).**

Staff member Neal gave the staff report.

Commissioner LaMotte asked for clarification for why this project requires a Resolution when other projects don't.

Senior planner Neal answered that the Town does Resolutions for all new homes and 50% remodels now to avoid differences of opinion prior to issuance of the building permit and during construction as to what the conditions of approval are. In the past, before the Town stated adopting Resolutions for larger projects, staff spent quite a bit of time debating with contractors and applicants what conditions had to be met.

Commissioner Lacques asked what the maximum height is and Onju Updgrave, the architect, answered that the house is 34.5 feet in height at its highest point.

Chair Ketcham asked when the existing house was condemned and the owner stated that the structure was yellow tagged in 2005.

Mike McLennan, the owner, informed the Commission that he tried to preserve as much of the land as open space so he designed the new house in basically the same footprint as the existing house. He looked at the adjacent houses and tried to be sensitive to maintaining their privacy and he tried to minimize the impact on the existing vegetation and trees. He stated that because of the added expense of the fire truck turn out, the house had to be a certain size to make financial sense.

Ms. Updgrave, the architect, stated that when it is finished the house will be one of the only ones in the neighborhood with conforming parking. She also explained that the size of the house was also dictated by the fact that in building the parking, unused space was created under the parking deck and they decided to fill it in and use it as living space.

Commissioner LaMotte stated that the house originally felt big when compared to the owner homes in the neighborhood looking at them from the street. As she walked around the neighborhood she saw other homes that looked small but actually were larger than they appeared because they stepped down the hillside.

Chair Ketcham verified with staff that the distance from grade to the bottom of the lowest deck is 11.5 feet.

Mr. McLennan, indicated that the upper portion of the house will be treated shingles while the lower area will be stucco for fire protection.

Chair Ketcham commented that the Commission is often concerned with how garages and carports on downsloping lots obscure views of the surrounding hillside. In this case, the carport is attached to the house and integrated with its design so removing the carport won't open up any views because the house is behind it.

Commissioner Lacques asked if the owner has considered using green building technology and if so what types.

The owner stated that he is planning to use low water use plant material and that he plans to comply with the state requirements that go into effect in January.

Chair Ketcham verified that the Town Engineer had carefully examined the drainage study for the project and that the drainage from the fire truck turn out and parking deck will be sent across Scenic Road to the existing drainage channel.

Mr. McLennan advised the Commission that the project has also been designed with a dispersion trench below the house.

Jason Saunders, owner of 309 Scenic Road, indicated he has concerns that the windows facing his property be opaque, he would like to see at least a partial privacy fence put up between the two properties and would like a deed restriction restricting the structure to a single-family home to be made a condition of approval.

Commissioner Lacques advised Mr. Saunders that those items should be taken up at the Design Review meeting.

Mr. McLennan asked what he needs to do before trimming large limbs from trees or removing them and Senior Planner Neal advised him that he will need a tree permit.

Commissioner Ramsay informed the owner that he appreciates having a project in front of him that complies with the regulations and where the applicant has a good relationship with the neighbors.

Commissioner LaMotte agreed citing the limited number of concerns the one neighbor who spoke has and indicating it does show that the project has been well thought out.

Chair Ketcham verified with staff that the neighbor's concerns can all be addressed at the Design Review meeting.

M/S, Ramsay-LaMotte, motion to adopt Resolution No. 10-06 approving application 10-28 for a new single-family home at 305 Scenic Road and incorporating findings and conditions of approval.

AYES: All

### **Tree Committee Member and Alternate**

The Commission continued this matter until the November 29<sup>th</sup> 2010 meeting after Commissioner Ramsay volunteered to represent the Commission at the October 25, 2010 meeting.

### **DISCUSSION ITEMS**

The super committee meets November 4, 5, and 6<sup>th</sup> at Bodega Bay.

### **PLANINNG DIRECTOR REPORT**

Bob Brown announced at the last Climate and Energy Partnership meeting that the Green Building ordinance BURST is a bust.

The Cal green program is better than anyone thought and it is part of the new Building Code and Fire Code updates which have been prepared for the next Town Council meeting and will go into effect January 1<sup>st</sup>.

After the super committee retreat Fairfax will have complete general plan to put on the council desk December 1<sup>st</sup>. Then the Town can get to work on climate action plan which can refer to a green building ordinance. The Committee will also discuss at the retreat the committee's take on the parking forum and whether we will add language pertaining to right-price parking and how strong that language will be.

The next workshop meeting will probably be in February or March.

Morgan Hall and Ryan O'Neil have both applied for the vacant Commission seat.

Chair Ketcham and Commission Hamilton's seats are up for renewal in December.

### **APPROVAL OF MINUTES**

M/S, LaMotte-Lacques, to approve the August 19, 2010 minutes as submitted.

Respectfully Submitted,

Linda Neal  
Senior Planner