

**DRAFT** Town of Fairfax Planning Commission Minutes  
Fairfax Women's Club  
Thursday, January 20, 2011

**Call to Order/Roll Call:**

**COMMISSIONERS PRESENT:** Morgan Hall  
Shelley Hamilton (Vice-Chair)  
Brannon Ketcham (Chair)  
Peter Lacques  
Shelby LaMotte  
Peter Ramsay

**STAFF PRESENT:** Linda Neal, Senior Planner  
Joanne O'Hehir, Minutes-Secretary

Chair Ketcham called the meeting to order at 7.30p.m.

**APPROVAL OF AGENDA**

M/s, Hamilton/LaMotte, Motion to approve the Agenda as presented.

Ayes: All

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

No one from the public came forward to speak.

**CONSENT ITEMS**

There were no consent items.

**PUBLIC HEARING ITEMS**

1. 162 Forrest Avenue; Application # 10-36 Request for a Use Permit to legalize the conversion of a storage area underneath an existing garage/parking deck into an office with a half bathroom; Assessor's Parcel No. 002-191-33; Residential Single-family RS 6 Zone; John and Susan McConneloug, applicants/owners; CEQA categorically exempt, § 15303(e).

Senior Planner Neal presented the staff report. She noted that the lot was zoned for a single family home and that the Planning Commissioners had the authority to grant use permits if they felt the use was suitable. Ms. Neal said that the Planning Commission had granted a use permit for bathrooms for converted office spaces in the past but not for bed

and breakfast establishments. She noted that there were two legal on-site parking spaces when three were necessary for a single family home, and thus parking was substandard.

Commissioner Lacques joined the meeting at 7.35 p.m.

Ms. Neal noted that there was concern that the applicant's employees and clients might monopolize parking in the residential neighborhood.

In summation, Ms. Neal said that staff recommended approval of the Use Permit for the home office, but not for the bed and breakfast establishment for reasons laid out in the staff report, which included a lack of parking. Furthermore, it was recommended that the wood burning stove should be removed from the office and also the removal of the second kitchen on the lower level of the residence.

In response to Vice-Chair Hamilton, Ms. Neal noted that the Code did not address parking for bed and breakfast businesses and that had the office been a legal second unit, four parking spaces would have been required. Ms. Neal said that the applicant was requesting a half bathroom in the office space, and staff suggested that if it were granted a Deed Restriction should be lodged with the county prohibiting a kitchen or bathing facilities in the area.

The applicant, Susan McConneloug, presented letters of support to the Commissioners. She noted that clients' visits were infrequent and that she had not realized a Use Permit was necessary for her office. Furthermore, she believed she had four legal parking spaces on the property.

Ms. McConneloug addressed her short-term room rental business and the reasons for the business. She noted that the room had had some appliances but not a sink, and so she did not believe it constituted a kitchen. She said that the fire place in her office space would shortly be removed.

In response to Vice-Chair Hamilton, Ms. McConneloug said she would not be in position to install a half bathroom immediately.

Commissioner Lacques and Ms. McConneloug discussed the project. She said that she had not had a parking problem with regard to her clients and confirmed that she had not operated as a bed and breakfast establishment since being told she could not operate such a business. She said that her highest priority was to be allowed to meet her clients and bookkeeper at her office.

Commissioner Hamilton and Ms. Neal discussed parking in relation to a home occupation and Ms. Neal noted that a business that brought clients to a residential dwelling did no constitute a home occupation.

Ms. Neal and Chair Ketcham discussed parking. Ms. Neal confirmed that the parking spaces were on a public easement for which an encroachment permit was granted in 1980 for two parking spaces.

In response to Commissioner Lacques, Ms. McConneloug said that they did not intend the room they rented out to be an illegal second unit.

The hearing was opened to the public.

Phyllis Andelin, Oak Tree Lane, noted that having visitors to a home was part of life and that the applicant had very few visitors. She supported the application.

Vincent Pizzuto, Forest Avenue, said that the smoke from the wood-burning stove had been an issue in their home but that he understood that this would be corrected with the removal of the stove.

Douglas Liddell, a tenant on Forest Avenue said that he would support a project that allowed homeowners to rent out a single room to help them support their home. He said it would be shame that residents who had been part of the community for so long would need to leave for financial reasons.

John Buchholz, Forest Ave, said that Forest Avenue had parking issues but that the applicant appeared to have adequate parking on her property.

Sandy Westin, Forrest Avenue, said that she was directly affected by the smoke from the wood-burning stove and that it should be removed. She said that the applicant's bed and breakfast visitors have knocked on her door asking where to find the applicant because of the layout of the applicant's dwelling and she did not want to deal with such requests. Ms. Westin discussed problems that some of the visitors had caused in addition to her parking concerns.

Fernando Esponda, Forest Avenue, requested that the wood-burning stove be replaced by a clean-energy heating system.

In response to Chair Ketcham, Ms. Neal confirmed that the Code remained silent on bed and breakfast businesses and they discussed the Code in relation to second units. Ms. Neal noted that additional parking would need to be provided if the office space was converted to a second unit.

Chair Ketcham and Ms. Neal discussed the office space, which had been a storage area, but required the Use Permit because it had been converted to office space. She noted that building permits would be necessary to legalize the office space, which was part of the Conditions of Approval.

Ms. Neal noted that a dwelling in a single family zone could not be used for a commercial bed and breakfast business.

Vice-Chair Hamilton and Chair Ketcham voiced support for the present use of the home office space. Vice-Chair Hamilton noted that the business did not change the essential character of the neighborhood which was the intent of the Code. Commissioner Ramsay was in agreement.

Commissioner Lacques said he would support the use of the office with restricted vehicle visiting times and the removal of the wood-burning stove. However, he said he would not support the bed and breakfast business, which he thought could not be justified in a residential district due to parking difficulties.

Commissioner LaMotte noted that the removal of the wood-burning stove and the permitted use for the office space would address many of the problems that related to the residence. She said that people benefitted the community by working from home and that there did not appear to be a great deal of protest regarding parking issues caused by the project.

Commissioner Hall said that the number of visitors should be regulated for the Use Permit and that the wood burning stove should be removed from the office space. He said he would not support a bed and breakfast business and that the room intended for that use could become a second unit. He believed that the kitchen should be removed from that room.

Vice-Chair Hamilton noted that parking was the main impact for the business. Thus, she did not agree to the business hours being restricted by the Planning Commission but by restricting the number of cars that could be accommodated.

Chair Ketcham discussed the character of the neighborhood, and he noted that the road was narrow and substandard and that a bed and breakfast business could increase the number of vehicles on the road. Furthermore, other households might follow suit. Thus he said he would not support the bed and breakfast business. However, he said that he agreed with the Use Permit for the office space with restricted visits by clients and that the wood burning stove should be removed.

The Commissioners discussed parking limitations.

M/s, Hamilton/Ramsay, Motion to approve Application #10-36, a request for a Use Permit to legalize the conversion of a storage area underneath an existing garage/parking deck into an office with a half bathroom at 162 Forrest Avenue with the following findings and Conditions of Approval:

1. That finding No. 1. be amended to read: "The Use Permit has been conditioned upon the removal of the wood-burning stove, the elimination of the bed and breakfast and to ensure the business-related visits to the site shall not change the character of the neighborhood. Therefore, the approval of the Use Permit shall

not constitute a grant of special privilege and shall not contravene the doctrines of equality and equal treatment”.

2. That Findings 2, 3 and 4 in the staff report remained unchanged.
3. That Conditions 1 and 3 in the staff report remained unchanged.
4. That Condition 2 would be amended to read: “The owner shall retain use of the office, including visits by clients and other business visits, provided that the visits shall not exceed an average of seven clients per month, nor shall the total number of vehicles on site at any one time exceed the number of spaces on site”
5. That a Deed Restriction be recorded at the County of Marin Records’ office prohibiting a kitchen or bathing facilities in the office area.

A roll call was taken:

Peter Ramsay	Aye
Shelley Hamilton	Aye
Brannon Ketcham	Aye
Peter Lacques	Aye
Morgan Hall	Aye
Shelby LaMotte	Aye

The application was unanimously approved with the amendments to the Findings and Conditions of Approval. Chair Ketcham read the appeal rights.

### **DISUSSION ITEMS**

There were no discussion items scheduled for this meeting.

### **PLANNING DIRECTOR’S REPORT**

The Planning Director was not present.

### **APPROVAL OF MINUTES**

4. Review of the minutes from the meeting of December 16, 2011

M/s, Ramsay/Hamilton, Motion to approve the Minutes with the following amendments:

Page 5, paragraph 7, “polls” to be amended to “poles”.

Page 6, paragraph 3 amended to read: “ ...applicant seemed to have every intention of making the building safe but that the drawings before the Commissioners did not reflect

any of those Fire Department-related changes. It also appeared that findings did not exist to allow the Commissioners to approve a third story”

Ayes: All

### **COMMISSION COMMENTS AND REQUESTS**

In response to Chair Ketcham, Senior Planner Neal noted that staff hoped to draw up a draft Medical Marijuana Ordinance in time for the Planning Commission meeting in February.

Chair Ketcham requested a resolution be drawn up for the next meeting to honor former Planning Commissioner Meigs, who resigned from the Planning Commission.

In response to Chair Ketcham, Ms. Neal suggested he spoke to Planning Director Moore about the status of the Fire and Building Codes that were discussed by the Town Council.

### **ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 9.40 p.m.

Respectfully submitted,

Joanne O’Hehir