

Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, May 15, 2014

Call to Order/Roll Call

Chair Ketcham called the meeting to order at 7:07 p.m.

COMMISSIONERS PRESENT: Roxanne Ezzet
Philip Green
Brannon Ketcham (Chair)
Shelby LaMotte

COMMISSIONERS ABSENT: Esther Gonzalez-Parber
Shelly Hamilton
Laura Kehrlein (Vice-Chair)

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

APPROVAL OF AGENDA

M/s, LaMotte/Green, Motion to approve the agenda:

AYES: All

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No one from the public came forward to speak.

CONSENT ITEMS

- 1. 6 Bridge Court; Application # 14-15:** Continued consideration of a Use Permit, Variances and Design Review of a remodel/expansion of a 1,386 square foot, three bedroom, 1 bath single-family residence into a 1,753 square foot, 3 bedroom, 3 bath residence increasing the structure square footage by 367 square feet; Residential RD 5.5-7 Zone; Assessor's Parcel No. 002-105-13; Rich Rushton, Rushton-Chartock Architects, applicant; Lee Mac Pherson and Rae Gordon, owners; CEQA categorically exempt, §§ 15301(a), (e)(1) and 15305(a). Recommended for a second continuance to the June 19th, 2014 Commission meeting.
- 2. 2097 Sir Francis Drake Blvd; Application # 14-17:** Request for a Sign Permit to erect a new monument sign for the Fairfax branch of the Marin County Library; Assessor's

Parcel No. 001-131-47; Multiple Family RM Zone; County of Marin, owner; Thadius Adcock, applicant; CEQA categorically exempt, §15303(e).

3. **101 Cascade Drive; Application # 14-18:** Use Permit and Setback Variances to construct a 200 square foot work studio on the site of recently demolished studio adjacent to a single-family residence; Assessor's Parcel No. 003-204-16; Residential Single-family RS 6 Zone; Diane Rose, owner; Diane Rose and Michael Gross, applicants; CEQA categorically exempt, § 15301(4), 15303(e) and 15305(a).

M/s, Green/Ezzet, Motion to remove Item 2 concerning the library sign from Consent to the Public Hearing items.

AYES: All

M/s, Ezzet/LaMotte, Motion to approve the Consent items:

AYES: All

Chair Ketcham read the appeal rights.

PUBLIC HEARING ITEMS

2. **2097 Sir Francis Drake Blvd; Application # 14-17:** Request for a Sign Permit to erect a new monument sign for the Fairfax branch of the Marin County Library; Assessor's Parcel No. 001-131-47; Multiple Family RM Zone; County of Marin, owner; Thadius Adcock, applicant; CEQA categorically exempt, §15303(e).

Senior Planner Neal presented the staff report. She noted that the location of the sign needed to be approved by the Police and Fire Departments.

Commissioner Green said that he would recommend adding a second sign on the south west side, which would be visible to traffic, at some future date.

In response to Commissioner LaMotte, a representative from the sign company clarified one of the colors.

M/s, Geen/Ezzet, Motion to approve Application # 14-17, a request for a Sign Permit to erect a new monument sign for the Fairfax branch of the Marin County Library with white lettering, and for the erection of a second sign, should it be deemed necessary at a future date, facing approximately south west, subject to the approval of the Police Department, Fire Department and planning staff, at 2097 Sir Francis Drake Blvd.:

AYES: All

Chair Ketcham read the appeal rights.

4. **3 Arrowood Lane; Application # 14-14:** Continued consideration of a request for Design Review of a proposed 2,750 square foot single-family residence with an attached 784 square foot garage; Assessor's Parcel No. 174-290-03; Residential Single family RS 6 Zone; Wayne Ferrare, applicant; Cynthia Post, owner; CEQA categorically exempt, § 15303(a).

Senior Planner Neal presented the staff report. She discussed the changes that had been requested by the commissioners at the previous meeting that included a darker color pallet.

Wayne Ferrare, owner, said he had revised the colors and materials, which he discussed in relation to the landscaping. He said that the color board also included an example of the redwood fencing that they had proposed. Mr. Ferrare presented materials to the commissioners and staff, which he discussed.

In response to Chair Ketcham, Mr. Ferrare discussed the lighting plan. He noted that the exterior lights would be downlit and would not glare outwards to the street. Furthermore, Mr. Ferrare said that a fence should provide additional screening.

Mr. Ferrare discussed landscaping in response to Commissioner Ezzet.

Chair Ketcham opened and then closed the public comment period when no one came forward to speak.

Vice-Chair LaMotte discussed her concern that there were properties on Arrowood that did not conform to color requirements by the town and the CC&Rs. Ms. Neal noted that they could control only the new sites.

Commissioner Ezzet commented on the color scheme, which she had hoped would be darker.

M/s, Ezzet/LaMotte, Motion to approve Resolution No. 14-05, Application # 1414, a request for Design Review of a proposed 2,750 square foot single-family residence with an attached 784 square foot garage, with an additional Condition of Approval to read as follows:

That landscape planting shall be provided on the exterior of the perimeter fence facing Sir Francis Drake Blvd.:

AYES: All

Chair Ketcham read the appeal rights.

5. **76 Spruce Road; Application # 14-17:** Request for a Use Permit and Variances to legalize an unpermitted residential second living unit with an accessory garage/workshop structure adjacent to a single-family residence; Assessor's Parcel No. 001-142-23; Residential RD 5.5-7 Zone; Gabriel Harris, applicant/owner; CEQA categorically exempt, § 15301(a), 15303(a) and (e) and 15305(a).

Senior Planner Neal presented the staff report. She discussed the code in relation to second units and confirmed that the owner lived in the main house. Ms. Neal explained that the size of the second unit exceeded the size of the main house by over 30%, but that it did not exceed the maximum allowable space of 700 square feet for a second unit. She noted that a variance would be necessary and discussed the reasons why staff could support a variance.

Ms. Neal noted that the FAR (floor area ratio) and height requirements had been met and she discussed the discretionary permits that would be necessary. Ms. Neal note that the second unit parking space extended over the property line, but not in the right-of-way, and that the requested variance also included waiving the need to provide covered parking. She said that, since staff felt confident that the survey was accurate, they would recommend that the need for the applicant to record the survey be waived as well.

Overall, Ms. Neal said that staff would recommend approval of the project, subject to the findings and conditions in the staff report.

In response to Commissioner Ezzet, Ms. Neal said that a business license was not necessary because a business was not operating at the residence. Commissioner Ezzet and Ms. Neal discussed the second unit application in relation to the amnesty program. They also discussed parking in relation to complaints, which Ms. Neal said pertained to issues that were not related to the property.

Commissioner Green and Ms. Neal discussed parking in relation to a culvert and the easement.

Chair Ketcham and Ms. Neal discussed the second unit in relation to complaints. Ms. Neal noted that if the use of the second unit met legal requirements, then the application should not be denied regardless of general parking problems.

Ms. Neal and Chair Ketcham discussed the provision of water and gas meters. Ms. Neal noted that the Town exempted a second unit owner from providing both meters if they were exempted by the relevant agencies.

Commissioner LaMotte discussed a complaint about over-flowing garbage, which Ms. Neal noted had been addressed in the Conditions of Approval.

Gabriel Harris, owner, said that he was not aware of parking complaints that related to his property. He said that he ensured visitors did not block traffic. Mr. Harris said that he had moved the garbage to a hidden area on his property and that he would be happy to provide a larger trash container. He addressed noise complaints that revolved around his music activities. Mr. Harris said he had a business license for a business but that it did not operate out of his home.

In response to Commissioner Green, Mr. Harris said that he did practice music at his house. He said he had received a complaint from one neighbor but that he tried to control the sound output, and confirmed that he had double-paned windows.

Chair Ketcham opened the public comment period.

Steven Vanni, Chester Avenue, discussed his concern that the Town would not be responsible for the culvert, which was on private property, if it flooded. Mr. Vanni also discussed the second unit in relation to a sprinkler system and he noted that some construction work would likely be necessary if the second unit came into compliance.

In response to Chair Ketcham, Ms. Neal noted that the Public Works Department would clear a storm drain if it were blocked and causing flooding.

Kim Turley, Spruce Avenue, discussed her concerns regarding loud drumming, garbage, the property's tenants and vehicular obstruction. Ms. Turley said she had filed a complaint with the town.

Mr. Harris' wife said that they had not been cited by the Police for noise or any other violation. She said that they have visitors but no tenants, and that they have tried to be courteous and work with their neighbors.

Chair Ketcham and Ms. Neal discussed drainage in relation to the culvert and parking. Ms. Neal noted that the Code did not address what could be placed in a parking space.

In response to Commissioner Ezzet, Ms. Neal said that they had not asked the Police Department if they had received complaints.

Commissioner Ezzet discussed her concern about the cumulative effects of second units, particularly in relation to lack of parking. She noted that noise violations should be reported to the Police.

Vice-Chair LaMotte discussed the parking, noise and dog-barking issues. However, she said that there should be more grounds to enforce the code if the second unit were legalized, and that the situation should not worsen by complying.

General discussion on the Conditions of Approval took place.

M/s, Green/LaMotte, Motion to approve Application # 14-17, a request for a Use Permit and Variances to legalize an unpermitted residential second living unit with an accessory garage/workshop structure adjacent to a single-family residence at 76 Spruce Road with the additional Conditions of Approval:

10. Garbage service shall be adequate to meet refuse produced by the main house and second unit. Applicant shall make an effort to minimize the accumulation of refuse in visible areas.
11. Applicant shall make an effort to insulate the doors and inside walls of the studio in order to minimize noise leakage.

12. Applicant shall ensure that the roadway will be kept free of dust and gravel by sweeping daily to minimize airborne materials during construction. Construction vehicles should be kept to a minimum.
13. Storage of trailers shall not occur in the primary parking spaces required for the house and second unit, or pushed into the public right of way.

A roll call took place:

AYES: Green, Ketcham, LaMotte
NO: Ezzet

Chair Ketcham read the appeal rights.

6. **232 Hillside Drive; Application # 14-19:** Request for a Hill Area Residential Development permit, Use Permit, Excavation and Design Review permit to construct an 864 square foot pool cabana and swimming pool and to convert 518 square feet of the basement of an existing single family residence to a third living unit for an employee on a developed single-family residence site that is already developed with a second living unit; Assessor's Parcel No. 002-181-03; Upland Residential Deborah and Kelly London, owners; Rich Rushton, Rushton Chartock Architects, applicant; CEQA categorically exempt, § 15301(a) and 15303(e).

Senior Planner Neal presented the staff report. She discussed the proposed project, which consisted of a swimming pool with a patio and cabana/storage structure, and a request to legalize living quarters for the au-pair. Ms. Neal noted that the lot was of a size that all setbacks would be met, and that the floor area ratio and lot coverage would remain below the permitted limits. Ms. Neal discussed the necessity of a Hill Area Residential Development Permit for a variety of reasons, one of which was that the proposed accessory structure exceeded 200 square feet, which made the permit a requirement under the Code.

Ms. Neal also noted that an Excavation Permit would be needed to remove in excess of 100 cubic square yards of material, and a Use Permit for the unpermitted living unit for their au-pair in the basement area behind the garage due to the zoning district.

Ms. Neal said that the Town Engineer had reviewed the technical reports and project plans, and that he believed the proposed project could be built without causing unnecessary problems to the neighboring properties and the public roadway.

For the reasons discussed, Ms. Neal said that staff could support the project with the findings and conditions in the staff report.

In response to Commissioner LaMotte, Mr. Rushton, Architect, discussed the amount of excavation and fill that would be needed in relation to truckloads.

In response to Commissioner Green, Ms. Neal confirmed that information requested by the Public Works Director had been provided and approved. They discussed the use of pool water by the Fire Department in the event of a fire with the applicants, and Commissioner LaMotte noted that the supply was usually considered inadequate for fire suppression.

Mr. Rushton discussed the project, when he said that they had designed the cabana with a view to it receding into the hillside. Mr. Rushton also discussed the height of the cabana, vegetation and water run-off.

In response to Chair Ketcham, Mr. Rushton said that they were not able to use much of the fill and that it needed to be off-hauled.

Chair Ketcham opened and then closed the public comment period when no one came forward to speak.

Commissioner LaMotte said that it was a nice design and nestled into the hillside, with which Commissioners Ezzet and Green were in agreement. Chair Ketcham noted that there would be no additional water run-off.

M/s, LaMotte/Ezzet, Motion to approve Application # 14-19, a request for a Hill Area Residential Development Permit, Excavation Permit and Use Permit for a pool, pool cabana and living quarters for an employee at 232 Hillside Drive:

AYES: All

Chair Ketcham read the appeal rights.

7. **19 Manor Road; Application # Application # 14-16:** Request for a Use Permit, Variance to park in a side yard setback and Fence Height Variance for a remodel expansion of a 1,379 square foot single-family residence into a 2, 358 square foot residence with a 7 ft 2 in front fence/arbor; Assessor's Parcel No. 001-104-07; Residential RD 5.5-7 Zone; Thomas Lutge, applicant/owner; CEQA categorically exempt, § 15301(1), 15303(e) and 15305(a).

Senior Planner Neal presented the staff report, when she provided background information on the property. She discussed a permit that was issued in 2011 to move the property out of the creek setback and do minor remodeling work. However, significant work was undertaken to the degree that staff concluded a Use Permit would be required and that parking should comply with the standards.

Ms. Neal discussed the current project, which included expansion of a single-family home and construction of a one—car garage. She made a correction to the plans that concerned the garage. Ms. Neal noted that the applicants were requesting a variance to exceed the side yard setback for parking, a fence variance to exceed the height limitations, and a Use Permit because the lot was irregularly shaped and did not meet the minimum width requirements at the street. She noted that the project constituted a 50% remodel.

Ms. Neal said that the roofline would be lowered and would be less than the maximum height allowed, and that the design would incorporate craftsman-style details with a wrap-around porch. She said that the residence would be articulated and that the design and materials would be similar in style to other residences in the neighborhood.

Ms. Neal said that staff could not support the variance for the uncovered parking space because it could be moved out of the side yard setback, nor the fence variance to exceed the maximum height allowed for reasons she explained.

Ms. Neal noted that a materials board had been provided and that, overall, staff could make the findings to support the project without the variances being granted for the fence and uncovered parking.

Commissioner LaMotte and staff discussed the fence in relation to the code and necessary findings.

Michael Pettit, Project Architect, noted that they had met the floor area ratio and setback requirements, and that they would comply with staff's recommendations to meet the uncovered parking space and fence height regulations.

Chair Ketcham and Mr. Pettit discussed the basement, which Mr. Pettit confirmed he had not designed but that it appeared to have been designed with the nearby creek in mind.

Commissioner Green said that he liked the project and noted that the shallow roof pitch would reduce the massing.

Commissioner LaMotte and Mr. Pettit discussed the removal of an apple tree.

Chair Ketcham opened the public comment period.

Robert Beifus, Manor Road, discussed his concern that his view and light had been affected by the placement of the house. He would prefer that it be moved because of the massing next to his home, although he approved of the reduction in height.

In response, Mr. Pettit said that they would provide screening and a new fence.

Richard Carson, Manor Road, said that they were tired of looking at the state of the property and that the new plans looked nice. In response to Mr. Carson, Mr. Pettit said that the applicants intended to complete their project in a timely manner.

Sean Aguilar, Manor Road, discussed past problems that related to the property and his concern that the owner did not live there.

Chair Ketcham closed the public comment period.

In response to Chair Ketcham, Ms. Neal provided background information on the property. She noted that the commissioners needed to review the project based on the laws and regulations and not on whether or not the owner lived in the property.

Ms. Neal discussed creek restoration with Commissioner LaMotte in relation to the property.

Planning Director Moore noted that the protocol was to bring properties into compliance with the codes.

Commissioner Green and Mr. Moore discussed a bond to secure a time limit for completion of the building work. Mr. Moore said that he would investigate the possibility, which led to a general discussion about imposing timelines.

Commissioner LaMotte suggested adding a condition of approval regarding plantings.

M/s, Green/Ezzet, Motion to approve Application # 14-16, a request to remodel and expand a single-family residence at 19 Manor road with the removal of variance requests to place an uncovered parking space in the side yard setback and raise the fence above the permitted maximum of 6 feet, with the following additional conditions of approval:

1. Construction drawings shall be submitted within a 3-month time-period and the project shall be completed within one year following issuance of the building permit.
16. The three parking spaces shown on the plans shall be used for principal vehicles and not for the storage of vehicles, nor will vehicles be stored in the public right-of-way.
17. The size of the hedge plants will be increased to 15 gallons and a properly placed 24" boxed tree shall be placed between the entrance of the neighbor's house and the garage and stairwell balcony for screening purposes.

AYES: All

Chair Ketcham read the appeal rights.

MINUTES

8. Minutes from the April 24, 2014 meeting.

M/s, Ezzet/LaMotte, Motion to approve the minutes of April 24, 2014.

AYES: All

PLANNING DIRECTOR'S REPORT

Planning Director Bell discussed the repeal of Ordinance 778, for which a Special Planning Commission meeting would be convened on May 27th. Mr. Bell suggested that the commissioners watch the last Town Council meeting when discussions on Ordinance 778 took place.

DISCUSSION ITEMS

9. Zoning Ordinance: Issues list creation/update

Added to the list were the following items: What constituted a vehicle, Use Permit expiration, fence height restrictions, setback restrictions that related to small lots, the cumulative effects of granting setback variances and second units.

ADJOURNMENT

A Motion was made, seconded and unanimously approved to adjourn the meeting at 10:10 p.m.

Respectfully submitted,

Joanne O'Hehir