

Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, August 21, 2014

Call to Order/Roll Call

Chair Ketcham called the meeting to order at 7:05 p.m.

COMMISSIONERS PRESENT:

Philip Green
Shelly Hamilton
Brannon Ketcham (Chair)
Shelby LaMotte
Laura Kehrlein (Vice-Chair)

COMMISSIONER ABSENT:

Roxanne Ezzet
Esther Gonzalez-Parber

STAFF PRESENT:

Garrett Toy, Town Manager
Linda Neal, Senior Planner
Joanne O'Hehir, Minutes Secretary

APPROVAL OF AGENDA

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

AYES: Green, Hamilton, Kehrlein, Ketcham, LaMotte
ABSENT: Ezzet, Gonzalez-Parber

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No-one from the public came forward to speak.

CONSENT ITEMS

1. **38 Maple Avenue; Application # 14-27:** Request for a Use Permit and Parking Variance to construct a 117 square foot dining room expansion and master bedroom addition to an existing 1,244 square foot single-family residence; Assessor's Parcel No. 001-204-33; Residential RD 5.5-7 Zone District; Darlene Gerson, G-Family Construction, applicant; David and Erin Noble, owners; CEQA categorically exempt, § 15301(e)(1).
2. **225 Olema Road; Application # 14-28:** Request for a Use Permit to construct a number of small additions (a total of 156 square feet) onto a single-family residence increasing the square footage from 3,035 square feet to 3,191 square feet; Assessor's Parcel No. 001-071-19; Residential Single-family RS 6 Zone District; Fred and Vicky Divine, applicants/owners; CEQA categorically exempt, § 15301(e)(1).

M/s, Green/Hamilton, Motion to continue Application # 14-28, a request for a Use Permit to construct a number of small additions (a total of 156 square feet) onto a single-family residence, increasing the square footage from 3,035 square feet to 3,191 square feet at 225 Olema Road, to the meeting of September 18, 2014, due to a lack of a quorum.

3. **139 Lansdale Avenue; Application # 14-30:** Require for a Use Permit and Variance to convert a portion of an existing porch into living space increasing the residence square footage by 78 square feet from 579 square feet to 657 square feet; Assessor's Parcel No. 002-201-18; Residential RD 5.5-7 Zone; Carol Golden, applicant/owner; CEQA categorically exempt, § 15301(e)(1).

Chair Ketchm opened the public comment period. Steve Lamb, Laurel Ave, noted that the parcel size was incorrectly stated once in the staff report.

M/s, LaMotte/Green, Motion to pass the Consent Agenda:

AYES: Green, Hamilton, Ketcham, LaMotte, Kehrlein

Chair Ketcham announced the appeal rights.

PUBLIC HEARING ITEMS

4. **Draft General Plan Amendment;** The Planning Commission will consider and may adopt Resolution No. 14-9 recommending the Town Council adopt a proposed Amendment to the General Plan to (1) formally correct typographical errors, (2) make minor narrative revisions to correct numerical inconsistencies, and (3) correct the listing of the General Plan designation for Assessor's Parcel No. 174-070-50 (commonly known as 2600 Sir Francis Drake Boulevard, site of the Jehovah's Kingdom Hall), from Planned Development (PDD) to Upland Residential 7 (UR-7); e.g., 7 acres minimum parcel size; Exempt from CEQA per C.C.R. § 15061(b)(3).

Town Manager Toy presented the staff report when he provided background information on the repealing of Ordinance 778. Mr. Toy said that the Council wanted the Planning Commission to address the issues and concerns that had been raised by the community during public meetings that had led to the repeal. He said that the main concerns had been the need to remove the Jehovah Witness property from the PDD (Planned Development District) land use designation to its original land use designation, and to clarify the density of certain zoning designations in the tables of the Housing Element.

Mr. Toy went on to discuss corrections to the Zoning Map and to the housing element tables. He clarified the density of houses allowed on a parcel in response to Commissioner Green.

Mr. Toy and Chair Ketcham discussed opportunity sites. Chair Ketcham said that they should be better defined and the parcels should be listed in the Housing Element. Following discussion

amongst the Planning Commissioners, additional language relating to opportunity sites was added, in addition to footnotes that related to the tables in the Housing Element.

Senior Planner Neal clarified aspects of PDD in relation to the code in response to Commissioner Hamilton.

Following discussion, amendments were made to the heading under Program H-4.1.1.6., which was followed by a discussion on the map colors.

Chair Ketcham opened the public comment period.

Yvette Wakefield, Alhambra Circle, discussed high-density housing in relation to noise and environmental concerns caused by traffic. She said that she did not support such housing projects.

Bruce Ackerman, Valley Road, said that he supported the changes. He noted that the opportunity sites would be close to the town center and Sir Francis Drake Blvd. Mr. Ackerman said that these sites would encourage sustainability and limit traffic, which would be the point of such developments.

In response to Randy Engle, Taylor Drive, Mr. Toy explained what opportunity sites referred to in the Housing Element.

Chair Ketcham closed the public comment period and discussion took place on the way forward.

M/s, LaMotte/ Green Motion to approve Resolution No. 14-9 recommending the Town Council adopt a proposed Amendment to the General Plan to (1) formally correct typographical errors, (2) make minor narrative revisions to correct numerical inconsistencies, and (3) correct the listing of the General Plan designation for Assessor's Parcel No. 174-070-50 (commonly known as 2600 Sir Francis Drake Boulevard, site of the Jehovah's Kingdom Hall), from Planned Development (PDD) to Upland Residential 7 (UR-7); e.g., 7 acres minimum parcel size with the following amendments:

1. That the following shall be added: "In the event that the designated zoning map differs to the illustrative _____, the zoning map shall prevail".
2. That the following paragraph shall be added to Objective H-1.1.1: "Tables and maps found throughout the housing element are to assist the reader in understanding the element text. They are for illustrative purposes only and where they conflict with the text, the Housing Element text shall prevail".
3. A footnote shall be added under each table/figure indicating that the table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.
4. Public Domain in table H-3 should be amended to clearly indicate, "for emergency residential shelters".

5. “opportunity sites” to be capitalized throughout the Housing Element.
6. Staff to review other Housing Element Objectives to ensure the number of units designated by HCD are correct.
7. On the Opportunity Site Zoning Map, the Jehovah Witness site to be correctly colored to reflect UR-7 designation.
8. That the title for Program H-4.1.1.6 be amended to read: “Amend the Opportunity Sites in the Planned Development District (PDD) Zone Standards.....”

There was also a change to the language concerning “maximum of 2 acres” but I don’t recall to what it referred. I had a note that it referred to Pr. H-4-1.1.6, second para but it is already in there.

9. “WHEREAS, on Thursday, August 21, 2014, at a duly-noticed.....and formulated a recommendation to the Town Council”, shall be amended to read:

“WHEREAS, on Thursday, August 21, 2014, at a duly-noticed.....and formulated a recommendation with amendments thereto to the Town Council”.

A roll call took place:

AYES: Green, Hamilton, Ketcham, LaMotte, Kehrlein

5. **48 Geary Avenue, Application # 14-31:** Request for a Hill Area Residential Development Permit, Variances and an Encroachment permit for a 50% remodel/expansion of an existing single-family residence including the construction of a 342 square foot, two car parking deck. The project will increase the residence from 1,331 square feet to 1,768 square feet, an increase of 437 square feet, but will not add any additional bedrooms resulting in a two bedroom, two ½ bath residence; Assessor’s Parcel No. 001-215-13; Residential Single-family RS 6 Zone District; Jeffrey Mahaney, applicant/architect; Tim Halikas, owner; CEQA categorically exempt, § 15303(a), 15303(e), 15305(a) and 15305(b).

Senior Planner Neal presented the staff report. She noted that the proposed project included extensive remodeling and expansion of the house to create a three-story, 2-bedroom, 2½ bathroom structure. Ms. Neal noted that the current property lacked parking, which had been added as part of the proposal.

Ms. Neal discussed the discretionary permits that would be needed if the project were approved, which included a Hill Area Residential Development Permit. Ms. Neal said that the Town Engineer had reviewed the plans, surveys and engineering reports and had determined that the site could be development. Ms. Neal noted that a Revocable Encroachment Permit would also be necessary to build a parking structure and driveway approach which she discussed.

Ms. Neal discussed the variances that were required due to the site being small with a narrow lot. She noted that the living space had been designed to pull away from the property lines. Ms. Neal also discussed the decks that extended into the setbacks, which staff did not support for reasons she explained, which included problems concerning the Fire Code.

Ms. Neal said that a report by a certified arborist should be required that should include mitigation methods to maintain oak trees on the property during construction. She noted that trees were not slated for removal.

Ms. Neal noted that, since the project constituted a 50% remodel, Design Review approval would also be necessary. She said that staff believed the structure would be modern with a clean design and stepped in order to minimize the mass. Overall, Ms. Neal said that staff recommended approval of the project, subject to the conditions and based on the findings in the staff report, which included the need for an arborist report and for the decks to be removed from the setbacks.

Discussion took place between Ms. Neal and the commissioners regarding materials that had been presented late that afternoon.

Ms. Neal and Commissioner Hamilton discussed the third story in relation to the code. Ms. Neal noted that the height would be increased but that it would remain below the town's height limitations.

Megan Kelly-Sweeney, representing Jeff Mahaney, project architect, said that the original structure had substandard ceiling heights, had deteriorated and was in need of repair. She noted that they were working within the existing footprint, which was small. Ms. Kelly-Sweeney discussed the design and height of the proposed structure.

In response to Commissioner Hamilton, Ms. Kelly-Sweeney discussed the design further. She noted that they had avoided a peaked roof and she discussed the colors, which they thought would reflect light while blending in with the surroundings.

Randy and Sarah Engle, Taylor Drive, discussed the materials that they had delivered to staff earlier in the day. They discussed their concerns that related to the site and the proposed three-story structure. He said that the structure would dominate the neighborhood, that it would be too large and too close to the property line. Mr. Engle discussed the reasons he believed the plans were not accurate, and he said that the structure should be limited to two stories.

Bret Dezordo, Taylor Drive, said that the new structure would be obtrusive and that the colors would be too light. Mr. Dezordo discussed his concerns regarding the height of the proposed structure and the decrease in parking.

Chair Ketcham closed the public comment period.

Commissioner Hamilton addressed her concern that she has not had adequate time to review the materials presented, albeit they were submitted late. Ms. Neal discussed the Permit Streamlining

Act and noted that the applicant would need to agree to an extension. She also noted that materials could be submitted any time before a public meeting.

Megan Kelly-Sweeney addressed the height issues. She said that the house would not be very tall and that other structures in the neighborhood were taller.

In response to Commissioner Green, Ms. Kelly-Sweeney discussed Mr. Engle's concern that the north and south arrows had not been properly drawn on the plans.

Vice-Chair Kehrlein commented on the car deck being well placed on the property and she commended the applicants for using the existing footprint. However, she expressed concern that the decks were in the setbacks. In response, Ms. Kelly-Sweeney replied that they would move the decks to comply with the setbacks.

Commissioner LaMotte said that she liked the design but that the location of the proposed structure seemed "site-blind". Commissioner LaMotte thought that the colors were too light for a redwood grove and that the presentation had been a little rough with the absence of shadows and articulation. She said that mitigation measures were needed, albeit that some impacts had been minimized by using the existing footprint.

Commissioner Hamilton said that she agreed with Commissioner LaMotte's comments. She thought that there were problems with the massing, which might be mitigated by a different color or treatment. Commissioner Hamilton discussed her concern that a utility room might become a second unit in the future, but Ms. Neal noted that a Deed Restriction had been included in the Conditions of Approval.

Chair Ketcham said that he would not support the project as presented. He suggested that the applicant and their neighbors discuss changes to the design to mitigate the neighbors' concerns. If the applicant felt that they could not accommodate mitigation measures, Chair Ketcham said that they could discuss their reasons when commissioners.

Following discussion, the applicants agreed to an extension of the time limit for action.

Tim Halikas, owner, said that they were not adding excessive mounts of space and that the structure would not be exceptionally large compared to other homes in the neighborhood.

Vice-Chair Kehrlie said that there might be opportunities to improve the articulation to break up the mass, which she discussed. She commented on the house decks expressing concern that they did not maintain any setbacks from the property lines.

M/s, Hamilton/LaMote, Motion to continue Application # 14-31, a request for a Hill Area Residential Development Permit, Variances and an Encroachment permit for a 50% remodel/expansion of an existing single-family residence including the construction of a 342 square foot, two car parking deck at 48 Geary Avenue to the Planning Commission meeting of September 18, 2014.

AYES: All

6. **2000 Sir Francis Drake Boulevard**; Application # 14-32: Request for a Use Permit to operate an outdoor flea market once a month on Sunday, from October through March from 10 AM to 3 PM; Assessor's Parcel No. 001-183-17; Highway Commercial CH Zone District; Michele Schwartz and Val Yandell, applicants; Earth Rat LLC, owner; CEQA categorically exempt, § 15301(a) and 15304(e).

Senior Planner Neal presented the staff report. She discussed the background of the flea market. Ms. Neal said that the market had outgrown indoor space so that a Use Permit to use outdoor space had been requested. The application also included a request to erect a canopy to display and store items for sale, to hold the flea market once a month and to have live music. Ms. Neal noted that, since the market days were limited, parking should be adequate and the flea market would be unlikely to generate sufficient traffic to warrant traffic studies. Ms. Neal said that, for the aforementioned reasons, staff could recommend approval of the request subject to the findings and conditions in the staff report. She reminded the Commissioners that an approved revocable permit could be reviewed in the future.

In response to Commissioner Hamilton, Ms. Neal discussed music in relation to the noise ordinance. Ms. Neal also discussed the application with Chair Ketcham, who noted that sales were already taking place.

Val Yandell discussed the flea market. She said that they had been invited to take over the space left by the Good Earth store.

Ms. Yandell and Vice-Chair Kehrlein discussed live music. Ms. Yandell indicates that live music events had already taken place on the site.

Commissioner Green discussed his concerns about noise and he discussed parking with Ms. Yandell, who noted that parking was available at the back of the building.

Ms. Neal confirmed that the flea market would occur on the third Sunday of the month.

Chair Ketcham opened the public comment period.

Jason Echo discussed the sound output and he said that other places in town have significantly louder music.

Kim Turoid, Spruce Road, expressed her support for the market.

A member of the public said that the music was fun and that it was a friendly place.

Chair Ketcham closed the public comment period.

The Commissioners discussed the nights on which music could be played.

Chair Ketcham discussed signage and Ms. Neal noted that signs were not included in the application.

Commissioner Green and Ms. Neal discussed a condition relating to portable toilets.

Commissioner Hamilton said that she supported the use, as did Commissioner LaMotte.

M/s, LaMotte/Kehrlein, Motion to approve Application # 14-32, a request for a Use Permit to operate an outdoor flea market once a month, from October through March from 10 AM to 3 PM at 2000 Sir Francis Drake Boulevard; Application # 14-32 with the following amendments and/or additional Conditions of Approval:

1. Screening shall be provided if the portable toilets are visible.
2. Condition 14 shall be eliminated because it repeats Condition 9.
3. The open-air flea market shall be approved for the third Sunday of the month.
4. The Planning Commission will review the Conditional Use Permit if there are noise complaints.

AYES: All

Chair Ketcham announced the appeal rights.

MINUTES

7. Minutes from the July 17, 2014 meeting.

M/s LaMotte/Green, Motion to approve the Minutes from July 17, 2014:

AYES: Green, Hamilton, LaMotte, Kehrlein

ABSTAIN: Ketcham

DISCUSSION ITEMS

8. Zoning Ordinance: Issues list creation/update

Allowing staff greater discretion to approve sign permits.

Height requirements in relation to up and down slopes.

Commissioner Hamilton discussed her concerns regarding the timelines in relation to the Housing Element. Ms. Neal said she would discuss the matter with the Planning Director.

Discussion on the presentation of plans took place. Ms. Neal said she would put the matter on a future agenda for discussion.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:15 p.m.

Respectfully submitted,

Joanne O’Hehir