

Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, May 21, 2015

Call to Order/Roll Call

Chair Green called the meeting to order at 7:00 p.m.

COMMISSIONERS PRESENT: Bruce Ackerman
Esther Gonzalez-Parber
Philip Green (Chair)
Shelley Hamilton (Vice-Chair) (arr. 7:10 p.m.)
Norma Fragoso
Laura Kehrlein

COMMISSISONERS ABSENT: None

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

APPROVAL OF AGENDA

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

AYES: Ackerman, Fragoso Gonzalez-Parber, Green, Kehrlein,
ABSENT: Hamilton

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No one from the public came forward to speak.

PROCLAMATION FOR COMMISSIONER EZZET

Chair Green read the Proclamation for Commissioner Ezzet.

Vice-Chair Hamilton arrived at 7:10 p.m.

CONSENT ITEMS

1. **24 Iron Springs Road; Application # 15-08:**Expansion/connection of a semi-attached, laundry shed to an existing single-family residence, expanding the dining room of the 1,774 square foot residence and increasing the residence to 1,940 square feet; Assessor's Parcel No. 001-091-09; Residential Single-family RS 6 Zone District; John and Lisa Scopazzi, applicants/owners; CEQA categorically exempt, § 15301(e).

2. **11 Pine Drive; Application # 15-12:** Request for a Use Permit, Variance and Encroachment permit to construct a 468 square foot addition to a one story residence adding an internal stairway to a new lower living level that will include a master bedroom and bathroom. Project includes remodeling of the upper living level converting one of the bedrooms into a laundry room and the construction of a 2 car parking deck with a storage room underneath it to the west of the residence and a retaining wall to accommodate a fire truck pull out across the street; Assessor's Parcel No. 003-121-27; Residential Single-family RS 6 Zone District; Stewart Summers, applicant/architect; Michael and Renee Sylvia, owners; CEQA categorically exempt, § 15301(e)(1).

Chair Green recused himself from the podium because he lives within 500 sq. ft. of 24 Iron Springs Road.

Louise Aliano, 85 Bothin Road, asked if there is a construction time limit in relation to the project at 24 Iron Springs Road. In response, Principal Planner Neal said that Fairfax does not have a time limit for the completion of building permits. She noted that inspections are necessary at least every 180 days or the permit is deactivated. Ms. Aliano expressed concern that they did not hear the fire alarms in the house when it caught on fire.

Carol Visalli, 83 Bothin Road, expressed the same concerns as Ms. Aliano, and is also concerned that exterior work is taking place that might not be covered under the building permit. In response, Vice-Chair Hamilton suggested Ms. Visalli contact staff for more project information.

Michael Aaronson, 89 Laurel, discussed his concern about the amount of excavation needed to provide a fire engine turnout. In response, Principal Planner Neal said that all projects are required to provide such turnouts under the Fire Code. Ms. Neal noted that it also serves as a passing zone. Planning Director Moore noted that the Ross Valley Fire Department reviewed the plans and determined the need for the turnout.

John Scopazzi, 24 Iron Springs Road, said he would install smoke alarms in his home at the weekend.

M/s, Gonzalez-Parber/Fragoso, Motion to approve Consent:

AYES: Ackerman, Fragoso, Gonzalez-Parber, Hamilton, Kehrlein
NOES: None
RECUSED: Green

Vice-Chair Hamilton read the appeal rights.

PUBLIC HEARING ITEMS

3. **69 Spruce Road; Application # 15-09:** Request for a Preferential Parking Permit to create a 32 foot long by 9 foot wide parking space by constructing a retaining wall that will reach up to 7 feet in height. Project will also include reconstruction of the residence access

stairway. The entire project will take place within the Spruce Road right-of-way along the property frontage; Assessor's Parcel No. 001-145-01; Residential Single-family RS 6 Zone District; Wendy Oliveira, Farallon Company, applicant; Ellen De Martini, owner; CEQA categorically exempt, § 15301(4) and 15305(b).

Principal Planner Neal presented the staff report. She explained that the item had been continued from the meeting of April 16th, when the owner of 71 Spruce Road had asked for additional time to allow her engineer to review the plans. She had expressed concern by the proximity of the wall to her house, which Ms. Neal discussed.

Ms. Neal explained that the project encompasses a parking area, relocated entry stairs and a retaining wall. She noted that that the parking area and stairway improvements will be in the public right-of-way. Ms. Neal discussed the reasons that an Encroachment Permit and Retaining Wall Height Variance are not necessary, which relate to an ordinance that established preferential parking privileges for persons creating vehicle parking spaces within the Town rights-of-way. Ms. Neal noted that, since there is little parking on Spruce Road, staff originally recommended approval of the project.

Ms. Neal explained that the neighbor and the applicant have not reached a compromise. She noted that, due to the Permit Streamlining Act, either the applicant must agree to a 90-day continuance or a decision must be made tonight. Ms. Neal suggested that the project could be approved under certain conditions, which she discussed, and she also discussed the reasons why staff does not recommend a denial.

The Civil Engineer for the project said they have had the site inspected by an independent soils consultant and are awaiting their report. In the meantime, he said the applicant agrees to a continuance.

Chair Green said he would favor a continuance and he opened the public comment period.

Tonia Stoski, 71 Spruce Road, said they support the project, but that they would like their concerns addressed and they are happy to work with the applicants. She confirmed that they are concerned by possible impacts of the retaining wall to their house and shoring during construction.

Vice-Chair Hamilton referred to Ms. Stoski's e-mail and said she would like written confirmation from staff that Ms. Stoski's concerns have been addressed when the project is next reviewed by the commissioners.

M/s, Hamilton/Kehrlein, Motion to continue Application # 15-09, a request for a Preferential Parking Permit at 69 Spruce Road to the meeting of June 18, 2015:

AYES: Ackerman, Fragoso, Gonzalez-Parber, Green, Hamilton, Kehrlein
NOES: None

Commissioner Kehrlein recused herself for the remainder of the meeting.

4. **188 Bothin Road; Application # 15-14:** Request for a Hill Area Residential Development Permit, Design Review and Combined Side Setback Variance to remodel 336 square feet of an existing 1,550 square foot residence and add 853 square feet that will include an internal stairway to a second story that will include a study, walk-in closet, master bedroom and bathroom addition with a new deck. Addition/remodel will result in a 2,403 square foot residence; Assessor's Parcel No. 001-082-56; Residential Single-family RS 6 Zone District; Ted Arleo, applicant/architect; Cheryl Tatum owner; CEQA categorically exempt, § 16301(e)(1) and 15305(a).

Principal Planner Neal presented the staff report and she discussed the remodel of the home and addition. Ms. Neal said the 853 square foot addition includes an internal stairway to a second story that will comprise of a study, walk-in closet, master bedroom and bathroom and a new deck. She explained that, since the project constitutes a 50% remodel, a Hill Area Residential Development Permit is necessary in addition to Design Review and a Combined Side Setback Variance.

Ms. Neal noted that the Town Engineer has reviewed the project documents, including the engineering plans and recorded property survey. She discussed his concerns, which relate to slope instability and drainage.

Ms. Neal discussed the Geotechnical Engineer's recommendations that have been incorporated into the civil engineering plans, including installation of two debris walls to deflect debris flow away from the house and project area. Ms. Neal said that the Town Engineer supports the project with the mitigation measures.

Ms. Neal went on to discuss the Combined Side Setback Variance request. She noted that the garage is in a legal, non-conforming location and that the proposed addition will not encroach any further into the combined side setback than the existing structures. Ms. Neal noted that a bathroom will be removed that currently encroaches the setback.

Ms. Neal discussed the size of the proposed dwelling in relation to other properties in the area, and said that it would be similar in size and mass to other homes in the neighborhood with similar sized properties. She noted that the proposed height will be 20 feet with the visual impact of a single story residence, with the exception of a short section in the center, which will consist of two stories. Staff believes that the impact on neighboring properties will be minimal due to the distance between the applicant's property and the neighbors' dwellings.

Ms. Neal discussed the articulation of the design and the removal of bay trees.

In response to Commissioner Gonzalez-Parber, Ms. Neal said that the 6-foot high front fence, which is in the right-of way, will be relocated 6 feet behind the front setback to conform to code.

Chair Green and Ms. Neal discussed the debris walls. Ms. Neal confirmed the Town Engineer has approved the structures because the design now meets the geotechnical engineer's recommendations.

Commissioner Fragoso and Ms. Neal discussed the soils report and a tree fort, which Ms. Neal confirmed is less than 120 square feet.

In response to Chair Green, Ms. Neal said that a swimming pool is not part of the application.

Ted Arleo, Project Architect, explained that his client would like to expand their current 2-bedroom, 1-bathroom home by extending the structure, rather than building a second story. Mr. Arleo said there would be little visual impact on the neighboring property at 180 Bothin Road, whose privacy they have tried to respect. He noted that both he and the soils engineer have met with the neighbor to try to address their concerns. Mr. Arleo said they would like a landscaping solution when the fence is erected and suggested climbing vines to soften the boundary between the two homes.

In response to Chair Green, Mr. Arleo used a model to discuss the drainage mitigation measures. Planning Director Moore Note that the Town Engineer is thorough and is familiar with the conditions. He said that the new addition would not exacerbate the run-off and the mitigation measures will benefit the property.

Chair Green and Mr. Arleo discussed lowering the roof further and Mr. Arleo noted that staff confirmed it is well below the maximum allowable height.

Commissioner Fragoso said that the trees are higher than the roof and that she thinks the addition is well designed for a tricky site.

Chair Green opened the public comment period:

A note from Robert Cahn, 180 Bothin Road was read by a member of the public, in which Mr. Cahn asked that the bay trees remain on the east side to provide privacy. The letter also expressed his concern that the roofline will cast a shadow over a vegetable-growing area and that he remained concerned about hill stability.

Chair Green closed the public comment period.

Commissioner Gonzalez-Parber complemented the architect on the design, which she said breaks up the massing. In response to Commissioner Gonzalez-Parber, Mr. Arleo confirmed that he and the engineer had met with Mr. Cahn to discuss his concerns about site stability and Mr. Moore noted that soils report is part of the package and is posted on the Town's Website.

Mr. Moore noted that Ross Valley Fire Department ought to comment on whether the bay tree should be saved and Mr. Arleo said that his client is happy to work with the neighbor to find a solution.

Mr. Arleo and Ms. Neal discussed the window in the tree fort, which Mr. Arleo said is a clerestory window that does not cause privacy issues.

Commissioner Gonzalez-Parber said that she is in favor of the project.

Vice-Chair Hamilton said that the applicant should work with the neighbor to provide appropriate screening on the west side and, if they are unable to reach agreement, the Planning Commission should have the opportunity to determine this area of the project only.

Chair Green commented on the engineering and soils reports, which he noted are extensive.

Commissioner Ackerman said that the project should be approved. He said the design is well thought out, and that the hillside will be stabilized by the proposed engineering work. Commissioner Ackerman agrees that the bay trees are a fire hazard and should be removed.

M/s, Fragoso/Ackerman, Motion to approve Application # 15-14, a request for a Hill Area Residential Development Permit, Design Review and Combined Side Setback Variance to remodel 336 square feet of an existing 1,550 square foot residence and add 853 square feet that will include an internal stairway to a second story that will include a study, walk-in closet, master bedroom and bathroom addition with a new deck at 188 Bothin Road, with the following additional condition of approval:

The applicant shall work with the neighbor to provide adequate screening on the west side. The Planning Commission shall make a decision if they fail to come to an agreement.

AYES: Ackerman, Fragoso, Gonzalez-Parber, Hamilton,
NOES: None
RECUSED: Kehrlein

Chair Green read the appeal rights.

5. **31 Bolinas Road; Application # 02-39:** Request for a Use Permit Modification, Design Review and Parking Variance to demolish an open sided shed roof and remove three walk-in, commercial refrigerators to construct a new addition to the existing complex of commercial buildings. Project includes reconfiguring the parking lot to accommodate outdoor restaurant seating area and subdividing the space at 31 Bolinas Road and new area behind the 29 Bolinas Road building to accommodate 4 commercial spaces plus one ground floor residential unit/commercial space; Assessor's Parcel No. 002-192-22; Central Commercial CC Zone District; Fred Divine, applicant/architect; Brad Schwan, owner; CEQA categorically exempt, § 15301(a), 15301(e)(1), 15303(c).

Planning Director Moore presented the staff report. He provided background information on the parcels, and he noted that there is a parking lot on the west side of one of the parcels.

Mr. Moore discussed the four parcels, which are under single-ownership, and the reasons why one of the parcels, 29 Bolinas Road, is excluded from discussions. Mr. Moore discussed the two larger lots fronting Bolinas, one of which on the west side is the parking lot. He discussed the additions that have been made by previous tenants behind the building at 31 Bolinas, and an informal residence addition erected by the owner behind 29 Bolinas that fronts Mono Lane.

Mr. Moore explained that the applicant is proposing to bifurcate the building on 31 Bolinas into two commercial spaces and ensure it is brought into compliance with the code. He also discussed the proposed new commercial tenant space and a “common area” with a stairway leading to office space and new ADA compliant restrooms.

Mr. Moore discussed additional tenant space at the back of the lot on 31 Bolinas, which he said is bifurcated by a hallway with a live-work space fronting Mono Lane that the applicant wishes to formalize.

Mr. Moore discussed the size of the project, traffic impacts and the reasons why staff have not included the live/works space in the traffic count. Mr. Moore also discussed parking, which he noted is legal, non-conforming, and the reasons why staff have not included the live/work space towards the amount of parking required. He confirmed that that the project meets the parking requirements but that staff recommends a parking variance is granted for the live/work space, which he discussed. Mr. Moore noted that the variance would not apply if the use for the live/work space changed, which he said is addressed in the conditions of approval.

Mr. Moore discussed design review, including three containers of which the owner is proposing to remove two. Mr. Moore noted that the project meets the setbacks but that the outdoor seating area is affected by FEMA rules, which he discussed.

Chair Green and Mr. Moore discussed the live/work space. Mr. Moore said the second floor is allowed “by right”, and the ground floor needs a Conditional Use Permit. He noted that the structure will need to conform to the Fire Code.

In response to Commissioner Fragoso, Mr. Moore confirmed the existing second story office space will remain office space. They discussed parking and the restroom facilities.

In response to Commissioner Gonzalez-Parber, Mr. Moore said that there is house set back from the street to the south of the parking lot. They discussed the storage unit, which the applicant confirmed is attached to the slab.

Vice-Chair Hamilton and Mr. Moore discussed the outdoor seating area on the front west side building, when Mr. Moore confirmed the amount of seating would be increased compared to a previous approval. They discussed the possibility of gaining an additional parking space by moving the trash area.

Fred Divine, Project Architect, provided background information on the property. He discussed the back space, the patio entry and parking lot, which he said are designed to draw people into the site. He said that the project will be ADA complaint, and that they are not changing the look of the front building very much, but will be adding windows and doors and building additional commercial space.

Mr. Divine discussed a gate at the back of the property, which he said his client would prefer remain closed for reasons he discussed. His said his client wishes to keep the container for storage. Mr. Divine discussed exterior lighting and window design.

Commissioner Ackerman said he liked the design, including the addition of a door at the front, which he said would be more inviting to pedestrians. He said he would prefer solid-state lighting, which he discussed.

Mr. Moore commented on the permit history and the door to the front of the former restaurant building, and he confirmed that it is staff's recommendation that the parking variance be granted for the live/work space. Mr. Moore noted that there are no other properties in the neighborhood that provide parking.

Chair Green and Mr. Divine discussed the provision of a charging station and Mr. Divine discussed the reasons why such a space has not been considered, which relates to providing adequate numbers of ordinary parking spaces.

Commissioner Ackerman suggested installing electric charges along the wall and Mr. Schwan, owner, said it would be expensive, which he discussed.

Commissioner Gonzalez-Parber and Mr. Divine discussed replacing the gate on Mono Lane with an automatic gate. Mr. Divine confirmed that there is insufficient radius on Mono Lane to allow car access to the parking space close to the gate and the purpose of the current gate is to prevent people taking short cuts after the bars have closed.

Vice-Chair Hamilton and Mr. Moore discussed the legal, non-conforming state of parking.

Chair Green said that the project constitutes a serious upgrade to downtown Fairfax. He said that he favors the addition of the door to the front space and he noted that the town encourages live/work space.

Commissioner Fragoso and Mr. Moore discussed the trash area and signage. Ms. Neal noted that the Planning Commission will only hear a signage application if it does not comply with the sign ordinance. Mr. Moore noted that cleanliness of the trash area is included under the conditions of approval. Commissioner Fragoso said that she likes the design.

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

M/s, Fragoso/Hamilton, Motion to approve Application # 02-39, a request for a Use Permit Modification, Design Review and Parking Variance to demolish an open sided shed roof and remove three walk-in, commercial refrigerators to construct a new addition to the existing complex of commercial buildings at 31 Bolinas Road with the following added Condition of Approval:

Condition (f): That the garden areas shall be kept free of debris at the rear of 31 Bolinas Road;

AYES: Ackerman, Fragoso, Gonzalez-Parber, Green, Hamilton,

NOES: None

RECUSED: Kehrlein

Chair Green read the appeal rights.

MINUTES

6. Minutes from the April 23, 2015 meeting.

The minutes from the April 23, 2015 meeting were continued due to a lack of a quorum.

DISCUSSION ITEMS

7. Zoning Ordinance: Issues list prioritization and schedule of first meeting to start addressing zoning code amendments

Mr. Moore discussed the “wish list” of zoning code amendments. He noted that certain items will be amended as part of the Housing Element update and that other items are scheduled for discussion. Mr. Moore said it is expected the Town Council would adopt the Housing Element at their meeting on May 27, 2015.

Mr. Moore discussed the items on the list that he believes should be prioritized, including review of floor area ratios and a green building ordinance.

In response to Vice-Chair Hamilton, Mr. Moore confirmed that the tables should be eliminated in the Town Code. Vice-Chair Hamilton discussed other items she believes should be added to the list with Mr. Moore, including residential parking. Chair Green agreed that parking should be made a priority.

Vice-Chair Hamilton and Ms. Neal discussed 50% remodels.

Mr. Moore and Vice-Chair Hamilton discussed traffic issues at the Pastori-Willow interchange, and Mr. Moore noted that a traffic forum has been scheduled.

Commissioner Gonzalez-Parber and Ms. Neal discussed permits for tree removal. Commissioner Gonzalez-Parber said that permits should be granted by the Tree Committee before a project is heard by the Planning Commission.

Commissioner Ackerman and Mr. Moore discussed an ordinance to preserve the natural state of the area, which Commissioner Ackerman would like prioritized. Mr. Moore noted that the Conservation Element addresses the creation of such an ordinance.

There was general agreement that 6 items will be prioritized for discussions, including a Second Unit Ordinance, Green Building Ordinance and parking.

PLANNING DIRECTOR’S REPORT

Planning Director Moore reported that a new Bicycle and Pedestrian Advisory Committee is being established to assist in the updating of the Bicycle and Pedestrian Master Plan. Mr. Moore provided information on a community workshop being organized by TAM (Transportation Authority of Marin) on June 6th.

Mr. Moore reported on a Special Meeting that has been scheduled for the Town Council to adopt the Housing Element and Addendum to the Mitigated Negative Declaration. He also noted that a budget workshop would be held tomorrow and that forums on traffic and the General Plan would also be scheduled.

COMMISSIONER COMMENTS AND REQUESTS

None.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:20 p.m.

Respectfully submitted,

Joanne O'Hehir