

Town of Fairfax Planning Commission Minutes  
Fairfax Women's Club  
Thursday, June 18, 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)  
Norma Fragoso  
Shelley Hamilton (Vice-Chair)  
Mimi Newton

**COMMISISONERS ABSENT:** Laura Kehrlein

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

**APPROVAL OF AGENDA**

M/s Newton/Hamilton, Motion to approve the agenda:

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

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

No one from the public came forward to speak.

**CONSENT ITEMS**

Planning Director Moore discussed the consent items. He clarified the circumstances when an item should be removed from Consent to the Public Hearing items.

1. **105 Forrest Avenue; Application # 15-13:** Request for a Use Permit for a 44 square foot expansion and remodel of an existing 2,173 square foot, three bedroom, 3 bath, residence increasing it to a 2,217 square foot, 3 bedroom, 3 bath residence; Assessor's Parcel No. 002-192-22; Residential Single-family RS 6 Zone District; Ryan Cullinen, Leff Construction, applicant; Brendan Donahoe and Gabrielle Hall, owners; CEQA categorically exempt, § 15301(e)(1).

2. **2374 – 2378 Sir Francis Drake Boulevard; Application # 15-16:** Request for a Design Review Approval of exterior changes proposed for an apartment building; Assessor's Parcel No. 001-150-31; Multiple Family RM Zone District; David Carlos, applicant; Anne Hiaring Revocable Trust, owner; CEQA categorically exempt, § 15301(a) and 15303(c).

Commissioner Fragoso requested the item be moved to the Public Hearing items for further discussion on the changes to the exterior façade.

3. **132 Wood Lane; # 15-17:** Request for a Use Permit to convert a 169 square foot accessory storage/laundry building into a bedroom and full bathroom; Assessor's Parcel No. 002-061-11; Residential Single-family RS 6 Zone; Rich Dowd, applicant/architect; John and Marla Hedlund, owners; CEQA categorically exempt, §15303(e)

Vice-Chair Hamilton requested the item be moved to the Public Hearing items for further discussion.

4. **5 Arrowood Lane; Application # 15-18:** Request for Design Review of a 3659 square foot, single-family residence with attached 2 car garage; Assessor's Parcel No. 174-290-05; Residential Single-family RS 6 Zone District; Valley Home Development, applicants; David and Bromwen Pugh, owners; CEQA categorically exempt, § 15303(a).

Commissioner Ackerman commented on the use of LED for exterior lighting. Chair Green requested that the same exterior lighting design that was approved for a new dwelling on Arrowhead Lane last year is used. The applicant confirmed they will comply with the request to use LED exterior lighting.

5. **69 Spruce Road; Application # 1# 5-09:** 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). **Recommended for continuance to the July 16<sup>th</sup> 2015 meeting.**

6. **113 Hillside Drive; Application # 15-19:** Request for a Use Permit and Encroachment Permit for a parking deck/storage structure and garbage enclosure, to expand the existing residence with a third floor storage room and access deck and to expand the second floor rear deck; Assessor's Parcel No. 002-092-45; Residential Single-family RS 6 Zone District; Ruth Todd and Daniel Baker, applicants/owners; CEQA categorically exempt, § 15301(a), 15301(e)(1) and 15303(e). **Recommended for continuance to the July 16<sup>th</sup> 2015 meeting.**

M/s, Fragoso/Hamilton, Motion to approve Consent, with the items concerning 105 Forest Avenue and 5 Arrowhead Lane being approved; the items concerning 69 Spruce Avenue and 113 Hillside

continued to the meeting of July 16, 2015, and the items concerning 2378 Sir Francis Drake Boulevard and 32 Wood Lane moved to the Public Hearing Items:

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

Chair Green read the appeal rights.

## **PUBLIC HEARING ITEMS**

1. **2374 – 2378 Sir Francis Drake Boulevard; Application # 15-16:** Request for a Design Review Approval of exterior changes proposed for an apartment building; Assessor's Parcel No. 001-150-31; Multiple Family RM Zone District; David Carlos, applicant; Anne Hiaring Revocable Trust, owner; CEQA categorically exempt, § 15301(a) and 15303(c).

Principal Planner Neal presented the staff report. She discussed the project, which includes the removal and replacement of the existing deck railings, and the construction of new fencing around the recycling areas. Ms. Neal confirmed that staff believes the project meets the design code's criteria and would recommend approval with additional conditions of approval that she discussed.

In response to Chair Green, Ms. Neal discussed the location of the planter.

Commissioner Fragoso suggested a 48" box tree is planted, rather than a 24" tree, and she discussed her concerns regarding the placement of the motion sensors, lighted building numbers and balcony framing.

Geoff Butler, Project Architect, said that they are not removing the existing deck railing, but are applying wood at the front to maintain a level of acoustic control. Mr. Butler said they would use a 48" box tree and ensure the motion detectors are located in a more attractive area. He noted that the building numbers and the "Fair Oaks" sign must conform to the Fire Department's requirements. Mr. Butler discussed the replacement of entrance doors and sliding glass doors and the trash enclosures.

In response to Chair Green, David Carlos, Project Contractor, said he did not foresee the project interfering with traffic on Sir Francis Drake Blvd.

M/s, Fragoso/Hamilton, Motion to approve Design Review Application # 15-16, a request for exterior changes proposed for an apartment building at 2374 – 2378 Sir Francis Drake Boulevard, with the additional conditions that a 48" box tree will be planted and the building numbers will be enlarged if allowed by code:

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

ABSENT: Kehrlein

Chair Green read the appeal rights.

2. **132 Wood Lane; 15-17:** Request for a Use Permit to convert a 169 square foot accessory storage/laundry building into a bedroom and full bathroom; Assessor's Parcel No. 002-061-11; Residential Single-family RS 6 Zone; Rich Dowd, applicant/architect; John and Marla Hedlund, owners; CEQA categorically exempt, §15303(e)

Principal Planner Neal presented the staff report. Ms. Neal explained that the request for the Use Permit encompassed the legalization of the conversion of an illegal second unit to a bedroom and full bathroom. Ms. Neal noted that the structure is legal, non-conforming and the project is not changing the dwelling. She explained that the applicants are proposing to abate the kitchen, although they wish the sink to remain in the same location.

Ms. Neal discussed the permitted uses of a single-family home. She noted that the site is large and the accessory structure meets the setbacks. Ms. Neal said that staff is recommending approval of the project with the condition that the owners sign a Deed Restriction confirming that they do not have a second unit and a second kitchen will not be installed. Ms. Neal discussed the reasons the applicants do not wish to legalize the second unit.

In response to Vice-Chair Hamilton, Ms. Neal confirmed that there is sufficient parking.

Ms. Neal and Vice-Chair Hamilton discussed the definition of a kitchen. She said the owners are going to remove the counter area so that the space is not considered a kitchen, and thereby does not conform to a second unit, which would require additional parking and a water meter.

Ms. Neal and Vice-Chair Hamilton discussed the cost of creating a legal second unit and Ms. Neal explained how a Deed-Restriction can be rescinded.

Commissioner Fragoso expressed her disappointment that the accessory structure is not being converted to a legal second unit.

In response to Chair Green, Rich Dowd, Applicant's representative, confirmed that the sink can stand alone without the support of a counter.

M/s, Ackerman/Gonzalez-Parber, Motion to approve Application # 15-17, a request for a Use Permit to convert a 169 square foot accessory storage/laundry building into a bedroom and full bathroom at 132 Wood Lane:

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

NOES: None

ABSENT: Kehrlein

Chair Green read the appeal rights.

3. **2001 Sir Francis Drake Boulevard; Application # 15-18:** Request for a Use Permit for outdoor seating, Design Review of proposed exterior changes and site improvements, and a Parking Variance to have 1 less than the required number of parking spaces and less than the required dedicated delivery vehicle loading space; Assessor's Parcel No. 002-116-04; Highway Commercial CH Zone District; Brian and Elizabeth Back, applicants; Arash Salkhi, owner; CEQA categorically exempt, § 15301(a) and 15303(c).

Principal Planner Neal presented the staff report. She explained that the applicants are proposing to open a restaurant with indoor and outdoor seating. She discussed the proposed outdoor dining area, which includes a children's area, and the number of proposed outdoor seats that the applicant is requesting.

Ms. Neal discussed the parking area. She said the Traffic Engineer has concluded that the proposed restaurant will generate less traffic than the previous use of a gas station and that traffic would not reach a threshold to warrant a traffic study.

Ms. Neal discussed parking, when she noted that 9 spaces are proposed when 10 are required by the code. She said that the owners live nearby and will offer incentives to their employees not to use the spaces, which she discussed. Ms. Neal also discussed the lack of a delivery vehicle-loading zone and she commented on deliveries.

Ms. Neal explained that staff believes further analysis of the parking area is necessary for reasons she explained and she noted that staff have suggested alternative designs in the staff report, which should provide an additional parking space. Ms. Neal noted that staff have recommended approval of the project with an additional parking space, but that they have been alerted to the problem of how cars could safely leave the parking lot if there are no free spaces.

Planning Director Moore discussed a prior submittal in relation to parking, which met the Town's parking requirements. Mr. Moore explained that the applicant has a business model with a threshold for seating that they feel is critical, which affects the parking plan. The applicants are proposing to restrict truck deliveries to small delivery trucks, since the truck-loading area does not meet the code, restrict employee parking, and ensure deliveries are made before business hours. Mr. Moore said that staff believes an opportunity exists to provide an additional parking space and that further analysis is necessary to determine how cars can exit the lot safely when the lot is full.

Ms. Neal said that the project meets the design review criteria, and that signage is reasonable with the exception of the children's art sign for reasons she explained. She discussed a revocable encroachment permit, which staff would recommend, for the installation of a private pedestrian pathway.

Mr. Moore and Commissioner Newton discussed exterior seating numbers in relation to there being insufficient parking spaces. They also discussed traffic ingress and egress and Mr. Moore explained why westbound traffic could not turn left out of the parking lot. Mr. Moore and Commissioner Newton also discussed the route pedestrians would take to the site after leaving their car at the Parkade lot. They also discussed trees, the possible provision of Astroturf, the presence of petroleum under the site and the feasibility of using Broadway as an exit. Mr. Moore

discussed the reasons why an egress on to Broadway had not been considered for a previous application, which related to the Town reserving the right to develop the easement at Bank Street at some point in the future.

Chair Green discussed his concerns that there is insufficient parking and that parking for up to 10 employees would need to be accommodated if they needed to drive to work. He recommended a continuance to explore the alternative parking lot designs suggested in the staff report to accommodate the 10<sup>th</sup> space required by the code.

Commissioner Gonzalez-Parber and Ms. Neal discussed the entitlements for water provision to the restaurant. Mr. Moore noted that the Fire Department and Water District will determine those requirements.

Vice-Chair Hamilton discussed her concerns about the need for cars to back out of a full parking lot onto Sir Francis Drake Blvd. She commented on the difficulty of allowing an egress onto Broadway and Mr. Moore discussed an alternative design suggested in the staff report (that would need to be analyzed), which would make the exist possible for the time being.

In response to Commissioner Fragoso, Ms. Neal said that the two restrooms meet the code. They discussed the toxicology report in relation to toxic residues beneath the easement belonging to the Town. Commissioner Newton commented on an environmental report included in the packet that concluded the State felt additional remedial action would not be warranted since the toxins are buried deep underground.

Commissioner Newton and Ms. Neal discussed the Resolution in relation to there being no residences immediately adjacent to the Property. Ms. Neal noted that second units built above adjacent businesses are part of the Commercial Zone, which does not change any analysis for the Use Permit. They discussed signage for the site and Ms. Neal explained why the Traffic Engineer does not favor a left turn egress at the site.

Commissioner Fragoso discussed live music and her parking concerns with Ms. Neal. She made suggestions that might provide more room for turning.

Commissioner Ackerman suggested design changes for the loading area, which Mr. Moore said would not be ADA compliant.

Chair Green suggested a minor amendment to the Resolution, to which there was general agreement.

Brian Beck, Applicant, discussed the project. He said they had met with the neighbors and that they have a family-friendly plan with outdoor seating. Mr. Beck discussed some of the green design features that has been incorporated and he said that one less parking space should not have a significant impact on parking.

Sean Kennedy, Architect, discussed traffic circulation in the parking lot. He explained that they will encourage pedestrians and that a pedestrian walkway will be a main component of the design.

He said that they want to encourage cyclists and that the garden will be an oasis for people to relax and gather. He discussed the monitoring wells in relation to trees, the garden and lighting plan.

Mr. Moore asked for clarification of the plans when he noted that the architect's plans were different to those provided to the commissioners.

Elizabeth Beck, Applicant, discussed the importance of the children's play area as part of their project.

Seth Goddard, 12 Marin Road, said he supports the project. He said it will be a good place for people to hang out and he asked for the project to be approved.

Tim Gnatek, 91 Meernaa, said he supported the project; that it would be an innovative use of the space and he feels strongly about creating a safe place for kids.

Chair Green closed the public comment period and announced a 10-minute break at 8:50 p.m.

In response to Chair Green, Mr. Beck discussed ways in which they would encourage employees not to use their vehicles, which included the provision of bicycle racks for their exclusive use.

Commissioner Gonzalez-Parber said she liked the design and supported the project in the main. She recommended they revisit the parking lot design. Commissioner Gonzalez-Parber discussed the black wall, which she described as "unfriendly", with Mr. Kennedy. She also expressed her disappointment that the communal sink will be removed.

Commissioner Gonzalez-Parber led a discussion in the hours of operation and early morning deliveries. Mr. Beck said they could be flexible.

Vice-Chair Hamilton said that it is a great project. She made suggestions about delivery hours and trucks, and said she would agree to allowing music at stipulated times. Vice-Chair Hamilton said that the ability for drivers to turn when the parking lot is full remains a problem and she would support a continuance. Mr. Kennedy suggested removing a parking space and Vice-Chair Hamilton said that an engineer should study the parking lot configuration.

Commissioner Ackerman suggested a walkway be eliminated, which he discussed with Mr. Moore.

Mr. Kennedy and Mr. Moore discussed the parking lot issues that need to be addressed by an engineer and Mr. Moore suggested the project be continued. Commissioner Frago suggested design changes that might provide additional space.

Chair Green said he would support a continuance and he noted that, in general, design review of the project is not a problem.

Commissioner Ackerman said he could support a variance for 9 parking spaces if cars can pull in and out of the lot safely. He said he supports the design.

Commissioner Newton discussed tree removal with Mr. Kennedy and the relocation of the children's wall. They also discussed outdoor seating, Astroturf and well monitoring. Commissioner Newton made suggestions for landscaping along Sir Francis Drake Blvd. and parking. Mr. Kennedy explained why they did not care for the design options suggested by staff. Commissioner Newton said she loved the project but agreed that parking is an issue.

Commissioner Ackerman suggested "amplified keyboard" be replaced with "amplified instrument" in the Conditions of Approval.

Following discussion, the following changes will be made to the resolution:

The hours of operation will be from 7 a.m. – 10 p.m., Monday through Friday, and 6 a.m. – 10 p.m. Saturday and Sunday. Small delivery vehicles equal to or less than 24 feet without air breaks or backup noise (if feasible) will be used for deliveries to begin no earlier than 5 a.m.

Seating for 96 will be included in the resolution and "amplified instrument" will replace "amplified keyboard".

Vice-Chair Hamilton suggested communal-style benches and tables are included in the design to gain more space and she discussed a "donated driveway" idea for employees.

M/s, Ackerman/Gonzalez-Parber, Motion to continue Application # 15-18, a request for a Use Permit for outdoor seating, Design Review of proposed exterior changes and site improvements, and a Parking Variance at 2001 Sir Francis Drake Blvd., to the meeting of July 16, 2015.

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

## **ELECTION OF TREE COMMITTEE ALTERNATE**

Following discussion between staff and the commissioners, Planning Director Moore will seek advice from the Town Attorney as to whether commissioners could rotate as an alternate on the Tree Committee.

## **MINUTES**

8. Minutes from the May 21, 2015 and May 11, 2015 meetings.

M/s, Gonzalez-Parber/Ackerman, Motion to approve the minutes of May 21<sup>st</sup> and May 11, 2015 with the following amendments:

Minutes from May 21, 2015: Page 6, "...an informal residence addition erected by the owner at 29 Bolinas...", amended to read, ".....an informal residence addition erected by the owner on the lot behind 29 Bolinas....".

Minutes from May 11, 2015: Page 1, second mention of “Commissioner Ackerman” to be removed.

AYES: Ackerman, Gonzalez-Parber, Green, Hamilton, Newton  
NOES: None  
ABSTAIN: Fragoso (minutes of May11th), Newton  
ABSENT: Kehrlein

## **DISCUSSION ITEMS**

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

Planning Director Moore said that staff will provide a list at the next meeting, which he discussed.

Chair Green opened the public comment period.

Cassidy DeBaker, 145 Landsdale, commented on the need to define the meaning of “historic character” for downtown. Mr. Moore noted that this could be incorporated into future discussions on development standards and design guidelines for the Town Center Plan.

## **PLANNING DIRECTOR’S REPORT**

Planning Director Moore reported that a parking forum will take place in September and an ordinance will be enacted enabling the streamlining of the solar permit process from September 2015.

## **COMMISSIONER COMMENTS AND REQUESTS**

Vice-Chair Hamilton discussed e-mail correspondence with the San Anselmo Public Works Director about the traffic signals at Pastori and Willow. She said that she has requested additional information.

## **ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:35 p.m.

Respectfully submitted,

Joanne O’Hehir