

Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, February 18, 2016

Call to Order/Roll Call

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

COMMISSIONERS PRESENT: Bruce Ackerman
Norma Fragoso (Vice-Chair)
Esther Gonzalez-Parber
Philip Green
Shelley Hamilton
Laura Kehrlein (Chair)
Mimi Newton

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

APPROVAL OF AGENDA

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

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

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No one came forward to speak.

PRESENTATION

Commissioner Fragoso introduced Ken Mayer, from an environmental forum involved in creek maintenance and water conservation. Mr. Mayer then introduced Sarah Phillips, Urban Streams Coordinator, Marin Resource Conservation District (MRCD) and noted that information on water conservation is available on the table close to the entrance.

Sarah Phillips discussed the services provided by MRCD, including site assessment and educational workshops. She also discussed watersheds, creeks and what is good for creeks, such as vegetated banks and native species. Ms. Phillips explained which species have a negative impact on creeks, such as English ivy, before going on to explain the solutions for a healthy creek. These include the removal and replacement of invasive, non-native plants with native vegetation and bank stabilization, which she discussed.

Ms. Phillips noted that their website has details of environmentally friendly household and landscaping products. She used materials to discuss the benefits of rainwater harvesting, noting that there are other products beside 50-gallon drums to capture rainwater, such as pillow tanks and water hogs. Ms. Phillips discussed rainwater harvesting in relation to water rebates.

Ms. Phillips concluded her presentation with a discussion on regulatory agencies for creek work and local watershed groups, noting that there is an upcoming workshop.

Commissioner Fragoso thanked Ms. Phillips for her presentation and said that another presentation will be scheduled on gray water.

CONSENT CALENDAR

1. **84 Pine Drive; Application # 16-03:** Request for a Use Permit and an Encroachment Permit for a deck addition and to widen an existing driveway by building 2 new retaining walls partially within the Pine Drive right-of-way; Assessor's Parcel No. 003-092-35; Residential Single-family RS 6 Zone District; Chuck Wright, applicant; Fiona Gillan and Chuck Wright, owners; CEQA categorically exempt, § 15301(a) and 15305(b).
2. ***Application withdrawn - 46 Westbrae Avenue; Application # 16-02:*** Request for a Residential Second Unit Use permit to construct a 452-square-foot, residential second living unit over an existing garage attached to a 1,725-square-foot single-family residence; Assessor's Parcel No. 001-271-04; Residential Single-family RS 6 Zone District; Kristin Tiernan, Designer; Micolyn Magee, owner; CEQA-categorically exempt, §15301(e)(2) and 15303(a). ***Continued from the January 21st, 2016 meeting. Notice to the public that the applicant has withdrawn the application.***

Commissioner Green and Principal Planner Neal discussed a condition relating to the planting of vines for screening that should be added with regard to the application at 84 Pine Drive.

In response to Commissioner Fragoso, Ms. Neal said that a portion of the retaining wall begins on the street, so it is partly in the right-of-way, and requires a Revocable Encroachment Agreement.

Chair Kehrlein and Ms. Neal discussed the recommended removal of the condition relating to a maintenance agreement. Ms. Neal provided background information on the agreement and the reasons staff believes it will be rendered unnecessary with the recording of a Revocable Encroachment Permit.

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

In response to Commissioner Newton, Ms. Neal discussed the meaning of "equal development" that is written in the resolution, explaining that it refers to the only way of maintaining access to the property (including fire access), is by building in the public right-of-way.

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

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

Chair Kehrlein announced the appeal rights.

PUBLIC HEARING ITEMS

3. **56 Belle Avenue; Application # 16-04:** Request for a Use Permit, and Setback, Floor Area-Ratio and Lot Coverage Variances to demolish an existing 1-story, 2 bedroom, 1 bath single-family residence and construct a 1,507square-foot, 2 bedroom, 2 bath, single-family residence with an attached, 193-squarefoot, 1 car garage; Assessor's Parcel No. 002-215-10; Residential RD 5.5-7 Zone District; Walter Connolly, Architect, John Fitzpatrick, owner; CEQA categorically exempt, §15303(a) and 15305(a).

Principal Planner Neal presented the staff report. She said the applicant is proposing to demolish the existing residence and construct a 2-story, 1,507 square foot residence consisting of 2 bedrooms and 2 bathrooms, with a one-car garage, and two additional spaces provided in an expanded driveway, which she discussed.

Ms. Neal discussed the small lot and the discretionary permits that are needed due to the lot's small size, noting that the applicants are maintaining the original footprint.

Ms. Neal discussed the Use Permit, which she said is necessary because the lot does not meet the minimum size requirements of the RD 5.5-7 Zone. Ms. Neal said that the proposed new dwelling is similar in size to other dwellings in the area. She noted that a combined side yard setback will be necessary, in addition to FAR and lot coverage variances, which she discussed. Ms. Neal said that the applicants are also requesting a parking variance for the side yard setback, which she said would not be construed as granting a special privilege because parking and parking structures in the side setback are found on residential properties throughout the town.

Ms. Neal said the proposal complies with the Town's design review criteria and that staff is recommending approval of the project by adoption of the attached resolution.

In response to Commissioner Hamilton, Ms. Neal confirmed the combined side yard setback requested is 13 feet, when 15 feet is necessary, and thus a 2-foot variance is needed. She noted that the front and rear yard setbacks meet the code.

In further response to Commissioner Hamilton, Ms. Neal explained that permeable surfaces do not count towards lot coverage and, since the applicants are requesting to exceed the lot coverage by .01%, they are proposing to replace the concrete walkway and driveways with permeable pavers.

In response to Commissioner Newton, Ms. Neal confirmed the property is in the Fairfax Tract subdivision, which she corrected in the Resolution.

Commissioner Green suggested stating the allowance of a 3-foot setback from the western side property line in the conditions of approval if the project is approved.

In response to Commissioner Hamilton, Ms. Neal said that the applicants had considered asking for a variance to provide a fourth, tandem parking space but that it seemed unnecessary to request a variance for providing an additional space that the code does not require.

A discussion took place on rules relating to gray water systems. Ms. Neal said that staff needs to understand how the rules are enforced and that it is proposed to address the new rules at the building permit stage. Vice-Chair Fragoso discussed a reporting system to track gray water best practices, and suggested the applicants are required to install a tankless water heater and drip irrigation system.

Planning Director Moore discussed a new ordinance by Marin Municipal Water District that is in effect, which relates to new water hookups and increased capacity water systems. He said the Town is studying the policy.

In response to Commissioner Gonzalez-Parber, Ms. Neal amended the resolution to include the garage addition.

John Fitzpatrick, Applicant, said they would like to build a new house for his son, which will be better than the current structure.

In response to Commissioner Gonzalez-Parber, Mr. Fitzpatrick discussed the layout of the interior living, dining and kitchen area.

Commissioner Ackerman noted that a new dwelling is a good opportunity to insulate the home well, which Mr. Fitzpatrick confirmed they would be doing.

Commissioner Hamilton and Mr. Fitzpatrick discussed the drip irrigation system, which Mr. Fitzpatrick said they would install.

Mr. Fitzpatrick and Chair Kehrlein discussed tree protection. She said they have a great project and she and Mr. Fitzpatrick discussed a void space behind the bathroom, which Mr. Fitzpatrick said might be used for storage.

Connolly Walter, Project Architect, said they have enlarged the void space and its use will be decided upon at the construction stage.

Chair Kehrlein and Mr. Fitzpatrick discussed the exterior colors and Chair Kehrlein expressed a preference for muted colors.

Nancy Meadows, 50 Belle, said she is thrilled that the dilapidated house will be replaced with a new home, which will improve the neighborhood. Ms. Meadows said the style is in keeping with the cottage-style of the neighborhood, although she expressed concern that the colors seem bold. Furthermore, Ms. Meadows expressed privacy concerns that a west-facing master bedroom window will have a direct view over her front bedroom window and she asked that trees, which might need to be removed due to construction, are replaced.

Nancy Aurley, 53 Belle Ave, said she is thrilled that someone is taking over the property and that the new dwelling will be a nice addition to the neighborhood.

Mr. Fitzpatrick said they will change the colors, raise the window height of the master bedroom window and replace any trees that need to be removed. Chair Kehrlein noted they would need approval from the Tree Committee.

Commissioner Gonzalez-Parber and Mr. Fitzpatrick discussed exterior lighting. Mr. Fitzpatrick said that the porch lighting would be downward lit.

Commissioner Kehrlein closed the public comment period.

Commissioner Green commented on the replacement of a derelict old house and turning it into a useful dwelling. He said they have a good plan.

Commissioner Hamilton suggested a blue trim and, following discussion, there was consensus amongst the commissioners that staff would determine the suitability of exterior colors.

Commissioner Hamilton discussed her concerns that they are micromanaging a project by insisting a particular type of water heater is installed. Ms. Neal suggested that staff adds it to the letter of action as a suggestion by the Planning Commission, and Chair Kehrlein noted that the applicant would need to meet Title 24.

M/s, Green/Fragoso, Motion to approve Application No. 16-04 Request for a Use Permit, and Setback, Floor Area-Ratio and Lot Coverage Variances to demolish an existing 1-story, 2 bedroom, 1 bath single-family residence and construct a 1,507square-foot, 2 bedroom, 2 bath, single-family residence with an attached, 193-squarefoot, 1 car garage at 56 Belle Avenue, with the following added conditions:

1. A light color pallet should be used for the exterior of the house to be determined by staff with input from the neighbor and applicant;
2. Drip irrigation system to be installed;
3. Downward facing LED exterior lighting to be installed;
4. West facing master bedroom window to be raised;
5. Building Official must approve a construction management plan prior to issuance of a building permit.

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

Chair Kehrlein announced the appeal rights.

4. **57 Taylor Drive; Application # 16-05:** Request for a Use Permit and Parking Variance to remodel and expand an existing 1,429-square-foot, 2 bedroom, 1 bath, single-family residence into a 1,645-square-foot, 3 bedroom, 2 ½ bath, single-family residence; Assessor's Parcel No. 001-221-05; Residential Single-family RS 6 Zone District; Daniel Castor, architect; Sven and Christina Schunemann, owners; CEQA categorically exempt, §15303(a) and 15305(e).

Principal Planner Neal presented the staff report. She discussed the project, noting that the Applicants are requesting a Use Permit and Parking Variance to remodel and expand the residence,

including the addition of a 226 square-foot master bedroom, converting the laundry room into a mudroom, ½ bathroom and laundry closet, and converting the area that was the original garage into the master bathroom and an office. Ms. Neal discussed the increase in living space, which she said would turn the 2-bedroom, 1-bathroom residence into a 3-bedroom, 2-bathroom residence.

Ms. Neal discussed the Use Permit, which she said is necessary because the lot has a width of 50 feet, where the Town's minimum standard is 60 feet. She noted that there are smaller and larger houses in the neighborhood, so the proposal will not be out-of-character with other residences in the neighborhood. Ms. Neal discussed the non-confirming setback relating to the garage, which she noted will not change, but that the applicants propose tearing down a trellis and adding a new bedroom that will maintain the required rear setback.

Ms. Neal discussed the reduction in lot coverage from 38% to the required 35%. She explained that this is being achieved by the proposed removal of impervious walkways around the house and replacement with permeable surfaces, in addition to the removal of impervious concrete landings on the east and west side of the dwelling, which she discussed.

Ms. Neal went on to discuss parking, noting that 3 on-site spaces are required. She said the plans include the provision of 1 parking space in the front yard and 1 space in the side yard. However, she explained that staff believes the front parking space is not a viable option because the turning radius is not adequate to allow access, which she discussed. Ms. Neal said that, since three parking spaces are necessary because an additional bedroom has been proposed, staff is willing to recommend that the applicant is allowed tandem parking spaces in the side yard setback, which she discussed.

Ms. Neal concluded her discussions by recommending approval of the project with conditions in the resolution and based on the findings in the staff report.

In response to Commissioner Hamilton, Ms. Neal clarified the reasons why the application is able to meet lot coverage requirements. She said that the architect made minor changes to reduce the lot coverage to 35% by the replacement of impermeable surfaces with permeable surfaces.

Commissioner Green and Ms. Neal discussed the rear setback. Commissioner Green noted that the setback discussed in the staff report is not reflected in the chart.

Sven Schunemann, property owner, said they wish to conform to Fairfax's regulations as much as possible.

Daniel Castor, Project Architect, said they have done all they can to minimize the impacts on the neighborhood. He said they are proposing a small addition on a small house.

In response to Commissioner Hamilton, Mr. Castor said they had not considered tandem parking because it is not legal and that they had proposed to put a space sideways at the front of the property. Mr. Castor said the owner currently parks one car on the street and one on the onsite space. He said there are currently drainage issues that prevent a second car parking onsite.

Ms. Neal confirmed that three car spaces could fit on the side of the property.

Commissioner Ackerman commented on the surface areas, which the applicants are proposing to change to permeable materials, noting that the areas are so small that little difference will be made.

Commissioner Fragoso discussed her concern that there will be three tandem spaces in the side yard setback. In response, Ms. Neal said there is no alternative unless the front yard is used for one of the spaces or a second driveway is installed, which would need Council approval. Mr. Moore noted that there is more on street parking in the area than others.

In response to Commissioner Ackerman, Mr. Schunemann said they are unlikely to use the third parking space in the foreseeable future. Commissioner Ackerman said he supports the variance for tandem parking, which he noted is consistent with current practice.

Chair Kehrlein opened the public comment period.

Paul Hedemark, 48 Taylor, said the changes that have been made since the current owners bought the property have been marvelous. He said the property is much more attractive than it was previously and the owners are a welcome addition to the neighborhood. Mr. Hedemark commented on the difficult parking conditions and said there have been no parking issues with people working on their property.

Commissioner Gonzelaz-Parber said she likes the design and that the proposed project is a great improvement on the current structure. She said she appreciates the addition of permeable landscaping and said it is a great project.

Commissioner Green discussed additional parking conditions relating to the three tandem spaces and a landscaping plan to include drought-resistant plants and trees. Ms. Neal noted that the three tandem parking spaces have been included in the conditions of approval.

Commissioner Hamilton asked staff if they could move forward with discussions relating to code amendments regarding tandem parking. She said it would be helpful for applicants to know that tandem parking is an option and she confirmed her belief that tandem parking is an acceptable strategy in this instance.

Commissioner Newton commented on the neighborhood being a favorite of hers, and that said that the Open Space Committee welcome neighbors who join them on broom-clearance days.

M/s, Green/Ackerman, Motion to approve Application # 16-05, for a request for a Use Permit and Parking Variance to remodel and expand an existing 1,429-square-foot, 2 bedroom, 1bath, single-family residence into a 1,645-square-foot, 3 bedroom, 2½ bath, single-family residence at 57 Taylor Drive with the added condition of approval that a landscaping plan will be submitted for staff's approval to include drought-resistant plants and trees:

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

Chair Kehrlein announced the appeal rights, followed by a 10-minute break at 8:45 p.m.

MINUTES

Minutes from the January 21, 2016 meeting

M/s, Green/Gonzalez-Parber, Motion to approve the minutes of January 21, 2016 with the following amendments:

Amend “Mr. Marshal” to “Mr. Rothman” where applicable.

Page 43, 2nd paragraph: “.....Mr. Marshal confirmed they were no longer clustering the lots and that they now plan to build 8 dwellings”, amended to read “...Mr. Rothman confirmed they were no longer clustering the lots and that they now plan to build 8 dwellings on the 84 acres”.

“.....submit a complete package, which discussed”, amended to read “.....submit a complete package, which he discussed”.

Page 5, paragraph 6: “Frank Eggar, Meadowsweet”, amended to read “Frank Eggar, Meadow Way”.

Page 7, paragraph 11: “...Mr. Rothman noted that he does not own the property.” Amended to read “...Mr. Rothman noted that he does not own the property and is not concerned about development of the road”.

Page 8, 2nd paragraph: “....Vice-Chair Fragoso.....should a new residential unit be added to a property with zero parking”, amended to read “...Vice-Chair Fragoso....should a new residential unit be added to a commercial property with some level of parking that had been approved”.

Page 2, under the consent calendar, “.....the applicant for the item at 85 Redwood Road noted...”, amended to read “.....a member of the public commented on the item at 85 Bolinas Road, noting...”.

Item 4, heading: “Highway Commercial (CH)”, amended to read “Highway Commercial (HC)”.

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

PLANNING DIRECTOR’S REPORT

Planning Director Moore commented on the Gray Water Ordinance.

Mr. Moore reported on a special planning commission meeting that is scheduled for Thursday, 25th February to discuss the Central Commercial zone.

Mr. Moore announced a Bicycle and Pedestrian Advisory Committee meeting on Monday, February 29th February, which he discussed. He also discussed the Planning Commission Academy conference.

Mr. Moore said that Mr. Rothman would be returning on March 17th to provide an update to his project. In response to Commissioner Green, Mr. Moore noted that materials will be supplied to the commissioners beforehand and he noted that a formal application has not been submitted.

Mr. Moore announced that recommendations are being prepared for the Town Council to hold three public workshops, including a workshop for the Town Center Plan, which he discussed.

Mr. Moore reported on an article in the Marin IJ about a contribution made by the County in relation to Piper Court. He said the complex will be upgraded and all 27 units will be preserved for their low-income inhabitants, which he discussed.

Mr. Moore discussed the “Cool California” challenge in relation to the Town of Fairfax, and noted that the Town has adopted a Climate Action Plan. Commissioner Ackerman commented on Resilient Neighborhoods, which he has joined.

Mr. Moore said he is meeting representatives from the Marin Community Foundation with regard to conservation strategies, which he discussed.

Mr. Moore reported on a 1-day retreat that is being planned by the Town Council and suggested the commissioners might wish to consider something similar, which he discussed.

COMMISSIONER COMMENTS AND REQUESTS

In response to Commissioner Newton, Mr. Moore said he would provide an update of the Council’s decision on the marijuana cultivation ordinance at the next meeting.

Chair Kehrlein suggested that commissioners who are unable to attend the special meeting could submit their comments to Mr. Moore.

In response to Commissioner Hamilton, Mr. Moore said that discussion on code amendments might have to take place in a public setting. Commissioner Hamilton suggested the presentation items that take place before the planning commission meetings should be uploaded to the Town’s website, which she discussed.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:27 p.m.

Respectfully submitted,

Joanne O’Hehir

