DRAFT Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, March 20, 2014

Call to Order/Roll Call

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

COMMISSIONERS PRESENT:

Roxanne Ezzet
Philip Green
Esther Gonzalez-Parber
Shelly Hamilton
Laura Kehrlein (Vice-Chair)
Brannon Ketcham (Chair)
Shelby LaMotte

COMMISSIONERS ABSENT: None

STAFF PRESENT:

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

APPROVAL OF AGENDA

M/s, Hamilton/Green, Motion to approve the agenda with the item on Meernaa Avenue continued to the meeting of April 17, 2014.

AYES: All

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Norma Fragoso, Meernaa Avenue, said that she had presented a letter to the commissioners and staff on the continued item on Meernaa Avenue and that she appreciated its continuance to the next meeting.

CONSENT ITEMS

1. **7 Vista Way; Application # 14-09:** Request for a Use Permit and Combined side Setback Variance to construct a 378 square foot family room addition underneath the existing 1,679 square foot single-family residence; Residential Single-family RS 7.5 Zone; Assessor's Parcel No. 001-261-16; Rick Block, applicant; Rick Block and Ray Bakowski, owners; CEQA categorically exempt, § 15301(e)(1) and 15305(a).

2. **292 Forrest Avenue; Application # 14-04:** Request for a Use Permit to remodel an existing single-family residence, increasing the height of the roofline/ceiling in the area of the kitchen to conform to the Building Code and adding a second bathroom;

AGENDA ITEM # 6

Residential Single-family RS 6 Zone District; Assessor's Parcel No. 002-105-14; Robert Cabrera, applicant/owner; Charles Huddleston, Designer; CEQA categorically exempt, § 15301(a).

3. **70 Meernaa Avenue; Application # 14-12:** ***Recommended for Continuance*** - Request for a Use Permit and Variances to remodel and construct a 393 square foot, second story master bedroom, bath, covered balcony addition onto an existing single-family residence increasing the residence square footage from 1,167 square feet to 1,480 square feet on this 3,651 square foot site; Residential RD 5.5-7 Zone; Assessor's Parcel No. 002-082-02; Richard Rushton, Rushton Chartock Architects, applicant; Jeffrey Morley, owner; CEQA categorically exempt, §§ 15301(a), (e)(1) and 15305(a).

M/s, Green/Ezzet, Motion to approve Consent with continuation of the item on 3 Meernaa Avenue to the meeting of April 17, 2014.

AYES: All

Chair Ketcham read the appeal rights.

PUBLIC HEARING ITEMS

3. **760 Center Blvd.; Application # 14-06:** Continued consideration of a request for a Use Permit and Design Review to demolish the existing 200 square foot kiosk and two drive-up window coffee cart enclosure to construct a 320 square foot, 4 window, drive-up structure with a 160 square foot canopy and 350 square foot trellis structure above a 500 square foot, landscaped, outdoor seating area with fixed benches and countertops; Highway Commercial CH Zone District; Assessor's Parcel No. 002-131-13; Rich Dowd, applicant/architect; Rich Hall, owner; CEQA categorically exempt, § 15303(c).

Commissioner LaMotte recused herself because she had a professional association with the project and Senior Planner Neal presented the staff report. Ms. Neal provided background information on the previous discussions. She said that signage and road marking plans had now been included for the commissioners' review. She noted that the Traffic Engineer's recommendations had been included in the Resolution, which staff recommended be approved by the Planning Commission. Ms. Neal noted an error in a date in the resolution that needed to be amended.

Commissioner Green and Ms. Neal discussed the arrow markings, which Ms. Neal said would need final approval from the Town Engineer.

Commissioner Hamilton and Ms. Neal discussed signage and bicycle parking.

Rich Dowd, Project Architect, said that they were agreeable to the condition that related to the Town Engineer's approval of the road markings. Mr. Dowd discussed bicycle parking.

Commissioner Gonzalez-Parber discussed her concerns regarding accessibility from the patio area to the restroom with Mr. Dowd.

Chair Ketcham suggested changes to the path of travel and the signage with Mr. Dowd and Planning Director Moore.

In response to Commissioner Hamilton, Mr. Dowd said that they were not required to provide a restroom for the public.

Vice-Chair Kehrlein discussed her concerns that related to the number of windows provided with Mr. Dowd, who said that they would help to minimize idling and the number of "runs" that staff would need to make. They also discussed the trellis' materials and Vice-Chair Kehrlein expressed a preference for materials that would match the trellis at Good Earth. Mr. Dowd said that they preferred the chosen materials.

Chair Ketcham opened the public comment period.

Norma Fragoso, Meernaa Avenue, and Ross Pelton, Pastori Avenue, said that they supported the project.

Commissioner Green suggested changes to the language in the Resolution, which met with general agreement.

Commissioner Hamilton and Mr. Moore discussed the Use Permit in relation to the complaints process.

Gonzalez-Parber discussed her continued concerns regarding the path of travel to the restroom.

M/s, Green/Ezzet, Motion to approve Resolution # 14-03, Application # 14-06, for a Use Permit and Design Review to demolish the existing 200 square foot kiosk and two drive-up window coffee cart enclosure to construct a 320 square foot, 4 window, drive-up structure with a 160 square foot canopy and 350 square foot trellis structure above a 500 square foot, landscaped, outdoor seating area with fixed benches and countertops at 760 Center Blvd with the following amendments to the Resolution:

That the word "permanent" be changed to "improved" wherever it appeared in the findings;

That the words "permanent building" be changed to "permanent structure" wherever it appeared in the findings;

That finding No. 15 shall be amended to read:

"If the applicant plans to operate from a temporary structure during construction of the permanent building the Building Official, Town Traffic Engineer, Ross Valley Fire Department and Fairfax Police Department must review and approve the proposed location and a temporary circulation plan prior to issuance of the building permit for the project";

That condition No. 17 be added to read: "The Applicant shall consider an alternate marked walkway that will be parallel to the drive through striping, subject to the approval of the Town's Traffic Engineer and the Building Official".

A roll call took place:

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

Chair Ketcham read the appeal rights and Commissioner LaMotte returned to the podium.

8:05 p.m.

6. **1912 Sir Francis Drake Boulevard; Application # 14-10:** Request for a Use Permit to have an outdoor eating area at the rear of an existing restaurant; Central Commercial CC Zone; Assessor's Parcel No. 001-223-12; Paul Surinder, applicant; Charles Peri, property owner; CEQA categorically exempt, § 15301(a).

Senior Planner Neal presented the staff report. She noted that the applicants wished to provide an outdoor dining area that consisted of 6 tables for a maximum of 26 people. Ms. Neal noted that the rear setbacks had been met and disability access would be provided by way of ramps, which she discussed. She noted that staff recommended approval of the project with the conditions of approval in the staff report.

In response to Commissioner Green, Ms. Neal said that the back would be fenced in and that the plans had been approved by the Fire Department.

In response to Commissioner LaMotte, Ms. Neal said that the people living in the adjacent apartments had not commented on the project.

Stewart Summers, Project Architect, said that they wanted to provide outdoor seating in order to serve more customers. He discussed the fire sprinkler system and noted that the patio's opening hours would be the same as the restaurant's business hours.

Vice-Chair Kehrlein and Mr. Summers discussed the back fence and Chair Ketcham then opened the public comment period.

Mark Cannett and Sandra Cannett, Monte Vista Road, Danny Rubenstein, Cypress Drive, Norma Fragoso, Meernaa Avenue, and Spirit Weisman of 9 Herrera Drive, expressed their support for the project.

Chair Ketcham closed the public comment period.

Commissioner Hamilton discussed the sprinkler system in relation to the business next door with staff. Planning Director Moore noted that an entitlements review by the Planning Commission for sprinkler systems was not required.

M/s, LaMotte/Green, Motion to approve application # 14-10, a request for a Use Permit to have an outdoor eating area at the rear of an existing restaurant at 1912 Sir Francis Drake Blvd.

AYES: All

Chair Ketcham read the appeal rights.

8:20 p.m.

7. **127 Dominga Avenue; Application # 14-11:** Request for a Use Permit and Side Setback Variances to raise the existing single-family residence up 2.5 feet in height to convert 360 square feet of the basement area to a family room with a full bathroom and laundry room resulting in a 1,328 square foot residence on a 3,700 square foot site; Residential RD 5.5-7 Zone; Assessor's Parcel No. 002-025-06; David Grabham, applicant; Krishna Tyner, owner; CEQA categorically exempt, §§ 15301(a), (e)(1) and 15305(a).

Senior Planner Neal presented the staff report. Ms. Neal noted that the Use Permit would be necessary because the lot did not meet the required size for the improvements and she noted that, since the project constituted a 50% remodel, design review was necessary. Ms. Neal discussed access, and she noted that the side setback variance would be necessary because the existing setback did not meet the minimum requirements, although the new walls would not project any further than the existing structure. She also explained why a parking variance would be necessary.

Ms. Neal said that the impact on the neighborhood would be minimal, the height restrictions would not be exceeded and the materials would match the present structure. Furthermore, she noted that the FAR (floor area ratio) had been maximized but that the size of the structure would not be out of scale with other residences in the area. For these reasons, and those in the staff report, Ms. Neal said that staff could support the project and would recommend approval.

Commissioner Green suggested adding language to the condition that related to the kitchen.

Commissioner Hamilton and Ms. Neal discussed the necessity of a Deed Restriction.

Vice-Chair Kehrlein and Ms. Neal discussed the raised residence and Ms. Neal noted that a bedroom would not be added, which had been stated on page 3 of the staff report.

David Grabham, Applicant, explained that the stairs were dangerous and that they needed to raise the ceiling in order to create a new staircase. Mr. Grabham discussed the design with Vice-Chair Kehrlein. He noted that the design was not ideal but that it would conform to the Building Code.

Chair Ketcham opened and then closed the public comment period when no-one came forward to speak. He said that he would support the project since the code would be met and the structure would not be expanded, which justified the variances.

Commissioner Green said that the residence would be greatly improved.

M/s, LaMotte/ Ezzet, Motion to approve Application # 14-11, a request for a Use Permit and Side Setback Variances to raise the existing single-family residence up 2.5 feet in height to convert 360 square feet of the basement area to a family room with a full bathroom and laundry room resulting in a 1,328 square foot residence on a 3,700 square foot site at 127 Dominga Avenue with the following amendment to Condition No. 1 on page 7 of the staff report to read as follows:

"The existence of the laundry room and full bath in the basement area lends itself to the conversion of the space to a separate living unit. Therefore, prior to issuance of the building permit the applicants shall sign, notarize and record a deed restriction at the Marin County Recorder's Office and provide a copy to the Town."

AYES: All

Chair Ketcham read the appeal rights.

8:35 p.m.

8. **305 Scenic Road; Application # 14-13:** Request for a modification of a previously approved Hill Area Residential Development and Excavation permits and for a new accessory structure Height Variance to legalize unpermitted arbor structures and landscaping improvements; Residential Single-family RS 6 Zone; Assessor's Parcel No. 001-052-07; Michael and Marjorie McLennan, applicant/owners; CEQA categorically exempt, §§ 15303(e) and 15304(b).

Senior Planner Neal presented the staff report. Ms. Neal provided background information on the project and the reasons for which the revised landscaping plan needed to be approved by the Planning Commission. She said that the trellis had already been constructed and that the wall had exceeded the height restrictions, albeit that she noted most of the structure complied with the height limit. Ms. Neal said that, since the area that exceeded the height limit was relatively small, staff could support the modification to the variance.

In response to Commissioner LaMotte, Ms. Neal said that the Fire Department had not commented on the plans.

Commissioner Green discussed the wall design with Ms. Neal and he suggested an amendment to the condition that related to the indemnity clause.

Commissioner Gonzalez-Parber discussed the language that related to the height of the trellis with Ms. Neal.

Commissioner Hamilton and Ms. Neal discussed the height variance and the reasons why staff recommended approval of the variance. Ms. Neal noted that substantial changes to the design

and materials would have been necessary in order for the entire structure to meet the height requirements.

Mike McLennan, Applicant, discussed the landscape plans. He said that he had been unaware that the trellis needed to be permitted. Mr. McLennan noted that they needed to use tall posts on the downhill side, which raised the structure's height above the maximum allowed. In response to Commissioner LaMotte, Mr. McLennan confirmed that an irrigation system had been installed and that they had planted drought-resistant plants.

Chair Ketcham said that he could support the variance because the height infraction related only to a small part of the wall.

Vice-Chair Kehrlein discussed the ramp, which she thought was particularly steep. Mr. McLennan said that the ramp had been designed to enable a nearby acacia tree to remain, which provided screening for his neighbor.

M/s, Gonzalez-Parber/Ezzet, Motion to approve Application # 14-13, a request for a modification of an a previously approved Hill Area Residential Development and Excavation permits and for a new accessory structure Height Variance to legalize unpermitted arbor structures and landscaping improvements at 305 Scenic Avenue with the following amendment to Condition 10 to read as follows:

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AYES: All

Chair Ketcham announced the appeal rights before a 10-minute break at 9 p.m.

MINUTES

9. Minutes fro m the February 20, 2014 meeting.

M/s, Green/Hamilton, Motion to approve the minutes of February 20, 2014 with the following amendments:

Second paragraph under Planning Director's Report should be amended to read:

"Mr. Moore noted that the new zoning map contained in the 2010/2030 General Plan should go into effect on April 4, 2014, and he noted that the Climate Action Plan had been accepted by the Town Council and adopted by resolution. He discussed the formation of the Climate Action Committee".

Fourth paragraph under Planning Director's Report should be amended to read:

"Mr. Moore discussed the work program to create a Town Center Plan. He said that they hoped to deliver the draft Town Center Plan to the Town Council in December. Mr. Moore discussed outreach with Commissioner Hamilton".

Fourth paragraph from the bottom of page 6 should be amended to read ".....Ms. Neal confirmed that pre-prepared food only would be served and that the business did not intend to become a restaurant but to remain a coffee shop".

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

DISCUSSION ITEMS

10. Review and ranking of the updated General Plan Matrix for Planning Commission responsibilities.

Planning Director Moore noted that the General Plan Matrix had been updated, which he said could be viewed on the Town's website. He discussed the matrix in relation to the commissioners' duties and implementation of the General Plan. Mr. Moore asked the commissioners to prioritize the items on the list, which staff would then collate and present to the commissioners as a list of priorities for discussion.

Commissioner Hamilton discussed the role played by GPIC (General Plan Implementation Committee) with regard to assimilating information.

General discussion took place on ordinances that needed to be updated.

Chair Ketcham noted that next month's meeting fell during the Easter holidays and it was ascertained that there would be a quorum.

Commissioner Hamilton discussed her concerns regarding the traffic signals at Pastori and Willow with Mr. Moore.

PLANNING DIRECTOR'S REPORT

Planning Director Moore reported that GPIC voted unanimously on the formation of a subcommittee, chaired by Ted Hugh, to perform outreach to the town's residents regarding the General Plan and the public workshops. Mr. Moore discussed the workshops, which he said would be posted as public hearings.

Mr. Moore reported on an urban development conference he attended at U.C. Berkeley.

Commissioner Ezzet commented on the quota for affordable housing.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:53 p.m.

Respectfully submitted,

Joanne O'Hehir