DRAFT Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, April 24, 2014

Call to Order/Roll Call

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

COMMISSIONERS PRESENT:	Roxanne Ezzet Philip Green Esther Gonzalez-Parber Laura Kehrlein (Vice-Chair) Brannon Ketcham (Chair) Shelby LaMotte
COMMISSIONERS ABSENT:	Shelly Hamilton
STAFF PRESENT:	Linda Neal, Senior Planner Joanne O'Hehir, Minutes Secretary

APPROVAL OF AGENDA

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

AYES: All

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No one from the public came forward to speak.

CONSENT ITEMS

1. **2300 Sir Francis Drake Blvd.; Application # 14-11:** Use Permit application to construct a 99 square foot, second bathroom addition to a 1,200 square foot single-family residence; Residential Single-Family RS 7.5 Zone District; Assessor's Parcel No. 001-171-05; Steve and Linda Leland, applicants/owners; CEQA categorically exempt, § 15301(e)(1).

2. **6 Bridge Court; Application # 14-15:** Use Permit, Variances and Design Review of a remodel/expansion of a 1,386 square foot, three bedroom, 1 bath single-family residence into a 1,753 square foot, 3 bedroom, 3 bath residence increasing the structure square footage by 367 square feet; Residential RD 5.5-7 Zone; Assessor's Parcel No. 002-105-13; Rich Rushton, Rushton-Chartock Architects, applicant; Lee Mac Pherson and Rae Gordon, owners; CEQA categorically exempt, §§ 15301(a), (e)(1) and 15305(a). ***Recommended for continuance.***

AGENDA ITEM # 8

M/s, Ezzet/LaMotte, Motion to approve the Consent Agenda, including the recommendation to continue the item at 6 Bridge Court:

AYES: All

Chair Ketcham announced the appeal rights.

PUBLIC HEARING ITEMS

3. **70 Meernaa Avenue; Application # 14-12:** Request for a Use Permit, Variances and Design Review 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).

Senior Planner Neal presented the staff report. Ms. Neal discussed the project, which included a second story addition consisting of a master bedroom, full bath, laundry closet and covered deck, and the remodel of a downstairs bedroom to construct a stairway connecting the first and second floors. Ms. Neal noted that a Use Permit would be necessary because the site did not meet minimum lot size requirements for the modifications and addition, which she discussed, and she noted that the requested modifications constituted a 50% remodel.

However, Ms. Neal noted that the proposed project would create a residence in keeping with similarly sized homes and lots in the neighborhood, that a craftsman style was desirable and that the addition and remodel would not result in further encroachments into the setbacks.

Ms. Neal also discussed the parking variance to allow parking in the side yard setback, which she noted was common in the neighborhood and should not create significant impacts for reasons she discussed. Although three parking spaces were required, Ms. Neal noted that that the number of bedrooms would not be increased, which staff believed was a satisfactory condition to grant the parking variance.

Overall, Ms. Neal concluded that staff could support the project for the reasons discussed and with the conditions of approval in the staff report.

Chair Ketcham and Ms. Neal discussed the shed and the addition in relation to a neighbor, and Ms. Neal said that staff believed the neighbor would not be significantly impacted and had not expressed opposition to the proposal.

Rich Rushton, Project Architect, said that they have attempted to satisfy the code requirements as best that they could and to ensure the neighbors' privacy had been maintained by turning around the floor plan, which he discussed.

In response to Commissioner Gonzalez-Parber, Mr. Rushton discussed the plans in relation to concerns from the neighbor at 74 Meernaa. Ms. Neal said that staff believed a fence would provide sufficient privacy along with the provision of plant screening.

Chair Ketcham opened the public comment period.

Melann Mushet, Meernaa Avenue, discussed her concern about a nearby culvert flooding and affecting properties in the vicinity.

Chair Ketcham closed the public comment period.

Ms. Neal discussed setbacks in relation to creeks, when she noted that the Town would be considering increasing the front yard setback. Chair Ketcham noted that the project would not increase runoff from the site.

Commissioner Ezzet discussed her concern that Use Permits and setback variances were granted on a general basis by the commissioners without necessarily considering the overall effect it would have on town planning.

In response, Ms. Neal said that the request for Use Permits and variances had the advantage of ensuring the Planning Commission controlled development in town. She also noted that there would be an opportunity for amendments to the Zoning Ordinance in the future.

Vice-Chair Kehrlein said that she had viewed the site and that she believed it would be appropriate for the portion of the deck to be removed, which had been requested by the applicant. Vice-Chair Kehrlein and Ms. Neal discussed parking in relation to those involved in the construction of the addition, and Vice-Chair Kehrlein suggested a change to the conditions of approval to which there was general consensus.

Commissioner LaMotte commended the applicants for their efforts to design a project that minimized problems for their neighbors.

M/s, Green/Gonzalez-Parber, Motion to approve Application No. 14-12, a request for a Use Permit, Variances and Design Review 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 at 70 Meernaa Avenue, with an additional bullet to Condition No. 3a., which will read as follows:

- That the applicants submit a proposal that minimizes parking impacts in the neighborhood caused by construction workers, employees and equipment during construction.

AYES: All

Chair Ketcham read the appeal rights.

4. **56 Scenic Road; Application # 14-13:** Use Permit, Setback Variances and Design Review to allow construction of a 400 square foot living room addition to an existing 845 square foot, two bedroom, single-family residence and construction of a carport. Project will result in a 1,245 square foot residence; Residential RD 5.5-7 Zone; Assessor's Parcel No. 001-131-22; Robert Franco, applicant; Blake Knier, owner; CEQA categorically exempt, § 15301(e)(1) and 15303(e) and 15305(a).

Commissioner LaMotte recused herself from the podium because she lived within 500 feet of the property under discussion, and Senior Planner Neal presented the staff report. Ms. Neal said that a Use Permit would be necessary because the site did not meet minimum lot size requirements for the modifications and addition, which she discussed, and she noted that the requested modifications constituted a 50% remodel. Ms. Neal said that there were residences of a similar size in the neighborhood built on parcels of a similar size and so that new structure would not appear to be out-of-scale.

Ms. Neal discussed the setbacks, when she noted that the new addition would comply with the minimum and combined side setback and the front setback. However, she noted that a parking variance had been requested for two of the parking spaces to encroach the side yard setback. Ms. Neal noted that, since the proposed open sided carport structure and the location of the uncovered parking space in the side setback would be similar to the design and location of other parking structures in the neighborhood, staff could support the variance. Furthermore, the Town Code would be met by the provision of three parking spaces, including a covered space.

Ms. Neal discussed the design aspects of the house, which included a pitched roof and numerous windows that staff felt would improve the articulation of the residence. Overall, Ms. Neal said that staff could support the project with the conditions in the staff report.

Commissioner Green and Ms. Neal discussed parking in relation to the side yard setback.

Robert Franco, Project Manager, and Blake Knier, Applicant, introduced themselves. Mr. Knier and Commissioner Green discussed the project plans and Mr. Knier noted that their home would still consist of two bedrooms.

Vice-Chair Kehrlein and Ms. Neal discussed the placement of the shed.

Commissioner Ezzet discussed placement of the shed with Mr. Knier and Mr. Franco. They confirmed that the materials for the shed had been chosen to match the house.

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

Vice-Chair Kehrlein said that it was a nice proposal for a great lot and that she supported the project.

Commissioner Green said that it was a brilliant use for a small lot and that the addition will greatly improve the house. Chair Ketcham, Commissioner Gonzalez-Parber and Commissioner Ezzet were also in agreement.

M/s, Ezzet/Green, Motion to approve Application No. 14-13, a request for a Use Permit, Setback Variances and Design Review to allow construction of a 400 square foot living room addition to an existing 845 square foot, two bedroom, single-family residence and construction of a carport, which will result in a 1,245 square foot residence at 56 Scenic Road:

AYES: All

Chair Ketcham announced the appeal rights.

5. **3 Arrowood Lane; Application # 14-14:** Request for Design Review of a proposed 2,750 square foot single-family residence with an attached 784 square foot garage; Assessor's Parcel No. 174-290-03; Residential Single family RS 6 Zone; Wayne Ferrare, applicant; Cynthia Post, owner; CEQA categorically exempt, § 15303(a).

Senior Planner Neal presented the staff report, when she provided background information on the Fairfax Hills Subdivision. She discussed the restrictions for the development of certain parcels, and she noted that the proposed residence would be constructed on an approved pad, would remain below the maximum height restriction and that the required parking would be provided.

Ms. Neal noted that the settlement was vague about accepted building materials, although it was stipulated that the colors and materials should blend in with the hillside, which she discussed. Ms. Neal noted that landscaping needed the approval of the Marin Municipal Water District.

Ms. Neal discussed the recessed lighting under the eaves, which staff believed could be more minimized. She discussed lighting in relation to the Covenants, Conditions and Restrictions for the subdivision. Overall, however, Ms. Neal said that staff could support the project and recommended that the Resolution be approved with the Conditions of Approval.

In response to Chair Ketcham, Ms. Neal discussed the reasons why a Hill Area Residential Development Permit was not required.

Commissioner Green suggested that language be added to the condition regarding access to the site by contractors' vehicles, which should minimize impacts on the neighborhood. He also suggested that a further condition be added to ensure that airborne material was minimized during construction, since a school was in the vicinity of the construction site, to which there was general approval amongst the commissioners.

Wayne Ferrare, Applicant, discussed the LED lights, which he said would be recessed and dimmable. He noted that they had adequate room on the property for parking, equipment and the storage of building materials. Mr. Ferrrare said they would ensure that deliveries were made outside school drop-off and pick-up times.

Mr. Ferrare addressed dust control, when he noted that the property was graded and flat within the building envelope. He said that they had complied with the Superior Court documents, which he discussed in relation to the design. Mr. Ferrare also discussed the structure's height and the proposed materials and colors.

Mr. Ferrare, Chair Ketcham and Ms. Neal discussed the lights, and possible construction damage to the road. A proposed change was made to the condition that related to road damage.

Following general discussion, the commissioners agreed that a condition should be added that construction vehicles should avoid arriving and leaving the site during school drop-off and pick-up times.

Vice-Chair Kehrlein and Mr. Ferrare discussed plantings and the pool fencing. Mr. Ferrare said that they had not selected the materials for the pool fence but that it would meet the building permit regulations in terms of height. Vice-Chair Kehrlein noted that, since vegetable gardens were shown on the plans, fencing would be needed to keep out deer.

Chair Ketcham opened the public comment period.

Valerie O'Donnell, an architect who lived on Creek Road, discussed her concerns about the project. She said that it would be hard for neighbors to reverse an approval if the proposed lighting turned out to be too bright once installed. She also said that residents should be able to review the color pallet. Ms. O'Donnell commented on the pool fencing, fire hydrant, dust issues and she said that the times for moving heavy equipment to and from the site should be stipulated in the conditions.

David Hugh, 5 Arrowood Lane, said that he supported the project.

Bob Anderson, 4 Arrowood Lane, said that he supported the project. He said that the owner had been cooperative and that he would be happy for the construction vehicles to double-park in front of his property. Mr. Anderson discussed the red-painted curbs in relation to parking.

Chair Ketcham and Ms. Neal discussed road access and the red-painted curbs. Ms. Neal said she would confirm if the red-painted curbs were stipulated by the subdivision regulations but that any decision to have them removed would be subject to the Police and Fire Departments. Ms. Neal noted that the property had plenty of off-street parking for construction vehicles.

Commissioner LaMotte said that she believed the color pallet to be too light and that she would prefer the pallet to be darker. Commissioner LaMotte said that she loved the roofline and that the building envelope had been used well.

Mr. Ferrare discussed the color pallet with the commissioners.

General discussion took place amongst the commissioners on the color pallet, fencing, lighting, and school arrival and leaving times.

Vice-Chair Kehrlein discussed her concerns that the materials were not listed on the drawings and that the plans lacked detail. She said that, since the site was visible, elevations with design features should have been included with the plans.

Commissioner Ezzet said that the colors were not as warm as the hillside with which Commissioner Green was in agreement. Overall, she said that it was a beautiful project.

M/s, LaMotte/Kehrlein, Motion to continue Application # 14-14, a request for Design Review of a proposed 2,750 square foot single-family residence with an attached 784 square foot garage at 3 Arrowood Lane to a date unknown in order for the applicant to present fencing plans for the swimming pool and vegetable garden, revised A1.2 and A1.21 plans containing materials and finish details, and to clarify exterior lighting on A1.4 to ensure the scale is correct; and to provide a color pallet to take into consideration the dark forest behind the structure, with the amendments and additions made to the conditions of approval as discussed:

AYES: All

MINUTES

6. Minutes from the March 20, 2014 meeting.

M/s, LaMotte/Ezzet, Motion to approve the minutes of March 20, 3014, with the following amendment on page 5, item 7, "...Chair Ketcham discussed the flood elevation in relation to the lower finished floor. He said that he would support the project....."

AYES: All

DISCUSSION ITEMS

7. Review and Prioritization of the updated General Plan Matrix: for Planning Commission Responsibilities.

Senior Planner Neal reminded the commissioners to submit their prioritized lists, which would then be tabled for discussion.

8. Zoning Ordinance: Issues list creation/update

Senior Planner Neal reminded the commissioners to provide a list of items for discussion that related to the zoning ordinance. General discussion took place on use permits in relation to the zoning ordinance, small lots and FAR.

Commissioner Gonzalez-Parber reported on her attendance of a planning commissioners' conference.

In response to Chair Ketcham, Ms. Neal provided an update on work by PG&E on Broadway. Ms. O'Donnell was invited to comment and she said that the conditions were unsafe.

ADJOURNMENT

A Motion was made, seconded and unanimously approved to adjourn the meeting at 9.13 p.m.

Respectfully submitted,

Joanne O'Hehir