

FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMENS CLUB
THURSDAY, FEBRUARY 16, 2017

Call to Order/Roll Call:

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

Commissioners Present: Bruce Ackerman
Norma Fragoso (Chair)
Esther Gonzalez-Parber
Laura Kehrlein
Mimi Newton
Cindy Swift

Commissioners Absent: Philip Green

Staff Present: Linda Neal, Principal Planner

APPROVAL OF AGENDA

M/s, Ackerman/Newton, motion to approve the agenda.

AYES: Ackerman, Gonzalez-Parber, Kehrlein, Newton, Swift, Chair Fragoso

ABSENT: Green

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR ITEM

- 1. 118 Tamalpais Road: Application #17-05**
Approval of a continuance, at the direction of the Town Attorney, until the March 16, 2017 meeting; Modification of a previously approved Side-yard Setback Variance and Encroachment Permit for a retaining wall and access stairway to an existing single-family residence. The existing stairway was destroyed in a land slide almost 6 years ago; Assessor's Parcel No. 002-121-61; Residential Single-family RS 6 Zone District; Nick Rasic, applicant; Federal National Mortgage Association, owner; CEQA categorically exempt per section 15301 and 15305(a).

Chair Fragoso noted this item was continued at the direction of the Town Attorney.

PUBLIC HEARING ITEMS

- 2. 70 Manzanita Road.; Applicant #17-01**
Request for a Conditional Use Permit to construct a 225-square-foot office on the first floor of a 1,028-square-foot, 2-bedroom, 2-bathroom, single-family residence. The project would involve enclosing an existing deck, adding 50 square feet to the rear of the residence and relocating a hallway and bathroom. Upon completion of the project, the square footage of the residence would increase to 1,253 square feet; Assessor's Parcel

No. 003-192-24; Residential Single-family RS 6 Zone; Leyla Hilmi, applicant; Anny Fry, owner; CEQA categorically exempt per section 15301(e).

Principal Planner Neal presented a staff report.

Commissioner Newton referred to page 3 of the staff report and stated the citation at the top of the page should be Town Code Section 17.080.050. Principal Planner Neal stated staff would make that correction. Commissioner Newton asked staff to make sure that the minimum area (40,000 square feet) and minimum width (164 feet) requirements were correct. She referred to the next paragraph regarding the findings and noted #3 was not included in Town Code Section 17.032.060. Principal Planner Neal stated this finding was tied to #1 but it could be eliminated. Commissioner Newton stated it could be added to the resolution. Commissioner Newton referred to Resolution No. 17-02 and stated it did not include some of the items in the resolution for agenda item #4, 20 Meadow Way. Principal Planner Neal stated 20 Meadow Way was in Landslide Hazard Zone #4 and the subject property was in Landslide Hazard Zone #1- very stable. The Commission could certainly make changes to either resolution.

Chair Fragoso opened the Public Hearing.

There were no public comments.

Chair Fragoso closed the Public Hearing.

Commissioner Gonzalez-Parber asked if the Plum tree would be removed or protected. The applicant stated she would like to protect it. Commissioner Gonzalez-Parber referred to circulation through the building and asked if there were bedrooms on both levels. The applicant stated there were stairs going down on the side to access the lower bedroom. Commissioner Gonzalez-Parber asked if the upper level had a bedroom and a bathroom. The applicant stated "yes, and there is a bathroom and a bedroom downstairs".

Commissioner Swift provided the following comment:

- She referred to Miscellaneous Condition #1 in the resolution and stated if the fruit tree had to be removed the applicant should be able to replace it with another fruit tree. Principal Planner Neal stated the language could be changed to reflect this.

Commissioner Ackerman provided the following comment:

- He agreed with Commissioner Swift's suggestion about the fruit tree.

M/s, Newton/Gonzalez-Parber, motion to adopt Resolution No. 17-02 with Commissioner Swift's recommended change in Miscellaneous Condition #1 to allow for replacement of the fruit tree with another fruit tree.

AYES: Ackerman, Gonzalez-Parber, Kehrlein, Newton, Swift, Chair Fragoso

ABSENT: Green

Chair Fragoso stated there was a 10-day appeal period.

3. 102 Marinda Drive; Application #17-02

Request for Design Review Approval to install a 67-foot-long shade/rain protection structure along the southern side of the Cascade Canyon School building. The structure would be attached to the existing roof and would be comprised of transparent and galvanized metal roofing panels; Assessor's Parcel No. 001-183-18; Karl Vavreck, Applicant, Archdiocese of San Francisco/Saint Rita's Church, Property Owner, CEQA categorically exempt per Section 15301(a).

Principal Planner Neal presented a staff report.

Chair Fragoso asked if the existing awning would remain in its entirety. Principal Planner Neal stated "yes". Chair Fragoso asked if there would be openings in the awning so light could come through. Principal Planner Neal stated "yes".

Commissioner Newton noted there was no resolution to approve. Principal Planner Neal stated the Design Review Ordinance does not have any required findings and the Commission should review the application for compliance with a list of criteria.

Chair Fragoso opened the Public Hearing.

Mr. Karl Vavreck, representing the school board, made the following comments:

- He prepared the plans.
- He asked about the recommendation to paint the panels. Principal Planner Neal stated the concern was the reflectivity from the silver galvanized material to the second floor apartments at Bennett House.
- The panels face south and are inclined at a 5-degree angle. The highest elevation of the sun is about 67 degrees. The reflection will go away from Bennett House. Painting them a yellow color would make them appear brighter. Principal Planner Neal asked how difficult it would be to repaint them if there were complaints. Mr. Vavreck stated the surface does not take paint well. They could choose a color in advance since they come pre-finished.
- They would consider another color- but they do not want to go too dark.
- The desire is to keep the students cool- they want a surface that would reflect heat back up.
- They do not want to annoy the neighbors.
- The sample he provided comes with an acrylic finish which makes it shinier. It also comes without the finish which would make it less reflective.

Chair Fragoso closed the Public Hearing.

Commissioner Ackerman provided the following comments:

- He asked about the distance to Bennett House. Mr. Vavreck stated the property line was about 220 feet away. The building starts another 20 feet from that and there are trees in between.
- He understood Mr. Vavreck's concerns and thought there should not be any specific conditions on it. It should be left to the applicant's discretion.
- He asked the applicant to consider the concerns about reflectivity.

Commissioner Gonzalez-Parber provided the following comments:

- The drawings indicate that the material is aluminum. Mr. Vavreck stated it is steel with a layer composed of a zinc/aluminum alloy.
- This is a simple design.
- She referred to Detail #2, the trellis, and asked how much was fiberglass and how much was clear or opaque. Principal Planner Neal stated the trellis was already there. Mr. Vavreck referred to Detail #9 on AO1 and stated there was a strip towards the top of the roof that is a translucent fiberglass.
- She was concerned about the amount of metal proposed.
- She would like to see it toned-down and softened. Mr. Vavreck stated it was a series of corrugated panels- there is a lot of texture to it.

Commissioner Kehrlein provided the following comment:

- She thanked Mr. Vavreck for the mock up it is very helpful.

Commissioner Ackerman provided the following comment:

- The material looks blue in the photographs. Mr. Vevreck stated it was picking up the color of the sky.

Commissioner Gonzales-Parber provided the following comment:

- She is fine with the materials sample and the coating.

M/s, Ackerman/Gonzalez-Parber, motion to approve Design Review application #17-02, 102 Marinda Drive, per the plans prepared by Mr. Karl Vevreck dated November 29, 2016. The color shall be left up to the discretion of the applicant.

AYES: Ackerman, Gonzalez-Parber, Kehrlein, Newton, Swift, Chair Fragoso

ABSENT: Green

Chair Fragoso stated there was a 10-day appeal period.

4. 20 Meadow Way; Application #17-04

Request for a Use Permit to remodel 813-square feet and construct a 157-square-foot addition to an existing 2,334-square-foot, 3-bedroom, 2-bathroom, single-family residence increasing it to a 2,491-square-foot, 3-bedroom, 3-bathroom, residence; Assessor's Parcel No. 003-111-05; Residential Single-family RS-6 Zone District; Matt Owens, applicant; Jason and Jennifer Brooks, owners; CEQA categorically exempt per section 15301(e)(1).

Principal Planner Neal presented a staff report. She referred to page 3 of the staff report and noted Conditional Use Permit Finding #3 should be deleted.

Commissioner Ackerman asked if the Redwood arbor originally proposed and in the drawings was eliminated from the plan. Principal Planner Neal stated "yes"- it would have required a Variance since it was in the side yard setback. Staff would not have been able to make the findings.

Commissioner Ackerman referred to page A0.0 of the drawings and asked if the rectangular shaped symbol was the neighboring residence. Principal Planner Neal stated "yes". Commissioner Ackerman noted that house was pretty close to the property line.

Chair Fragoso referred to page 2 of the resolution, the first Whereas, and asked if the Commission was looking at the "amended" plans. Principal Planner Neal stated the word "amended" should be deleted. It was an error on her part. She recommended different wording.

Chair Fragoso opened the Public Hearing.

Mr. Matt Owens, applicant, made the following comments:

- He would be happy to answer any questions.
- They are getting some glazing on the south side, replacing all the windows with dual pane, and installing some insulation and seismic upgrades.

Chair Fragoso closed the Public Hearing.

Commissioner Kehrlein provided the following comments:

- She thought it should be up to the structural engineer to decide whether or not a geotechnical report was necessary. Principal Planner Neal stated the word "structural" could replace

“geotechnical” under the second “Whereas”, #2(e) and #4. The wording in #2(e) shall be as follows: “The grading.....stamped and signed by the *structural* engineer”.

- On page 3 of the resolution, under the second “Whereas”, 3(a) could be eliminated.
- She wanted to make sure everything was done according to plans.

Commissioner Newton provided the following comments:

- She referred to page 1 of the resolution, the findings for the Conditional Use Permit, and stated there was no reference to the project fitting in with the character of the neighborhood.
- She would like to add the following language as #8: “Implementation of the project would not result in the property or the structure being out of scale with the site or out of character with the neighboring properties”.

M/s, Kehrlein/Gonzalez-Parber, motion to adopt Resolution No.17-05, Application #17-04, 20 Meadow Way, with the amendments suggested by Commissioners Kehrlein and Newton.

AYES: Ackerman, Gonzalez-Parber, Kehrlein, Newton, Swift, Chair Fragoso

ABSENT: Green

Chair Fragoso stated there was a 10-day appeal period.

The Commission took a 10-minute break at 8:37 p.m.

5. 760 Center Boulevard; Application #17-06

Request for a Use Permit and Design Review Permit to install a Wells Fargo ATM kiosk on the west side of an existing drive-through coffee building; Assessor’s Parcel No. 001-131-13; Highway Commercial CH Zone District; Rich Dowd, architect/applicant; Rich Hall, owner; CEQA categorically exempt per section 15303(e).

Commissioner Newton stated she would need to recuse herself from this item. She left the dais.

Principal Planner Neal presented a staff report.

Chair Fragoso asked if the Java Hut project was built to the originally submitted and approved plans. Principal Planner Neal stated changes were made that were not authorized by the Planning Commission. They will be coming back to the Commission to get those changes approved. The subject application is not being submitted by the owner of the Java Hut but rather the owner of the Fair Anselm Shopping Center. The two projects are not tied together.

Commissioner Ackerman noted the Java Hut takes only cash and he was concerned about drivers trying to access the ATM in that parking lot. He had a question about the circulation of traffic going to get coffee, money, go to the Post Office, etc.

Chair Fragoso stated she found it difficult to entertain this application without looking at the original Java Hut improvements and the changes that have been made. They need updated drawings. Principal Planner Neal stated the updated drawings for Java Hut are in the packet. Chair Fragoso stated they should not consider this combined project that attaches a structural component to a building when they do not know what will be approved for the building. Commissioner Swift disagreed- the location of the ATM is in the footprint of the Java Hut. Commissioner Ackerman asked for an overview of the changes to the Java Hut. Principal Planner Neal stated they were exterior design features and a change in the interior (a restroom for employees only). Commissioner Gonzalez-Parber stated the kiosk was a stand-alone entity. Chair Fragoso stated the Java Hut was approved with a particular assumption about traffic and circulation and this application poses safety issues that have not been addressed. Commissioner Gonzalez-Parber stated it could be reviewed independently.

Chair Fragoso opened the Public Hearing.

Mr. Rich Dowd, architect, made the following comments:

- They looked at a variety of locations.
- He tied the design criteria and the sign ordinance together- they are interrelated with respect to the type of kiosk.

Mr. Rich Hall, managing partner for the shopping center, made the following comments:

- There is only one major ATM in Fairfax.
- Java Hut only accepts cash- it facilitates quick transactions.
- They had extensive conversations with Redwood Credit Union and Bank of Marin. Bank of Marin did not want to add a facility in Fairfax and Redwood Credit Union look at locations throughout the shopping center but declined to take any of the locations.
- There is a security concern with the central plaza location (by Sunshine Bikes)- it is depopulated during the evening.
- There is a problem with the Good Earth side- they use all the space.
- The problem of the interface with vehicles and pedestrians happens throughout the parking lot.
- There have been no pedestrian/vehicle interactions despite the high level of traffic.
- Wells Fargo has over 1,600 customers in West Marin and Fairfax- 42% of households in Fairfax has a Wells Fargo account.
- The kiosk would decrease the number of people driving to San Anselmo.

Mr. Dowd made the following comments:

- One of the design challenges was figuring out how to incorporate the kiosk into the overall design of the Java Hut.
- They had already established a path of travel in the western part of the development to access what was going to be a public restroom.
- That area was planned to be developed with landscaping and a sidewalk.
- The kiosk lends itself to the grouping of the Java Hut building. It will serve as a visual cue to a driver that they are approaching a building and should slow down.
- They have eliminated the cap of the structure, and reduced the height from 10'8" to 9'1".
- They can incorporate the design element of the Java Hut- horizontal lines, steel elements, landscaping, colors, etc.
- The path of travel, striping, and drive-through area has already been approved.

Ms. Lan Lee, representing Wells Fargo Bank, made the following comments:

- Fairfax customers are underserved and they would like to remedy this.
- They are flexible in terms of the signage- color, illumination, number, etc.
- They want to be a partner with the community.

Mr. Dowd made the following comments:

- There are ways to soften and minimize the impact of the kiosk.
- The kiosk would be in a fairly visible location where security could be provided.
- They plan to install a light standard- it will be well lit.

Commissioner Gonzalez-Parber had questions about security cameras and closed circuit CCTV systems. Ms. Lee stated one of the requirements for installing an ATM is looking at the "crime against property or persons" (CAP) scores. If the score were high then additional security, aside from the camera, would be needed. She did not think that Fairfax would have a high score. They would be willing to install additional cameras if desired.

Commissioner Swift asked if the interior ATM at the store that was formerly Andronico's (now a Safety Community Market) would remain. Ms. Lee stated she thought it would remain operational.

Commissioner Kerhleim referred to the location and asked if it would be possible to use one of the storefronts across the street. Mr. Hall stated they looked at several of those building storefronts and locating the ATM on the face of the building- not a standalone kiosk. They looked at the end near the dry cleaners, by Avatar, and at Sunshine Bikes- there were various issues. Commissioner Gonzalez-Parber asked if they looked at the side of Avatar facing the post office- there was plenty of clearance. Mr. Hall stated that space was under a long-term lease and would not be available.

Commissioner Ackerman asked if the kiosk could be located between the Good Earth and the electric car chargers. Mr. Hall stated that might be possible. It could also be located near the sitting area at the side of the building due to ADA compliance.

Wendy, Fairfax, made the following comments:

- A Wells Fargo ATM does not fit into the Town's local issues.
- Wells Fargo is not a locally owned bank.
- She asked if the design of the ATM would accommodate the disabled.
- She is opposed to the project.

Ms. Susan Brandborg made the following comments:

- The formula ordinance is crucial.
- She objects to having 24/7 advertising in the downtown center area.
- This Center Boulevard area is very congested.
- The lighting would impact the residents in the hills.

Ms. Alexis Fineman made the following comments:

- She agreed with the comments that have been made.
- Character is more than numbers, colors, and structures- it is a feel and is ephemeral.
- She opposes the proposal.

Mr. William Burke made the following comments:

- The spirit of Fairfax does not lie between brick and mortar.
- The kiosk would increase traffic flow into the parking lot.
- A formal traffic study should be conducted.

Ms. Annie Schafer, Fairfax, made the following comments:

- The project is not in line with the pedestrian orientation of the Town center planning area.
- The project does not compliment the character of Fairfax nor comply with the formula business conditions.

Ms. True Hites made the following comments:

- She was concerned about the level of stress in the parking lot- bicycles, cars, shopping carts, etc.
- She hoped the kiosk could be relocated.

Chair Fragoso closed the Public Hearing.

Commissioner Gonzalez-Parber provided the following comments:

- The Commission's job is to weight the project against the General Plan and compliance.
- Residents of Fairfax are underserved in terms of ATM's.

- The design is poor planning.
- She had expressed concern about circulation for the disabled during deliberations for the Java Hut application.
- Putting an ATM in the middle of a parking lot would create a safety hazard.
- The new Java Hut configuration has not been tested.
- The proposal is not in line with Fairfax's village character.
- She could not support the proposal at this time.

Commissioner Kehrlein provided the following comments:

- She agreed with many of the comments made by the public.
- A kiosk does not fit into the village character of Fairfax- much of the Town Code discourages this type of structure.
- She does not support the application.

Commissioner Ackerman provided the following comments:

- He thanked the applicants for a good presentation.
- The circulation is a nightmare.
- This is a difficult location to add new things.
- He was not sure where the lines for the ATM would queue- it would be a problem.
- His core concern is around the spirit of the Formula Business Ordinance.
- Wells Fargo is not a local business- it is multi-national.
- He was concerned about preserving the character of Fairfax.
- This is not a good location for an ATM.

Commissioner Swift provided the following comments:

- She referred to the Conditional Use Permit application and noted public safety must be the first priority. That parking lot is already very busy and has insufficient parking.
- She could not support the project.

Chair Fragoso provided the following comments:

- She agreed with the comments made by the other Commissioners.
- It is not possible to make an exception given the Formula Business Ordinance restrictions. She cannot make the findings.
- The proposal would exacerbate the safety problems.
- She could not approve this Formula Business. It is not consistent with General Plan Goals, Policies, Objectives, or Programs.
- The proposal does not comply with the Design Review criteria due to the illuminated signs and boxy design.
- The proposal is not harmonious with the small-town character of Fairfax.

M/s, Swift/Kehrlein, motion to continue application #17-06, Use Permit and Design Review Permit for 760 Center Boulevard to March 26, 2017, and direct staff to prepare a resolution for denial of the project.

AYES: Ackerman, Gonzalez-Parber, Kehrlein, Swift, Chair Fragoso

ABSENT: Green

RECUSED: Newton

The Commission took a 10-minute break at 10:37 p.m.

Commissioner Newton returned to the dais.

MINUTES

6. Minutes from the December 15, 2016 regular meeting and the January 19, 2017 regular meeting

M/s, Newton/Swift, motion to approve the December 15, 2016 minutes as corrected.

AYES: Ackerman, Gonzalez-Parber, Kehrlein, Newton, Swift, Chair Fragoso

ABSENT: Green

M/s, Kehrlein/Ackerman, motion to approve the January 19, 2017 minutes as corrected.

AYES: Ackerman, Gonzalez-Parber, Kehrlein, Newton, Swift, Chair Fragoso

ABSENT: Green

COMMISSIONER COMMENTS AND REQUESTS

Chair Fragoso asked about the schedule for the Victory Village Project. Principal Planner Neal stated she would email the Commission about possible dates in March.

Commissioner Ackerman stated he listened to the video of the February 1st Council meeting and was impressed with the way the Assistant Town Attorney presented and improved upon the Commission's suggestions for the PDD Ordinance.

Commissioner Swift asked Principal Planner Neal if she had an update on the search for a new Planning Director. Principal Planner Neal stated "no".

Commissioner Kehrlein stated she has been the Commission representative to the Tree Committee for several years and asked to be replaced. Principal Planner Neal stated she would talk to the Town Manager in the event that no Commissioners were available.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 11:05 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary