

FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMENS CLUB
THURSDAY, AUGUST 17, 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
Philip Green
Mimi Newton
Cindy Swift

Commissioner Absent: **Laura Kehrlein**

Staff Present: Ben Berto, Planning Director
Linda Neal, Principal Planner
Michelle Levenson, Assistant Planner

APPROVAL OF AGENDA

M/s, Green/Ackerman, motion to approve the agenda.
AYES: Ackerman, Gonzalez-Parber, Green, Newton, Swift, Chair Fragoso
ABSENT: Kehrlein

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

PUBLIC HEARING ITEMS

1. 70 Manzanita Road; Application No. 17-1

Request for a modification to Conditional Use Permit Application No. 17-1 (issued on February 21, 2017) to change the design of a portion of the rear roof line. The original project involved the construction of a 255-square-foot office on the first floor of a 1,028-square-foot single-family residence; Assessor's Parcel No. 003-192-24; Residential RS 6 Zone; Leyla Hilmi, applicant; Ann Fry, owner(s); CEQA categorically exempt per Section 15301(a)

Assistant Planner Levenson presented the staff report.

Commissioner Green asked if the applicant planned to replace the Plum tree. Principal Planner Neal stated the applicants want to try to save the tree and will know more during construction. Commissioner Ackerman asked if the Commission could reconsider any item other than the change to the design of the roofline. Planning Director Berto stated the applicants have technically and legally "reopened" the project.

Commissioner Swift asked about the reason for the change to the roofline. Assistant Planner Levenson stated it was an aesthetic preference.

Chair Fragoso opened the Public Hearing.

There were no comments.

Chair Fragoso closed the Public Hearing.

Commissioner Gonzalez-Parber provided the following comment:

- The applicant is attempting to get more light into that space. This is valid.

Commissioner Ackerman provided the following comments:

- The addition of the skylight is a reasonable request.
- He does not see a problem with the requested change.
- He could approve the requested modification.

Commissioner Swift provided the following comments:

- The resolution should reflect the changes made in the original resolution.
- She referred to Resolution No. 17-27, page 2, "Whereas" #1, and noted the date should be *June 1st*.

Chair Fragoso provided the following comments:

- This is a design that makes sense.

Assistant Planner Levenson stated staff would make the following change to Resolution No. 17-27: On page 4, under Miscellaneous, #16. "If it is determined....a native tree species *or a replacement fruit tree.....*"

M/s, Newton/Swift, motion to approve Resolution No. 17-27, 70 Manzanita Road, with the changes discussed tonight and the modifications to the conditions directed by the Commission at their February 16, 2017 meeting.

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

ABSENT: Kehrlein

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

2. 107 Willow Avenue; Application No. 17-29

Request for a Design Review Permit and a Combined Front-Rear Setback Variance for a 50% remodel and expansion of a single-family residence which would result in the relocation of the residential structure out of the required minimum side-yard setback, increase the height of the structure by 2-feet 9-inches to create living space in the basement, increase the living space square footage from 744-square-feet to 2,034-square-feet and improve the driveway to the existing garage and provide additional parking; Kelly Harvard & Ryan Giesen, owner(s); CEQA Categorically Exempt per Section 15301(e)(2).

Principal Planner Neal presented a staff report.

Commissioner Ackerman had questions about the current driveway. Principal Planer Neal stated she thought it was dirt. Commissioner Ackerman asked if the proposed surface was permeable. Principal Planner Neal stated "yes, but the portion in the public right-of-way must be concrete".

Commissioner Green questioned the finding wording in terms of potentially setting a precedent, and suggested staff reword that finding. He is in favor of this project because it improves the setback situation.

Commissioner Swift made a correction to the staff report. She referred to page 6, "Fairfax Public Works Department" and asked if there were design criteria for public sidewalks. Principal Planner Neal stated staff refers applicants to the Marin County regulations. Planning Director Berto stated it was very difficult to match colors (batch to batch). Commissioner Swift asked when accessory dwelling units would get counted towards the Towns regional housing needs assessment numbers. Principal Planner Neal stated it would be included once it was built and the occupancy permit was issued. Commissioner Swift asked for clarification about the parking and the existing garage. Principal Planner Neal stated a single-family home requires three parking spaces, with one more required due to the accessory dwelling unit.

Commissioner Gonzalez-Parber asked if the accessory dwelling unit would be processed on a ministerial level. Principal Planner Neal stated "yes". Commissioner Gonzalez-Parber stated she agreed with Commissioner Green's comment about setting a precedent.

Chair Fragoso referred to page 5 of the resolution, #11, and had a question about the other "agencies". Principal Planner Neal agreed to amend the wording, preliminarily suggesting the following: '...may be eliminated or amended with the written approval of the agency *that placed the condition on the project*:

Chair Fragoso opened the Public Hearing.

Mr. Henry Taylor, architect, made the following comments:

- The staff report is very thorough.
- They are moving the house to meet current codes but also at the pleasure of the neighbor to the north. The move will not affect the neighbor's view corridor.
- There is a sidewalk to the south and the proposed sidewalk would line up to and probably be the same color as in a couple years. There are no sidewalks to the north.
- He referred to the 28-square-foot window on the north side and stated they would like the option of having a clear window as opposed to one that is opaque/translucent.

Commissioner Swift asked if the garage in the back was currently being used for parking or storage. Mr. Taylor stated it was not used for parking.

Commissioner Gonzalez-Parber asked what was on the opposite side of the proposed stairway window. Mr. Taylor stated it was the entryway to the neighbor's house. They have not decided what type of glass to use in that window but it would be nice to have that northern light.

Chair Fragoso asked if the plans include a tankless water heater. Mr. Taylor stated they have talked about this- it is a good suggestion.

Commissioner Ackerman asked the architect if they would consider a graywater system. Mr. Taylor stated "yes, they would look at it".

Commissioner Green asked if they have considered the use of solar panels. Mr. Taylor stated "yes"- at the very least he would set up circuitry in the attic for a solar system.

Chair Fragoso closed the Public Hearing.

Commissioner Green provided the following comments:

- The Commission received a letter from one of the neighbors in support of the project.
- This is a great project.

Commissioner Ackerman provided the following comments:

- The project adds parking and improves access to the garage.
- The driveway will remain permeable and the sidewalk will be improved.
- There are a lot of advantages to the project.

Commissioner Gonzalez-Parber provided the following comments:

- The project is a great improvement to the site.
- The addition of an accessory dwelling unit is wonderful for the Town.

Chair Fragoso provided the following comments:

- She did not have a problem with the window on the north side. She would like to eliminate the requirement that they use opaque glass.
- The architect did a nice job on the plans.
- She likes the site plans and elevations on the same page. The photographs are very helpful.
- She appreciated the stormwater plans- they include interesting drainage and erosion control plans.

M/s, Newton/Green, motion to approve Resolution No. 17-28, 107 Willow Avenue, with the modification of Condition # 11, allowing outside agencies to waive their conditions and the elimination of Condition # 12 requiring the window over the interior stairway to be obscure (nontransluscent).

YES: Ackerman, Gonzalez-Parber, Green, Newton, Swift, Chair Fragoso

ABSENT: Kehrlein

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

3. 64 Cypress; Application No. 17-31

Request for a Design Review Permit to remodel and expand a 532-square-foot, 2-story barn by 225 square feet resulting in a 803-square-foot, 2-bedroom, 1-bathroom, single-family residence on a 8,394-square-foot property. Project includes construction of a 240-square-foot, 1-car garage; Assessor's Parcel No. 003-201-25; Residential Single-family RS-6 Zone; Ingrid Schoenlank, applicant, Anne Lamott, owner; CEQA Categorically Exempt per Section 15301(e)(1)

Principal Planner Neal presented a staff report.

Commissioner Green asked about if the new construction would mimic the board and batten look that currently exists (having the garage match the barn). Principal Planner Neal stated the applicant could address this question.

Commissioner Swift made some corrections to the staff report. She had questions about the Fire Department requirements for 68 Cypress, the length of the sidewalk, and whether or not the driveway would be permeable. She noted the requirements for the driveway should be included in the resolution.

Chair Fragoso opened the Public Hearing.

Ms. Ingrid Schoenlank, architect, made the following comments:

- The client is willing to install the sidewalk in front of 64 and 68 Cypress.
- This is a simple project.

Chair Fragoso asked if they would consider a tankless water heater. Ms. Schoenlank stated "yes". Chair Fragoso noted a graywater system would be required because it is a 50% remodel. Ms. Schoenlank stated there was also a well on the site.

Chair Fragoso closed the Public Hearing.

Commissioner Newton provided the following comments:

- She loves the barn- it would be an awesome place to live.
- She asked staff to make the same wording change to condition #11 (regarding outside agencies) that was recommended in the prior agenda item.

Commissioner Green provided the following comments:

- He referred to the resolution, condition #12, and stated he was not concerned about matching the siding but stated it should be the same color.
- He would like to add a condition that requires all parking spaces to be 19' in length.
- He asked the applicants to install solar-ready circuitry.
- This is a great project.

Commissioner Swift provided the following comment:

- She noted condition #8 in the resolution should reference Cypress Drive and not Willow.

Commissioner Gonzales-Parber provided the following comments:

- This is a great project.
- This is a lovely street.

Commissioner Ackerman provided the following comments:

- He likes the addition of the dwelling unit.
- He supports the removal of the wood stove and keeping the vegetation cleared up. These are safety improvements.
- Increasing the parking and installing sidewalks are good things.
- He suggested various energy efficient measures.

Chair Fragoso provided the following comments:

- This is a very nice design.
- It should be a great addition.
- The project improves the parking and the sidewalk.

Commissioner Newton asked if this unit would automatically be considered "affordable" due to its size. Principal Planner Neal stated she did not think so- there is no way to ensure affordability.

M/s, Ackerman/Gonzalez-Parber, motion to approve Resolution No. 17-29, 64 Cypress Drive, with the additional condition suggested by Commissioner Green regarding the length of the parking and the rewording of the condition allowing outside agencies to waive their conditionsspaces and the correction made by Commissioner Swift.

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

ABSENT: Kehrlein

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

4. 2020 Sir Francis Drake Boulevard; Application #17-32

Request for a Use Permit and Design Review Permit to operate a combination restaurant/bicycle repair/bicycle retail store from an existing 3,931-square-foot commercial space; Assessor's Parcel No. 001-183-16; Highway Commercial CH Zone; Jason Faircloth, applicant/owner; CEQA Categorically Exempt per Section 15301(a).

Principal Planner Neal presented a staff report.

Commissioner Ackerman noted the only exterior change would be the additional door but there might be a future outside seating area. Principal Planner Neal agreed. Commissioner Ackerman asked if there would be a change to the sign. Principal Planner Neal stated the applicant could answer this question. They would need a new Sign Permit if they plan to change the sign.

Commissioner Green referred to condition #6 of the resolution and stated he would like to see this condition spelled out. Principal Planner Neal stated the code section could be included in the condition. Commissioner Green stated the applicant needs the parameters spelled out so they could monitor it. Chair Fragoso stated the applicant could be required to perform another traffic generation analysis if there seems to be a problem.

Commissioner Swift had a question about the noticing procedure.

Commissioner Newton asked about the Fire Department requirements pertaining to the emergency exits.

Chair Fragoso had questions about garbage service as it relates to the expansion of a business. Principal Planner Neal stated the ordinance requires a business owner to have adequate garbage service. Chair Fragoso asked if recycling was part of this ordinance. Principal Planner Neal stated she thought so.

Chair Fragoso opened the Public Hearing.

Mr. Jason Faircloth, applicant, made the following comments:

- He has approvals from the Alcoholic Beverage Control Board (ABC) for on-site sales and Marin County Health Department for the kitchen plan.
- He discussed his background.
- He is trying to create a unique shopping experience.

Commissioner Swift asked if they plan to not only repair but also assemble bikes on the premises. Mr. Faircloth stated he receives bikes that are 95% assembled in a box, typical for a bike shop.

Commissioner Green stated he was concerned about bike grease getting into the food area. Mr. Faircloth stated this has been addressed by the Health Department. The industrial/warehouse/shop space would be isolated from the kitchen/food storage area.

Commissioner Green asked about any future plans such as outdoor dining. Mr. Faircloth stated it was important to get the current three primary business elements up and running. It would be great to also have an outdoor eating area and he is working on those plans.

Commissioner Gonzalez-Parber asked if they plan to have music. Mr. Faircloth stated there will be no live music. Commissioner Gonzalez-Parber asked if the only exterior design change would be the new exit. Principal Planner Neal stated "yes". Commissioner Gonzalez-Parber asked if they would be adding any exterior lighting. Mr. Faircloth stated "no". Commissioner Gonzalez-Parber stated the hours of operation seem late for a residential area and she asked what was behind (to the north) of the building. Mr. Faircloth stated it was the garden area for the Bennett House.

Commissioner Gonzalez-Parber asked if they planned to add any sound insulation. Mr. Faircloth stated he would look at this- he is working with an interior designer on ways to break up the space.

Chair Fragoso closed the Public Hearing.

Commissioner Green provided the following comments:

- He referred to page 1 of the resolution, under the last “Whereas” and stated the sentence should read: “The proposal complies *with* the Fairfax General Plan.....”
- He asked staff to give the applicant more information about vehicle trips and how they could do this analysis in the future.
- This is a great project and a terrific idea.

Commissioner Swift provided the following comments:

- She is concerned that the project will make Fairfax more of a “destination city”.
- There are two pieces to the project- the bike shop and the after-hours restaurant.
- She is concerned about noise, more traffic, and traffic pattern changes in the area.
- She would like to issue a temporary permit that would be reviewed by the Commission after a period of time.
- She is concerned about the impacts to the surrounding community.

Commissioner Newton stated she was not in favor of Commissioner Swift’s suggestion to issue a temporary permit due to the expense of opening up a business. Commissioner Gonzalez-Parber suggested issuing a temporary approval of the hours of operation. Chair Fragoso stated they could set up a 6-month review of the Conditional Use Permit. Planning Director Berto stated the applicant would be coming back for the outside seating component and that might be the time to get into these details.

Chair Fragoso asked if there were one or two driveways leading into the business. Principal Planner Neal stated there were two on that end. Chair Fragoso asked if the parking spaces in front of the Fairfax Market were designated for the market. Principal Planner Neal stated “no”. Chair Fragoso asked if the driveways were designated “right turn only” when turning onto Sir Francis Drake. Commissioner Green stated “no”. Chair Fragoso stated they should add a condition that the Town Traffic Engineer review the traffic conditions.

Commissioner Newton provided the following comment:

- She could support a review of specific conditions such as noise, traffic flow, and hours of operation.
- She is concerned about the impacts to traffic and would like review by the Town Traffic Engineer.

Commissioner Green provided the following comments:

- Residents will complain if there are problems but he could support a review of specific conditions.
- He is not in favor of a one-year review.
- This is a great project.
- The Fairfax Market parking lot is often 75%+ empty, especially on the bike shop side.
- The noise on Sir Francis Drake Boulevard would probably be louder than the noise from the business.
- The hours of operation would probably be changing over time.
- He suggested the following condition: 1) Parking flow is to be reviewed by the Town Engineer to advise whether additional signage or other markings might improve traffic and parking.

Commissioner Ackerman provided the following comments:

- They do not need to worry about the outdoor seating component until it is before the Commission.
- The noise would probably be contained in the building. He is not worried about this.
- People would complain if problems occur.

Commissioner Gonzalez-Parber provided the following comments:

- This is a great idea.
- This is an underutilized space.
- She asked the applicant about plans for outdoor seating. Mr. Faircloth stated he will start planning this second phase of the business after he receives the Building Permit.
- She asked the applicant if he would consider closing earlier, at 10:00 p.m. on Sunday night. Mr. Faircloth stated "yes".

Commissioner Swift provided the following comment:

- She reiterated her desire to do a one-year review of the conditions.

Chair Fragoso provided the following comments:

- She was opposed to outdoor music.
- She stated the Commission would be reviewing the application if enough complaints were filed.

M/s, Green/Gonzalez-Parber, motion to approve Resolution No. 17-32, 2020 Sir Francis Drake Boulevard, with the following conditions: 1) Condition #6 will be spelled out and include the wording in the ordinance so the applicant can better understand the traffic triggers; 2) Parking flow is to be reviewed by the Town Engineer to advise whether additional signage or other features or markings may improve traffic and parking prior to issuance of permit.

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

ABSENT: Kehrlein

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

The Commission took a 5-minute break at 9:40 p.m.

ZONING ORDINANCE FUTURE AMENDMENTS LIST

5. Review and discussion of Planning Commission's list of potential items for future zoning ordinance amendments

Planning Director Berto presented the staff report. He noted several of the items have already been achieved. He discussed the possibility of a Planning Commissioners' retreat that would allow them to prioritize issues and include some of those in next year's budget.

Commissioner Swift asked staff to include more information about items on the list and remove those that have been handled. She stated it was important to update the Zoning Maps.

Chair Fragoso stated the Zoning Ordinance Map needs to be updated. She would like to discuss in the future creating some standards that would allow administrative review and approval of projects that include very straightforward modifications. She would also like to look at time limits for Planning Commission meetings. She discussed some of the items on the list that have been completed and others that could be added to the list.

Commissioner Newton stated the General Plan Implementation Committee (GPIC) spent a lot of time creating a "to do" list for the various Town departments. She asked to what extent this list

reflects things in the General Plan that need to be implemented. This should be done before they begin to prioritize. There are other things not on the list including a Second Unit Amnesty Program, creating a recognition of historic properties, a Density Bonus Law, how decibel readings are measured, and design standards for the downtown area.

Commissioner Ackerman stated some of the items on the list could be easy to accomplish and turn out to be significant timesavers for staff. He discussed several energy efficiency measures that could be tied into project requirements. Commissioner Gonzalez-Parber stated some measures are already required by the State Energy Standards Codes.

Commissioner Green stated a lot of the items deal with hillside properties and have been handled. He would like to prioritize the items that include expiration time periods. He liked the idea of a retreat.

Commissioner Newton stated this is a multi-step process that should involve the Council's input. Commissioner Green agreed. Commissioner Swift stated the Commission should clean up the list first. She supported the idea of a retreat.

Chair Fragoso stated they should set up a sub-committee. She liked the idea of a retreat.

Planning Director Berto stated he has made the mapping project a priority. The idea of a sub-committee was a good one.

Commissioner Ackerman stated the retreat was a great idea.

PLANNING DIRECTOR'S REPORT

Planning Director Berto reported he went to a Planning Director and Building Officials meeting this week and the topic was green building requirements and checklists. The State has adopted very stringent requirements and will continue to do so. He reported the State has passed a statute regarding electric vehicle charging stations. He would like to submit Zoning Code changes to the Commission that clarify that solar and EV charging stations are allowed in all zoning districts.

COMMISSIONER COMMENTS AND REQUESTS

There were no reports.

MINUTES

6. Minutes from July 20, 2017 Planning Commission meeting.

M/s, Green/Ackerman, motion to approve the July 20, 2017 minutes as corrected.

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

ABSENT: Kehrlein

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:33 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

