

Town of Fairfax Planning Commission Meeting Minutes
Fairfax Women's Club
Thursday, March 17, 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
Laura Kehrlein (Chair)
Mimi Newton

COMMISSIONERS ABSENT: Shelley Hamilton

STAFF PRESENT: Jim Moore, Planning Director
Linda Neal, Principal Planner

APPROVAL OF AGENDA

M/s, _____, Motion to approve the agenda with the item concerning the Director's Report preceding the discussion item:

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

ABSENT: Hamilton

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No one came forward to speak.

CONSENT

- 1 **9 Chester Avenue; Application # 16-07:** Request for a Use Permit and Combined Front/Rear Yard Setback Variance for an art studio/storage structure and deck adjacent to a single-family residence; Assessor's Parcel No. 001-203-19; Residential Single-family RS 6 Zone District; Doug and Maureen Kroll, applicants/owners; CEQA categorically exempt, §§ 15303 and 15305(a).
- 2 . **120 Laurel Drive; Application # 16-08:** Request for a Use Permit to construct a partially-enclosed shade cover over an existing deck that is attached to a single-family residence; Assessor's Parcel No. 003-131-13; Residential Single-family RS 6 Zone District; Doreen Stock, applicant/owner; CEQA categorically exempt, § 15301(e)(1).

Commissioner Green suggested amendments to the resolution for the item at 9 Chester Avenue, to which there was unanimous consensus.

In response to Vice-Chair Fragoso, _____ said the artist studio was constructed in _____, and Ms. Neal confirmed that a building permit is not necessary for buildings under 120 square feet but that planning approval is required. She noted that this is a retroactive action.

In response to Vice-Chair Fragoso, Ms. Neal discussed the reasons for showing details on the plans for 120 Laurel Avenue that do not affect the project, which she confirmed is for deck work only.

M/s, Fragoso/Ackerman, Motion to approve Consent:

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

ABSENT: Hamilton

Chair Kehrlein read the appeal rights.

DIRECTOR'S REPORT

Planning Director Moore provided an update on the marijuana cultivation ordinance. Mr. Moore said that, following recommendations by the Planning Commission, the Town Council did not pass the ordinance and made a decision to request public input through the Town's website on cultivation, delivery services and also on Airbnb. Mr. Moore said the results of the online poll will be available in April and staff will bring the draft ordinance before the Planning Commission if there are recommended changes. However, he noted that, if there are no changes to the commissioners' recommendations, the Town Council will review the draft ordinance.

In response to Vice-Chair Fragoso, Mr. Moore noted that the timeline for passing the ordinance was relaxed by the State so action is no longer urgent. Mr. Moore discussed the conditions for a previous approval for a delivery service in relation to the proposed new marijuana ordinance.

Mr. Moore also provided an update on the priority list for ordinance modifications. He noted that the Junior Second Ordinance has been accomplished and the Second Unit and Amnesty Ordinance should be ready for discussion in the latter part of the summer. Mr. Moore discussed the timelines for other ordinance modifications, including a green building ordinance and also changes to the APN tables on the Zoning Map. Mr. Moore summed up the accomplishments over the past year and the priorities going forward, including rezoning the Highway Commercial Zone to the Central Commercial Zone and managed parking strategies.

DISCUSSION ITEM(S)

- 3 Wall Property: Presentation by the owner of the Wall Property on a potential future project submittal - The property owner plans to present a revised vision for the use of the property (the original vision was presented at the October 22, 2015, with a revised version presented at the January 21, 2016, Planning Commission meeting.

Planning Director Moore made opening remarks, and he confirmed that a formal application has not been submitted. Mr. Moore explained that the purpose of the evening's discussions is for Mr. Rothman to discuss his plans and for the public to respond in an effort to move forward with the project.

Marshal Rothman, managing partner of the group that owns the Wall Property, said that as a result of the last public meeting, they will be submitting a single application for their project, rather than three separate applications, which he discussed.

Mr. Rothman also explained that they have provided an easier map for people to understand and have made copies available to the public. Mr. Moore commented on the changes that have been made to the map since the last meeting, and he noted that the 14-acre parcel has been included and the roads have been highlighted. Mr. Rothman explained how they are able to donate 4 acres for an open space trail parcel, which he discussed.

In response to Mr. Moore, Mr. Rothman clarified the colored areas on the parcel map, including an open space parcel and trail, which will be donated to the Town. Mr. Rothman also discussed other open space areas, noting that the single application should enable them to add additional space to the open space trail.

Mr. Rothman discussed the smallest parcel in relation to the lot size and dwelling, explain how they will be adding additional square footage to the lot.

Mr. Rothman discussed access to the sites, which he noted would be from Marinda Drive for all but one of the lots. Mr. Rothman explained how they proposed to increase the public access areas and trails following the previous public meeting. He said that the great majority of the property will be greenbelt, and 6 – 7 acres will be given to the public open space trail parcel. He note noted that a very small area of each lot will be used for dwellings, and that there will be screening.

In response to Vice-Chair Fragoso, Mr. Rothman used the map to clarify the access road to the parcels. He said the property owners would be responsible for maintaining the open space portion of their land, and he noted that the Planning Commission could impose conditions, which he discussed. Vice-Chair Fragoso discussed her concerns about homeless encampments.

In response to commissioner Green, Mr. Rothman discussed the incorporation of green building requirements and energy conservation in their design, including solar and water catchment systems and sustainable lumber products.

In response to Commissioner Gonzalez-Parber, Mr. Rothman confirmed the properties could not be fenced in and he discussed enforcement. He confirmed the size of the houses depicted by squares on the map would be 4,000 sq. ft. but he said it is likely the houses will be smaller.

In response to Chair Kehrlein, Mr. Rothman said it has been too wet to undertake soils analyses but he and his soils engineers have inspected the sites and there do not appear to be any sign of landslides.

In response to Commissioner Newton, Mr. Rothman clarified the area of land that they intend donating for public use and the trail that is proposed. He discussed the access road to their properties in relation to the trail, which he noted should run parallel to the road. Commissioner Newton and Mr. Rothman also discussed the road to the 14-acre parcel.

Mr. Rothman said they do not anticipate needing landscaping to provide screening, although a landscape plan would be provided. Commissioner Newton and Mr. Rothman also discussed the visual impacts from the property, particularly from downtown, in relation to the General Plan. Mr. Rothman said they are confident that single-story dwellings (in the main) can be designed so there should be no visual impacts. Mr. Moore noted that, if the plans go ahead, a photomontage of views from the property from various locations in town must be provided as part of the CEQA review.

In response to Commissioner Newton, Mr. Moore discussed the processes. He said the Planning Commission would be reviewing the entitlement applications (including design review) alongside the tentative parcel maps and land division process. Mr. Moore also discussed the CEQA process and the need to mitigate impacts.

In response to Commissioner Green, Mr. Rothman said they would not consider installing exercise equipment on the parcel of land they are considering donating to the Town for reasons he discussed.

Commissioner Ackerman and Mr. Rothman discussed a road in relation to maintenance and Mr. Rothman confirmed the public would not have vehicular access to that road.

Chair Kehrlein opened the public comment period.

Susan Beren, representing some residents in the Oak Manor neighborhood, discussed their concerns about traffic and geological impacts, fire risk, and environmental impacts. She said they would be cutting through land that articulates with open space and that she is pleased there will be an environmental impact report.

Niccolo Calderero, 165 Frustuck Avenue, commented on the decrease in value of homes in the neighborhood caused by increased density, and he said that traffic is already at capacity. Mr. Calderero also discussed decreases in public transportation, and he commented on the project not meeting any housing needs and the need for a property value tax to support workforce housing.

Jessica Green, Ridgeway, discussed the unsuitability of the land that the applicant is proposing to dedicate as opens space. Ms. Green also discussed her concern regarding emergency access to the properties at the top of the road.

John Romaidis, 49 Madrone, discussed his confusion about whether the public will have access to the road, which appears to be private, in order to gain access to the trail. He said it would be nice if the public could drive up to the trail.

Jane Richardson-Mack, 49 Madrone, discussed her confusion about the private road and how the public will be prevented from gaining access. Ms. Richardson-Mack also commented on the difficulty of preventing owners of the large properties from developing their land, and she discussed changes to the wildlife corridor and commented on the displacement of nature.

Henry Froneberger, San Gabriel Drive, expressed his concern about how the trail will be developed and access across seasonal streams at the back of his property.

Barbara Cedarblade, San Gabriel Drive, expressed confusion about the financial responsibility of building and maintaining the trails. Ms. Cedarblade also discussed her concerns about geological problems and the responsibility for mudslides on the properties.

Tim Ecke, 16 Vista Way, commented on the Ridgeline protection area, which Mr. Moore said will be explored further as the discussions move forward. Mr. Ecke expressed a desire for the utilities to be undergrounded; he discussed issues with water pressure and asked if a water tank will be installed. He also discussed his concern that the trails would pass through homeowners' backyards.

Bill Appleton, 125 Ridgeway, discussed his concern that Ridgeway Road is not sufficiently wide at the top to create a fire road. He also expressed confusion about the number of houses that are planned in relation to the lot sizes, and Mr. Moore explained there is a separate parcel that is zoned differently from the main parcels and does not require 10 acres in order to be developed. Mr. Appleton also expressed concern that the project might contravene the Ridgeway Ordinance, and he discussed slide materials that he provided in relation to the path at the top of Ridgeway Road. Mr. Appleton discussed his concern that the prospective homes are too large.

Michael Mackintosh commented on the applicant's ability to develop his property in accordance with the zoning laws, and said that he had offered the property to the Town in 2006 as an asset, which it chose not to accept. Mr. Mackintosh said that the application seems to be a reasonable approach that should not have a high impact.

Lynn Yetta, 224 Marinda Drive, said she hoped that street lamps would not need to be installed and she discussed her concern that construction traffic will affect the street. Ms. Yetta commented on people who have trespassed and said she would prefer that people hike up the hill, rather than be able to drive and park on the hill. She said she likes the idea

of a road with fire hydrants to protect property, that she questions the Town's liability if exercise equipment installed on the land the applicant is proposing to donate. Ms. Yetta said she would prefer the name, Marinda Trail, is changed.

A resident discussed instability on the Wall property, landslides in the San Gabriel area, and he discussed a site that he thought might be more suitable for development.

Chair Kehrlein closed the public comment period.

Mr. Rothman said that he preferred the site to which the last speak referred and said that a final decision will be made on development once the soils analyses have been completed. He also discussed the trail going up Ridgeway, which he said is already existing and is not on his property. He discussed changing the trail for reasons he explained, and said they will be able to redirect the trail to accommodate streams.

Mr. Rothman commented on the road, noting that there are requirements for roads that service more than one house and he said that the Fire Department would like a turnaround to be built with a hydrant.

Mr. Rothman addressed the homeless issue and said that people who live on a property usually reduce the impact and the formalization of trails will make the area less enticing to homeless encampments. Mr. Rothman also addressed fire issues and he said that MMWD have confirmed a water tank and water mains exist.

In response to Vice-Chair Fragoso, Mr. Rothman confirmed they would be providing each property with a rainwater catchment system.

Mr. Rothman said that lighting will be considered as part of the submission documents and he discussed liability issues, noting that the owner of the property assumes liability, which he discussed.

Mr. Rothman noted that the dwellings in the area discussed by a member of the public are smaller than the homes that are proposed because they are on smaller lots and that their project will be less dense. He said they would not be building mansions on a 10-acre lot.

Mr. Rothman acknowledged that traffic is an issue and he noted that there will be traffic studies. He also discussed fire safety in relation to the Building Code and the Fire Department's water requirements. Mr. Rothman addressed habitats and he said that they would be building houses on denuded pads to reduce impacts and he acknowledged that the homes they are building will be expensive for reasons he discussed. He said that the trails and open space will benefit the area, and Mr. Rothman discussed the fees that they will be expected to pay for building costs in relation to comments made about taxes. Mr. Rothman also noted that they are required to underground utilities.

Chair Kehrlien asked Mr. Rothman to discuss whether the road that must be constructed

off Marinda Drive will allow the public access. In response, Mr. Rothman said he would need to consult with his partners and remarked that that there might be costs to the Town.

Commissioner Newton and Mr. Rothman discussed a portion of land close to the 14-acre site that Mr. Rothman owns, and he said they might be able to incorporate that land into a trail. Commissioner Newton identified a public access point to the trails that Mr. Rothman said they would not change.

In response to Mr. Moore, Mr. Rothman said they are still willing to sell the property for \$3M to a non-developer, in addition to the costs expended since the last meeting.

Vice-Chair Fragoso commented on the analyses and studies that Mr. Rothman still needs to conduct before more answers can be provided to questions raised by the public.

Mr. Moore thanked the audience for attending and Chair Kehrlien closed the discussions.

4. Consideration/discussion of whether or not to request smaller sized (11" x 17") development plans and/or electronic plans instead of full sized plan sets with planning applications.

Planning Director Moore asked the commissioners if they would accept 11" x 17" plans or electronic plans. Commissioner Gonzalez-Parber said she favored 18" x 24" plans, and Mr. Moore noted that staff would not be able to print that size and he commented on staff's desire to provide additional sets.

Vice-Chair Fragoso said that 11" x 17" plans would be suitable for most projects, in addition to an electronic format, and she also requested a full sized copy be made available at the hearings.

Following general discussion, there was consensus amongst the commissioners that 11" x 17" plans with an electronic copy in PDF format, published with the staff reports, and a full-sized set of plans being made available at the meetings, would be suitable.

COMMISSIONERS' COMMENTS AND REQUESTS

In response to Commissioner Gonzalez-Parber, Mr. Moore said that Commissioner Hamilton should be able to update the commissioners on the coordination of traffic lights on Sir Francis Drake, Butterfield and Willow Avenue.

In response to Chair Kehrlein, Mr. Moore said he would ask the Town Manager if the signals at Willow Avenue have changed.

Commissioner Green commented on his attendance of the planning commissioners conference in relation to the importance of traffic data. Mr. Moore said that a traffic forum will be scheduled, and that staff will provide data on the traffic signals on Sir Francis Drake, Willow and Butterfield.

Commissioner Green discussed the Transient Occupancy Tax in relation to Airbnb, which he said collects it on behalf of the Town, and he suggested that data is provided at the forum.

Vice-Chair Fragoso requested information from commissioners on the planning commissioners forum they attended. In response, Commissioner Green discussed monthly telephone forums and said he is able to provide materials.

Vice-Chair Fragoso announced the attendance of a member of Gray Water Action at the Planning Commission meeting on April 21st to discuss gray water systems and codes. Commissioner Green suggested inviting Councilmember Bragman to the meeting.

MINUTES

5. Minutes from the February 18th, 2016 meeting.

Action on the minutes was postponed to the meeting on April 21, 2016

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Joanne O'Hehir