

**DRAFT** Town of Fairfax Planning Commission Minutes  
Fairfax Youth Center  
Thursday, August 15, 2013

**Call to Order/Roll Call**

**COMMISSIONERS PRESENT:** Roxanne Ezzet-Lofstrom  
Shelly Hamilton (Chair)  
Laura Kehrlein  
Brannon Ketcham

**COMMISSIONERS ABSENT:** Shelby LaMotte (Vice-Chair)

**STAFF PRESENT:** Jim Moore, Planning Director  
Linda Neal, Senior Planner Neal  
Joanne O’Hehir, Minutes Secretary

Chair Hamilton called the meeting to order at 7.05 p.m.

**APPROVAL OF AGENDA**

Commissioner Ezzet-Lofstrom requested the withdrawal of the item concerning 29 Belle from the Consent Agenda to the Regular Agenda for discussion, and Senior Planner Neal announced that the item concerning 177 Frustuck had been withdrawn at the request of the applicants.

M/s, Ketcham/Kehrlein, Motion to approve the agenda as amended:

AYES: All

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

No one from the public came forward to speak.

**CONSENT ITEMS**

- 1. 24 Iron Springs Road; Application # 13-26**  
Request for a Use Permit and an Encroachment Permit to construct a new two car parking deck and entry stairway to replace the existing dilapidated cardeck and entry stairway; Assessor’s Parcel No. 009-091-09; Residential Single-family RS 6 Zone District; John and Lisa Scopazzi, applicants/owners; CEQA categorically exempt, § 15302.
  
- 2. 6 Arrowood Lane; Application # 13-29**  
Request for Design Review of a proposed 3,112 square foot single-family residence and attached 737 square foot garage in the already approved and improved Arrowood Subdivision; Assessor’s Parcel No. 174-290-06; Residential Single-family RS 6 Zone; Westbay Builders, applicant/owner; West Bay Builders, applicant/owner; CEQA categorically exempt, § 15303(a).

**3. 2001 Sir Francis Drake Boulevard; Application # 13-30**

Request for an excavation permit to remove and replace over 100 cubic yards of contaminated material that exist beneath the existing gas station; Assessor's Parcel No. 002-116-04; Central Commercial CC Zone; Bob Clark-Riddell, Pangea Environmental, applicant/Civil Engineer; Arash Salkhi, owner; CEQA categorically exempt, § 15308.

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

M/s, Ketcham/Ezzet-Lofstrom, Motion to approve the Consent Agenda.

AYES: All

Chair Hamilton announced the appeal rights.

**PUBLIC HEARING ITEMS**

**3. 19 Belle Avenue; Application # 13-28**

Fifty percent (50%) remodel of an existing 1,382 square foot single-family home increasing the number of bedrooms from two (2) to three (3) with no expansion beyond the footprint of the existing structure and the provision of a third on-site parking space; Assessor's Parcel No. 002-211-09; Residential RD 5.5-7 Zone; Dan Cirimele, applicant/owner; CEQA categorically exempt, § 15301.

Senior Planner Neal presented the staff report. She discussed the project and noted that the residence's square footage would not be increased. Ms. Neal explained that a Use Permit would be necessary because the parcel did not meet the minimum size requirements to allow improvements. She said that a neighbor had submitted a letter of support on the condition that windows would not be added to the west side of the structure.

Ms. Neal discussed the need for a third parking space, which required a variance because the proposed space encroached 2 feet into the side yard setback. She also discussed the removal of a fence.

Ms. Neal went on to discuss the design aspects of the project. She noted that the house would not be increased in sized and was not out of scale in comparison to other residences in the neighborhood, but she said that other properties did not have the same parking configuration as the proposed project.

Commissioner Ezzet-Lofstrom discussed her concern that allowing the parking space to encroach on the side yard setback would create a precedent. Ms. Neal noted that similar applications had been approved in the past.

Dan Cirimele, Applicant, said that he did not intend parking in the space, but that it had been necessary to provide in order to meet the parking requirements.

Commissioner Kehrlein and Mr. Cirimele discussed the materials of the parking space surface.

M/s, Ketcham/Ezzet-Lofstrom, Motion to approve Application # 13-28, a fifty percent (50%) remodel of an existing 1,382 square foot single-family home increasing the number of bedrooms from two (2) to three (3) with no expansion beyond the footprint of the existing structure and the provision of a third on-site parking space at 19 Belle Avenue, with the added conditions that the surface of the third parking space must consist of permeable materials, that the fence must be removed prior to the final project inspection and that windows shall not be added to the west side of the structure.

AYES: All

Chair Hamilton announced the appeal rights.

7:25 p.m.

**5. 130 Wood Lane; Application # 13-23**

Request for a Use Permit and Side Setback Variance to legalize an unpermitted 247 square foot carport; Assessor's Parcel No. 002-061-09; Residential Single-family RS 6 Zone District; John Leimer, applicant; Suzanne Quentin, owner; CEQA categorically exempt, § 15303(e).

Senior Planner Neal presented the staff report. She noted that the project had been started without permits. Ms. Neal discussed the Use Permit and Side Setback Variance, which she said would be necessary based on the slope of the property and there being no covered parking.

Ms. Neal noted that the design would be in keeping with other such structures in the neighborhood and with the house. She discussed the findings that needed to be made in order to grant the Variance and the ways in which the parking structure could be changed to meet the setback requirements. Ms. Neal noted that, since the side yard setback could be met, staff could not make the findings to support the Variance.

In response to Commissioner Ketcham, Ms. Neal discussed parking restrictions/parking structure restrictions in the side yard setback.

John Leimer, owner, discussed the reasons why the carport had been built in its current location and he noted that his neighbors were supportive. He said that it would cost too much to move the carport.

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

Commissioner Ketcham discussed exceptions to the town rules that had been made in the past, but noted that it would be difficult to make the findings to support the project.

Commissioner Kehrlein said that residents should check with the town before beginning a building project. She said that she supported the Use Permit to build a carport on the property, but not the Side Setback Variance because the carport could be moved to an area of the property that met the setback requirements.

Commissioner Ezzet-Lofstrom said that she could also support the Use Permit but would not be able to support the Variance.

M/s, Ketcham/Kehrlein, Motion to partially approve Application # 13-23, the request for a Use Permit, but deny the Side Setback Variance to legalize an unpermitted 247 square foot carport at 130 Wood Lane.

AYES: All

Chair Hamilton read the appeal rights.

7.40 p.m.

**6. 40 Forrest Terrace; Application # 13-25**

Request for a Use Permit to construct a 216 square foot attic addition to a 1,841 square foot single-family residence; 002-091-01; Residential RD 5.5-7 Zone; Harold Lezzeni, Architect; Julian and Martha Pearl, owners; CEQA categorically exempt, § 15301(e)

Senior Planner Neal presented the staff report. She discussed the reasons that the project did not meet the 50% remodel requirements, but noted that the Use Permit would be necessary because the property did not meet the size and width requirements in order to allow the proposed expansion.

Ms. Neal discussed the two dormers. She said that the residence would be one of the largest in the neighborhood but that the lot was also one of the largest in the vicinity. Ms. Neal noted that the residence would still comply with the Floor Area Ratio (FAR) and lot coverage requirements. She said that staff could support the project for the reasons laid out in the staff report, with the recommended conditions of approval.

In response to Chair Hamilton, Ms. Neal discussed the FAR and the staging platform.

Commissioner Ketcham and Ms. Neal discussed the reasons why the residence had not met the 50% remodel requirements, despite numerous building permits having been issued.

Julian Pearl, owner, confirmed that the work consisted primarily of the dormers. He said that the stairwell was not part of the project.

Commissioner Ketcham and Planning Director Moore discussed the noise ordinance update in relation to an anonymous flyer concerning the project.

Commissioner Ketcham and Mr. Pearl discussed the duration of his project. Mr. Pearl said that he would complete the dormer project.

Chair Hamilton opened the public comment period.

Marsha Wildvine, Forest Terrace, discussed her objections to the dormer addition, which she said would affect their privacy and dominate the neighborhood. She explained the difficulties of living next to the residence, and noted that they had not been able to rent their units due to the continuous building projects next door. She discussed the reasons she believed the expansion was not necessary and asked that the request to build the south side dormer at least be denied.

David Hernandez, who said he lived directly across the street, discussed his concerns that the residence had been under construction for too long, that there was too much noise, and that the contractors blocked him in his driveway because there was insufficient street parking. He said that the structure would be too large and that he did not support the project.

Peter Wildvine, Forrest Terrace, discussed his concerns regarding the construction noise, which he said was ongoing, and the effect that it had on his wife's health. He asked the commissioners not to grant a permit for the south side dormer and that the project be limited to six months in order to mitigate the construction problems. He discussed the reasons he believed that the application should be denied altogether.

William Hughes, Forest Avenue, said that he did not object to the project, and he noted that the house was old and needed improvements.

Jay Hansen, Forest Avenue, said that he had not heard any abnormal noise from the construction. He said that the house was built high on a hill and that he did not have a problem with being overlooked. He noted that parking was tight on the street and that he supported the project.

Larry Steiner, Forest Terrace, said that the parking problems he had experience had been resolved by speaking to the applicants. He noted that the dormers would be high but that the lot was large.

Chair Hamilton closed the public comment period.

Commissioner Ketcham and staff discussed the noise created by pumps. Ms. Neal noted that they did not violate the noise ordinance and that they had not been made a condition of approval because the applicant said he would limit the time the pumps were used. Commissioner Ketcham and Ms. Neal discussed the eaves on the new addition.

Chair Hamilton and Ms. Neal discussed the vegetation and fencing.

Commissioner Kehrlein suggested that the dormer could be pulled back; that it appeared to be too close to the side of the property that affected the neighbor with the rental units. She also discussed alternative types of window.

Planning Director Moore and Commissioner Kehrlein discussed construction time limits, which Mr. Moore noted had not been addressed by the current code.

General discussion took place on suitable glass windows for the dormers.

Ms. Neal discussed the fire sprinkler requirements in relation to the Fire Department and access to sufficient water. She said staff believed that the standard condition of approval with regard to meeting the requirements of other agencies would suffice.

Commissioner Ezzet-Lofstrom discussed violation of the noise ordinance with staff. She noted that the length of time for certain projects appeared to be particularly long.

Commissioner Ketcham discussed his concern that continuous projects appeared to have been undertaken at the property. He said that he would be open to design modifications.

Mr. Moore said that he would need to check with counsel if it would be possible to put a time limit on the project.

In response to Chair Hamilton, Mr. Pearl said he would be happy to comply with a time limit of 6 months from an approved building permit.

Chair Hamilton and Ms. Neal discussed the removal of the construction deck before completion of the project and the payment of a bond.

M/s, Kehrlein/Ezzet-Lofstrom, Motion to approve Application # 13-25, a request for a Use Permit to construct a 216 square foot attic addition to a 1,841 square foot single-family residence at 40 Forrest Terrace with the following additional conditions of approval and amendment to condition number 5:

5. The deck on the north side of the building that is being used as a staging area must be removed prior to the project final inspection. A bond or letter of credit, or a deposit equal to the cost of removal of the deck, based on an estimate and with the approval of the Building Official, shall be provided.
7. That the windows on the south-facing dormer be clerestory or transom in nature.
8. That the project construction time shall be limited from the issuance of the building permit to 6 months per the applicant's agreement.
9. Applicant shall use additional mitigation measures to protect the neighbor on the south side from construction-related airborne particulate matter to the satisfaction of the Building Official during construction.
- 10: That the contractors shall refrain from playing radios loudly or from making non-construction noises during construction.

11: That a construction management plan to minimize parking and delivery impacts on the neighborhood, subject to approval by the Building Official, shall be submitted.

A roll call was taken:

Kehrlein: AYE  
Ezzet-Lofstrom: AYE  
Hamilton: AYE  
Ketcham: NO

Motion passed 3 votes to 1.

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

## **MINUTES**

8. Minutes from the July 18, 2013, Planning Commission meeting.

M/s, Ketcham/Ezzet-Lofstrom, motion to approve the minutes from July 18, 2013:

AYES: Kehrlein, Ezzet-Lofstrom, Ketcham  
ABSTENTION: Hamilton

## **PLANNING DIRECTOR'S REPORT**

Planning Director Moore noted that a joint meeting would be taking place between the Planning Commission, GPIC and the Affordable Housing Committee on August 27<sup>th</sup>, 2013, to discuss and approve the recommended amendments to the housing element. Mr. Moore provided the Housing Element timelines for implementation.

Mr. Moore reported that at the next Council meeting on September 4, a county-wide committee, Marin Plant and Energy Partnership, would be making a short presentation on greenhouse gas. He also reported that the noise ordinance changes, recommended by the Planning Commission, would be heard by the Council at the meeting.

Mr. Moore said it was hoped that the GPIC's Climate Action Plan would be finished by October.

He also reported that the town was working with consultants on the Town Center Plan process.

In response to Commissioner Ketcham, Mr. Moore discussed a project concerning a gas station on Sir Francis Drake Blvd that would be brought before the Planning Commissioners at a future date. He discussed an excavation that was occurring at the project site in response to Commissioner Ezzet-Lofstrom.

Mr. Moore noted that a meeting would be taking place on August 29, 2013, between representatives of the neighborhood and the owners of The Good Earth to discuss truck noise mitigation measures.

Mr. Moore noted that there had been three applications for the post of Planning Commissioner.

Chair Hamilton opened the public comment period. A member of the public expressed his concern that the town would be making decisions on matters on which residents would not be voting.

In response, Mr. Moore said that open time for public expression would have been a more suitable opportunity to address such matters.

## **DISCUSSION ITEMS**

9. Review of the General Plan Planning Commission Implementation Program matrix items

Planning Director Moore provided materials to the Commissioners. He noted that public participation in the Town Center Element had been articulated in the General Plan.

Commissioner Ezzet-Lofstrom discussed feedback from the public with Mr. Moore.

General discussion on the presentation of the matrix took place regarding what had already been accomplished.

Chair Hamilton and Mr. Moore discussed an ad-hoc committee in relation to the General Plan. Mr. Moore noted that the committee had no voting rights.

## **COMMISSIONER COMMENTS AND REQUESTS**

## **ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:40 p.m.