

DRAFT Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, May 16, 2013

Call to Order/Roll Call

Chair Hamilton called the meeting to order at 7:06 p.m.

COMMISSIONERS PRESENT: Roxanne Ezzet-Lofstrom
Morgan Hall
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

APPROVAL OF AGENDA

M/s, Ketcham/Ezzet-Lofstrom, Motion to approve the agenda:

AYES: All

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No one from the public came forward to speak.

RESOLUTION OF APPRECIATION FOR PETER LACQUES

Chair Hamilton read the proclamation commending Peter Lacques for his services to the Town of Fairfax.

M/s, Ketcham/Kehrlein, Motion to approve the Proclamation:

AYES: All

CONSENT ITEMS

1. 156 Cascade Drive

Request for a Use Permit to construct a 390 square foot deck addition to an existing 1,676 square foot single-family residence; Assessor's Parcel No. 003-141-17; Residential Single-family RS 6 Zone District; McCoy Architecture, Inc., applicant; Matt and Mireya Quirie, owners; CEQA categorically exempt, 15303.

M/s, Ketcham/Ezzet-Lofstrom, Motion to approve the consent item:

AYES: All

Chair Hamilton read the appeal rights.

PUBLIC HEARING ITEMS

7:15 p.m.

2. 17 Woodland Road; Application # 13-1

Request for a Hill Area Residential Development Permit, Excavation Permit, Design Review and Parking Variance for a proposed 50% remodel/addition to an existing single-family residence increasing the square footage from 936 square feet to 1,696 square feet (with two living levels that will not be internally connected; Assessor's Parcel No. 003-053-13; Residential Single-family RS 6 Zone District; Rich Rushton, Rushton Chartock Architects, applicant; Dan May and Kim Teevan, owners; CEQA categorically exempt, § 15301(e)(1).

Senior Planner Neal presented the staff report. She noted that the applicant had complied with the commissioners' previous request to produce a design for the proposed carport.

Rich Rushton, project architect, explained that the drawings were self-explanatory and that he thought the prefabricated carport was a good design.

Commissioner Hall and Mr. Rushton discussed the materials of the carport's roof. Ms. Neal noted that the Fire Department would be reviewing the plans at the Building Permit stage.

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

Commission Ketcham said that he approved the design of the carport. He requested that drawings be provided for similar variance projects at the first hearing in future, with which staff were in agreement.

Commissioner Hall said that it was a good solution, to which Commissioners Kehrlein and Ezzet-Loftstrom concurred.

Commissioner Hall suggested that a bond should be posted before construction of the carport began.

M/s, Ketcham/Hall, Motion to deny the Parking Variance and approve the proposed carport cover at 17 Woodland Road with the following addition to condition #2 under the Planning Conditions: "...or a bond to cover the cost of construction should be posted before issuance of the building permit".

AYES: All

Chair Hamilton read the appeal rights.

7:25 p.m.

3. **696 Cascade Drive; Application # 13-3**

Residential Second Unit Use Permit to convert a portion of the residence to a second unit and an Encroachment Permit to formalize the driveway to an existing second garage on the site; Assessor's Parcel No. 003-011-24; Residential Single-family RS 6 Zone District; Brian and Terry Jones, applicants/owners; CEQA categorically exempt, § 15301(a).

Senior Planner Neal presented the staff report. Ms. Neal explained that the applicants were applying for a use permit and an encroachment permit to legalize a second unit. She discussed the request for a size variance because the size of the unit exceeded the 30% limit of the main dwelling. However, staff believed that the size of the unit remained small enough to ensure that the unit remained affordable.

Ms. Neal went on to discuss the Encroachment Permit. She said that a portion of the driveway to the garage encroached into a 10-foot wide public easement alley, which was owned by Marin County Open Space. Ms. Neal noted that the permit, if granted, could be revoked if necessary.

Ms. Neal noted that the parking requirements had been exceeded and that no exterior changes were being made to the dwelling, so that the character would not be changed.

For the reasons discussed, in addition to the findings and conditions in the staff report, Ms. Neal said that staff could recommend approval.

Planning Director Moore discussed compliance with the Second Unit Ordinance in relation to the project, and he noted that the Town encouraged the integration of second units as part of the Housing Element strategy. He noted that this project was a good example of what the Town wished to encourage.

In response to Commissioner Hall, Mr. Moore noted that rental income caps had not been addressed by the existing code. He also discussed sprinkler requirements in relation to the Second Unit Amnesty Program.

Commissioner Ezzet-Lofstrom and Ms. Neal discussed past legalized second units.

The applicants, Brian and Terry Jones, discussed the history of their property in relation to the second unit and the driveway. Mr. Jones provided materials to staff that related to their project.

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

Commissioner Ketcham said that he was comfortable with approving the project.

Commissioner Kehrlein said this was a good application for compliance with the Second Unit Ordinance.

Commissioner Ezzet-Lofstrom and Ms. Neal discussed access to the garage if the Encroachment Permit were revoked at some point in the future.

M/s, Kehrlein/Ezzet-Lofstrom, Motion to approve Application # 13-3 for a Residential Second Unit Use Permit to convert a portion of the residence to a second unit and an Encroachment Permit to formalize the driveway to an existing second garage on the site at 696 Cascade Drive.

AYES: All

Chair Hamilton read the appeal rights.

7:47 p.m.

DISCUSSION ITEMS

4. Continued discussion/consideration of a draft Ordinance regulating leaf blowers and other powered equipment. Zoning - All residential and commercial zones districts in Town; Direction originates from Town Council Resolution No. 13-3 directing the Commission to include but not be limited to: ordinance effect date, permitted times and days of operation, hardship/exemption considerations and processing, inclusion of other gasoline powered equipment and penalties.

Planning Director Moore discussed the reasons that a resolution had not been presented and the purpose of the evening's discussions.

Senior Planner Neal presented the recommended changes to the draft ordinance, which she noted encompassed the previous discussions.

Mr. Moore discussed the request by Vice-Chair LaMotte to provide information to the public on the hazards of dust being "kicked up" by leaf blowers. He also discussed the Noise Element, which he noted would be revised.

Chair Hamilton and staff discussed wording in the ordinance that related to construction/use noise before the Chair opened the public comment period.

Cindy Swift, Madrone Road, discussed construction noise limitations and the problems that time limitations could cause homeowners. She requested clarification on the use of mechanically powered tools.

Planning Director Moore noted that the existing ordinance did allow for exceptions to the rules that affected time limitations.

Marsha Wildvine, Forest Avenue, said that she supported the restriction on the use of power tools. In response to Ms. Wildvine, Ms. Neal noted that the town did not restrict the amount of time for a project's construction.

Chair Hamilton closed the public comment period.

Chair Hamilton and staff discussed time constraints for construction hours and how exceptions were handled.

In response to Commissioner Ketcham, Ms. Neal said that it had been her understanding that the commissioners had not wished to distinguish between the hours of operation for commercial enterprises and homeowners.

General discussion took place on limiting the hours when noisy machinery could be used and whether there should be a distinction between the times when homeowners could use machinery and commercial usage.

There was general agreement that the times when noisy machinery could be used at weekends should be restricted, rather than restricting noise levels or the amount of time that a power tool could be used at any one time.

Discussion then followed on noise complaints. There was general agreement that action should not be taken as a result of a single noise complaint.

Commissioner Hall said that he would support limiting commercial operations at weekends. However, there was general consensus that multiple noise complaints at weekends should warrant investigation, which would act as a mitigating factor for commercial operations.

A request was made to staff to track the changes in the draft ordinance for the next report.

General agreement was reached that the hours of operation for power tools should be between 8 a.m. to 6 p.m., Monday through Friday, and 9 a.m. to 4 p.m. at weekends and holidays.

Commissioner Kehrlein discussed the difference between exterior and interior noise levels and how other towns dealt with exemptions. She said that she would forward materials to staff.

Staff will investigate the number of noise complaints they would recommend before action would be considered.

Chair Hamilton announced a 10-minute break at 9 p.m.

5. Review of 2010-2030 General Plan - Planning Commission / Design Review Board Program Worksheet and Implementation Priorities" (Chair Hamilton)

Planning Director Moore used a slide presentation to introduce the staff report. He explained that staff had drawn up a list of targets for the year, some of which had already been accomplished. Mr. Moore noted that it would be impossible for staff to meet all the targets due to

staff limitations and time constraints, but that that the commissioners should identify those they considered the most important to prioritize.

Chair Hamilton elaborated on the point of the discussions and noted that the commissioners would need to decide at a future meeting which projects should be passed to the Implementation Committee.

Mr. Moore discussed the list of programs, which included various elements contained in the General Plan.

General discussion took place on how the items should be prioritized. Chair Hamilton offered to map out a calendar of this year's schedule.

9.40 p.m.

6. Discussion/consideration of Civic Engagement Through Digital Information Tools (Chair Hamilton)

Planning Director Moore noted that this was the second meeting that had been televised.

Chair Hamilton opened discussions on the enhancement of public/civic engagement regarding the Planning Commission meetings. She discussed open government and transparency and made several suggestions for improvements.

General discussion followed on opportunities for notifying the citizens when items were scheduled for discussion.

Mr. Moore noted that the Planning Department was already challenged by inadequate information technology.

Commissioner Kehrlein discussed the possibility of having the plans posted electronically with Mr. Moore.

9.50 p.m.

MINUTES

7. Minutes from the April 18, 2013 Planning Commission meeting.

M/s, Ketcham/Ezzet-Lofstrom, Motion to approve the minutes with an amendment to the first sentence on page 3 from "Mr. Rich" to "Mr. Rushton".

AYES: Ezzet-Lofstrom, Hall, Kehrlein, Ketcham,

ABSTENTON: Hamilton

PLANNING DIRECTOR'S REPORT

Planning Director Moore discussed updating the Housing Element and Zoning Ordinance, which he said needed to be brought into compliance with the General Plan.

Mr. Moore discussed the duties of a U.C. Berkeley intern who was spending two months with the department.

COMMISSIONER COMMENTS AND REQUESTS

None.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10.05 p.m.

Respectfully submitted,

Joanne O'Hehir

