

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
VIA TELECONFERENCE DUE TO COVID-19
THURSDAY, APRIL 16, 2020

Call to Order/Roll Call:

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

Commissioners Present:

Norma Fragoso
Esther Gonzalez-Parber
Philip Green (Chair)
Laura Kehrlein
Mimi Newton
Michele Rodriguez
Cindy Swift

Staff Present:

Ben Berto, Planning Director
Linda Neal, Principal Planner

APPROVAL OF AGENDA

M/s, Kehrlein/Fragoso, motion to approve the agenda.

AYES: Fragoso, Gonzalez-Parber, Kehrlein, Newton, Rodriguez, Swift, Chair Green

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

Planning Director Berto explained there was a lag time between the two platforms being used (Zoom vs. Community Media Center Marin televised recording) to broadcast the meeting.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

1. **6, 8, 10, and 12 School Street Plaza: Application #19-14**
Continued consideration of a request for a Conditional Use Permit and Design Review Permit for a minor expansion to building #8 and expansion/remodel/conversion of the following 12 commercial suites into live-work units: Bldg. 6: #'s 110; Bldg. 8: #'s 8A1, 8B1, 8B2, and 8D2; Bldg. 10: #'s 10C, 10D and 10E; Bldg. 12: #'s 12B-1, 12C-2, 12D-1 and 12D-2; Assessor's Parcel No. 002-112-13; Limited Commercial CL Zone; Fred Ezazi, applicant/owners; CEQA categorically exempt per Section 15301(a) and (e)(1) and 15303(c).

Commissioner Newton stated she would need to recuse herself from this item.

- The exit gate to Broadway could be used by a tenant in the event of an emergency. There will be a key pad on the uphill direction.

Commissioner Gonzalez-Parber stated Unit 10-E has a tiny kitchen (5' wide counter space) in an odd location and she asked if the applicant would consider doing some reconfiguration. The space could easily be improved. Mr. Hamer stated that unit is existing and it could be disruptive to the tenant to expand that kitchen. Commissioner Gonzalez-Parber stated it should be addressed- it is not adequate for a "live" space. Mr. Hamer stated they would be willing to increase the square footage of that kitchenette by about 40% by extending it to the room in front. Commissioner Fragoso suggested swapping out the bathroom and the kitchen. Mr. Hamer stated this could be considered.

Commissioner Kehrlein referred to Attachment B, unit 110, and asked Mr. Hamer if this unit was in the new building. Mr. Hamer stated "yes, it is in Building #6". Commissioner Kehrlein asked why this unit was selected for live/work since it seemed more appropriate as a commercial space. Mr. Hamer stated it does have a history of residential use. They have been asked to correct some unpermitted work.

Patrice sent an email with the following comments:

- She is in active litigation against the property owner as a residential tenant regarding water damage to her property.
- She opposed the granting of certificates of residential occupancy.

Ms. Lisle Blach sent an email with the following comments:

- It is exciting to see this project come forward.
- Affordable space is necessary for the people in the arts, non-profit businesses, and services that provide a vibrant Fairfax culture.
- She asked if the affordable units will remain affordable.

Chair Green closed the Public Hearing.

Commissioner Swift provided the following comments:

- The lighting plan should include Dark Sky compliancy and the lighting fixtures should point down to avoid light spillage. LED's in such a large area should be in the blue color spectrum.
- She referred to uses permitted and prohibited in the Limited Commercial (CL) Zone. A day-care facility might not be appropriate in one of the live/work units and could be added to the list of prohibited uses.

Chair Green provided the following comments:

- He agreed with Commission Swift that there were issues in terms of what the CL Zone allows.
- He referred to the Resolution, Condition #27, and stated the words "no welding is allowed" should be added.
- The concern about day-care facilities is addressed in Condition #27 (no noise, odors) but they could add wording such as "noise levels have to be reasonable". He agreed that they should expressly exclude other CL Zone uses.
- He referred to the Resolution, "Whereas", and would like to add: "The proposal is a unique home grown project from the ground up and is particularly suited to the re-purposing of the site and for its existing full time residents and to the needs of the community".
- He wants to hone in on the unique nature of the site.
- He referred to the Resolution and suggested the following changes: 1) Condition #6 should read: "Any other changes... of *any* building...". 2) Condition #9 should read: "There shall be...outside *any of* the buildings." 3) Condition #11 should read: "Any equipment...of *any* building." He supported Principal Planner Neal's additional language. 4) Condition #22 should read: "The residential...of *any* commercial building...". 5) Condition #23 should read: "The commercial...conducted in *or near* the walkways..." 6) Condition #26 should read: "No more.. of

- There are activities on the site that came about because there was a need.
- They have an opportunity to make it safe and sound. They cannot make it look like something other than what it is- a school building.
- The applicant has addressed most of the Commissions' comments.
- Complaints about a unit should to be addressed on an individual basis.
- She supports the project

Commissioner Kehrlein provided the following comment:

- She is glad that the total number of units has been reduced to twelve.

Commissioner Swift provided the following comments:

- She referred to the Resolution, the first "Whereas" and stated the date of the plans should be updated.
- She referred to the Resolution, Condition #2, and suggested the following change: "All lighting shall be dark sky compliant to include compliance with color temperature to minimize blue rich lighting....".

Commissioner Fragoso provided the following comments:

- She agreed this was not a great project. It is poor design, basic construction, and little attention to architectural detail.
- The problem is the illegalities and people living in unsafe and unhealthy conditions.
- The project provides some housing that is relatively affordable.
- The CUP brings the building into a better condition in terms of health and safety. The existing conditions were detrimental.
- There are benefits.
- The project gives the Town control over what would otherwise continue to be an illegal, hazardous living situation.

Chair Green provided the following comments:

- He agreed with Commissioner Fragoso's assessment.
- He understood Commissioner Rodriguez's concerns.
- This is a property that is derelict with a property owner that wants to balance his needs with the requirements that the Town is imposing.
- He could support the project.

Commissioner Kehrlein provided the following comment:

- She is glad that the total number of units has been reduced to twelve.
- This is not a perfect project.
- She agreed with Commissioner Fragoso's comments.
- They now have documentation about the site.
- The applicant responded to the Commissions' comments and provided the necessary information.

Commissioner Gonzalez-Parber provided the following comment:

- She would like to add the modifications to Unit 10-E in Condition #36 with the following language: "The kitchen area in Unit 10-E will be expanded or altered as offered by the applicant- a 40% expansion of the counter space." Planning Director stated this could be Condition #37 (#37 would become #38).

M/s, Fragoso/Gonzalez-Parber, motion to approve the conversion of twelve commercial spaces to live/work units , a Conditional Use Permit and Design Permit for application #19-14 and adopt Resolution No. 2019-17 with the following modifications: 1) The following shall be added to the

M/s, Newton/Swift, motion to continue Application #20-1, 181 Meernaa Avenue, to the May 21st Commission meeting.

AYES: Kehrlein, Gonzalez-Parber, Newton, Rodriguez, Swift, Chair Green

RECUSED: Fragoso

Discussion Items

3. Discussion Objective Design and Development Standards

Planning Director Berto presented the staff report. He noted the collaborative venture with ten other jurisdictions to develop these standards has continued via Webinars due to the Coronavirus. There is a survey posted on the Town Website. He briefly discussed the Historic Assessment process and stated staff will be submitting a Request for Proposal (RFP) to architectural historian firms soon. He asked the Commission to appoint two Commissioners to the ad hoc subcommittee. The subcommittee would select the historic consultant and provide feedback on the proposed schedule and tasks. Staff will reach out to the community for help in this process.

Commissioner Newton asked if the subcommittee would include members of the community. Planning Director Berto stated "yes".

Chair Green volunteered to serve on the subcommittee. Commissioner Fragoso also volunteered and stated she has a background in design and historic programs.

Commissioner Swift asked if the Town is meeting its Regional Housing Needs Assessment (RHNA) goal and asked for an update. Planning Director Berto stated he would provide those figures but noted the Town is looking great in terms of the "low" and "very low" numbers.

Commissioner Swift referred to the community engagement plan and asked if it would be extended due to the shelter in place. Planning Director Berto stated "yes" since they will need to come up with alternative formats for outreach, etc.

Commissioner Rodriguez asked if there would be a staff level and Commission discussion prior to the public outreach program and the creation of an ordinance. Planning Director Berto stated the consulting firm has created a timeline and list of tasks. He is open to Commission direction about the elements. This is one of the benefits of have a subcommittee who can report back to the Commission. He would be scheduling the subcommittee meetings very soon.

Chair Green opened the meeting to public comments.

There were no comments.

Chair Green closed the meeting to public comments.

Commissioner Rodriguez provided the following comments:

- She is concerned about the community engagement plan.
- Initially there was going to be Commission participation in an Open House with multiple workshops, etc.
- Community members are very vocal and want to be involved.
- She wants to move this item along.

Commissioner Fragoso provided the following comments:

- She asked for clarification on the role and responsibilities of the subcommittee.

M/s, Newton/Swift, motion to approve the February 20, 2020 minutes as corrected.
AYES: Fragoso, Gonzales-Parber, Kehrlein, Newton, Rodriguez, Swift
ABSTAIN: Chair Green

Planning Director's Report

Planning Director Berto asked Commissioners if they would be interested in getting business cards. They come in handy during site visits. Several Commissioners responded "yes". He reported on the successful passage of Measure C and the creation of the Fire JPA. The Fire Subcommittee has not met due to the shelter-in-place requirements. Fire Chief Weber has confirmed that an evacuation study would be performed. He discussed how these issues are affected by recent State housing legislation. Commissioner Fragoso referred to Measure C and asked "what's in it for Fairfax". Planning Director Berto stated there were a lot of things that will involve Fairfax. Commissioner Swift is the Commission representatives to the Fire Subcommittee and would be reporting to the Commission.

Commissioner Comments and Requests

Commissioner Fragoso asked if Measure D passed. Commissioner Newton stated there were over 60% "No" votes and under 40% "Yes" votes.

Commissioner Swift asked staff to report back on the status of the Accessory Dwelling Unit (ADU) Amnesty Program and when the Commission would be discussing short-term rentals. Planning Director Berto stated he would check with Town Manager Toy who would be making the presentation.

Commissioner Newton thanked the staff "in front of and behind" the scenes and the Community Media Center of Marin (CMCM) for producing tonight's Zoom meeting. Chair Green noted there were no glitches! Planning Director Berto stated staff is working on making these productions as participatory as possible.

Chair Green discussed the COVID-19 pandemic and noted "this too shall pass".

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:20 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
VIA TELECONFERENCE DUE TO COVID-19
THURSDAY, MAY 21, 2020

Call to Order/Roll Call:

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

Commissioners Present: Norma Fragoso
Esther Gonzalez-Parber
Laura Kehrlein
Mimi Newton
Michele Rodriguez (Acting Chair)
Cindy Swift

Commissioners Absent: Philip Green (Chair)

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

Planning Director Berto noted there is a lag between the Community Media Center of Marin (CMCM) broadcast and the Zoom Webcast. Individuals wishing to address the Commission should use the "raise your hand" function. The Commission will be flexible in terms of allowing individuals to speak.

APPROVAL OF AGENDA

M/s, Fragoso/Kehrlein, motion to approve the agenda.
AYES: Fragoso, Kehrlein, Newton, Swift, Acting Chair Rodriguez
ABSENT: Gonzalez-Parber, Chair Green
(Through a roll call vote).

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

- 1. 181 Meernaa Avenue; Application #20-1**
Request for a Conditional Use Permit, Excavation Permit, and Tree Removal Permit to expand and remodel the 1,199 square foot first floor of an existing 1,455 square foot single-family dwelling by 123 square feet to create a 1,322 square foot primary residence. The primary residence would be located above a proposed ADU conversion of the existing residence's ground floor (the ADU is exempt from any Planning Commission action per Fairfax Ordinance 844). A two-car carport is proposed under the ADU addition, requiring a second driveway subject to approval of a variance from the Town Council;

Assessor's Parcel No. 002-162-20; RS-6 Single-Family Residential Zone, High Density; Stephen LaDyne, applicant, Gerdes Family Trust, owner; CEQA categorically exempt per Section 15301(a) and (e)(1).

Principal Planner Neal presented the staff report. She noted the following correction to Resolution No. 2020-1: 1) On page 1, the second "Whereas" shall read: "Whereas...Use Permit, *Tree Removal Permit*,..."; 2) On page 1, the third "Whereas" shall read: "Whereas...Conditional Use Permit, *Tree Removal Permit*. "; 3) On page 5, under 10(b), the words "Planning Commission" should be capitalized; 4) On page 9, the 5th paragraph shall read: "The approval of the *Conditional Use Permit*, Excavation Permit...."

Commissioner Newton had questions about the increase in the square footage. The first paragraph of the resolution refers to a 123 square foot expansion but there is no mention of the additional square footage for the accessory dwelling unit (ADU). The numbers in the staff report, page 1, first paragraph under the Discussion section, are confusing. Planning Director Berto stated there were challenges when a project has components of an existing building that are being converted to an ADU. Some of the square footage has to be excised. The majority of the square footage, with the exception of the garage, is for the ADU. Principal Planner Neal stated the existing house is 1,322 square feet, the existing ground floor is 256 square feet, and the existing upper floor is 1,199 square feet. Once the addition is added to the upper floor (main house) it will be 1,322 square feet.

Commissioner Gonzalez-Parber joined the meeting.

Commissioner Newton noted several of the dates in the Resolution should be corrected.

Commissioner Swift noted the reference to a Design Review Permit on page 9 of the Resolution should be deleted.

Commissioner Fragoso asked if the existing square footage of the proposed ADU was 400, adding 260 square feet, resulting in a 660 square foot ADU. Principle Planner Neal stated she was not sure the Resolution should address the ADU since it is not in the purview of the Commission and has nothing to do with the application.

Acting Chair Rodriguez asked about the height of the structure and whether it meets the Zoning regulations. Principal Planner Neal stated it would be three-stories, 18'3" tall and the structure it is not being increased in height.

Acting Chair Rodriguez asked if construction of the left rear of the house and the basement was done legally. Principal Planner Neal stated "yes".

Acting Chair Rodriguez opened the Public Hearing.

Mr. Stephen LaDyne, designer, made the following comments:

- The area analysis is on the cover sheet of the plans. The lower level had 256 square feet existing and they are adding 404 square feet, resulting in a net of 660 square feet.
- They are adding 123 square feet to the main level.
- The design conforms to all setbacks.
- There is no change to the height.
- They have met the additional required parking and voluntarily added one more additional spot. No variances to parking are needed.
- The Use Permit is related to the rear addition (a modest 123 square feet). They are taking a substandard existing bedroom and turning it into a master bedroom.
- They are adding preventive/safety measure in the hill- a debris catchment wall.
- They are not cutting additionally into the hill.

- 95% of the Excavation Permit is related to ADU parking.
- Getting parking onto this steep lot was challenging and the front property line is almost 14' off the roadway.
- Putting the parking under the ADU would minimize the impact to the neighborhood. It will require a second curb cut that needs to be approved by the Town Council.
- They are removing one on-street parking space and creating four off-street spaces.
- The Heritage Tree Permit relates to fire safety. They have an approved Vegetation Management Plan from the Ross Valley Fire Department.
- These are conservative, modest improvements.
- They are improving the parking and stabilizing the hillside.

Commissioner Swift asked about the distance between the new driveway and the existing carport on the property to the left of the house. Mr. LaDyne stated there was 20 feet between the two proposed curb cuts.

Commissioner Kehrlein asked for clarification about the excavation and the soils report. Mr. LaDyne displayed the soil engineer's diagrams and discussed the excavation and shoring. It will be done in a series of five foot excavations. He pointed out the location of the bedrock, the final wall that will become the front foundation of the main house and the rear of the parking area, the debris catchment wall, steel piles, and the concrete V ditches.

Commissioner Newton asked about the ceiling heights in the three stories. Mr. LaDyne stated the ADU has a top plate of 8'6", and the main house has an 8' ceiling.

Ms. Peg Gerdes, owner, made the following comments:

- She and her husband would live in the ADU. Her son and his family would live in the house.

Ms. Anya Schandler, Barker Court, made the following comments:

- This proposal is an example of generational building and an opportunity to "age in place".
- She supports the application.

Acting Chair Rodriguez closed the Public Hearing.

Acting Chair Rodriguez provided the following comments:

- The Commission should start thinking about construction in the Wildfire Urban Interface Zone (WUI) and asked about standard Conditions of Approval that could be imposed.

Commissioner Gonzales-Parber provided the following comments:

- She agreed with the comment made by Acting Chair Rodriguez.
- Multiple projects in these areas of narrow roads can pose problems.
- She asked if there was a way to track the number of projects in the Wildland Urban Interface Zones.
- This is a small addition technically because the ADU is split out, not under the purview of Planning Commission.

Commissioner Swift provided the following comment:

- The Ross Valley Fire Department has deemed this as a "substantial" remodel which triggers certain requirements such as a Vegetation Management Plan.

Commissioner Newton provided the following comments:

- The numbers with respect to square footage are unclear in the staff report.
- It should refer to a 256 ground floor area in the single family dwelling to which 404 feet would be added to create the 660 square foot ADU.

- The date in the second “Whereas” should be corrected; the Tree Removal Permit should be included in the second and third “Whereas”.
- There should be an explanation of the bullets in the Tree Removal Permit Section.

Acting Chair Rodriguez provided the following comments:

- On page 2 of the resolution, under Excavation Permit, #5, the revision date for the retaining wall should be listed.
- On page 3, under Tree Removal Permit, the Tree Committee recommendation of 2-24-20 and vote should be listed. The arborist report should be referenced.

Commissioner Swift provided the following comment:

- On page 3 of the resolution, under the Tree Removal Permit Section, it should note the number of trees being removed.

M/s, Rodriguez/Fragoso, motion to adopt Resolution No. 2020-1 with the following corrections: 1) On page 1, the first “Whereas” shall read: “Whereas...Accessory Dwelling Unit (increased from 256 square feet adding 404 square feet equaling a total of 660 square feet for an ADU that is not part of this application); 2) On page 1, the second “Whereas” shall read: “Whereas...Use Permit, *Tree Removal Permit*,...”; and the date of May 21st shall replace April 16th; 3) On page 1, the third “Whereas” shall read: “Whereas...Conditional Use Permit, *Tree Removal Permit*. .”; 4) On page 2, under Excavation Permit, it shall be amended to add “Dave Olmes Revised Shoring and Retaining Wall memorandum stated January 21, 2020; 5) On page 3, under Tree Removal Permit, the Tree Committee review and recommendation on a 5-0 vote that 5 Bay trees were approved for removal, and the arborist report shall be referenced; 6) On page 3, under the “Whereas”, the following shall be added to (1) (c): “...dated January 16, 2020 *and January 21, 2020 report*, and adding item (e) including the artistic rendering dated 10-16-19 as to color and materials; 7) On page 9, the 5th paragraph shall read: “The approval of the *Conditional Use Permit*, Excavation Permit....”, with the deletion of the reference to a Design Review Permit, and the date at the bottom of the page shall be May 21, 2020.

AYES: Fragoso, Kehrlein, Gonzalez-Parber, Newton, Swift, Acting Chair Rodriguez

ABSENT: Chair Green

(Through a roll call vote).

The Commission took a 5-minute break.

2. 88 Toyon Road; Application ##20-3

Request for Hill Area Residential Development, Design Review, Tree Removal, and Excavation Permits to remodel/expand an existing 1,033 square-foot, single-family residence into a 2,069 square-foot single-family residence including improvement of existing driveway and parking; Assessor’s Parcel No. 003-081-39; RS-6 Single-Family Residential Zone; Holder/Parlette Architecture, applicants; David and Stephanie Russell, owners; CEQA categorically exempt per Section 15301(a) and (e)(1).

Principle Planner Neal presented the staff report. She noted the Tree Committee has not been able to meet due to COVID-19 and there is no recommendation. Staff is recommending the following Condition of Approval: “A deed restriction shall be recorded with respect to future construction in the area where the abandoned pool is located”. Staff is recommending the following corrections to the Resolution: 1) On page 3, under the “Whereas”, #1 shall read: “The project is approved...tree protection plan dated *February 1, 2020*.” and the addition of a reference to the Dave Olmes Geotechnical Report dated February 10, 2020; 2) On page 6, #7, the application number should be changed from #12-3 to #20-3; 3) On page 9, Condition #37 should be deleted (it is a duplicate).

Commissioner Kehrlein asked if the project included any covered parking. Principal Planner Neal stated this is a downslope property and it is exempt from the covered parking requirement.

Commissioner Kehrlein asked if there was a color board or colored renderings. Principal Planner Neal stated the color board was emailed to the Commission today.

Commissioner Swift stated Attachment B refers to drawings dated March 4, 2020 and stated she did not have a copy of these drawings. She also did not have the Tree Protection Plan, dated March 4, 2020, that is refer to in the Resolution. Principal Planner Neal stated the applicant can address any questions. Staff does have the March 4, 2020 plans. The Tree Protection Plan should be dated February 1, 2020.

Commissioner Gonzalez-Parber asked for a clarification on the new structure vs. the remodel. Principal Planner Neal stated the lower floor has some areas improved as living space and some that is just basement area (unfinished). They are not going outside the walls of the existing structure. They are expanding the lower floor into the unimproved basement area. It is a remodel/expansion. Commissioner Gonzalez-Parber stated it looks like a substantial remodel. Principal Planner Neal stated this is a 50% remodel so the requirement for a Hillside Area Residential (HRD) Permit kicks in.

Principal Planner Neal displayed and discussed the color board.

Acting Chair Rodriguez stated page 3 of the staff report talks about demolition work that was done on the property in 2018 and she asked staff to describe the work. Principal Planner Neal stated they gutted the interior of the house (removed sheetrock, plumbing, electrical, etc.).

Acting Chair Rodriguez referred to the presence of Spotted Owls and asked about the actions that local governments should take. Principal Planner Neal stated a meeting was held with various agencies and the Town was given direction on how to move forward. It must be shown that there will be no negative impacts to the birds.

Acting Chair Rodriguez opened the Public Hearing.

Mr. Kenneth Holder, architect, made the following comments:

- A member of his firm printed an earlier set of plans but the only content that is different from the March 4, 2020 plans staff has is Construction Management Plan information.
- They created a more developed Vegetation Management that appears in the final revisions. They are reducing the fire prone biomass to a safe level.
- The proposed design reflects the future anticipated needs of the homeowners.
- The site has an unusual number of quirky characteristics- challenging property lines and lay out issues. This has all been addressed- everything will remain where it is.
- The downhill neighbor has extended a sewer line easement through their upper yard allowing the applicants to tie into the Ross Valley Sanitary District system.
- They have listened to the concerns of the neighbors.
- This is a modest proposal that can be characterized as a remodel and upgrade of the existing neglected structure.
- He displayed the plans.
- The living space will be heightened above the existing 8' ceiling.
- The existing house has white stucco on three sides. They plan to match that and the mid-century modern appearance of the house.
- There will be cedar paneling in the front.
- They plan to fill in the existing pool, create a new side yard, and re-build some of the privacy screen on the second story deck.
- They are attempting to create an updated rapport between the house and the street with the design of the facade.
- They are retaining the side yard stairs down to the yard.
- He discussed widening the driveway.

- Street parking is very difficult.
- The privacy of the adjacent neighbor would be protected.
- The back area is technically living space and they are enlarging the space against the hillside to add two bedrooms.
- He displayed the south elevation.
- There will be a single high window in the master bathroom and no other second story windows.
- The front yard will be re-landscaped with drought tolerant and native plants.
- He displayed the demolition plan.
- Half of the basement currently exists as a living space.

Commissioner Swift asked about the material for the upper deck privacy screening. Mr. Holder stated they could use a stained cedar material, horizontal slats that would match the accent paneling in the front of the house. Commissioner Swift asked if this is indicated on the plans. Mr. Holder stated there is a reference to this in the site plan.

Commissioner Swift had a question about the history of the project and the need to pull the electrical service in 2018. Mr. Holder stated they wanted to assess what it would take to build out the basement. It was a mistake and should not have been done.

Commissioner Kehrlein asked if they would be willing to go with a softer color. Mr. Holden stated "yes- they could look at a more muted color".

Commissioner Gonzalez-Parber referred to Sheet A1.3 and asked about the wall mounted lights- the legend does not correspond to the specification. She asked if it was adjustable or if it points up. Mr. Holder stated that is a universal fixture and would be a downlight. It could be removed.

Commissioner Swift stated the proposed street parking is not indicated on the plans. Mr. Holden stated as the scope of work changed the street parking became less of a concern. It is something that would be preferred. They negotiated a minor widening of the street with the Fire Marshal. He would be willing to remove this from the proposal.

Acting Chair Rodriguez stated a survey identified that the pool was over the property line and she asked how this affected filling in the pool and the easement. Mr. Holden stated he was not sure about the accuracy of the survey.

Mr. Rob Sandusky made the following comments:

- He is the neighbor to the west.
- He is requesting that the repaving be extended (an additional 125 square feet of pavement) to the seam where drainage goes below the road. Large trucks turn around in this area and the road has become damaged.
- They are looking forward to the project moving forward.

Mr. Ian Davidson, Toyon Road, made the following comments:

- He lives on the opposite side of the road.
- People park in the circular driveway and the headlights flood into his porch and living room area. This needs to be mitigated.
- The master bathroom window poses a major privacy issue between his carport and his house. Perhaps the height of the window could be raised or they could use textured glass.

Mr. Holden stated replacing a fence and installing some landscape screening would address the driveway issue.

Principal Planner Neal referred to the extension of paving and stated it would extend beyond the improvements and cover an existing roadway situation that the applicants have not created. They

would be required to repair any new damage caused by construction vehicles or they could voluntarily choose to pay for additional paving. She referred to Condition of Approval #2 (b) and stated they could add language pertaining to the sink area to the northwest of the upper portion of the circular driveway. Planning Director Berto reiterated the nexus issues and stated the neighbors could help out with the cost of the additional paving.

Acting Chair Rodriguez closed the Public Hearing.

Commissioner Swift provided the following comments:

- She referred to the idea of a fence to mitigate the headlights and asked staff if the applicant would need a Fence Variance. Principal Planner Neal stated "yes, if it were higher than six feet".
- The addition of shrubbery as a mitigation would require modifications to the Vegetation Management Plan. Principal Planner Neal stated the Fire Department will be re-reviewing the plans during the Building Permit stage.
- She referred to Condition #34 and stated this should not be a total prohibition but rather the applicant should be able to get approval from Fish and Wildlife about the construction timing.

Principal Planner Neal suggested the following wording for Condition #34: "Construction shall be prohibited...July 31st *unless a plan allowing for construction activities during this period is submitted by a qualified Spotted Owl Biologist and approved by the State Department of Fish and Wildlife with documentation of the approval provided to the Town prior to initiating any construction activities. All requirements listed in the plan including potential on site monitoring must be met by the applicants at all times*".

Commissioner Kehrlein provided the following comments:

- They have done a fantastic job. She commends the effort.
- They have had to work through quite a few issues.
- She likes the design.
- She has a concern about the white color- perhaps it could be softened (off-white) particularly on the side elevations.
- The front is broken up with the wood siding.
- She likes the juxtaposition of the wood siding and the stucco.

Commissioner Newton provided the following comments:

- She agreed with the comment about the color- it should be a more natural earth tone and blend into the hillside.
- The front side of the house looks fine.
- She referred to the Resolution, page 3, under Tree Permit, and stated there should be a reference to the Tree Preservation Protection Plan and the Vegetation Management Plan.

Commissioner Gonzalez-Parber provided the following comments:

- She agreed with the comments about the color.
- This is a great design.
- They might want to carry over the cedar look to the sides.
- Staff should be given the discretion to complete the Design Review process with the recommended changes.

M/s, Newton/Fragoso, motion to adopt Resolution No. 2020-02 with the following modifications: 1) On page 3, Condition #1 should refer to the Tree Preservation Protection Plan dated 2-1-2020, the Vegetation Management Plan dated 3-4-2020, the addition of a reference to the Olmes Plans dated 2-10-2020; 2) On page 4, Condition #2(b) shall include a requirement that the applicant shall pay particular attention to the sink area to the northwest of the circle driveway on Toyon; 3) On page 9, Condition #34, Principal Planner Neal's suggested language shall be inserted; 4) On page 9, Condition #37 shall be deleted and replaced by language indicating that further Design Review will

be performed administratively by the Planning staff with respect to the lighting as discussed and the more natural earth tone color for the stucco; 5) On page 9, Condition #38 will be added allowing staff to review and approve a method to screen the driveway lights such as a fence or landscaping; 6) On page 9, Condition #39 will be added requiring that the window in the upper story master bedroom shall be clerestory or textured glass; 7) On page 9, Condition #40 will be added requiring that the second story deck shall have horizontal cedar slats for privacy.

AYES: Fragoso, Kehrlein, Gonzalez-Parber, Newton, Swift, Acting Chair Rodriguez

ABSENT: Chair Green

(Through a roll call vote).

Principal Planner stated there was a 10-day (calendar) appeal period for this and the prior application.

3. 572 Cascade Drive; Application #20-4

Request for a Hill Area Residential Development, Design Review, Tree Removal, Excavation Permit to construct a 3,263 square-foot (included 603 square-foot garage), single-family residence; Assessor's Parcel No. 003-022-20; RS-6 Single-Family Residential Zone; Richard Rushton, Architect; George Pederson, owner; CEQA Categorically exempt per Section 15301(a) and (e)(1).

Principle Planner Neal presented the staff report. She referred to page 12 of the staff report and noted the following change: "The Ross Valley Fire Department conditions should read: "The project shall comply with the 2016 Fire Code, Chapter 7A and 2016 California Resources Code (R337) due to the site location in a Wildland Urban Interface Zone (WUI). All vegetation and construction material shall be maintained away from the residence during construction. Hydrant flow and location must be identified on the Building Permit plans prior to issuance of the permit. The width of Cascade Drive must be a minimum of twenty feet wide along the property frontage and must be asphalt or concrete capable of taking 50,000 pounds of vehicle weight. A fire sprinkler system shall be installed throughout the entire building in compliance with the National Fire Protection Association 13-D and local standards. The residence shall be provided with interconnected smoke detectors and with carbon monoxide alarms. Address numbers at least four inches tall must be in placed adjacent to the front door and in a location visible from the street and must be internally illuminated." She referred to Resolution No. 20-03, Condition #45, and suggested the following wording: "Construction shall be prohibited...July 31st *unless a plan allowing for construction activities during this period is submitted by a qualified Spotted Owl Biologist and approved by the State Department of Fish and Wildlife with documentation of the approval provided to the Town prior to initiating any construction activities. All requirements listed in the plan including potential on site monitoring must be met by the applicants at all times*". Condition #47 shall read: "A revised landscape plan...being removed and three Oak tree replacement locations must be identified

Commissioner Newton asked why the recommendation is for four, instead of 23 replacement trees since the Tree Ordinance discusses a minimum ratio of one to one. Principal Planner Neal stated the Commission can increase that number if they choose but she was not sure there was enough space for 23 trees.

Commissioner Swift stated she wanted to make sure the fire truck widening could be built without impacting the culvert pipe under Cascade Drive. Principal Planner Neal stated this was up to the engineers to figure out.

Commissioner Gonzalez-Parber asked if an exterior lighting plan was submitted. Principal Planner Neal stated "yes"- they are only proposing two lights. It is shown on Sheet A7.1 and the details are on the architect's handout. Commissioner Gonzalez-Parber asked about the materials board. Principal Planner Neal stated it was emailed to the Commission. Commissioner Gonzalez-Parber referred to the Miller Pacific May 4th report that states some of the questions or comments were not

resolved and asked if they would be dealt with at the Building Permit stage. Principal Planner Neal stated "yes".

Commissioner Kehrlein referred to the grading and asked if there was a breakdown. Principal Planner Neal stated it should be in the Engineering Sheet C3.0. Commissioner Kehrlein asked if the applicant was asked to better balance the cut and fill (reduce the off-haul and deposit more on the hillside). Principal Planner Neal stated "no". There was a lot of concern about restoring the natural drainage swale.

Acting Chair Rodriguez asked how the Municipal Code addresses hooking into the sewer system as opposed to installing a septic system. Principal Planner Neal stated the Sanitary District cannot run the sewer line to this property without building a large pump station due to the gradient change. Acting Chair Rodriguez asked if the applicants performed drainage calculations in terms of run-off into the creek and the impact. Principal Planner Neal stated there were two features that slow the water down before it goes into the creek. All the various environmental agencies have reviewed the plans.

Acting Chair Rodriguez opened the Public Hearing.

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

- The project is on the uphill side of the road and the face of the building is about 50' back from the edge of the road paving.
- The siting of the building takes advantage of the existing driveway that will now serve the three-car garage in the basement.
- The main floor has two bedrooms and a study; the next floor up is the main living space including the master bedroom, clerestory windows
- The south facing roof will have photovoltaic panels.
- The east elevation has a variety of materials including horizontal (light gray) and vertical (dark gray) siding.
- The composition works.
- The left hand side includes the patio and retaining wall that allows for bedroom number three.
- The north elevation includes a patio adjacent to the kitchen area.
- There is a new exterior lighting plan.
- The landscape plan includes fruitless Olive trees along the edge of the upper driveway.
- The soffit underneath the deck has been removed and replaced with three struts coming off the corner of the building.

Commissioner Kehrlein asked Mr. Rushton asked about the height of the front elevation. Mr. Rushton stated it was under the height limit. Commissioner Kehrlein asked Mr. Rushton is they considered a different color for the garage doors- white is too bright. Mr. Rushton stated they could consider another color and perhaps submit a solution to staff during the Building Permit stage.

Commissioner Fragoso stated she visited the site and the neighbor's home seem much closer to the project than what is indicated on the plans. She asked Mr. Rushton about the distance between the corner apex of the deck and the neighbor's driveway. She asked if the garage could be located to the left of where it currently is proposed. Mr. Rushton stated the applicant owns the property to the west and has no concerns. The suggestion to move the garage over would result in a major redesign.

Commissioner Swift referred to Sheet A4.1, the second floor diagram, the wording "open to garage below", and asked Mr. Rushton what that meant. Mr. Rushton stated it was a tall space to accommodate the trucks- this is showing that volume in the garage. Commissioner Swift referred to the septic system and the additional holding capacity and asked if the house was design to have any back up power in the event of a power outage. Mr. Rushton stated there is a back-up generator.

Commissioner Gonzalez-Parber asked Mr. Rushton if they thought about breaking up the mass on the street side and stepping it back. There is a high, vertical plane on the street side. Mr. Rushton stated they did not explore this. They felt the projecting balcony and deck and the difference in the garage planes would create interest and break down the scale. Commissioner Gonzalez-Parber asked about the height of the vertical wall on the street side and the top plate height of the upper level. Mr. Rushton stated it was 26' feet. Commissioner Gonzalez-Parber asked about the highest point of the upper level from finished floor to the top plate of the living area. Mr. Rushton stated it was 11'4" on the west side and it slopes up to a 2:12 to allow for the clerestories on the east side. Commissioner Gonzalez-Parber asked why a large military vehicle was being stored in a residential neighborhood. Mr. Rushton stated the owners have hobbies. Commissioner Gonzalez-Parber asked about the plan for the exterior lighting. Mr. Rushton stated it started off as a minimal plan but he ended up doubling or tripling the number of lights.

Mr. Vlad Iojica, Civil Engineer, made the following comments:

- He presented the site work being proposed.
- Balancing the cut and fill is an engineer's target. It is a challenge on a steep site.
- He referred to Sheet C.3 and stated the majority of the 690 cubic yards is generated by the excavation for the pad house. The other amounts are insignificant.
- The site includes a system that conveys the water from the western property line towards the opposite corner to the street consisting of a catch basin capturing water from up the hill. The agencies reviewing the drainage plan agreed the proposed plan will be an improvement.
- The water being generated during post development conditions will not exceed the runoff under the current condition.
- The detention basin will store the water and release the water at a slower rate.
- Water is being released along the frontage through the dissipater (in an un-concentrated way to a larger area).
- They will look into the capacity of the existing 12" diameter culvert pipe to accommodate the flows and the loads from the fire trucks.
- They are removing 23 trees from the site and planting eight new trees. The majority of the site will remain untouched and contains mature trees.
- Trees identified by the arborist as diseased or in poor health would be removed.
- He stated they would submit a revised landscape plan.

Principal Planner Neal referred to the wooden retaining wall on the uphill side of the existing driveway that is being replaced and asked if there was be an attempt to minimize the appearance with texturing, etc. Mr. Iojica stated he was thinking of replacing it "in kind" with timber. It is about 3 ½ feet tall and will stay the same height.

Commissioner Fragoso asked where the septic tank would be located. Principal Planner Neal stated the two tanks would be located under the driveway. Commissioner Fragoso asked about the location of the bioswale. Mr. Iojica stated it would be between the driveway and the road. Commissioner Fragoso asked about the location of the detention basin and how the water was released (a pump, etc.). Mr. Iojica pointed it out on the plans and noted the system works on gravity. Commissioner Fragoso asked about the capacity of the basin. Mr. Iojica stated he would need to review the report.

Commissioner Newton asked about the area that would be "left in its natural state". Mr. Iojica pointed it out on the plans. He reiterated they will be resubmitting a revised landscape plan showing the location of the two replacement Oak trees.

Commissioner Fragoso stated it would take seventy trucks to off-haul 690 cubic yards of soils with ten yard trucks. She asked about the daily volume, the amount of time it would take, and the route

they would take. Mr. Iojica stated there was a Construction Management Plan and the excavation could go on for more than several weeks.

Acting Chair Rodriguez asked if Mr. Iojica calculated the existing vs. proposed amount of drainage from the site to be equal. Mr. Iojica explained the calculations and the purpose of the detention basin.

Commissioner Gonzalez-Parber asked Mr. Iojica to clarify the road width. Mr. Iojica the public right-of-way is forty feet wide and the pavement width varies along the road. It is about twenty feet wide in front of the property.

Principal Planner Neal read an email from Ms. Linda Novy, Cascade Drive, asking where the vehicles currently parked on the site would be parked during construction. She indicated the height of the proposal feels quite large and imposing.

Principal Planner Neal read an email from Mr. and Ms. Stephen LaDyne expressing concern that the structure would loom high over the street. The design has a continuous three story face at the front of the building and an unusual angular deck jutting over the driveway.

Mr. Rushton made the following comments:

- They received five letters of support.
- There were thirteen trees that the Ross Valley Fire Department wanted removed. Eight have been put back into the plan within the defensible area leaving five additional trees. They discussed putting them beyond the defensible zone but it will be difficult meeting the canopy clearances.

Ms. Pederson made the following comments:

- She is the daughter of the owner and lives on the adjacent property.
- She gave some background to the project.
- She appreciated the suggestions on how to improve the project.
- Her father and uncle repair vehicles as a hobby.
- The property is well maintained and not a "junk yard".

Mr. George Pederson, owner, made the following comments:

- There is plenty of parking in the area.
- The frontage area is clean.
- They want to work on vehicles in a large garage/shop.
- They received letter of support from the neighbors.

Acting Chair Rodriguez closed the Public Hearing.

Acting Chair Rodriguez asked Principal Planner Neal if vehicle repair was consistent with the Zoning designation of this property. Principal Planner Neal stated there was a fine line between a hobby and a business. Staff has never received a complaint about a business occurring in this area.

Commissioner Fragoso provided the following comments:

- There are many things about the design that she likes.
- It is attractive.
- She is disappointed that the historic Oak tree in front is being removed.
- One item yet to be resolved is the easement from the Town for the use of the right-of-way. Principal Planner Neal stated the paving and would entail an Encroachment Permit that is issued by the Public Works Department. Encroachment permits from the Planning Commission are only required for structures.
- There are a lot of items that needs to be redesigned.

- They need to discuss the pedestrian access to the property.
- She is leaning towards a continuance.

Commissioner Swift provided the following comments:

- She could support replacing eight of the eleven trees.
- She understood the need for a large garage door and having it facing the front of the site.
- Any vehicles that can be put in a garage is good for the neighborhood.
- The large Olive trees will block the view of the front of the house from the street.
- She could support the revised deck design.
- She could approve the project tonight.

Commissioner Gonzalez-Parber provided the following comments:

- This is a beautiful design. It is very elegant.
- This is not the right neighborhood for this style. It feels out of character.
- She is concerned about the massing- it would be imposing and looming.
- A three-story front is not appropriate for this neighborhood that is full of cozy cabins and recessed structures.
- She understood the owner's had hobbies but they could have a workshop that is a standalone structure that is not driving the design. The function of the hobby should be separate from the main house.
- The project needs to be more respectful of its surroundings.
- She would vote to continue this project- it should be less massive and imposing.

Commissioner Kehrlein provided the following comments:

- She likes the design but there are issues that need to be worked out.
- The white color accentuates the large garage door. It is too bright.
- She is concerned about the height of the front façade- it is imposing.
- She is concerned about the amount of grading and off-haul.
- She received a text from Chair Green stating he is concerned about the tree replacement ratio, the white garage doors, and the triangular design of the deck.
- She is in favor of a continuance.

Commissioner Newton provided the following comments:

- She is concerned about the mass of the structure over the shorter garage- it should be stepped back.
- She likes the articulation at the top of the structure with the clerestory windows.
- She does not mind the unique deck design.
- She would like to see the revised landscape plan.
- She is in favor of continuing the project.

Acting Chair Rodriguez provided the following comments:

- This is almost a rural road with no sidewalks or gutters and the creek on one side.
- The homes on the creek side are very modest.
- The top plate height of eleven feet could be reduced.
- The garage is too dominant. The colors do not help.
- She would like to see more rural landscaping.

Acting Chair Rodriguez asked Mr. Rushton or Mr. Pederson if they were willing to accept a continuance or if they wanted the Commission to vote tonight. Principal Planner Neal stated the applicant would need to agree verbally tonight and ultimately in writing to a continuance to a date uncertain and to waive the requirements of the Permit Streamline Act. Mr. Pederson agreed.

M/s, Newton/Fragoso, motion to continue Application #20-4, 572 Cascade Drive, to a date uncertain, to allow the applicant to redesign the project subject to the Commission comments.

AYES: Fragoso, Kehrlein, Gonzalez-Parber, Newton, Acting Chair Rodriguez

NOES: Swift

ABSENT: Chair Green

(Through a roll call vote).

Commissioner Kehrlein left the meeting at 12:45 a.m.

Discussion Items

4. Discussion Objective Design and Development Standards

Planning Director Berto presented the staff report. The Commission will receive an invitation to the May 27th Objective Design and Development Standards Workshop starting at 6:30 p.m. It will be facilitated by Opticos, a design and outreach firm, who will provide the details of how the meeting will be run. The virtual meeting will include a presentation, a video, and a survey. Commissioner Swift asked if this will be a public workshop for the community. Planning Director Berto stated "yes", but it is informational. Commissioner Swift asked staff to do as much outreach as possible. Commissioner Newton asked if there would be other meetings/workshops. Planning Director Berto stated "yes".

Minutes

5. Minutes from the April 16, 2020 Commission meeting.

M/s, Fragoso/Swift, motion to continue approval of the April 16, 2020 minutes to the next meeting.

AYES: Fragoso, Gonzales-Parber, Newton, Rodriguez, Swift, Chair Green

ABSENT: Kehrlein, Chair Green

Planning Director's Report

Planning Director Berto stated staff sent out a Request for Proposal (RFP) to architectural firms for the historic preservation study. The ad hoc committee of Chair Green, Commissioner Fragoso, and himself will make the selection.

Commissioner Comments and Requests

There were no comments.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 12:55 a.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary