

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

Call to Order/Roll Call:

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

Commissioners Present: Shelley Clark
Norma Fragoso
Philip Green (Chair)
Mimi Newton
Michele Rodriguez
Cindy Swift

Commissioners Absent: Esther Gonzalez-Parber

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

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

REGULAR AGENDA ITEMS

1. Proclamation in honor of outgoing Commissioner Laura Kehrlein

Chair Green read the Proclamation in Honor of Commissioner Kehrlein.

The Commission thanked Commissioner Kehrlein for her many years of service.

M/s, Fragoso/Newton, motion to adopt the Resolution in honor of Commissioner Laura Kehrlein.
AYES: Clark, Fragoso, Newton, Rodriguez, Swift, Chair Green
ABSENT: Gonzalez-Parber
(Through a roll call vote).

2. Administer Oath of Office to newly appointed Planning Commissioner Shelley Clark

Planning Director Berto administered the Oath of Office to newly appointed Commissioner Clark.

The Commission welcomed Commissioner Clark.

Call to Order/Roll Call:

Chair Green called the Joint Special Meeting with the Open Space Committee to order at 7:25 p.m.

Commissioners Present: Shelley Clark
Norma Fragoso
Philip Green (Chair)
Mimi Newton
Michele Rodriguez
Cindy Swift

Commissioners Absent: Esther Gonzalez-Parber

Committee members:
Present Michael Ardito
Chance Cutrano
Jack Judkins
Jonathan Sicroff

Committee members
Absent: Susan Pascal Beran (Chair)
Chris Borjian
Brad Handel
Ruth Horn

DISCUSSION ITEM

1. Presentation of background history of Zoning Ordinance and 1974 General Plan Visual Resources Map No. 9 and 2010-2030 Fairfax General Plan Map of Visual Resources, Information and programs referenced in this regards in those documents

Planning Director Berto presented a staff report.

Commissioner Fragoso stated Visual Resources Map No. 9 is the title of the map from the 1970's, however the current Zoning Ordinance refers to it as Map of Visual Resources and does not include the number nine. Planning Director Berto stated the current General Plan calls it the Map of Visual Resources.

Chair Green stated the Zoning Ordinance, Section 17.060.020, calls it Visual Resources Map No. 9 and he asked if this is the 1974 map. Planning Director Berto stated the same map is referred to in several ways.

Commissioner Newton stated the intent in the 2010 General Plan was to make OS-1, the Map of Visual Resources, the same map that had been used in 1974. She asked if they could agree that

the reference to Visual Resources Map No. 9 is to the Visual Resources Map in the 1974 General Plan. The goal is to update and digitize a map. Staff is asking them to now refer to a georeferenced map. She stated they should not try to fix something that is not broken. A digitized and georeferenced map is a good aid for residents to understand how ridgelines are connected and where their property is located. She recommends that they not necessarily create a map and give it the name that is in the ordinance. They could create a new digitized georeferenced map and amend the ordinance to refer to that new map.

Committee member Judkins stated the Open Space Committee concluded there is no ambiguity- this map was tracked down and bears the title referenced in the Ridgeline Ordinance. He is concerned about amending an ordinance thereby giving the appearance they are trying to change it. The Ridgeline Ordinance was amended after 2010 and they did not think to update the reference to the map.

Commissioner Rodriguez stated the General Plan and the code are referencing the same document and this is an administrative change that the Planning Director can implement. She supports staff using the digitized maps for projects that come forward. She asked the committee about the code as it relates to some of the core issues in Attachment C. There is some language that should be codified into the code to make it clear about what is and is not allowed. Attachment A now has the Town of Fairfax boundaries and they should keep this planning area map- it should not be reduced down since they should be thinking much broader.

Committee member Judkins stated the committee agreed that the map should include the entire planning area. The scenic roadways are relevant to the Ridgeline Ordinance in assessing visual impacts. The 2010 General Plan includes a grid of tasks including a review of the Visual Resources Map by the Planning Commission and the Open Space Committee. He is of the opinion that there are some visually distinctive areas, from various recognized viewpoints, that could be added to the map.

Commissioner Newton stated this discussion relates to how the Ridgeline Ordinance works. It is important to understand how the definitions in the ordinance are used with respect to “prohibiting” or “limiting” certain types of development in proximity to the ridgelines. There is also specific language in Section 17.060.020 (Definitions) with respect to “horizontal links” and “perpendicular links” and these “links” might be more important than the map. Principal Planner Neal agreed it is difficult to describe verbally and she recommended creating a diagram.

Commissioner Swift asked if there was a copy of the 1974 General Plan in Town Hall. Principal Planner Neal stated she was given a copy of a General Plan and in the front it is written “Adopted 10-1-74, Updated 1976 and 1981, new Housing Element adopted 1990”.

Commissioner Swift asked staff if the digitized map was accurate and how it was prepared. Planning Director Berto stated they took a large format photograph of the 1974 map and the GIS specialist stretched it and compared identifiable features on the map to known physical features obtained from lidar. It takes what was done in 1974 and makes it more accurate and provides the ability to use it in relation to parcels.

Committee member Cutrano stated the recommendation from the committee was to keep the current Visual Resources Map No. 9 and make the names concurrent. The ability to layer georeferenced data over Marin Maps could be a supplemental or an aid to the current map referenced in ordinances. He asked staff if that would satisfy their needs when dealing with applicants.

Planning Director Berto stated it would be difficult to apply parcel specific information using an image from the 1970's. They can do what they want with the titles but he would prefer to have the same title in the current applicable regulations and policies.

Committee member Judkins referred to Planning Director Berto's suggestion to have the maps labeled the same which would require an amendment and stated it would need to be clear that this is an administrative step and not a change in the existing ordinance. They are not changing the ordinance- they are taking a map and digitizing it.

Ms. Jill Templeton, GIS Specialist, stated a lidar flight was done throughout the County in 2010. It collected elevation data for every half centimeter of the County. The Digital Elevation or Terrain Model gives them a pixel by pixel model from which they can derive stream courses, ridgelines, etc. They overlaid the Visual Resources Map No. 9 and plotted control points to the digital elevation model. It is a very close representation that allows an entity to overlay parcels, geologic hazards, roads, zoning, etc.

Commissioner Fragoso asked Ms. Templeton if she agreed that there have been no changes to the map and the overlay does not change the situation on the ground in any way. Mr. Templeton stated "yes".

Commissioner Swift asked if the maps were accurate with respect to the referenced definitions of horizontal and vertical distances. Ms. Templeton stated "yes".

Committee member Judkins asked Ms. Templeton if any of the lines changes. Ms. Templeton stated the ridgelines are well represented in the 1974 map. They did not change and are a little bit more defined.

Committee member Cutrano asked if there were any parcels that fall out of the ridgeline that were originally perceived to be in the ridgeline. He asked if there was consistency. Ms. Templeton stated it is pretty consistent. A survey could be done to confirm the parcel mapping but she has a lot of confidence in the ridgeline mapping.

Commissioner Rodriguez stated when she compares the 2012 General Plan Attachment "B" and the 2020 digitized map she could see differences in the location of the scenic ridge corridors. She asked if that was due to the slope of the property. Ms. Templeton stated there were two different things to consider- what can be seen from the ridge and where the ridge can be seen from somewhere in Town. The focus was on the red lines and not the edges of the green lines.

M/s, Fragoso/Rodriguez, motion to adjourn the Joint Special Meeting and reconvene the Regular Commission Meeting.

AYES: Clark, Fragoso, Newton, Rodriguez, Swift, Chair Green

ABSENT: Gonzalez-Parber

(Through a roll call vote).

PUBLIC HEARING ITEMS

1. Consideration of digitized/georeferenced version of the Zoning Chapter 17.060 Ridgeline Development Visual Resources Map No. 9

Chair Green stated it would be appropriate to receive input from the public.

Chair Green opened the Public Hearing.

Breanna made the following comment:

- She asked if the ridgeline has been adjusted with the new map.

Ms. Jessica Green made the following comments:

- She stated the original map included a mylar overlay with all the streets.
- This would make the original maps more understandable.

Chair Green closed the Public Hearing.

Commissioner Rodriguez provided the following comments:

- The staff recommended change could be done administratively.
- The digitized map could be used by staff to help with developers.
- She did not think there was a need to reopen the Zoning Ordinance.
- Chapter 17.060, Ridgeline Development, is an inadequate document. There are missing definitions including “visually significant areas”, “gateways”, “view vistas”, and others.
- Section 17.060.050, Criteria for Review of Application, needs to be rewritten.

Chair Green provided the following comments:

- There seemed to be a consensus among Commissioners that the newly digitized map was a useful tool for staff.
- There is some merit in renaming the Visual Resources Map No. 9 to conform to the name that is in the current ordinance. This could be done with a footnote.
- They do not want to give the appearance that they are amending the ordinance.
- There should be a more formal resolution process to amend the language of the name of the map.

Commissioner Swift provided the following comments:

- The Visual Resources Map needs to include the Fairfax Planning Area.
- It is confusing when the Zoning Ordinance has a map with a different name than what is in the General Plan. These two need to be aligned.

Commissioner Fragoso provided the following comments:

- There was a concern, originally, that there was a snafu with the maps. They now know that is not the case. The maps are one in the same.
- The only real discussion is that staff needs to use an overlay of the Town boundaries and parcels.
- There is no need to amend the General Plan or Zoning Ordinance. A note to the file would suffice.
- This is not the type of thing that requires a complicated resolution.
- They should “call it a day” on this topic.

Commissioner Newton provided the following comments:

- She wants to be considerate of staff and give them the tools that would enable them to guide applicants.
- There is a simple fix.
- It was a mistake to not carry over the names of the 1974 General Plan Maps into the 2010 General Plan. The Figure OS-1 Map is the same as the Visual Resources Map No. 9.
- They can amend the General Plan to add the name “Visual Resources Map No. 9” to what is currently marked as OS-1. This would provide some clarity.
- She agreed with Commissioner Rodriguez that the geo-referencing and digital manipulation of that map by staff could be accomplished administratively.

Chair Green provided the following comments:

- It might be more difficult to amend the General Plan.
- He asked if it would be possible to make an administrative change in the definitions of Chapter 17.060.020. Planning Director Berto stated he would refer the matter to the Town Attorney.

Commissioner Swift provided the following comment:

- She supported Commissioner Newton's suggestion of changing the General Plan.

Chair Green re-opened the Public Hearing.

Mr. Frank Egger made the following comments:

- The 1974 Maps had a mylar overlay for every parcel and every street.
- The bound 1974 General Plan Open Space Element should be in Town Hall.
- There is a project currently going through the CEQA process and they should not change what they have.

Chair Green closed the Public Hearing.

Ms. Templeton stated there is a layer in Marin Maps that includes the building footprints as well as the parcels. This would allow staff or a property owner to use the digitized version of the Visual Resources Map to see the location of a building footprint. This is an advantage of the digital technology.

Commissioner Swift provided the following comment:

- She asked staff to come back with information on the process for changing the General Plan.

Commissioner Fragoso provided the following comment:

- They will be amending the General Plan soon and perhaps they should wait until that process occurs.

- 2. 572 Cascade Drive; Application #20-4 (Continued from 5/21/20 PC Meeting)
Consideration of a request for a Hill Area Residential Development, Design Review, Tree Removal, Encroachment and Excavation Permits for an amended project to construct a 3,262 square-foot (includes 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 15303(a).**

Principal Planner Neal presented the staff report.

Commissioner Rodriguez noted the property would be using a septic system and she asked about the distance to the closest public utility. Senior Planner Neal stated the code requires a hook-up if the project is within 400 feet. The project is further than 400 feet and she was told by the Ross Valle Sanitary District that the elevation change would make it difficult to run a sewer line to the houses at the end of Cascade that are past 500 and 525 Cascade Drive.

Commissioner Rodriguez stated the applicant had previously stated that they work on vehicles on the property. She asked about the land use implications and home occupations. Principal Planner Neal stated the term "home occupation" denotes making money by providing a service. There is no indication that residents are fixing cars for money. It is a hobby and does not qualify as a "home occupation".

Commissioner Rodriguez asked about the jurisdiction and requirements for on-site retention and directing water to the creek. She asked if a property owner can drain directly into the creek. Principal Planner Neal stated the natural hillside drains to the creek. The Fish and Wildlife

Department is concerned that there is no increasing in the speed of the water and that there are no man-made pollutants in the water or extra sediment that would not otherwise natural make its way to the adjacent creek.

Chair Green asked if the large garage door would be visually less obtrusive if it were a darker color. The retaining walls should also be a less obtrusive color such as green. Principal Planner Neal stated the applicant could answer this question.

Chair Green opened the Public Hearing.

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

- They would be willing to change the colors suggested by Chair Green They could be a darker color.
- They are both retired and do not plan to make money fixing vehicles.

Commissioner Rodriguez referred to the Landscaping Plan, Sheet L1.1, and asked about the plant sizes listed in the planting legend.

Commissioner Fragoso stated the garage door seems a bit smaller and she asked if the transom windows were new. Mr. Rich Rushton, architect, stated the windows were added to articulate the space. Commissioner Fragoso asked if the owner's vehicles will be stored on site and not on the street during construction. Mr. Rushton stated he did not think there would be any of the owner's vehicles on site during construction.

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

- The retaining wall will be a natural concrete color and thus more muted. They can add lamp black darken it down.
- The garage door is ten, and not eighteen feet high as indicated in the staff report.
- The building is set back 50 feet from the edge of the road paving.
- The height at the front wall has been reduced to two-story. This reduces the scale of the building as seen from the street.
- They pushed the third floor back northward by eleven to twelve feet giving the building a stepped appearance.
- The kitchen area is now located on what was previously the northern patio area. The patio has been relocated to the east of the kitchen.
- They have no objection to some type of overhanging trellis which could be done using the same materials they are using for the transparent railing.
- There are numerous three-story homes on Cascade Drive.
- The building is now four feet under the height limit at the highest point.
- The siding colors have been darkened from the previous submittal.
- Fascias and gutters match the roofing colors and wire railings will be galvanized metal with stainless steel wire.

Mr. Vlad Iojica, engineer, made the following comments:

- They will be able to use some of the excavated materials on the site leading to a reduction in the export.
- The Landscape Plan was preliminary and he would need to talk to the arborist about the plant sizes.

Chair Green asked about replacement trees. Mr. Iojica stated trees removed would be replaced on a one-to-one ratio. Eleven trees would be removed.

Chair Green asked about the nature of the vehicles that would require such a large garage. Mr. Pederson stated the garage was for storage and for regular vehicles and pick-up trucks. He

reiterated that the garage was ten, and not eighteen feet tall. There is no industrial or commercial purpose for the garage.

Commissioner Rodriguez referred to the June 29th memorandum from Mr. Rushton, page 5, and had a question about the proposed colors. Mr. Rushton stated the siding would be the two colors at the top of the color board. The concrete color is not included on the color board.

Principal Planner Neal read a letter from Mr. Stephen LaDyne, Cascade Drive, stating the following:

- He supports the applicant's right to develop the property assuming it blends in with the rural character of the neighborhood.
- He was glad to see the design modifications that reduced the visual massing at the street level.

Chair Green closed the Public Hearing.

Commissioner Swift provided the following comments:

- She likes the project.
- The changes enhance the project.
- She is happy with the colors.
- She does not think the requirement for a trellis to mitigate the look of the garage is warranted.
- She supports the project.

Commissioner Newton provided the following comments:

- She appreciated the changes.
- The design is now more harmonious.
- She asked staff about a septic tank ban and other approvals for septic tanks. Principal Planner Neal stated the code no longer bans septic. The requirement is that the project has to hook up if it is within 400 feet of a sewer system. This septic system has been approved by the Marin County Health Department.

Commissioner Fragoso provided the following comments:

- The transom windows were a nice addition- it lessens the impact of the size of the door.
- She would not require some type of trellis or hanging vine- it would detract from the contemporary architecture.
- She commended the applicant on the substantial reduction of off-hauling.
- She supports the project.

Commissioner Swift provided the following comments:

- She referred to Resolution No. 2020-03, page 3, #12 and #1(a), and stated the reference to the trellis should be deleted; on page 5, Condition #11, the last sentence should be deleted; on page 6, condition #18, the reference to Toyon, Oak, and Laurel should be deleted; on page 9, #45 should read July 31st; on page 9, #47 should read the replacement of 11 trees.

Commissioner Rodriguez provided the following comments:

- She asked if Tree Removal Findings should be included in the resolution.
- The resolution should refer to the January 23, 2020 Tree Committee recommendation of approval.
- She referred to Resolution No. 2020-03 and recommended the following changes: On page 3, #1(a) should include a reference to the letter from Dennis Furby that had the final geology review and slope maintenance procedures; the coloring of the concrete should be added; Condition #11 should include the biology report regarding Spotted Owls and require a permit from the California Department of Fish and Wildlife and the recommendations contained in the report shall be added as conditions to the project; Condition #46 should include a requirement for Night Sky and

downward lighting; Condition #47 should specify that the replacement Oak trees should be a variety of sizes including 15-gallon and 24 inch box based on the arborist's review.

Chair Green provided the following comments:

- He appreciated the graphic representations provided by the applicant.
- This is a much improved design.
- They have made efforts to comply with the codes and conform to the neighborhood look and feel.
- He referred to Resolution No. 2020-03, page 4, Condition #9, and asked that it specify that the concrete colors should be darkened with a green or black color.

Commissioner Newton provided the following comments:

- She continues to be concerned about the septic system.
- She referred to Resolution No. 2020-03, the first "Whereas" and stated the address should be added; on page 9, Condition #39, the word "if" should be "in"; Condition #40 should read "the other".

Commissioner Fragoso provided the following comments:

- She asked about a condition pertaining to construction hours. Principal Planner Neal stated those are contained in the Noise Ordinance.
- The resolution should contain the specific days and times. Chair Green stated the code section could be added as Condition #20.1

M/s, Rodriguez/Fragoso, motion to adopt Resolution No 2020-03 with the following modifications: The first "Whereas" shall include the project address; on page 3, Condition #1(a) should include the Dennis Furby letter dated 3-31-20, the Tree Committee recommendation dated 1-23-20, a provision to add lampblack green or a color similar to the natural surroundings to the concrete, and deletion of the reference to the trellis: on page 5, Condition #11, the last sentence should be deleted; on page 6, condition #18, the reference to Toyon, Oak, and Laurel should be deleted; on page 7 the Noise Ordinance code section specifying construction days and times should be added as Condition #20.1; on page 9, Condition #31, the word "if" should be "in", Condition #40 should read "the other", Condition #45 should read July 31st; Condition #46 should include a requirement for Dark Sky and downward lighting, Condition #47 should read the replacement of 11 tree and the Oak trees shall be 24 inch box.

AYES: Clark, Fragoso, Rodriguez, Swift, Chair Green

NOES: Newton

ABSENT: Gonzalez-Parber

(Through a roll call vote).

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

The Commission took a 5-minute break at 10.45 p.m.

3. 1573 Sir Francis Drake Boulevard; Application #20-5 (Continued from 6/18/20 PC meeting) Permit for an outdoor seating area adjacent to an existing restaurant; Assessor's Parcel No. 002-213-10; Highway Commercial CH Zone; Lori and Bryan Brucker, applicants/owners; CEQA categorically exempt per Section 15301(a) and 15303(e).

Principle Planner Neal presented the staff report. She discussed the changes made to the application.

Commissioner Rodriguez asked about the differences in the plan contained in the packet and the revised plan. Principal Planner Neal stated they did not have time to submit a revised plan. She

displayed a marked up plan and stated Table #2 was being relocated from near the barn to the car wash side of the lot and the vegetation planters are being replaced with a six-foot tall, solid wood fence. They have agreed to keep twenty six foot wide driveway width. Chair Green asked if the fence would accommodate the twenty six feet. Principle Planner Neal stated "yes".

Commissioner Rodriguez asked how many seats were originally proposed vs. what is currently being proposed. Principal Planner Neal stated the revised table count would accommodate 38 people. Principal Planner Neal stated the old plan had three small tables (two-seaters) in the front and they are now proposing five, and had two picnic and three small tables at the back of the restaurant and they are now proposing seven tables with only one table at the rear of the building in response to neighbor's comments. The Temporary Use Permit was for six picnic tables. The new plan has seven.

Commissioner Fragoso asked if they were doing the circular, one-way entrance- in on the east and out on the west. Principal Planner Neal stated the applicants should answer that question. Commissioner Fragoso asked if this was the interim or permanent plan. Principal Planner Neal stated it is the permanent plan that would go into effect when the COVID-19 distancing requirements were lifted.

Chair Green asked if the proposed saw horses would be chained to the ground. Principal Planner Neal stated she thought they had to be movable but he should ask the applicant.

Commissioner Newton referenced the ingress and egress configuration and stated the left hand turn off of Sir Francis Drake into the property should occur further along due to the Sleepy Hollow traffic. Making the left hand turn between the car wash and the lodge would make more sense. Commissioner Swift asked if this was reviewed by the Town Engineer. Principal Planner Neal stated "no" since the entrance and exit was not changing.

Commissioner Rodriguez asked about the location for bike racks. Principal Planner Neal stated she should ask the applicant.

Chair Green opened the Public Hearing.

Mr. Brian Buckner, applicant/owner, made the following comments:

- They went to great lengths to try to address the Commission's and the neighbor's concerns.
- They submitted a clear drawing but did have a couple of last minute changes.
- They are trying to get the permanent plan approved due to the on-going uncertainty.
- The vehicular entrance is on the east side and the exit is on the west side.
- There have been no problems with traffic or vehicular flow.
- There is a minimal amount of traffic entering the property.
- The teachers at the child care center occasionally use the driveway as an easement to access their parking spots. There is no parent drop-off and pick-up on the Lodge property.
- They are not getting rid of the planters but the beer kegs are gone.
- They are going to use galvanized planters inside of the fence with bike racks along the fence.
- There are no tables in the Redwood grove.
- They tried to move everything on the car wash side to alleviate the noise issue.
- The table by the barn has been moved to the west side by the car wash.
- The sawhorses are simple barricades to keep people from going onto the day care property.

Chair Green referred to Addendum "B" and asked Mr. Buckner if they would change language on the signs about the boundaries- it is soft and ambiguous. He suggested the following: "Please respect our neighbors and stay within the Lodge boundaries. Thank you for being mindful." The font should be larger. Mr. Buckner stated he would be happy to make this change.

Commissioner Rodriguez asked about the purpose of the six-foot solid fence. Mr. Buckner stated it is to help traffic, mitigate sound, and provide some privacy and has been proposed in response to the neighbor at .

Commissioner Newton asked about the plan for the bike racks. Mr. Lori Buckner stated there were bike racks in the front and some racks behind the fence.

Chair Green asked Mr. Bucker if he communicated with his neighbor. Mr. Bucker stated “yes”. He has tried to accommodate the neighbor’s concerns.

Mr. Jim Donahue (16 Ramona Drive, San Anselmo) made the following comments:

- He is the neighbor to the southeast.
- Working with the applicant has been good and they got a lot accomplished.
- He has concerns about the patio area and wants that table removed.
- He wants a visual wall between his property and the patio area.
- He does not want cyclists to congregate in that area.
- He played a video.
- He is concerned about the overall density.
- He has pictures of people leaving the Lodge and using the day care facilities.

Commissioner Fragoso asked Mr. Donahue where his house was located. Mr. Donahue pointed it out on the map.

Ms. Lori Bruckner made the following comments:

- There are currently two tables on the patio and they are proposing to move one.
- The fence will provide a lot of privacy for customers while also screening the area from the view of the neighbors. Also, the fence will help muffle noise.
- It would not make sense to have all the tables on one side of the property.

Principal Planner Neal stated the Commission has, in the past, specified that more than one complaint must come in from different addresses in order to schedule a formal review.

Chair Green closed the Public Hearing.

Commissioner Fragoso provided the following comments:

- She would like to see more detail on the fence that would be replacing the planters.
- She thanked the applicant for taking the Commission’s comments to heart.
- She asked if the 12’ sound wall indicated on the plan would help Mr. Donahue. Principal Planner Neal stated it was being installed for the neighbor directly to the south.
- She wondered if a wall or fence would help to screen Mr. Donahue if placed along the sawhorse line. Principal Planner Neal stated there was an easement for the day care center that allows them to enter their property and a wall or fence would block that access.
- She is concerned about the intensity of use and the safety of the narrow ingress/egress and in particular Table #7 and the new, small table near the low pony wall.
- She would like the following condition added to the Resolution: “The plan should include the elimination of Tables #2, #7, and the small table and two chairs placed outside of the retaining wall in the outdoor dining area”.

Chair Green provided the following comments:

- The wall and planters were a reasonable and expensive accommodation. It is worth a try.
- He did not realize how far Mr. Donahue’s house was from the subject property.
- He referred to Resolution No. 2020-04 and recommended the following changes: On page 2, Condition #1 shall read: “The project...*and must be revised to depict the correct traffic lanes,*

distances, and table placement.”; on page 2, Condition #2, add the following language: “If daylight saving time is abandoned then the dates will prevail.”; on page 3, Condition #8 shall read: “There shall be.....including the piping *or other transmission* of prerecorded music...”; on page 4, Condition #14 shall read: “This Conditional Use Permit...”Roadmap to Resilience *or other equivalent State plans* reaches...” and “The plans show tables.... to a 6 foot distance *and cannot be movable.*”; on page 4, Condition #15, the word “Control” is used twice.

Commissioner Rodriguez provided the following comments:

- She is not in support of the application.
- It is too dense in terms of the amount of seating and the relationship of the intensity of the people and the day care.
- The Alcoholic Beverage Control (ABC) Board probably does not know there is a day care next door.
- There is inadequate parking.
- They should continue to operate under the Temporary Use Permit and come back with a revised plan.

Commissioner Swift provided the following comments:

- She supports the application as submitted with the amended changes.
- The Lodge is a good addition for the local residents.
- She appreciates the efforts made by the owners and their cooperation with the neighbors.
- She referred to Resolution No. 2020-04 and recommended the following changes; the addition of Condition #18 that allows the eastern entrance sign to remain and removal of the western exit sign with replacement up to the applicant’s discretion; the addition of Condition #17: “The applicant will maintain a 6 to 12 inch mulch within the Redwood grove to minimize the impacts of people walking and sitting among the trees”.

Commissioner Newton provided the following comments:

- The barrier wall is a nice addition.
- She referred to Resolution No. 2020-04, Condition #14, and stated the second and third sentences should be deleted; on page 1, the word “an” shall be deleted from the title; on page 4, Condition #13 should include language indicating that entrance for vehicles shall be through the eastern driveway and the exit shall be through the western driveway; on page 3, Condition #13 shall state that the existing signs shall be removed prior to the issuance of the Conditional Use Permit.

Chair Green asked staff if they could continue this application. Principal Planner Neal stated the applicant would need to agree to a continuance and a 90 day extension of time for review under the Permit Streamlining Act processing time limits.

Commissioner Swift provided the following comments:

- She is not in favor of a continuance.
- The applicants made changes that addressed the concerns expressed at the prior meeting.

Commissioner Newton provided the following comments:

- They should ask the applicants if they would agree to a continuance.
- They could eliminate the tables suggested by Commissioner Fragoso. There has been an increase in density since the last proposal.

Commissioner Clark provided the following comments:

- She could support this moving forward.
- She understood the concerns about density.
- It is optimistic to think the all the tables will be full all the time.

- She could vote in favor of the project as proposed.

Principal Planner Neal took a straw poll of the Commission: Could you support the project with elimination of table number 7, relocation of table 2 from the rear of the building to the side of the property by the car wash, moving the bike racks inside the fence to where the one table is proposed, and requiring that the planters and the wall get installed.

Four Commissioners (Clark, Fragoso, Swift, Newton) were in favor and two (Rodriguez, Chair Green) were in favor of a continuance.

Mr. Bruckner stated the paddle signs have been removed. He was frustrated because it feels like the “goal line” keeps getting changed. He would be happy to agree to the changes suggested by Commissioner Fragoso. There is plenty of room on the property and the driveway is very safe. They are not an extremely busy business and he would like an approval tonight.

Principal Planner Neal reiterated the need for a condition regarding the required number of complaints.

M/s, Newton/Swift, motion to adopt Resolution No. 2020-04 with the following modifications: On page 2, Condition #1 shall read: “The project is.... dated 7/1/20 *except that Tables #2, #7 and the small two-seater by the exit will be eliminated, and the bike rack(s) will be moved to the area across from Table #7.*”; on page 2, Condition #2 the following shall be added: “*If daylight savings time is dispensed with then the dates will prevail.*”; on page 3, Condition #8 shall read: “There shall be.....including the piping *or other transmission* of prerecorded music...”; on page 4 Condition #14, the second and third sentences shall be deleted; on page 3, Condition #15, the deletion of the extra word “control”; on page 4, the addition of Condition #17: “The applicant will maintain a 6 to 12 inch mulch within the Redwood grove to minimize the impacts of people walking and sitting among the trees”; the addition of Condition #18 that allows the eastern entrance sign to remain and removal of the western exit sign with replacement up to the applicant’s discretion; the addition of Condition #19 that will read: “The Conditional Use Permit shall not be rescheduled for a hearing unless there are complaints received from two unrelated persons living at different addresses.

AYES: Clark, Fragoso, Newton, Swift, Chair Green

NOES: Rodriguez

ABSENT: Gonzalez-Parber

(Through a roll call vote).

Commissioner Rodriguez stated she voted “no” because of density, parking, impact to day care, and sound.

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

4. 131 Canyon Road; Application #20-7

Request for a Hill Area Residential Development, Design Review, Tree Removal, Excavation, Encroachment Permit and a Retaining Wall Height Variance to construct a 1,230 square-foot, 2-bedroom, 1 ½ bathroom, single-family residence with an attached 1 car carport; Assessor’s Parcel No. 003-032-16; RS-6 Single-Family Residential Zone; Vlad and Paula Iojica, owners; CEQA Categorically exempt per Section 15303(a).

Chair Green asked staff if they could continue this application. Principal Planner Neal stated the applicant would need to agree to waive the Permit Streamlining Act processing time limits.

Mr. Vlad Iojica agreed to a continuance.

M/s, Fragoso/Swift, motion to continue application #20-7, 131 Canyon Road, to the August meeting.
AYES: Clark, Fragoso, Newton, Rodriguez, Swift, Chair Green

ABSTAIN: Newton, Rodriguez
ABSENT: Gonzalez-Parber
(Through a roll call vote).

Minutes

5. Minutes from the June 18, 2020 Commission meeting.

M/s, Fragoso/Newton, motion to continue approval of the June 18, 2020 minutes to the August meeting.

AYES: Clark, Fragoso, Newton, Rodriguez, Swift, Chair Green

ABSENT: Gonzalez-Parber
(Through a roll call vote).

Planning Director's Report

Chair Green stated this item has been continued.

Commissioner Comments and Requests

There were no reports.

ADJOURNMENT

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

Respectfully submitted,

Toni DeFrancis,
Recording Secretary