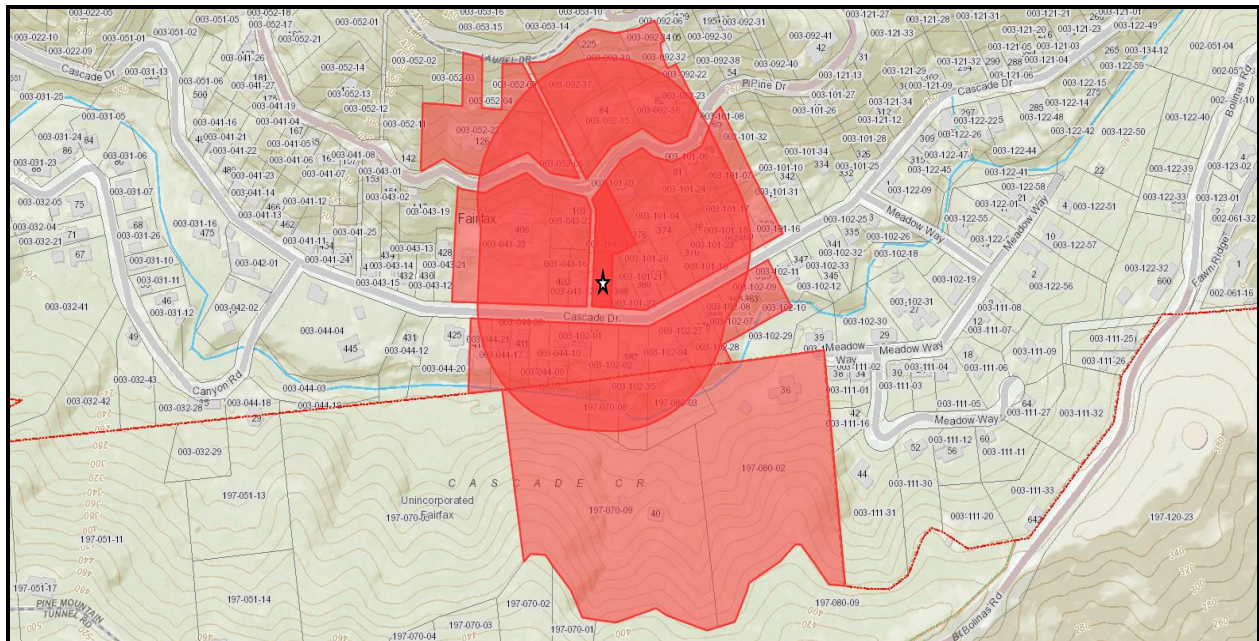


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: November 18, 2021
FROM: Ben Berto, Director of Planning and Building Services
Kara Spencer, Assistant Planner
LOCATION: 390 Cascade Drive; Assessor's Parcel No.003-101-33
PROJECT: Modification of a previously approved legalization of an addition to a single-family residence and conversion of a second-floor storage room over an accessory garage structure to an office with a full bathroom and storage closet
ACTION: Modification of a Conditional Use Permit, Design Review and, Combined Side-yard Setback Variance; Application # 21-23
APPLICANT: Joey and Stacie Shepp
OWNER: Joey and Stacie Shepp
CEQA STATUS: Categorically exempt, §15301(e)(2)(A)



390 CASCADE DRIVE

DESCRIPTION

The project proposes to amend previously approved Conditional Use and Design Review Permits, and a Combined Side-yard Setback Variance.

Original Project

The original project included the legalization of unpermitted work that was undertaken by the previous property owner. This work included the following: a) the conversion of the 328 square-foot, storage room over the garage to two rooms and a full bath for use as an office; b) a 62 square-foot covered walkway between the house and the garage; c) a 218 square-foot rear deck; and, d) a 370 square-foot living room, hallway, and bathroom addition to the northern side of the residence. The project also included formalizing the driveway encroachment into the public path easement that runs along the western side of the site and provides access to the garage, and the construction of an additional paved parking space at the front of the residence, within the side yard setback.

Approved Project

The Planning Commission conditionally approved the project described above, legalizing with amendments the previously unpermitted work on July 18, 2019, when they adopted Resolution No. 2019-12 setting forth the findings and the conditions of project approval (Attachment A – Resolution No. 2019-12).

After taking public testimony on the project at the July 18, 2019 Planning Commission meeting, the Commission approved the project subject to the standard conditions of approval for an addition and conversion of storage space to living space and included the following additional conditions specific to this project:

1. This approval is limited to the development illustrated on the plans prepared by Graham Irwin, Architect, pages A0.1, A0.2, A1.0, A2.0, A2.1, A3.0, and A7.0, and the August 2018 Boundary Survey and Diagram prepared by Steve Flatland, Land Surveyor modified to remove the covered walkway between the garage and the house located within the combined side yard setback area. Approval does not include use of the room over the garage as an accessory dwelling unit.
2. The applicant shall submit plans and apply for construction permits within 60 days of this approval.
3. The applicant shall pay all applicable planning, building and penalty fees for the legalization of the unpermitted work prior to issuance of the building permit for the project.
4. The 62 square foot covered walk way and the bamboo blocking access to the garage shall be removed and the two new parking spaces shall be improved prior

to issuance of the building permit. At a minimum the two spaces in the front yard shall be created by installing two “tire-width” permeable paver strips per parking space, 19 feet in length to comply with the Town Code parking space size regulations.

5. The applicant shall sign, notarize and record a Revocable Encroachment document for the portions of the driveway located within the public pathway easement on the western side of the property prior to issuance of the building permit to legalize the unpermitted addition and conversion of the storage room over the garage to living space. The applicant is also required to maintain the easement in the area of the improvements.
6. Prior to issuance of an occupancy permit the Planning Department shall verify that all Planning Commission conditions have been complied with, including removal of the overhead walkway cover, construction of the two additional parking spaces and painting the addition to match the front of the house and the garage, prior to issuance of the certificate of occupancy and project final inspection.

Proposed Modifications to Approved Project

During the process of installing the required sprinkler system, the applicant discovered that the original roof was in such poor condition, it would have been infeasible to install fire sprinklers in it. Because of this, the applicant decided to build a new roof that was raised approximately one foot (about ten inches) higher than the approved roof. The roof eaves were also extended out from the exterior walls of the building from approximately nine to 28 inches greater than the six-inch eaves the applicant proposed and the Commission approved. Undertaking this work without an approved modification of Application 19-11 resulted in a stop work order being applied to the job.

The proposed modifications to the originally approved project seem minor but require the approval of the Planning Commission, and consist of the following:

The residence’s approved roof height increased from approximately 12 feet to 13 feet (about 12’-4” to 13’-2”) and would remain one story, which is within the height limitation of 28.5 feet and the requirement of no more than three stories for residences on upslope lots. In addition to the increased roof height, the eaves of the residence have been extended outward from nine to 28 inches greater than the approved six-inch eaves. More specifically, the front or south side of the house would have a combination of approximately 34-inch and 24-inch eaves. On the north/rear elevation of the residence the extended eaves would extend a varying distance of approximately 15 and 26 inches. The east side of the residence would have an 18-inch eave and the west side of the residence would have a combination of 22-inch and 24-inch eaves. The 24-inch eave on the west side would extend to the edge of the driveway. The front of the house would also have an approximately 126 square foot covered porch at the eastern side.

The siding changed from the approved grey painted stucco and grey vinyl to new blue-grey fiber cement siding and cedar siding. The existing stucco to remain would be painted blue-grey to match the blue-grey fiber cement siding and the cedar siding would match the existing cedar siding at the rear of the house and the fence in the front and along the western property boundary.

The residence complies with the Residential Single-family RS-6 Zone District regulations as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	6 ft.	12 ft.	35 ft.	5 ft. & 5 ft.	20 ft.	.40	.35	28.5 ft., 2 stories
Existing	18 ft.	187 ft.	205 ft.	~5'-2" & 5 ft.	~10'-2"	.09	.09	~12'-2", 1 story (house), 18 ft., 2 stories, garage
Proposed	14'-6"	No change	201'-6"	~3'-8" & 3 ft.	~6'-8"	.09	.09	~13'-2", 1 story (house), 18 ft., 3 stories, garage

DISCUSSION

Condition number 12 contained in Resolution Number 2019-12 adopted by the Planning Commission for the specific project plans states that modifications made to the approved set of plans requires the approval of the Planning Commission as described below:

- Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 19-11. Modifications that do not significantly change the project, the project design or the approved discretionary permits may be approved by the Planning Director. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 19-11 will result in the job being immediately stopped and red tagged.

Changes typically approved by the Planning Director include color changes that are still in same color family as the color palette approved by the Planning Commission, minor window location/size changes, landscaping plan changes, minor floor plan revisions

such as switching appliance/fixture locations within an approved kitchen or bathroom that do not change the room square footage, location, or wall configuration.

The increase in roof height from approximately 12'-4" to 13'-2" (from about 12 feet to 13 feet) is within the height limitation of 28.5 feet. The proposed increase in roof height and extended eaves do not substantially affect the mass of the building nor do they substantially modify its design. The minor exterior changes do not significantly impact or modify the overall architectural character or design style of the structure, so staff has determined the revised project still complies with the Design Review Criteria set forth in Town Code § 17.020.040.

The house does not maintain the required 20-foot combined side yard setback. The extended eaves would maintain a combined side setback of approximately 6'-8" and a minimum side setback of three feet on the west side and 3'-8" on the east side. Town Code § 17.044.070(A)(1) allows eaves to project into required setbacks by two feet. Therefore, granting a Variance of the combined side setback to allow the eaves to extend into approximately two feet into the combined setback of the house which was built before the current setback regulations is reasonable due to the provision set forth in the Town Code § 17.044.070(A)(1).

The proposed modifications do not require the approval of any outside agency/department.

The proposed design changes do not change the ability of staff to support the project based on the original findings for the project approval. Therefore, we continue to support the project as modified, and have amended the original Resolution No. 2019-12 to reflect the revised plan.

RECOMMENDATION

Move to approve the requested modification to application # 19-11 by adopting amended Resolution No. 2019-12 reflecting the revised plan set received by the Town of Fairfax dated 11/9/21 and reaffirming the original findings and conditions for the revised project approval and approval of the Conditional Use, Design Review, and Combined Side-yard Setback Variance.

ATTACHMENTS

Attachment A – Amended Resolution No. 2019-12

Attachment B – Original Resolution No. 2019-12

Attachment C – Minutes from the 7/18/19 Planning Commission meeting

Attachment D – Photographs of the Property

Note: other supportive information for the original project approval can be viewed on the Town website at www.townoffairfax.org in the Planning Commission meeting packets for 390 Cascade Drive for the 17/18/19 Planning Commission meeting.

AMENDED RESOLUTION NO. 2019-12

An Amended Resolution of the Fairfax Planning Commission Approving Modifications to Application No. 19-11 for Conditional Use and Design Review Permits and a Combined Side-yard Setback Variance, for an Unpermitted Addition and Conversion of the Storage Space to living space at 390 Cascade Drive

WHEREAS the Town of Fairfax has received an application from Joey and Stacie Shepp for a modification of their original Conditional Use and Design Review Permits and Combined Side-yard Setback Variance to raise the roof peak and expand the eave lines and build a small front porch on the previously approved project that legalized an unpermitted addition and to convert a second story storage room over an existing detached garage into a living space area and are seeking Planning Commission approval and all of the Conditions of Approval previously applied to the project by the Planning Commission's July 18, 2019 project approval remain in effect unless specifically amended by this amended resolution; and

WHEREAS, the proposed modifications do not include any changes to the approved parking requiring any modification of the previously approved parking variance; and

WHEREAS minor revisions to that original plan require Planning Commission review, an application for which was received on October 7, 2021: and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on the proposed plan modifications on November 18, 2021, at which time the Planning Commission determined that the modified project complies with the Town Zoning Ordinance; and

WHEREAS, based on the plans and other documentary evidence in the record the Planning Commission has determined that the findings and conditions of approval originally applied to the project still apply to the proposed modifications as follows; and

WHEREAS, the Planning Commission has made the following findings:

The project conforms to the following 2010-2030 Town of Fairfax General Plan Policies:

Policy LU-7.1.5: New and renewed residential development shall preserve and enhance the existing character of the Town's neighborhoods in diversity, architectural character, size and mass.

Policy LU-7.2.2: to the extent feasible natural features including the existing grade, mature trees and vegetation shall be preserved for new and renewed development.

Policy LU-7.2.3: Traffic and parking concerns related to new and renewed development shall be addressed in a manner that does not result in undue hardship or significant negative impacts on properties and infrastructure in the vicinity.

Conditional Use Permit

1. The modification to increase the roof peak height and add extended eaves on all sides of the house and add a small front porch results in a residence that is similar in size, mass, design and location on the site to other residential structures in the Cascade Drive neighborhood. Therefore, the approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment nor will it have any visual impacts on neighboring properties.
2. The project will not exceed the Floor Area Ratio or Lot Coverage limitations, will comply with the RS-6 Zone District setback requirements except for the combined side-yard setback which the existing house is out of conformance with. Therefore, the development and use of the property as modified and approved shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the Conditional Use Permit.
3. Approval of the modified Conditional Use Permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in the 2010 to 2030 Fairfax General Plan and Zoning Ordinance, Title 17 of the Fairfax Town Code.
4. Approval of the modified Conditional Use Permit will maintain the remainder of the site in its natural state requiring no significant excavation and/or removal of trees or vegetation and will provide the owners with additional living space and storage that is not available on the remainder of the site with its 42% slope. Approval of the modified use permit will result in equal development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

Combined Side Yard Setback and Parking Variances

5. Because of special circumstances applicable to the property, including the narrow 50 ft. width and 42% slope of the entire rear two thirds of the site, the strict application of both the combined side-yard setback requirement and prohibition of parking within the side yard setback will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification. The expanded eaves will not increase the number of occupants utilizing the residence.
6. With the project revised to increase the roof peak height, extend the eaves, construct a small front porch, the variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.
7. The strict application of this title would result in excessive or unreasonable hardship.

8. The granting of the modified variance will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated because the proposed modifications to the previously approved project will not visually impact the neighbors and the parking is being brought into compliance with the required number of parking spaces for a 2 bedroom residence.
9. Neither present nor anticipated future traffic volumes generated by the amended project require strict or literal interpretation and enforcement of the parking regulations which prohibit parking within a side yard setback.
10. Granting of the variance will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.
11. Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.

Design Review

12. The addition, once it is painted grey to match the front of the house and the 2 story garage structure at the rear of the property, has been designed to match the stucco siding, window style and trim of the existing rear portion and western side of the structure. The increased roof pitch, extended eaves and small front porch will increase the exterior articulation of the structure. Therefore, the modified project complies with the Design Review Criteria set forth in Town Code § 17.020.040(A) through (N).

WHEREAS, the Planning Commission approved the project, subject to the applicant's compliance with the following conditions:

1. All Conditions of Approval imposed on the project by the Planning Commission's July 18, 2019 approval remain in effect unless specifically amended by these Conditions of Approval.
2. The project approval is based on the following plans: Modified architectural plans by Joey Shepp, received November 9, 2021 and August 2018 Boundary Survey and Diagram by Steve Flatland, Land Surveyor.
3. The applicant shall submit plans and apply for construction permits within 60 days of this approval.
4. The applicant shall pay all applicable planning, building and penalty fees for the legalization of the unpermitted work prior to issuance of the building permit for the project.
5. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein,

the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

6. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act and Best Management Practices for Stormwater Pollution Prevention.
7. Conditions placed upon the project by outside agencies, Town department or by the Town Engineer may be eliminated or amended with that agency's, department's or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

The approval of the amended Conditional Use and Design Review Permits and Combined Side-yard Setback Variance are in conformance with the 2010 – 2030 Fairfax General Plan, the Fairfax Town Code and the Fairfax Zoning Ordinance, Town Code Title 17;

Construction can occur without causing significant impacts on neighboring residences; and the environment.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 18th day of November 2021, by the following vote:

AYES:
NOES:
ABSENT:

Chair, Mimi Newton

Attest:

Ben Berto, Director of Planning and Building Services

RESOLUTION NO. 2019-12

A Resolution of the Fairfax Planning Commission Approving a Conditional Use Permit, Combined Side-yard Setback Variance, Encroachment Permit for the Driveway/fence and Parking Variance for a 370 Square-foot Living Room, Hallway and Bathroom Addition, A 62 Square-foot Covered Walkway and a 218 Square-foot Rear Deck at 390 Cascade Drive

WHEREAS, the Town of Fairfax has received an application from Matthew and Jennifer MacDonald for a Conditional Use Permit, Parking Variance and Combined Side-yard Setback Variance to legalize an unpermitted 370 square-foot living room, hallway and bathroom addition, to convert a second story storage room over an existing detached garage into a 315 square-foot office/bathroom/storage area and are seeking Planning Commission approval; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on July 18, 2019 at which time all interested parties were given a full opportunity to be heard and to present evidence; and

WHEREAS, based on the plans dated 5/18/19, prepared by Graham Irwin, Architect, pages A0.1, A0.2, A1.0, A2.0, A2.1, A3.0, and A7.0, and August 2018 Boundary Survey and Diagram by Steve Flatland, Lan Surveyor the Planning Commission has determined that the applicants have met the burden of proof required to support the findings necessary for the project's requested discretionary Use Permit, Combined Front/rear Setback and Parking Variance as long as certain conditions that are listed below, are met; and

WHEREAS, the Planning Commission has made the following findings:

The project conforms to the following 2010-2030 Town of Fairfax General Plan Policies:

Policy LU-7.1.5: New and renewed residential development shall preserve and enhance the existing character of the Town's neighborhoods in diversity, architectural character, size and mass.

Policy LU-7.2.2: to the extent feasible natural features including the existing grade, mature trees and vegetation shall be preserved for new and renewed development.

Policy LU-7.2.3: Traffic and parking concerns related to new and renewed development shall be addressed in a manner that does not result in undue hardship or significant negative impacts on properties and infrastructure in the vicinity.

Conditional Use Permit

1. The approximately 370 square-foot addition results in a residence that is similar in size, mass, design and location on the site to other residential structures in the Cascade Drive neighborhood. The conversion of the existing storage room over the garage into living space does not result in any exterior changes to that structure, The project has been conditioned upon the applicants providing the 3 on-site parking spaces required by Town Code §§ 17.052.030(A)(1)(D) and (A)(2). Therefore, the approval of the use permit shall not constitute

ATTACHMENT B

a grant of special privilege and shall not contravene the doctrines of equity and equal treatment nor will it have any visual impacts on neighboring properties.

2. The project will not exceed the Floor Area Ratio or Lot Coverage limitations, will comply with the RS-6 Zone District setback requirements except for the combined side-yard setback which the existing house is out of conformance with. The addition meets the minimum required side setbacks and follows the setback line of the existing residence as it was established in 1946. The new parking spaces, one of which will be located within the side yard setback has a minimal impact on the closest neighbor to the west due to the location of the driveway and the 10 foot wide public path right-of-way that runs along the western side of the property. Therefore, the development and use of the property as approved shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.
3. Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in the 2010 to 2030 Fairfax General Plan and Zoning Ordinance, Title 17 of the Fairfax Town Code.
4. Approval of the use permit will maintain the remainder of the site in its natural state requiring no significant excavation and/or removal of trees or vegetation and will provide the owners with additional living space and storage that is not available on the remainder of the site with its 42% slope. Approval of the use permit will result in equal development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

Combined Side Yard Setback and Parking Variances

5. Because of special circumstances applicable to the property, including the narrow 50 ft. width and 42% slope of the entire rear two thirds of the site, the strict application of both the combined side-yard setback requirement and prohibition of parking within the side yard setback will deprive the applicant of privileges enjoyed by other property owners in the vicinity and under identical zone classification. The additional living space does not include a bedroom addition to the new square footage and will not increase the number of occupants utilizing the residence. A condition of approval has been incorporated into this resolution requiring that the required 2nd and 3rd parking spaces be provided on the site as required because the project constitutes a 50% remodel and there is space for the 2 additional spaces within the front and side-yard of the property. The provision of the 3 spaces will bring the property into compliance with the current parking regulations.
6. With the project revised to, remove the covered walkway so that only the new living space addition is within the combined 20 foot side-yard setback area and the provision of the required 2 additional parking spaces, the variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.

7. The strict application of this title would result in excessive or unreasonable hardship as there would be no way to add additional living space, including a second bathroom for this 2 bedroom residence.
8. The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated because the new living space would not extend further into the required setbacks than the original development, the addition is only 1 story in height so it will not visually impact the neighbors and the parking is being brought into compliance with the required number of parking spaces for a 2 bedroom residence.
9. Neither present nor anticipated future traffic volumes generated by the conversion of the residence from a 2-bedroom 1-bathroom residence to a 2-bedroom, 2-bathroom residence with an office/storage/bathroom over the garage reasonably require strict or literal interpretation and enforcement of the parking regulations which prohibit parking within a side yard setback.
10. Granting of the variance will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on the streets.
11. Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.

Design Review

12. The addition, once it is painted grey to match the front of the house and the 2 story garage structure at the rear of the property, has been designed to match the stucco siding, window style and trim of the existing rear portion and western side of the structure and it therefore complies with the Design Review Criteria set forth in Town Code § 17.020.040(A) through (N).

Encroachment Permit

13. The fence and driveway are on portions of a public easement that are currently not being used by the public. Therefore, the granting of the encroachment, which is revocable should the town ever need to use the easement for the public, will not impact the public at this time.

WHEREAS, the Planning Commission has approved the amended project, subject to the following conditions:

1. This approval is limited to the development illustrated on the plans prepared by Graham Irwin, Architect, pages A0.1, A0.2, A1.0, A2.0, A2.1, A3.0, and A7.0, and August 2018 Boundary Survey and Diagram by Steve Flatland, Land Surveyor modified to remove the covered walkway between the garage and the house located within the combined side yard setback area. Approval does not include use of the room over the garage as an accessory dwelling unit.
2. The applicant shall submit plans and apply for construction permits within 60 days of this

approval.

3. The applicant shall pay all applicable planning, building and penalty fees for the legalization of the unpermitted work prior to issuance of the building permit for the project.
4. The 62 square foot covered walk way and the bamboo blocking access to the garage shall be removed and the 2 new parking spaces shall be improved prior to issuance of the building permit. At a minimum the 2 spaces in the front yard shall be created by installing two "tire-width" permeable paver strips per parking space, 19 feet in length to comply with the Town Code parking space size regulations.
5. The applicant shall sign, notarize and record a Revocable Encroachment document for the portions of the driveway located within the public pathway easement on the western side of the property prior to issuance of the building permit to legalize the unpermitted addition and conversion of the storage room over the garage to living space. The applicant is also required to maintain the easement in the area of the improvements.
6. Prior to issuance of any of the building permits for the project the applicant or his assigns shall submit a construction plan to the Public Works Department which may include but is not limited to the following:
 - a) Construction delivery routes approved by the Department of Public Works
 - b) Construction schedule (deliveries, worker hours, etc.)
 - c) Notification to area residents
 - d) Emergency access routes
7. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the public construction delivery routes (routes must be approved by Public Works Director).
8. Prior to submittal of the building permit plans, the applicant shall secure written approval from the Ross Valley Fire Department, Marin Municipal Water District and the Ross Valley Sanitary District noting the development conformance with their regulations.
9. During the construction process the following shall be required:
 - a. All construction-related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the Building Official on a case-by-case basis with prior notification from the project sponsor.
 - b. Any proposed temporary closures of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and

issuance of a citation.

10. Prior to issuance of an occupancy permit the Planning Department shall verify that all planning commission conditions have been complied with, including removal of the overhead walkway cover, construction of the 2 additional parking spaces and painting the addition to match the front of the house and the garage, prior to issuance of the certificate of occupancy and project final inspection.
11. The roadways shall be kept free of dust, gravel and other construction materials by sweeping them, daily, if necessary.
12. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 19-11. Modifications that do not significantly change the project, the project design or the approved discretionary permits *may* be approved by the Planning Director. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 19-11 will result in the job being immediately stopped and red tagged.
13. Any damages to the public portions of Cascade Drive, or other public roadway used to access the site resulting from construction activities shall be the responsibility of the property owner.
14. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.
15. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal,

16. Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act and Best Management Practices for Stormwater Pollution Prevention.
17. Conditions placed upon the project by outside agencies, Town department or by the Town Engineer may be eliminated or amended with that agency's, department's or the Town Engineer's written notification to the Planning Department prior to issuance of the building permit.
18. An exterior lighting plan shall be submitted with the building permit application and any new fixtures shall use dark sky compliant fixtures and shall be approved by the Planning Director prior to issuance of the building permit. The plan shall limit light-spillage beyond the areas necessary to light the rear deck, and shall avoid direct offsite illumination.

Ross Valley Fire Department

19. All vegetation and construction materials are to be maintained away from the residence during construction.
20. The project requires installation of a fire sprinkler system that complies with the National Fire Protection Association regulation 13-D and local standards. The system will require a permit from the Fire Department and the submittal of plans and specifications for a system submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
21. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of each sleeping room in a central location in the corridor and over the center of all stairways with a minimum of 1 detector on each story of the occupied portion of the residence.
22. Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition and the cost of the permit exceeds \$1,000.00. Carbon monoxide alarms shall be located outside of each sleeping area in the immediate vicinity of the bedrooms and on every level of the dwelling, including basements.
23. Address numbers at least 4 inches tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers must be placed in location that is visible from the street. The numbers must be internally illuminated or illuminated by and adjacent light controlled by a photocell that can be switched off only by a breaker so it will remain illuminated all night.
24. The site is located in a Wildland Urban Interface Zone and shall comply with the requirements of Chapter 7A of the 2016 California Building Code including a Class A Roof Assembly.

25. All approved alternatives requests, and their supporting documentation, shall be included in the plan sets submitted for final approval by the Fire Department.

Marin Municipal Water District (MMWD)

26. A copy of the building permit must be provided to the district along with the required applications and fees.

27. All indoor and outdoor requirements or District Code Title 13, Water Conservation must be complied with.

28. Any landscaping plans must be reviewed and approved by the District.

29. Backflow prevention requirements must be met.

30. Ordinance 420., requiring installation of grey water recycling system when practicable, must be incorporated into the project building permit plans or an exemption letter from the District must be provided to the Town.

31. All of the District's rules and regulations in effect at the time service is requested must be complied with.

Ross Valley Sanitary District (RVSD)

32. The condition of the sewer lateral must be evaluated by the District.

33. The lateral capacity will be evaluated depending on the fixture count calculated during the building permit process.

34. The lateral shall be tested in the presence of the District Inspector who determines if it meets current District requirements or a new lateral must be installed.

35. The project must comply with the District Ordinance 90 relating to sewer connection fees and sewer permit fees and the District will not final the building permit until the District requirements are fulfilled.

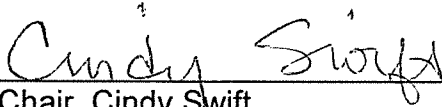
Planning Commission

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

The approval of the Conditional Use Permit, Combined Side-yard Setback Variance, Encroachment Permit and Parking Variance can occur without causing significant impacts on neighboring residences; and

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 18th day of July, 2019, by the following vote:

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



Chair, Cindy Swift

Attest:



Ben Berto, Director of Planning and Building Services

FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMEN'S CLUB
THURSDAY, JULY 18, 2019

Call to Order/Roll Call:

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

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

Commissioners Absent: Esther Gonzalez-Parber
Laura Kehrlein

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

APPROVAL OF AGENDA

Principal Planner Neal stated the first two applicants have requested a continuance.

M/s, Fragoso/Green, motion to approve the agenda.
AYES: Fragoso, Green, Newton, Rodriguez, Chair Swift
ABSENT: Gonzalez-Parber, Kehrlein

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no public comments on non-agenda items.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

- 1. 402 Scenic Road; Application #19-09**
Continued consideration of a request for a Conditional Use Permit, Design Review, Setback, and Parking Variance for an unpermitted bedroom, bathroom, storage room and for a stairway addition to an existing single-family residence; Assessor's Parcel No. 001-051-22; Residential Single Family RS-6 Zone District; Leo den Ouden, architect, Matthew and Jennifer MacDonald, owners; CEQA categorically exempt per Section 15301(e)(2)(A).

M/s, Newton/Green, motion to continue this item off calendar but within the next 90 days.
AYES: Fragoso, Green, Newton, Rodriguez, Chair Swift
ABSENT: Gonzalez-Parber, Kehrlein

- 2. 80 Crest Road; Application # 19-10**

**Request for a Conditional Use Permit for unpermitted improvements to a single-family residence including a sitting room, and a Height Variance for a fourth unconditioned story that includes storage, wine cellar and ½ bath with miscellaneous improvements; Assessor’s Parcel No. 002-152-32; Residential Single-Family RS-6 Zone; Verle and Marene Sorgen; applicants/owners; CEQA categorically exempt per Section 15301(e)(2)(A)
Note: The applicant requested to continue this public hearing item to the August 15, 2019 Planning Commission meeting.**

M/s, Green/Fragoso, motion to continue this item at the applicant’s request to the August 15th Planning Commission meeting.

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

ABSENT: Gonzalez-Parber, Kehrlein

3. 390 Cascade Drive: Application #19-11

Request for a Conditional Use Permit, Design Review, Setback and Parking Variance for an unpermitted living room, hallway and bathroom addition to a single-family residence and for conversion of a storage room over a garage to an office and bathroom; Assessor’s Parcel No. 003-101-33; Residential Single-Family RS-6 Zone Graham Irwin, Architect; Joey and Stacie Shepp, owners; CEQA categorically exempt per Section 15301(e)(2)(A).

Principal Planner Neal presented the staff report. She noted the following correction to the red-lined version of the resolution: 1) On page 2, the first paragraph, second line, the following should be removed, “The addition is at the rear of the existing structure and is not visible from the street while...”; 2) On page 4, under the first “Whereas”, #1, the following should be eliminated: “This approval...and the portions of the rear deck...”; 3) On page 5, the Ross Valley Fire Authority should be changed to the Ross Valley Fire *Department*.

Commissioner Newton asked about the parking issues. Principal Planner Neal stated the code requires staff to examine parking when a project constitutes a 50% remodel. The applicant either has to comply with the requirement for three spaces or get a Variance from the Commission. The Town Code does not allow tandem parking. She is of the opinion that the applicant can provide the third space in the front yard.

She referred to the resolution and recommended an additional condition: “The two, new parking spaces shall be included in the plans prior to issuance of the Building Permit”.

Commissioner Rodriguez asked about the parking requirement for a second unit above a garage. Principal Planner Neal stated they would need four spaces.

Chair Swift opened the Public Hearing.

Mr. Graham Irwin, architect, made the following comments:

- He submitted a vehicle routing plan and a petition from nearby neighbors expressing no objections.
- They have been working hard with staff and he is a bit dismayed at the staff’s recommendations.
- There are a couple of major changes that he was not aware of- tearing down part of the building and the location of the other parking space.
- He indicated that it is his understanding that it is the common practice for the Town to approve parking structures in the easement when they cannot be constructed entirely on private property due to site constraints.
- He did not know the covered walkway was recommended for demolition. It does not extend into the public pathway easement.
- The lot is narrow and anything they would build would be subject to a variance.

- He understands the “letter of the law” but thought the recommendations were punitive.
- They would be willing to add permeable pavers in the yard as long as fences do not have to be demolished.

Commissioner Fragoso asked if this was a “safety easement”. Principal Planner Neal stated these public pathway easements might be necessary in the future as escape routes. It was not good planning to grant exceptions and create a situation that could result in the revocation of the easement and an inability to access the garage. The Town has never granted an encroachment for parking in a pathway. They have the ability to put in the parking outside the easement.

Mr. Joey Shepp, owner, made the following comments:

- They are trying to do the right thing.
- He understood the changes but said it was unfortunate because the house is beautiful the way it is.
- The idea of turning the front yard into a “parking lot” is sad because he plays ball there with his son.
- The pathway is basically a seasonal creek that gets tons of erosion. It is completely impassable.
- A revocable encroachment permit allowing the driveway to extend into the public pathway easement is a good solution.

Mr. Rick Hamer, Fairfax, made the following comments:

- He has the following concerns about the encroachment into the public easement: maintenance; who would do the paving; private use of public property (adverse possession without tax); potential that the property will become a nuisance.
- The public needs to be protected- this should not turn into a private piece of paradise.

Commissioner Rodriguez asked about the occupancy of the detached garage and whether or not it was a second unit. Mr. Shepp stated “no- it is his office”. They sometimes use that extra room as a guest room. Commissioner Rodriguez asked what was in the garage. Mr. Shepp stated it was used for storage and laundry. They are not applying for a second unit.

Chair Swift closed the Public Hearing.

Commissioner Newton provided the following comment:

- She asked staff for their opinion about the “taxation free windfall” assertion. Principal Planner Neal stated the Town has issued encroachment permits for parking structures and have never required a fee. Planning Director Berto stated the County of Marin requires an annual renewal. Use of something on a temporary basis for access is analogous to the use of a right-of-way to access a garage. It is a modest encroachment.

Commissioner Green provided the following comments:

- A fee for the encroachment could pay for maintenance of the easement. Mr. Shepp stated he has maintained this area for three years but it is unclear who is responsible. He is happy to continue the maintenance.
- He noted this owner might not live there forever.

Commissioner Rodriguez provided the following comments:

- This is a guest bedroom and it should be processed as a second unit.
- It is a liability to have a living unit encroaching in the Town easement. There would be inadequate parking and it could be a fire hazard.
- Parking in the front yard should not be encouraged.
- She was fine with the staff recommendation with respect to the walkway.

- The resolution should stipulate the following: 1) No second unit is approved on the second floor; 2) A “No Parking” sign should be installed; 3) The blockage in the driveway should be removed; 4) A deadline for the implementation of should be included in the resolution; 5) The resolution also should include a requirement for easement maintenance.

Commissioner Fragoso provided the following comments:

- There is confusion and lack of clarity with the plans and it would be difficult to approve anything.
- Perhaps they should continue the application.
- She asked if staff was counting the garage as one parking space. Principal Planner Neal stated “yes”.
- The garage should be used for parking.

Commissioner Green provided the following comments:

- They should not create precedence by not enforcing the parking requirements.
- He would like to add the following language to the resolution as Condition 4(a): “Parking located on current grass areas shall consist at a minimum of grass permeable pavers that are two-wheel width strips”.
- He would like to add the following language to Condition #5 of the resolution: “The applicant shall be required to reasonably maintain the pathway easement”.

Commissioner Newton provided the following comments:

- She referred to the resolution, Condition #5, and asked if they should add something about requiring maintenance of the easement.
- She asked if the additional parking spaces were on the lawn. Principal Planner Neal stated “yes”.
- She noted there would be a minimal amount of fencing that would need to be removed.
- They cannot control how people utilize a garage.
- She would like to add the following language to the resolution in Condition #10: “Prior to the issuance...complied with *including removal of the overhead walkway cover addition of the parking spaces, and painting the addition to match the front of the house and garage...*”.
- She would like to add the following language to the resolution in paragraph #4: “Removal of the blockage in the driveway”.
- She noted a typographical error on pages 5, 6, and 8.

Chair Swift provided the following comments:

- There is not adequate information on the condition of the waterway in the easement for the Commission to be clear about what the easement looks like and what maintenance of the watercourse will entail.
- She is comfortable with the resolution and the staff recommendations.

M/s, Newton/Green, motion to adopt Resolution No. 2019-13 with the amendments noted by Principle Planner Neal, Commissioner Green, Commissioner Newton, and the stipulation that use of the area above the garage shall not be used as a second unit.

AYES: Fragoso, Green, Newton, Chair Swift

NOES: Rodriguez

ABSENT: Gonzalez-Parber, Kehrlein

Commissioner Rodriguez recommended denial of the application because it includes a second unit that requires four parking spaces that are not shown and that the structure itself is creating a liability because it does not maintain the three-foot fire setback.

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

4. 720 Center Boulevard: Application #19-12

Request for Modification to an existing Conditional Use Permit and Design Review for an unpermitted walk-in, refrigeration unit adjacent to an existing grocery store; Assessor's Parcel No. 002-131-12; Highway Commercial CH Zone; Al Baylacq, applicant; Rich Hall, Fairfax Center Properties, owner; CEQA Categorically exempt per Section 15303(e)

Principal Planner Neal presented the staff report. She stated condition #8 should be deleted since it was a duplicate of Condition #3.

Commissioner Green asked if the unit was currently in use. The applicant responded it was not. Commissioner Green asked if the top ridge of the unit could match the color of the trim on the main building. Planner Neal stated "yes".

Chair Swift opened the Public Hearing.

Mr. Al Baylacq, applicant, made the following comments:

- He apologized for trying to put the box in without a permit.
- They have been operating without adequate refrigeration for a long time.

Commissioner Rodriguez asked why the box was not positioned adjacent to the building. Mr. Baylacq stated there was one spot next to the building where it could have been placed but it would have blocked the electrical refrigeration room. Commissioner Rodriguez asked if additional lighting would be needed. Mr. Baylacq stated "no- the dock is lit for safety already".

Commissioner Rodriguez asked about options for screening. Mr. Baylacq stated the original design calls for a sliding/rolling screen for the dock. It is not a traditional loading dock and they would rather not build a fence.

Mr. Rick Hamer made the following comments:

- There have been complaints about the business in the past but none tonight- they must be doing something right.
- He supported the application.

Chair Swift closed the Public Hearing.

Commissioner Green provided the following comments:

- This is the best health food store in the country.
- The unit would be near the trash area and he wanted to make sure it would be rodent proof.
- The unit should appear more like the building with respect to the colors. However, they do not have to have two colors.
- The 4th "Whereas" shall read: "*..painted to match the paint colors ...Roxbury Caramel...and an additional color to match the trim at the discretion of the applicant*".

Commissioner Rodriguez provided the following comments:

- She asked staff about the reference to "bicycle parking improvements" in Condition #7. Principal Planner Neal stated the reference should be deleted from the resolution.

Commissioner Newton provided the following comment:

- She could support the painting of a band but did not want to dictate that.

M/s, Fragoso/Green, motion to adopt Resolution No. 2019-14 with the deletion of "bicycle parking improvements" in Condition #7, the deletion of Condition #8, and the suggested amendment by Commissioner Green.

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

ABSENT: Gonzalez-Parber, Kehrlein

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

The Commission took a 5-minute break at 8:40 p.m.

5. **Discussion/Consideration of an Ordinance to place time limits on incomplete, discretionary permit applications and zoning entitlements. Consideration and possible recommendation for adoption to the Town Council of “An Ordinance of the Town Council of the Town of Fairfax adding Sections 17.020.130 (“Time Limits; Extensions”) for Design Review, 17.032.100 (“Time Limits; Extensions”) for Conditional Use Permits, 17.040.100 (“Incomplete Discretionary Permit Applications”), and 17.040.110 (“Permit Time Limits and Extensions”) and amending Sections 17.028.090 (“Lapse; Renewal; Term”) for Variances, and 17.060.090 (“Time Limits; Extensions) for Ridgeline Development, and Consolidating and Revising Sections 17.072.140 and 17.072.150 (“Expiration” and (“Extension”) for the Hill Area Residential Development Overlay Zone; CEQA exempt per Section 15060(c)(2), 15061(b)(3), 15378, and categorically exempt per Section 15305.**

Planning Director Berto presented the staff report.

Commissioner Green asked if the notion of “resetting the clock” was addressed- he is against the concept. Planning Director Berto stated a “clock reset” would address the expiration of an application. Commissioner Rodriguez stated this was addressed in Attachment B, page 2, Section 17.040.110, Permit Time Limits and Expirations, (B)(3) and (5).

Commissioner Newton stated the Commission needs to be aware of the impacts to existing permits.

Commissioner Green asked if notice was sent to old permit applicants. Planning Director Berto stated staff sent notices to everyone with an incomplete application.

Commissioner Rodriguez referred to Attachment B, Section 17.040.110, Permit Time Limits and Expirations, (B) (3), the last sentence and asked for clarification of the language. Planning Director Berto stated it should read: “...based upon a finding *that* a change..” Commissioner Green suggested the following language: “...a change in the *laws, codes, and other* circumstances...”. Principal Planner Neal suggested the following language: “... Planning Director can make or *approve* minor modifications...”.

Commissioner Fragoso stated if the code changes, the application, once in process and deemed complete, would not be required to change. Planning Director Berto agreed- it would be subject to the regulations in effect at the time of completion and/or approval.

Chair Swift stated Section 17.040.100, Incomplete Discretionary Permit Applications, (A) (2), Enforcement cases, was increased from 30 days to 60 days with a possible 90 days extension. She asked what would happen if an individual, in good faith, could not comply. Planning Director Berto stated it would depend on how close the applicant was to the “finish line”. If the Director makes a determination that an application has expired, that decision could be appealed to the Commission. Commissioner Rodriguez stated this pertains to a permit application and not the physical construction. Chair Swift asked what would happen after the 90 days. Planning Director Berto stated staff would work with the applicant if it was something out of his or her control.

Chair Swift stated the staff report talks about allowing an applicant to resubmit an application with a modest fee and she asked if this could apply to enforcements. Planning Director Berto stated there is usually a mandatory inspection surcharge. Commissioner Newton stated there is always the discretion whether or not to bring about enforcement.

Chair Swift referred to Section 17.040.110, Permit Time Limits and Expirations, (B) (3), and asked for examples of “minor modifications”. Principal Planner Neal stated an example would be a change in window sizes.

Chair Swift opened the Public Hearing.

Mr. Rick Hamer made the following comments:

- The enforcement provision with respect to peoples circumstances needs to be explored- people get sick, old, etc.
- He was not sure how “big of a monster this is”
- He agreed with Commissioner Newton- they need to know how many people this will affect.

Chair Swift closed the Public Hearing.

Commissioner Newton provided the following comments:

- She referred to incomplete application time limits and stated they should create a procedure that allows the applicant to submit a request for an additional 90 days that would be granted automatically. A request shows they are paying attention. Commissioner Fragozo liked this idea.
- She referred to Attachment “C”, Section 17.040.100 (A) (1), General Time Limit, and stated the 180 days should be changed to 90 days and they should add another clause saying “unless an additional 90 day extension was requested prior to the expiration of the original 90 days”.
- The applicant could give himself or herself an additional 90 days by virtue of submitting a request.
- The Planning Director could go beyond the 180 day total and grant an additional year.
- The real problem is when you get beyond a year.

Commissioner Fragozo provided the following comment:

- She agreed with Commissioner Newton’s suggestion for discretionary permit applications but not enforcement cases.

Commissioner Green provided the following comments:

- He agreed with Commissioner Newton’s suggestion for 90 days and then another 90 days.
- This keeps people on their “toes”.

Chair Swift provided the following comments:

- Ninety days might be too short and it might be more reasonable to allow 180 days.
- She cannot see requiring an applicant to submit a request at 90 days that would be automatically approved. It is overkill.
- She supports the objectives but stated they need to go back into the other code sections (variances, etc.) so there is compliance within the code sections. Planning Director Berto agreed and stated this task will not get buried in the “to-do” list.
- She wants to see the Variance Code Section changed to match the suggested language.

Commissioner Fragozo provided the following comments:

- She would like to focus on time limits on planning application submittals that go beyond expiration dates.
- She wants to move forward.

Commissioner Newton provided the following comments:

- She agreed with Commissioner Fragozo.

- She would need more time to look at specific language in the other code sections and could not move forward with that tonight.

Commissioner Green provided the following comments:

- He agreed with Commissioner Fragoso.
- This work is foundational and he would like to move on.
- He referred to the second “Whereas” in the ordinance and stated it should read: “... granted by the *Planning Commission*.”
- He referred to Section 17.040.100, (A), and stated the words “request” and “extension” should be capitalized.
- He referred to Section 17.040.100, (B), and stated it should read: “...subject to *full* payment of applicable fees...”.
- He referred to Section 17.040.110, (A), and stated it should read: “... the permit holder has 1) actually obtained a Building Permit..., 2) has actually commenced..., 3) or has recorded...”.
- He referred to Section 17.040.110, (B), and stated it should read: “ Upon... to *become* vested”.
- He referred to Section 17.040.110, (B)(3), and stated it should read: “When granting an extension, the Planning Director may *approve* or make...finding a change in the *laws, codes, or other* circumstances...”. Planning Director Berto stated staff could not legally direct a change on an already approved application but could make some “quid pro quo” suggestions.
- He referred to Section 17.040.110, (B)(5), and stated it should read: “If a Building Permit, or *other permits, are* issued...”. He asked for clarification on this paragraph. Planning Director Berto explained how it would apply to Subdivision approvals.

Commissioner Newton provided the following comments:

- She asked if they have decided what to do about the 90 vs. 180 days issue. Chair Swift stated she supported 180 days.
- She referred to Section 17.040.100, (A)(1), and stated it should read: “An incomplete... Director grants *a one year extension*.”
- She referred to Section 17.040.110, (B)(3), and stated it should read: “If the Planning Director... the Planning Director may extend the permit for a maximum period of one *additional year*..”.

M/s, Newton/Green, motion to adopt Resolution No. 2019-15 to recommend to the Town Council adoption of the ordinance as amended by the Commission.

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

ABSENT: Gonzalez-Parber, Kehrlein

Discussion Items

There were no Discussion Items.

6. Minutes from the June 20, 2019 Commission meetings

M/s, Green/Rodriguez, motion to approve the June 20, 2019 minutes as corrected.

AYES: Green, Rodriguez, Chair Swift

ABSENT: Gonzalez-Parber, Kehrlein

ABSTAIN: Fragoso, Newton

Planning Director’s Report

Planning Director Berto reported the Council discussed the cannabis regulations at its last meeting. The Commission would be evaluating applications and assigning a numeric score per the criteria and make a recommendation to the Council. The Council is scheduled to hear and perhaps act on the first reading of the ordinance in August. The adoption would take place in September and the

ordinance would take effect in 30 days (October). This would give the Commission three months to finalize the scoring criteria. The Marinda Height Project (a.k.a. Wall Property) is in the Environmental Impact Report (EIR) stage. Staff is working on the EIR consultant selection process with ratification expected at the September Council meeting. The Commission would hold a Special Meeting to conduct a public scoping session. Staff will be working with a GIS consultant on updating and digitizing the 45 year old General Plan Resource Maps. The Commission would have the opportunity to comment on this project. Senate Bill 2 provides funding for local jurisdictions to do planning with respect to housing. The Council has authorized staff to apply for this grant funding for objective development standards, accessory dwelling units, and inclusionary housing requirements. This program will be vetted by the Commission with multiple hearings. He will be discussing changes in the language that deals with the Political Reform Act and Conflict of Interest regulations at an upcoming meeting.

Commissioner Comments and Requests

Commissioner Newton asked about the status of the Historic Preservation Survey. Planning Director Berto stated it has been proceeding slowly and the consultant is looking for more volunteers. The SB2 grant funding would help with this endeavor.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:35 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary



Front of House with New Eaves



Back of House with New Eaves



New Parking Spaces



New Parking Spaces

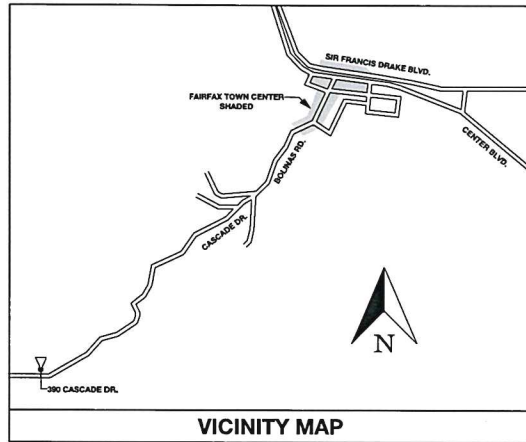


Covered Walkway before Removal



Area of Covered Walkway after Removal

SHEPP RESIDENCE



Property Information

Owners: Joey and Stacie Shepp
Property Address: 390 Cascade Drive
Fairfax, CA 94930
Assessor's Parcel Number (APN): 003-101-33
Zoning: RS-6
Flood Zone: X (Minimal Flood Hazard)
Occupancy: R3
Construction Type: V-B
Lot Slope: 42.23%

390 Cascade Drive
Shepp Residence



Project Description

Modification of previously approved Conditional Use Permit, Combined Side-Yard Setback Variance and Design Review Permit for the expansion/remodel of the existing single-family residence. Modifications to the approved project include replacing the approved roof with a new roof that would be no higher than ten inches above the existing roof with extended eaves varying in length from 12 to 28 inches greater than the existing eaves, a front porch addition and replacement of exterior vinyl siding with stucco and cedar siding.

GENERAL INFORMATION:

ITEM	EXISTING	PROPOSED
LOT SIZE:	18,538 SF	18,538 SF
BUILDING HEIGHT (PRINCIPAL RESIDENCE):	12'-4"	13'-2"
STORIES (PRINCIPAL RESIDENCE):	1	1
BUILDING HEIGHT (DETACHED GARAGE):	18'-4"	18'-4"
STORIES (DETACHED GARAGE):	2	2
LOT COVERAGE CALCS:	9%	9%
F.A.R. CALCS	0.09	0.09
DWELLING UNITS:	1	1
PARKING SPACES:	3 - 9'x19' (1 covered)	3 - 9'x19' (1 covered)
DECKS:	217 SF	217 SF

FAR & LOT COVERAGE:

FOOTPRINT

PRINCIPAL RESIDENCE	1425 SF	1425 SF
DETACHED GARAGE	328 SF	328 SF

LIVING SPACE

PRINCIPAL RESIDENCE	1425 SF	1425 SF
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ACCESSORY STRUCTURES

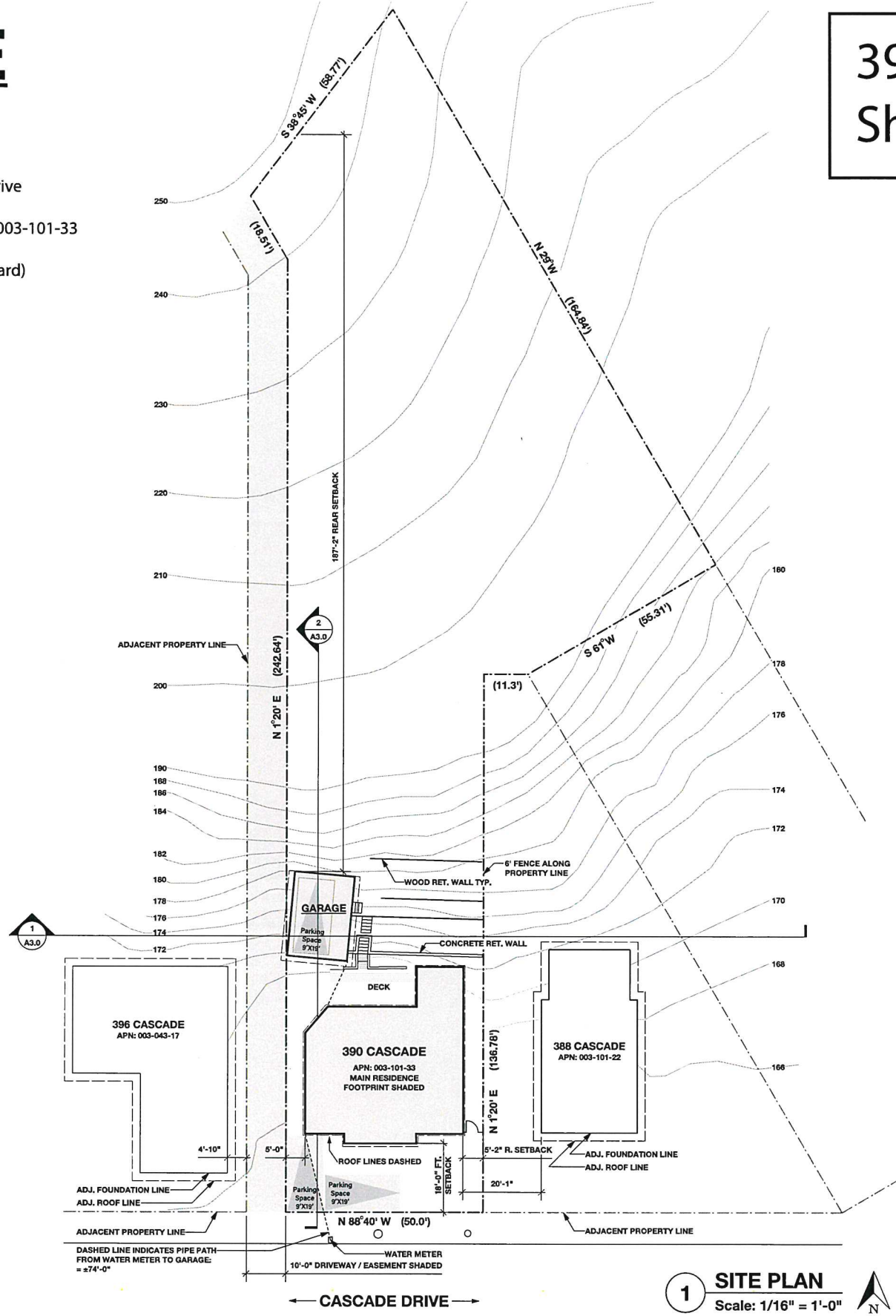
OFFICE WITH BATH	289 SF	289 SF
DETACHED GARAGE (UPPER LEVEL STORAGE)	39 SF	39 SF

IMPERVIOUS SURFACES

COVERED WALKWAY	0 SF	0 SF
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SETBACKS

FRONT (6' MIN.):	18'-0"	14'-6"
REAR (12' MIN.):	187'	187'
FRONT/REAR COMBINED (35' MIN.):	205'-0"	201'-6"
RIGHT (5' MIN.):	5'-2"	3'-8"
LEFT (AT GARAGE) (5' MIN.):	0'-5"	0'-5"
SIDE COMBINED (20' MIN.):	5'-7"	4'-1"

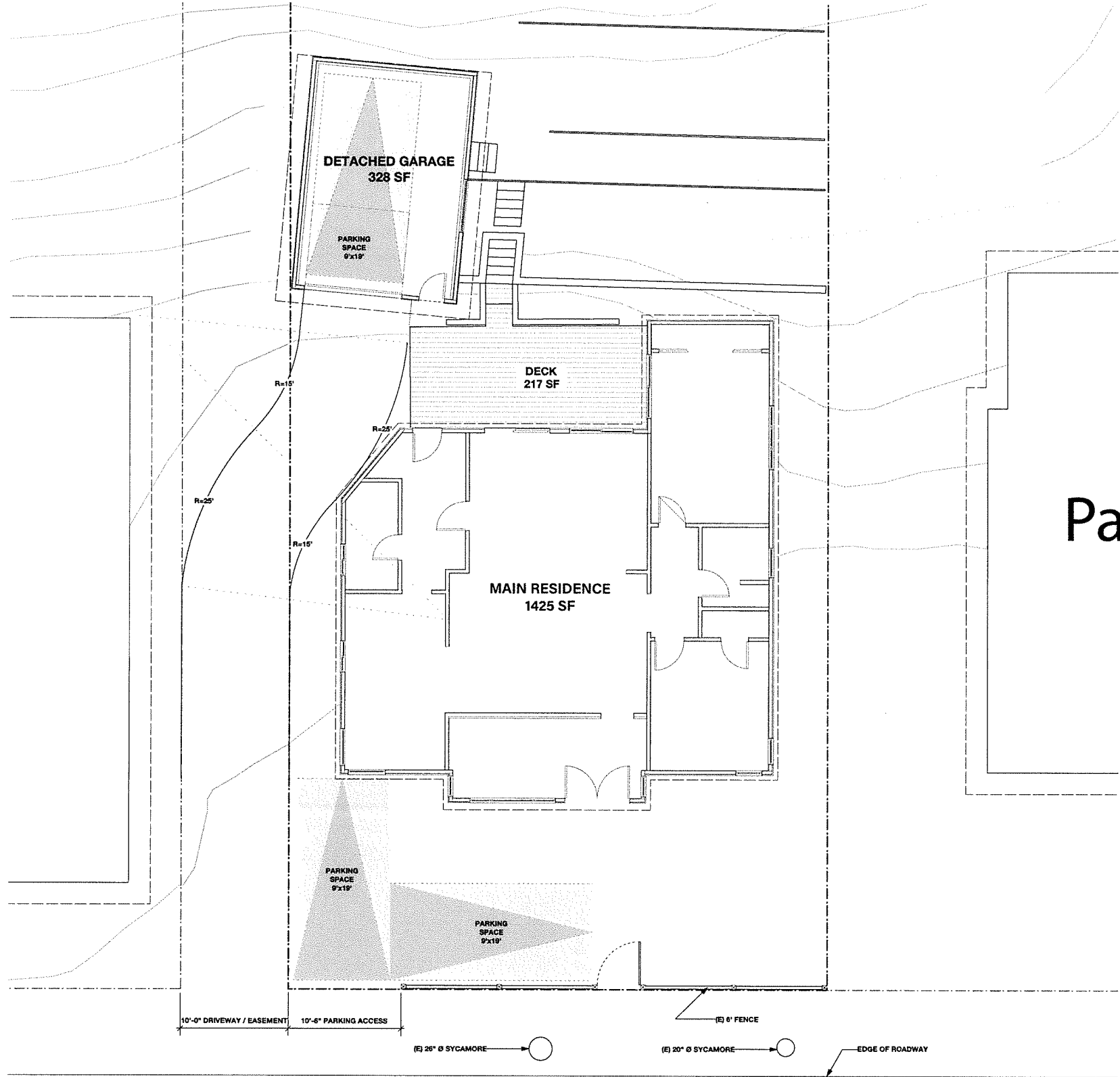


1 SITE PLAN
Scale: 1/16" = 1'-0"

No.	Date	Issue Notes
Design Firm Joey Shepp joey.shepp@gmail.com (415) 515-4623		
Consultant Project Title SHEPP RESIDENCE 390 Cascade Dr. Fairfax, CA 94930		
Drawing Title Site Plan		
Project Manager	Project ID	390 Cascade Dr.
Drawn By	Scale	
Reviewed By	Drawing No.	
Date	10-5-2021	
CAD File Name	1 of 5	

390 Cascade Drive
Shepp Residence

Parking Plan



Scale: 3/16" = 1'-0"

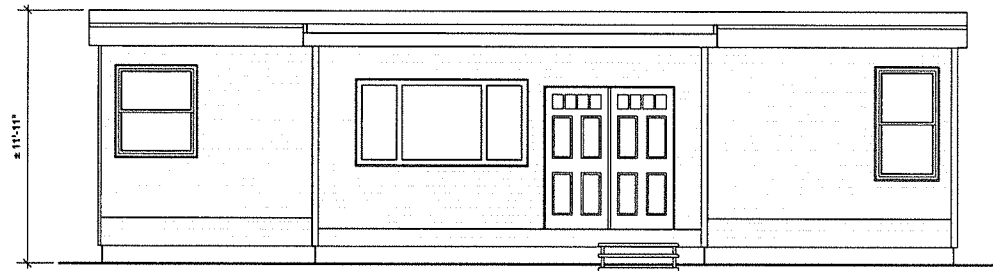
1 PARKING PLAN
Scale: 3/16" = 1'-0"

0 5 10 FT

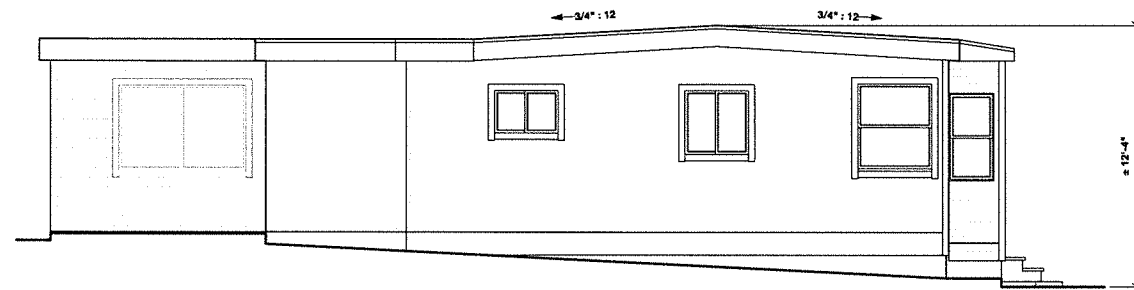
No.	Date	Issue Notes
Design: Joey Shepp joey.shepp@gmail.com (415) 515-4623		
Consultant:		
Project Title: SHEPP RESIDENCE 390 Cascade Dr. Fairfax, CA 94930		
Drawing Title: Parking Plan		
Project Manager	Project ID	390 Cascade Dr.
Drawn By	Scale	
Reviewed By	Drawing No.	
Date	2 of 5	
CAD File Name		

390 Cascade Drive
Shepp Residence

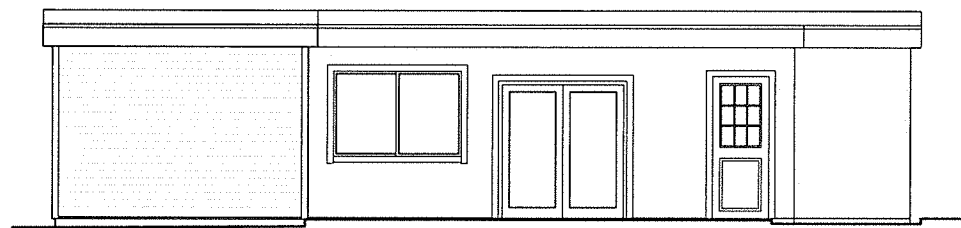
As Built Elevations



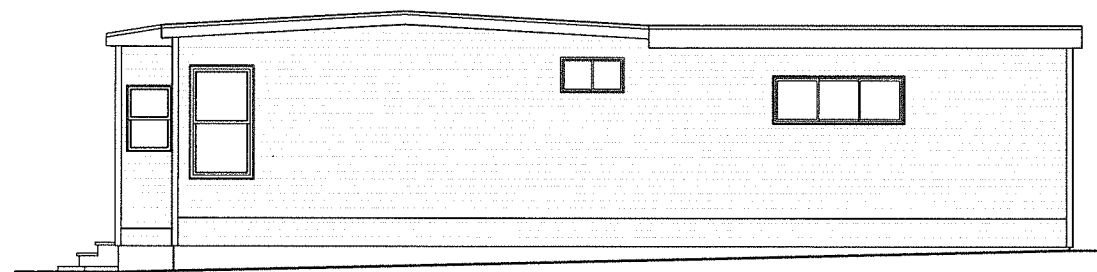
1 SOUTH (FRONT) ELEVATION
Scale: 1/4" = 1'-0"
NOTE: ALL FLAT ROOFS ARE 1/4" : 12 PITCH TYP.



2 WEST (LEFT) ELEVATION
Scale: 1/4" = 1'-0"



3 NORTH (BACK) ELEVATION
Scale: 1/4" = 1'-0"



4 EAST (RIGHT) ELEVATION
Scale: 1/4" = 1'-0"

No.	Date	Issue Notes
Design Firm Joey Shepp joey.shepp@gmail.com (415) 515-4623		
Consultant Project Title SHEPP RESIDENCE 390 Cascade Dr. Fairfax, CA 94930		
Drawing Title As Built Elevations		
Project Manager	Project ID	390 Cascade Dr.
Drawn By	Scale	
Reviewed By	Drawing No.	
Date	10-5-2021	
CAD File Name	3 of 5	

Proposed New Roof and Siding Elevations

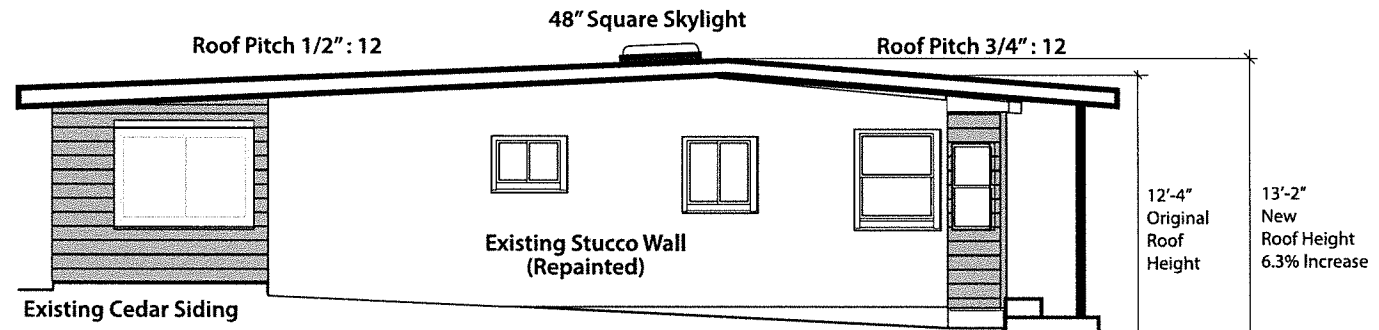
390 Cascade Drive
Shepp Residence



1 SOUTH (FRONT) ELEVATION

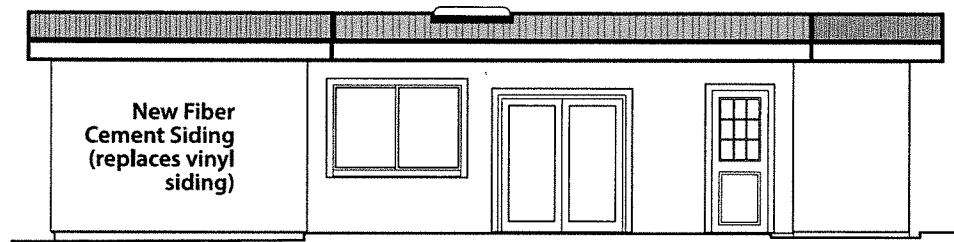
Scale: 1/4" = 1'-0"

NOTE: ALL FLAT ROOFS ARE 1/4":12 PITCH TYP.



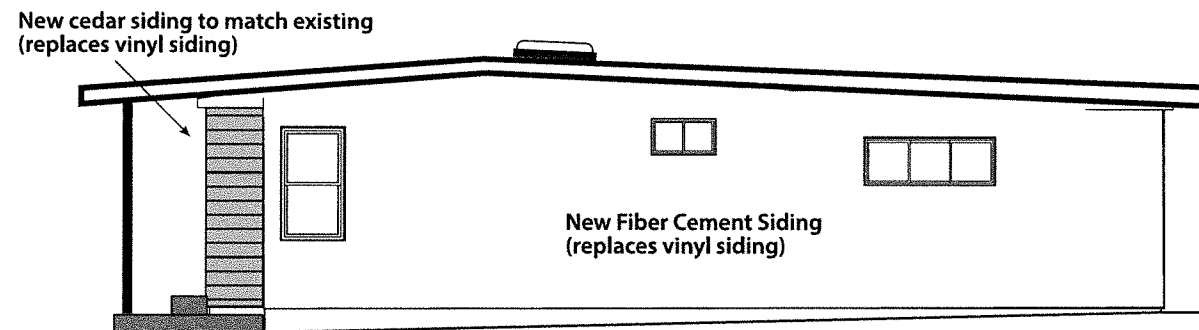
2 WEST (LEFT) ELEVATION

Scale: 1/4" = 1'-0"



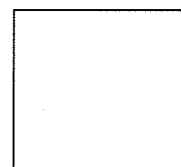
3 NORTH (BACK) ELEVATION

Scale: 1/4" = 1'-0"

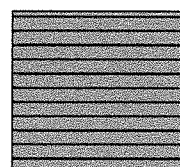


4 EAST (RIGHT) ELEVATION

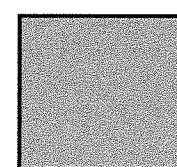
Scale: 1/4" = 1'-0"



Existing Stucco &
Fiber Cement Siding
Painted Blue-Grey



Cedar Siding
Matching Existing Cedar
Siding and Fence

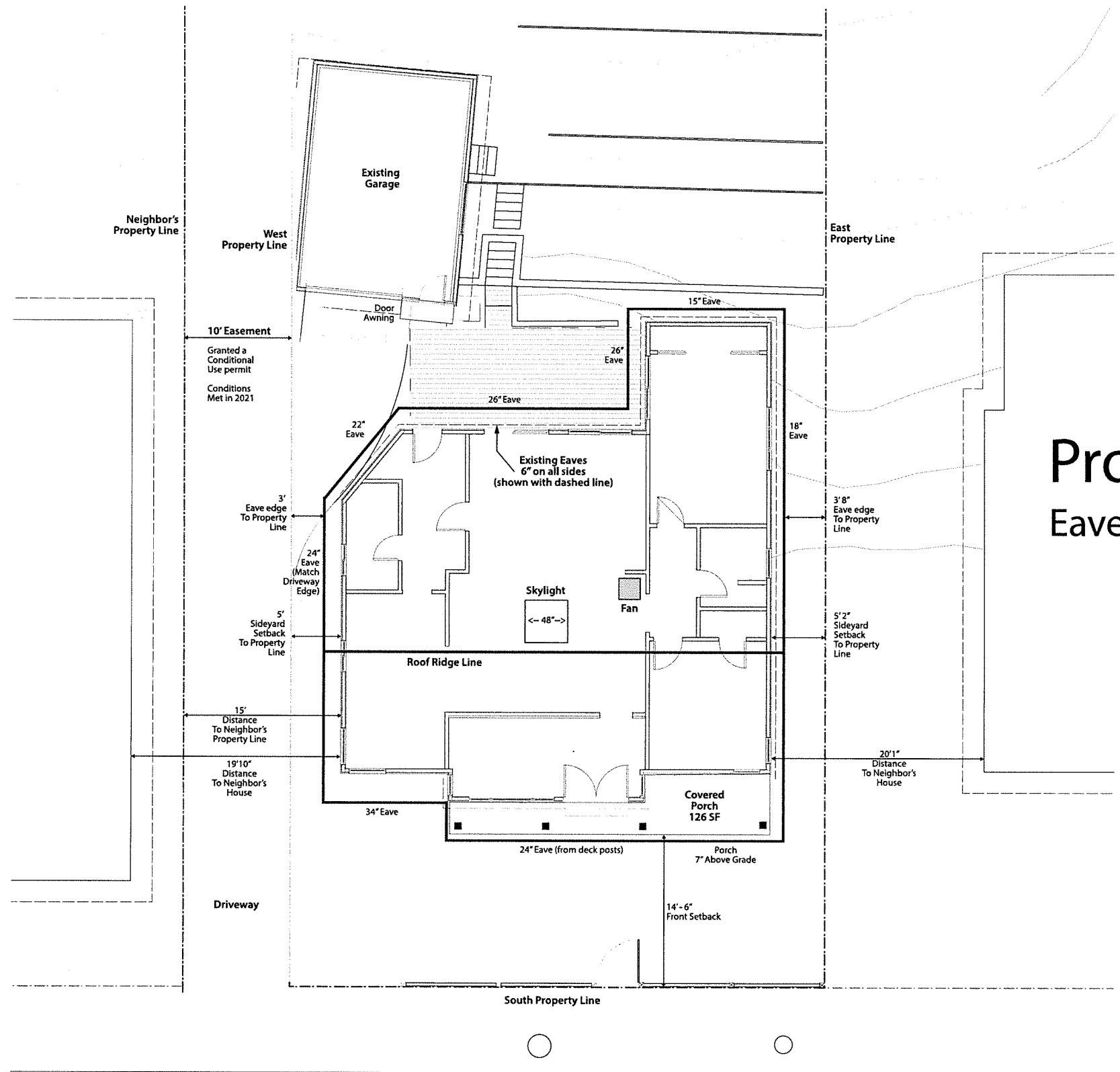


Torch-Down Roofing
Brown/Tan Color

No.	Date	Issue Notes
Drawn By: Joey Shepp joey.shepp@gmail.com (415) 515-4623		
Project Title: SHEPP RESIDENCE 390 Cascade Dr. Fairfax, CA 94930		
Drawing Title: New Roof and Siding Elevations		
Project Manager:	Project ID:	390 Cascade Dr.
Drawn By:	Date:	
Reviewed By:	Drawing No.:	4 of 5
Date:		
CAD File Name:		

390 Cascade Drive Shepp Residence

Proposed New Roof Eaves, Setbacks, and New Porch



Scale: 3/16" = 1'-0"



No.	Date	Issue Notes
Design Firm	Joey Shepp joey.shepp@gmail.com (415) 515-4623	
Consultant		
Project Title	SHEPP RESIDENCE 390 Cascade Dr. Fairfax, CA 94930	
Drawing Title	New Roof Outline Over Floor Plan Detailing Eaves	
Project Manager	Project ID	390 Cascade Dr.
Drawn By	Scale	
Reviewed By	Drawing	
Date	10-5-2021	
CAD File Name	5 of 5	