

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMENS CLUB
THURSDAY, APRIL 19, 2018

Call to Order/Roll Call:

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

Commissioners Present: Norma Fragoso
Esther Gonzalez-Parber
Philip Green
Mimi Newton (Chair)
Michelle Rodriguez
Cindy Swift

Commissioners Absent: Laura Kehrlein

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

APPROVAL OF AGENDA

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

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

PRESENTATION

Dark Sky Presentation- the causes of light pollution, its effects and some ways to minimize its impacts.

Ms. Joyce Gardella gave a PowerPoint presentation that included the following: 1) Importance of shielding light; 2) Non-shielded lighting wastes energy; 3) Non-shielded lights are unsafe – she showed how a non-shielded light can actually make pedestrians disappear in the glare; 4) Negative impact on wildlife; 5) Negative impact on human health; 6) Impact on astronomy; 7) Solutions; 8) Lamps; 9) Types of lamps; 10) Incandescent; 11) Fluorescent; 11) High-intensity discharge; 13) Low-pressure sodium; 14) Types of luminaires; 15) Examples- recessed lighting done well or badly, fully shielded lighting at an airport, unshielded lighting at an ATM, unshielded mercury vapor; 16) Shielded lighting reduces glare; 17) Next steps the Town can take.

The Commission thanked Ms. Gardella for her presentation.

PUBLIC HEARING ITEMS

1. 12 Acacia Road; Application #18-03

Request for a compact parking space variance and an after-the-fact Conditional Use Permit for the following: (1) within an existing residence expand a 73-square-foot second bedroom by 29.5 square feet; and (2) convert a 411-square-foot workshop located above the garage to a third bedroom resulting in a two-story, 1,653-square-foot single-family residence that would provide on-site parking for three vehicles. Residential Single-family RS-6 Zone District; Glen Janssens and Michelle Roney-Janssens, applicants/owners; CEQA categorically exempt per Section 15301(e).

Assistant Planner Levenson presented a staff report.

Commissioner Rodriguez referred to the new Accessory Dwelling Unit (ADU) Law and asked if the applicant would have to comply with the parking requirements if this were a second dwelling unit instead of an added bedroom. Assistant Planner Levenson stated the new law says if the dwelling is within a half of a mile of a transit stop or station then they would not need to provide the fourth space. The applicant's have decided not to pursue an ADU permit at this time.

Commissioner Green noted this was an after-the-fact permit and he asked if the Building Official would be checking to see that the work was done correctly. Assistant Planner Levenson stated "yes"- there is an after-the-fact Building Permit process.

Commissioner Fragoso had a question about the "new bedroom". She asked if the interior of the garage space had been measured. Assistant Planner Levenson stated the applicants confirmed the measurements on the plans.

Chair Newton opened the Public Hearing.

Mr. Glen Janssens, applicant, made the following comments:

- They bought the house in 1996 as a 3-bedroom, 2-bath house.
- They have made no changes to the room above the garage. It has always been a bedroom. They are surprised it is being called a workshop.
- They are selling the house and are trying to "clean up" the expansion of bedroom #2 (on the plans). It was not done properly.
- They have no desire to make this a 2 unit residence.

Commissioner Fragoso asked Mr. Janssens when the bridge was constructed. Mr. Janssens stated well before they moved in. It may have been reconstructed in 1984.

Ms. Charlene Baumsteiger, Acacia Road, made the following comments:

- Since 1987 the room above the garage has been a bedroom. The applicants have done no remodeling to the house.
- She supported the applicant's request.

Commissioner Gonzalez-Parber asked who slept in the bedroom above the garage. Mr. Janssens stated that was the master bedroom.

Chair Newton closed the Public Hearing.

Commissioner Green provided the following comments:

- This is a good project.
- He is glad to see the applicants are bringing the property into compliance.
- He referred to Resolution No. 2018-01, page 1, Variance Finding #2, and stated he would like to add Finding #1 cited on page 4 of the staff report (regarding traffic volumes).

Commissioner Swift provided the following comments:

- She referred to the Ross Valley Fire Department's Condition #12 about maintaining a firebreak around the structure and noted bamboo is a highly flammable type of vegetation. She asked the applicants to look at the existing bamboo on the property to determine if it should be removed and replaced with something fire retardant, due to its proximity to the house.

M/s, Rodriguez/Gonzalez-Parber, motion to adopt Resolution No. 2018-01 as amended by Commissioner Green.

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

ABSENT: Kehrlein

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

2. 20 Park Lane; Applicant #18-04

Request for a Hillside Area Residential Development (HRD) Permit (fifty percent remodel) and parking variance for the expansion and remodeling of a 1,854 square-foot, two-story, single family residence into a 2,353 square-foot, two-story single-family residence.

Assessor's Parcel No. 001-032-13; Residential Single-family RS-6 Zone District; Ray and Anna Arata, applicants/owners; CEQA categorically exempt per Section 15301(e).

Assistant Planner Levenson presented a staff report. She noted that the story poles were not put up 10 days prior to the meeting as required. In addition, the applicant is considering some potential modifications to the project.

Commissioner Swift stated the Town Engineer's memorandum dated December 1, 2017 discusses an Encroachment Permit for the stairs, decking, fences, and a retaining wall on the north side of the property. She asked if this would come back to the Commission. Assistant Planner Levenson stated "yes". Commissioner Swift stated the Town Engineer also discusses an Encroachment Permit for some drainage work in his memorandum. Assistant Planner Levenson stated this work would need a Street Opening Permit during the Building Permit phase. Commissioner Swift stated she would like to see a Vegetation Management Plan when the application comes back to them.

Commissioner Green stated he was concerned about the drainage issues and the slide areas. He asked staff about the setbacks.

Chair Newton asked about the existing size of the entry deck. Assistant Planner Levenson stated it was a very small front landing. Chair Newton stated there was a discrepancy in the stated amount of improved square footage (2,353 vs. 2,341).

Chair Newton opened the Public Hearing.

Mr. Ray Arata, applicant, made the following comments:

- He pointed out the garage and the proposed parking on the plans.
- The other piece is the garden- it is important to them.
- The new parking configuration would be an improvement.
- He would like an approval tonight and would continue to work on the nuances.

Kurt Monroe, the project architect, stated that the further the parking at the front of the property is extended, the shorter it would have to be due to the angle of the front property line and the proximity of the existing house. There is no more room for a third conforming or compact parking spot.

Chair Newton closed the Public Hearing.

Commissioner Gonzalez-Parber provided the following comments:

- This is a bold and beautiful project.
- She loves the porch and how it opens up to the neighborhood.
- She understood the site constraints in terms of the parking.
- She asked if the project included a vaulted ceiling with exposed trusses. Mr. Arata stated they were parallel trusses with beam work below.
- She asked if one of the changes they were thinking about was related to the height of the new roof. The interior height was very tall. Mr. Arata stated the current condition was a bit claustrophobic. Most of the surrounding neighbors are below their house.
- She asked if there would be 13' plate heights. The architect stated "yes". She noted that a 9' plate height is quite tall.
- The neighbors on Scenic Road cannot see the house.
- The project would fit in with the surrounding neighborhood.

Commissioner Green provided the following comments:

- Everyone wants to get it right and a continuance is better than a denial.
- 11th hour story poles can cause problems.

Commissioner Rodriguez provided the following comments:

- The design does not meet the necessary findings: 1) Retain natural topographic features; 2) Development is a size and scale appropriate to the property.
- She referred to page 6 of the staff report and the square footage comparisons of the adjoining properties- the proposal was at 25% while the adjoining properties were at 19%.
- She referred to the plans, page A-3.2, and stated the north elevation (downhill) was significantly higher than existing conditions.

Commissioner Green provided the following comments:

- He would like to see the applicants work with staff on finding a way to put in two compact spaces.
- Parking on-site is very important.

Commissioner Gonzalez-Parber provided the following comments:

- She was glad the applicants are going to try to resolve the outstanding issues.
- She would like to see a reduction in the plate heights.

Chair Newton provided the following comments:

- The applicants have their hands full in terms of addressing the issue of "maximum retention of natural topographic features", and "minimizing grading on hillside areas" in trying to fit in that other parking space.

M/s, Fragoso/Green, motion to continue Application #18-04, 20 Park Lane, to May 17, 2018.

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

ABSENT: Kehrlin

**3. 10 Court Lane; Application #18-02
Request for a Conditional Use Permit and a Creek Setback Variance to construct a
foundation system beneath a storage “barn” structure; Assessor’s Parcel No. 002-105-01;
Residential RD 5.5-7 Zone District; Gary Roth, Landscape Architect; Alex Shuldiner and
Talia Friedman, owners; CEQA categorically exempt per Section 15301(a) and 15305(a)**

Principal Planner Neal presented a staff report. Staff made a few modifications to the resolution including the elimination of Condition of Approval #17, modification to #16, and the addition of a condition requiring the creek stabilization project to be substantially complete before a final inspection and completion certificate is issued for the accessory structure project.

Commissioner Swift had a question about a Fire Department requirement.

Commissioner Green stated he did not like the project, even though it is approved by all the regulatory agencies, because of the issue in the General Plan that relates to the protection and restoration of the riparian habitat. Other properties could be undermined if this project is installed.

Chair Newton referred to the Department of Fish and Wildlife approval and asked if there was Coho Salmon in that part of the creek. Principal Planner Neal stated the applicants will need to obtain a Streambed Alteration Permit which will include studies of the existing wildlife. Chair Newton asked if that was for the restoration work or the foundation work. Principal Planner Neal stated the foundation work was up above and she did not think the foundation drilling would enter the channel. Chair Newton stated she was concerned about the physical impacts of construction on the creek.

The Commission took a 5-minute break at 8:30 p.m.

Chair Newton opened the Public Hearing.

Mr. Alex Schuldiner, applicant, made the following comments:

- They are working with contractors that have experience doing work around creeks.
- He gave a PowerPoint presentation that answered some of the Commission’s questions.
- The creek levels went off the charts in 2017 and they realized they needed to do some work.
- A lot of dead vegetation was stripped away from the bank revealing the seriousness of the erosion.
- The house will eventually be threatened. They want to save the barn.
- The creek bank is steep and experiencing slumping.
- They do not want to cause issues for downstream neighbors.
- They want to improve the ecology of the creek.

Commissioner Rodriguez asked about the condition of the existing slab. Mr. Schuldiner stated it is cracked and slumping at that corner is undercutting it. Commissioner Rodriguez asked if this is the original slab. Mr. Schuldiner stated he thought so.

Mr. Gary Roth, landscape architect, made the following comments:

- The in-stream work could not be done until June to September.
- The best time to drill would be August or September when the groundwater is low.
- He requested clarification of “substantial completion” because some restoration timelines could extend for several years.

Chair Newton closed the Public Hearing.

Commissioner Rodriguez provided the following comments:

- This is an amazing endeavor.
- She would like to tap into the applicants as a future resource- this project is very educational.
- She would like the following condition added as 4 (c): "Prior to the final inspection and occupancy of the shed, it must be aligned with substantial completion of the streambed hard construction under the JARPA permits".
- She would like to add the following to Finding #1 under General Plan conformance: "The stabilization...proposed building *is above the 100 year flood height and the stabilization...*"

Chair Newton provided the following comment:

- She agreed with Commissioner Rodriguez.

Commissioner Green provided the following comments:

- The house and barn will greatly benefit from the project.
- This is an incredible project.
- They are preserving an historic structure.

M/s, Rodriguez/Green, motion to approve Resolution No. 2018-03 as modified by staff and Commissioner Rodriguez.

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

ABSENT: Kehrlein

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

4. 26 Claus Circle; Application #18-05

Request for a Conditional Use Permit to construct a 280 square-foot bedroom and bathroom expansion/remodel onto an existing 990 square-foot, 2 bedroom, 1 bathroom residence, increasing it to a 1,270 square-foot, 2 bedroom residence, 2 bathroom residence; Assessor's Parcel No. 001-223-02; Residential Single-family RS-6 Zone District; Peter Brockman, Architect; Lisa and John Hunt, owners; CEQA Categorically exempt per Section 15301(e)(1).

Principal Planner Neal presented a staff report.

Commissioner Gonzales-Parber asked for clarification of the fire sprinkler requirement. Principal Planner Neal stated the Fire Department is counting the new area and the entire living room as being modified- they are counting it as a substantial remodel. Commissioner Green noted there was a lot of grey area with respect to the term "substantial".

Chair Newton opened the Public Hearing.

Mr. Peter Brockman, architect, made the following comments:

- They were not ripping out ceilings in the living room.
- He understood the sprinkler requirement. He will talk to the Fire Department.

Chair Newton closed the Public Hearing.

Commissioner Green provided the following comments:

- He referred to Resolution No. 2018-04, the bottom of page 1, the last paragraph, and made the following modification: "Approval of the use permit...than otherwise be the case *because it improves the premises without adverse impact to Claus Circle*, and that said....".
- This is a clever project- it will not impact the neighborhood.

Commissioner Gonzalez-Parber provided the following comments:

- She referred to the staff report, page 2, Design Standards for the rear yard setback and stated she scaled it out differently.
- This is a nice design and a great improvement.
- She is conflicted about the fire sprinkler issue.
- She supports the project.

M/s, Fragoso/Gonzalez-Parber, motion to approve Resolution No. 2018-04 as modified by Commissioner Green.

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

ABSENT: Kehrlein

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

GENERAL PLAN WORK PROGRAM

5. Final review for recommendation to the Town Council on the 2018-19 General Plan Work Program including recommendations for possible future Zoning Code amendments

Planning Director Berto presented a staff report. He clarified the difference between ministerial, administrative, and Public Hearing review of projects.

Commissioner Swift provided the following comments:

- The historic preservation priority included a consultant that would help with developing policies and regulations- this is broader than the initial step of doing an inventory. They also need to know the State and Federal regulatory requirements.
- Lighting regulations should also include the Sign Ordinance.
- The Town has not done a parking survey since 2003. The General Plan talks about “no net loss”.
- She referred to the Safety Programs and asked about the Fire Hazard Abatement District.
- She had a question about the return of unexpended application fees.
- She wanted the Tree Committee to weigh in on any proposed changes to the procedure for removing a tree.
- Review of Encroachment Permits should come before the Commission (except for minor items such as stairs).
- Expirations for discretionary permits should be related to the permits.
- She asked about the noticing procedure for administrative approvals.

Commissioner Green provided the following comments:

- The staff report was excellent and on point.
- He referred to the proposal for administrative review and asked for more definition on the “small projects”.
- He asked if the streamlined tree permit requirements (staff review) only applied to a tree that is a danger.
- He did not want to change the Town’s definition of 50% remodel to match the Fire Department’s- the term “substantial” is too loose. It was the consensus of the Commission to leave the definition as is.

Chair Newton provided the following comments:

- She referred to the Conservation Program (page 2 & 3), Visually Significant Areas Map, and Open Space Program, and stated there was nothing for the Commission to do right now.
- She wondered if there was anything the Commission could do regarding the homeless, housing affordability, and tiny homes issues- perhaps presentations of some innovative solutions.
- All of the bullet points regarding item #5 appealed to her.
- She liked the idea of a Density Bonus tiered system.
- Preserving neighborhood character after a disaster was a long-term project but she would also like to see some short-term ideas.
- She would like some recommended next steps regarding Seismic Safety Programs.
- She agreed with Commissioner Swift about signage and light pollution.
- Items 8 (a) and (b) did not seem to be in the Commission's purview.
- She would like to look at other municipalities creek regulations for ideas for the Creek Master Plan, and wondered if there were small things the Town could do.
- She asked staff about the Commission's role on parking issues.
- She referred to the issue of expiration of stale applications and stated she would like to think about giving extensions if the applicants are acting in good faith.
- She would like to hear the Tree Committee's thoughts about the Commission taking over some of the Tree Removal applications.

Commissioner Fragoso provided the following comments:

- She referred to page 7, Parking Standards, and liked the idea of allowing one of the three spaces to be compact.
- She would like to encourage EV charging stations and streamline the permit process.
- She would like to discuss charging station requirements for new development.

Commissioner Rodriguez provided the following comments:

- The staff report was excellent.
- She referred to Attachment A, Council Goals, and stated it was the Commission's charge to make land use decisions.
- She would like the Council to hold a joint workshop with the Commission about the commercial cannabis issue.

Commissioner Green provided the following comment:

- He agreed with Commissioner Rodriguez- the Commission needs to be involved early on in land use planning.

PLANNING DIRECTOR'S REPORT

6. Report from Ben Berto, Director of Planning and Building Services

Planning Director Berto reported on the League of California Cities Legislative Update PowerPoint. He noted SB 827 was dead. Chair Newton asked if the Commission would get a briefing on recent housing legislation from the Town Attorney. Planning Director Berto stated that would happen soon. He noted there were over 300 Housing and Land Use Legislative Bills being introduced.

MINUTES

7. Minutes from the March 15, 2018 Planning Commission meeting

M/s, Fragoso/Green, motion to approve the March 15, 2018 Planning Commission minutes as submitted.

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

8. Commissioners Comments and Requests

Commissioner Swift stated the League of California Cities Planning Commissioners Conference was very worthwhile. All of the presentations are posted and can be viewed on their Website.

Commissioner Swift stated the sign was installed at 31 Bolinas Road and it looks good. They also took down some of the temporary signs. She asked staff about the HVAC equipment on the roof.

Commissioner Fragoso asked staff to look at the blade sign clearance. Commissioner Fragoso asked for an update on The Java Hut. Principal Planner Neal stated the Town Attorney got involved and has not yet reported back to the Planning Department. There is an agreement with the Good Earth to use its restrooms. There is also an issue about the closure of the outdoor seating area when access to public bathrooms is not available (when the Good Earth is closed).

Commissioner Gonzalez-Parber asked about the progress being made at 85 Bolinas Road. Principal Planner Neal stated staff has not heard from them- the Commission could schedule a revocation of the Use Permit if they desire. Chair Newton asked for a report at the next meeting.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 11:51 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary