

Fairfax Planning Commission  
Thursday, January 17, 2008  
Fairfax Women's Club, 46 Park Road

CALL TO ORDER 7:50 pm

ROLL CALL

Planning Commissioners present: Barbara Petty  
Alec Hoffmann (arrived at 7:50 pm)  
Chair Pam Meigs  
Peter Lacques

Board member absent: Shelley Hamilton  
Brannon Ketchum

Staff present: Ann Welsh, Planning Director  
Linda Neal, Senior Planner  
Amy Dunnigan, Minutes Clerk

APPROVAL OF AGENDA

M/S, Hoffman/Laques motioned to approve the agenda.

AYES: All (4)

APPROVAL OF MINUTES

Minutes from the December 20, 2007 meeting.

Hoffman abstained from approval of the minutes due to his absence at 12-20-07 meeting.

M/S, Lacques-Petty motioned to approve the minutes from the December 20, 2007  
Planning Commission meeting. .

AYES: Meigs, Lacques, Petty

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Michael Rock, new Town Manager introduced himself to the Commission and public  
present.

COMMISSIONER COMMENTS AND REQUESTS

None.

## CONSENT CALENDAR

### **2. 1 Hawthorne Court; Application # 08-01**

Request for a Use Permit to construct a 239sf addition to an existing 1,582sf single-family residence; Assessor's Parcel No. 001-073-22; Residential Single-family RS 6 Zone; Shervin Tajbaksh, Ewald Tajbaksh Architecture, applicants; Frank Lopez and Nancy Shepard-Lopez, owners; CEQA categorically exempt, § 15301(e);

M/S, Hoffman-Petty motioned to approve Application # 08-01.

AYES: All

## PUBLIC HEARING ITEMS

### **3. 17 Glen Drive; Application # 08-02**

Request for a Variance to convert an existing carport into an enclosed garage and to construct a entry trellis cover within the required side yard setback; Assessor's Parcel No. 174-111-08; PDD Planned Development District; Mimi Chen, Crome Architecture, applicants; Thue and Claire Thuesen, owners; CEQA categorically exempt, § 15305(a).

Senior Planner Neal gave the staff report.

Senior Planner Neal confirmed the project would not go to Design Review Board.

Max Crome, Crome Architecture, explained that the project encompassed enclosing the existing carport only and did not include adding any additional living space. The lot was 37' wide and the residence was already in the setbacks, so conversion of the garage requires the Commission's approval. Once the project is completed it will be difficult to see where the front door of the residence is located and that was the reason for the trellis.

Chairperson Meigs asked where the trellis supports would be situated as it not easy for her to find them on the plans.

Mr. Crome explained where the open trellis would be placed. The adjacent residence was approximately 12-15 feet from where the new front door was to be built.

Commissioner Hoffman asked if green building features were being incorporated into the project.

Mr. Crome explained that he and his client had not discussed building materials yet but that green building techniques could certainly be included where appropriate.

Commissioner Petty asked if the next door neighbor had been notified of the change.

Senior Planner Neal confirmed that the neighbor had been notified.

Commissioners Hoffman and Lacques were in support of the project.

Commissioner Lacques felt it would make the home more attractive as well as the neighborhood in general.

Chair Meigs also supported the project.

M/S, Petty-Hoffman, motioned to approve Application # 08-02.

Chair Meigs advised that members of the public had 10 days to appeal the application and the application was available at Town Hall.

#### DRAFT ORDINANCES

#### 4. Discussion/consideration of the Draft Mixed Use Overlay Zone

Planning Director Welsh advised that a clean copy of the draft ordinance with the changes made to Draft #2 and the strike-out copy was included in the packet. She indicated that the Sub-committee met on Tuesday and there weren't many changes other than a bold-face strike out that Consultant Larry Kennings felt should be tied to the Housing Element and state consolidation of small lots would be encouraged. The conclusion was simplified and the goal would be to adopt or recommend sending to Council so they could review it at their February 6 Town Council meeting.

Commissioner Petty questioned the timeline that was proposed and confirmed that the Housing Element would be adopted in July as well as the Mixed Use Ordinance providing the State find the proposals acceptable.

Commissioner Petty asked if Consultant Kennings felt we were far enough along to meet that aggressive goal.

Chair Meigs felt that there wasn't much of the document left to review so she felt the deadline could be met. She indicated that the details for Design Enhancement did not have to be worked out at this time. She went on to state that it had been a year since the last letter from the State and she felt it was time to move on something else and reminded the rest of the Commission that the letter was a draft letter. She explained that the sub-committee, made up of herself, Commissioner Hamilton, Consultant Kennings and Planning Director Welsh, felt the document looked good.

Commissioner Petty confirmed that this draft would be shown to Council on February 6 for their comment and action.

Commissioner Lacques requested a few minutes to look at the January 17 version.

Commissioner Petty felt positive about the draft and was all in favor of moving ahead with it.

Chair Meigs explained that the State employee Planning Director Welsh spoke with, Mario Angel, gave Planning Director Welsh a few ideas and pointers.

Consultant Kennings was a good “guidance counselor” while putting the draft together and suggested dates and bullet points.

Commissioner Lacques commented on the red-lined version and suggested possibly adding “to implement affordable and affordable housing” on Page 2, second to last paragraph, second sentence “the bonus of the added... financial incentive for a developer **“and thus encourages mixed use development with affordable and low income households”**”. Commissioner Lacques asked if the 10 additional housing units to be added would be rentals.

Planning Director Welsh stated that detail had yet to be determined, but she felt they should be classified as affordable housing.

Commissioner Lacques indicated that his recommendation would be to say “affordable housing” if the Town were able to substantiate the claim the units were truly affordable.

Chairperson Meigs reminded the rest of the Commissioners that this was a draft and that the intent of the ordinance is planning for and encouraging development.

Director Welsh said that a percentage of affordable housing could be included in the ordinance, but she was hesitant for the Town to do this because if the percentage is not high enough it could end up actually limiting creative design and affordable units. She stated that a cover letter would be sent in July with the proposals and include any information at that time.

Commissioner Hoffman felt that there was no guarantee that the units would be affordable and it would be wise to amend the second sentence on Page 3 **“As proposed, this project would create...”**.

Commissioner Lacques questioned point number 4, page 4 “rental or owner occupied... 550 sf”.

Chair Meigs confirmed that it was something the State questioned.

Commissioner Lacques felt adding the size of the units would encourage the units being built to be affordable housing.

Commissioner Petty indicated that just saying we are going to provide affordable housing will not be enough for the State. They want to hear and see that the Town is going to be more flexible to really encourage affordable housing.

Commissioner Lacques asked how many applications the staff expects to receive under the new Second Unit Amnesty Program.

Planning Director Welsh stated that staff is planning more outreach programs for the Ordinance indicated than two applications were already in progress, but estimating how many would be received during the life of the program would only be speculation.

Commissioner Hoffman said that the County just extended their Second Unit Amnesty program one more year.

Commissioner Lacques had a question about the conclusion of the last sentence, page 4, “unique character, HCD’s concern” and suggested adding “creating affordable housing.”

Chair Meigs felt it was already stated.

Commissioner Lacques felt his suggested working created a more proactive note and a stylistic editorial change. The first sentence of the conclusion that respects Fairfax’s unique character and scale **while creating opportunities for affordable housing and responding to HCD’s concerns.**

Chair Meigs thanked the sub-committee members for their hard work indicating that it really helped to speed things along

M/S, Meigs-Petty motioned to move the draft letter to the Council with the changes noted.

AYES: All (4)

### **Planning Director’s Report**

Planning Director Welsh advised that GPAC has finished the Bicycle and Pedestrian Master Plan and wanted to present it to the Council at the February 6 meeting.

Chair Meigs expressed frustration about adding another task for the commission to undertake while so many others, the FAR, the Tree Ordinance, etc. were still being reviewed and processed.

Planning Director Welsh felt that Council may just have to endorse the plan and then it would be incorporated into the Circulation Element.

Chairperson Meigs requested that staff advise the person in charge of the Coalition, Ian Roth, that he needs to bring the Bicycle Plan before the Commission and follow the required legal process.

Planning Director Welsh advised that a study has been done, the East West Corridor Study. San Rafael and San Anselmo had not adopted this yet.

Chair Meigs reminded that it is not the normal process for the Commission just to endorse something and for it to happen so quickly without adequate time for public hearings and comment.

Commissioner Hoffman indicated that at a quick glance the plan looked great and probably didn't need a lot of tweaking. He agreed, however, that the Commission did have a lot on its plate and something would have to go by the wayside if the Commission was going to tackle this Bicycle Master Plan. He commented that GPAC should see it first.

Director Welsh informed the Commission that she would go back to Ian Roth and advise him that the Commission wanted him to follow the legal process. If it is a General Plan amendment it would require notice, etc.

Commissioner Hoffman noticed Page 51 had bikeway system cost estimates.

Planning Director Welsh advised that February 7 would be the next workshop.

Chair Meigs questioned whether the commission would need the affordable housing person to come to the workshop. The Housing Unit Cap was the only item left to be reviewed in the Mixed Use Overlay Ordinance. Chair Meigs said a union conference she attended had a grid of what was resolved and what was left over and that she'd bring an example because the format may be helpful to the Commission when they review other draft ordinances and general plan amendments

Commissioner Petty announced that tonight was her last meeting as she was now Town Treasurer and there was a potential for a conflict of interest with her serving in both a commissioner position and treasurer. She stated that her two years had been interesting on the Commission and that she would see everyone around Town.

Chair Meigs adjourned the meeting at 8:54 PM.

Respectfully submitted,

Amy Dunnigan  
Minutes Clerk