

Town of Fairfax  
Planning Commission Meeting  
June 19, 2008  
Fairfax Women's Club, 46 Park Road

ROLL CALL: Brannon Ketcham  
Pamela Meigs  
Shelby LaMotte  
Shelley Hamilton  
Peter Lacques  
Terry Goyan (arrived at 7:35 pm)  
Alec Hoffmann (arrived at 8:02 pm)

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

CALL TO ORDER 7:30 pm

#### APPROVAL OF THE AGENDA

Chair Meigs advised since nobody was present for Consent Item 1, 21 Tamalpais, they could proceed with the approval of the agenda.

M/S Ketcham-Hamilton motioned to move the approval of minutes until after public hearing items.

AYES: All (5)

#### PUBLIC COMMENTS ON NON-AGENDA ITEMS

Pete Silva of 42 Sequoia, Fairfax: Asked how affordable housing was determined. Planning Director Welsh explained ABAG had a formula which was a combination of increase in population and an increase in jobs and as well as their policy. It was not a straight-forward mathematical equation and it was unclear to many people how it was determined. Mr. Silva asked if Staff was happy with the number ABAG arrived at. Planning Director Welsh replied and said she felt the number was unrealistic.

## PUBLIC HEARING ITEMS

### 2. 118 Francis Avenue; Application # 08-33

The Commission was pleased with the architect's plan to recycle what they could of the driveway and that all of the recycling would remain on-site. Mr. Klein thought they should accommodate emergency vehicles for neighbors, not only for his property alone and that was the reason for the wall's location. Pittosporum was what Mr. Klein could afford to do as a privacy screen, but Commissioner LaMotte reminded that Fairfax would be reviewing vegetation and time-released fertilizer in the future. The Commission was very appreciative of the fire truck/emergency vehicle access. Commissioner Ketcham appreciated the fact that the applicant was working with existing paving and felt it was a common sense approach and hoped the Town could look at it in the future for other projects, though it won't make sense for all, it made sense for this one. Commissioner Hamilton agreed it would be nice to be seen all in one project, but she understood a phased approach.

M/S Hamilton-Goyan motioned to approve Application # 08-33, 118 Francis Avenue.  
AYES: All (6)

Chair Meigs advised that any Public had 10 days to appeal the application and the application was available at Town Hall.

### 3. 35 Crest Road; Application # 08-34

Though the application was to address retaining walls and fencing, a roof deck on an existing shed structure was discussed extensively. Robert Castle, 42 Crest Road, Fairfax had lived at his residence for 33 years. He had been writing to the building inspector for years complaining about building taking place without permits. Mr. Castle was also concerned for his hilltop view.

M/S Hamilton-Hoffmann motioned to approve Application # 08-34 with the following conditions. 1) Accept Staff's recommendations that where the fence was encroaching within the front yard setback, the fence height be reduced to 4 feet and where within the front yard as a whole exceeds 6 feet, the fence be brought down to 6 feet. 2) The wooden portion above the retaining wall be maintained at 4 feet. 3) The applicants submit a landscape plan for review and approval by the DRB to include screening plants. 4) No solid fence higher than 6 feet. 5) Any fences located within the 6 foot front setback or right of way need to be lowered to 4 feet. 6) Any wooden portions of fence on top of the retaining wall comply with the 4 foot height requirement. 7) The building official was to review past and pending permits and for the proposed roof deck structure. NOTE: The approval tonight of the fence and encroachment was for the fence and the retaining walls and did not imply approval, acknowledgement about prior, pending, or future work permits.

AYES: All (7)

Senior Planner Neal advised to Mr. Dowd that they would receive a letter of action.

Chair Meigs advised that any Public had 10 days to appeal the application and the application was available at Town Hall.

\*9:53 pm

#### 4. 15 Tamalpais Road; Application # 08-35

Michael Watkins, 174 Pine Street, San Anselmo, was the applicant/engineer for the project. Mr. Watkins felt it was a modest request as the applicant had experienced a disaster. The fire was November 8, 2007. The residents' son was living with them and he has been staying in the living room/dining room area. The parking had always been tandem and he supplied GIS aerial photographs taken of the parcel overlaying the actual site. Mr. Watkins said that they were only interested in rebuilding to get the homeowners back in their residence. The fence was a 6' solid fence. Mr. Watkins would not do anything without going through the proper channels and applying for permits.

M/S Ketcham-Hoffmann motioned to approve Application # 08-35 based on the Staff's report and recommendations.

Chair Meigs advised that any Public had 10 days to appeal the application and the application was available at Town Hall.

#### APPROVAL OF MINUTES

PAGE 6: Commissioner Lacques felt the Tree Ordinance was another example for a permit that had been applied for. Change to: **He felt that the tree committee having permit felt it was good to have detailed minutes so they could review tree applications for other permits that had been applied for.**

PAGE 9: Commissioner Lacques requested change to "30-40% rather than putting in incentives". Change to: **Adopt a higher affordable housing ratio.**

PAGE 10: Commissioner Lacques reminded it was something that everyone could agree on (incentives). Change to: **third story incentive higher than 40% affordable housing. He wanted to make clear that he was going along with the third story height bonus as a compromise as a base minimum of 20% affordable housing.**

MEIGS: PAGE 10, 3<sup>rd</sup> paragraph, add key word **not** as in "could not vote".

M/S Lacques-LaMotte motioned to approve the minutes of April 17, 2008.

AYES: LaMotte, Meigs, Lacques, Ketcham (5)

ABSTAINED: Hoffmann, Hamilton, Goyan abstained. (3)

#### DISCUSSION ITEMS

#### 5. Election of Vice Chairperson

Chair Meigs provided history of the Chair position. Chair Meigs had been on the Commission for 5 years and had seen 3 Chairs. The Vice Chair would only hold the position until December 2008. If the Vice Chair was to fill the position of Chair (should she be absent), they must be willing to show up. She reminded that the Chair sets the Agenda and had other responsibilities as well.

Commissioner Hoffmann would not be present for the July meeting and the August Workshop would be his last appearance at Planning Commission due to his residential move out-of-state.

M/S Ketcham-Goyan motioned to elect Commissioner Hamilton as Vice Chair for the remainder of 2008.

AYES: All (8)

#### COMMENTS and REQUESTS

Chair Meigs discussed the Town Council Meeting from the night prior and advised 20-25 people and not one of them were in favor of the Mixed Use Overlay. Chair Meigs did not comment. She said that the traffic study person was present and the Council was not happy with her numbers. Planning Director Welsh advised to her understanding, that the traffic study person took the model and added the Mixed Use Overlay on top of it and showed in year 2030 if 50 additional units traffic would only increase by 4% during the peak hours. Chair Meigs felt her presentation was not strong and that she hesitated a lot. There will be some public meetings and a Saturday workshop September 27, 2008. All of the public comments will be gathered for that workshop as they were open to public comment through August. Planning Director Welsh said there was not the rush for the design guidelines based on the Council's timeline. Commissioner Lacques felt that the meeting was about CEQA and the higher percentage of affordable housing. He said he anticipated a lot more interest and opposition.

Commissioner Hamilton questioned the Council's plan for addressing the Mixed Use Overlay. Planning Director Welsh advised there was no set agenda. She felt that they really appreciated the complexity of the process.

M/S Hamilton-Hoffmann motioned to adjourn the meeting at 10:50 pm.

AYES: All (8)

\*These are summary action minutes. A recorded copy is available.

Respectfully submitted,

Amy Dunnigan, Minutes Clerk