

Town of Fairfax
Planning Commission Meeting
August 21, 2008, 2008
Fairfax Women's Club, 46 Park Road

ROLL CALL: Brannon Ketcham
Pamela Meigs
Shelby LaMotte (Arrived 7:37 pm)
Peter Lacques
Terry Goyan

Absent: Shelley Hamilton
Peter Ramsey

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

CALL TO ORDER 7:35 pm

*These are summary minutes. A recorded copy can be obtained at the Fairfax Town Hall,
142 Bolinas Road.

APPROVAL OF THE AGENDA

M/S Lacques-Ketcham motioned to remove item 1, Application # 08-25; 118 Francis
Ave., from the Consent Calendar to Public Hearings.

AYES: (3)

Chair Meigs opposed.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No public comments.

PUBLIC HEARINGS

1. 118 Francis Ave., Application # 08-25

Chair Meigs confirmed the recommended findings and the conditions were the same.
Senior Planner Neal advised that they moved the shed out of the setbacks at the
recommendation of the arborist's report.

Applicant, John Arnold, architect of the project 75 Terrace Ave., San Rafael stated did
not have anything to add to the Staff Report other than it was a better proposal and it

improved the relationship to the oak tree. Mr. Arnold added that he had no problem with a deed restriction to keep any future owner from modifying the structure.

M/S Lacques-Goyan motioned to approve Application # 08-25 with the conditions of findings recommended by Staff with an additional condition of the standard deed restriction language regarding restrictions on using the proposed study as a second unit.
AYES: All (5)

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

PUBLIC HEARING ITEMS

2. A Vacant Parcel on Forrest Avenue located between 115 and 135 Forrest Avenue; Assessor's Parcel No. 002-192-19; Application # 08-38

Applicant, Eric Altshuler 16 Pacheco Ave., stated he did not understand why the Architect would want to proceed and that he wanted to comply and had no disagreements with the Town Engineer. He stated would like to resubmit some items, but because he thought the Town Engineer was unclear about what was needed, he had a difficult time complying. The applicant stated he was not trying to waive or get around any portion of the application. Mr. Altshuler felt the Town was asking for things that weren't necessary yet at the stage of the project. Forrest Ave would be wider because of his project since he was adding a fire line. Mr. Altshuler said he could possibly have difficulty acquiring a loan when the project had not been approved.

Chair Meigs asked if Mr. Altshuler was not in agreement with the Town Engineer, why he had not complied with what the Town Engineer had requested. Chair Meigs asked if Mr. Altshuler was willing to review other projects to see the processes of the Commission and why projects are often brought before the Commission multiple times.

Senior Planner Neal advised if the applicant submitted those items and if they did not comply with what the Town Engineer was asking, the Town could not recommend approval of the application. The Town Engineer was supposed to have 30 days to review information received.

Commissioner Lacques asked about a memo sent to the applicant from May 2007 and why Mr. Altshuler had not responded to the memo addressing concerns in over a year. Mr. Altshuler had not submitted any documentation. He thought that he had, but he could see that he was incorrect.

Roger Warren, 135 Forrest Ave., inquired why the applicant was being allowed to build a single family residence on one lot. He purchased his property in the 1970s and the additional lot he had purchased next door was deemed too small. Senior Planner Neal explained lots could only be combined when the properties are under the same ownership.

Isabelle Cain, 124 Forrest Ave., spoke against the project.

Planning Director Welsh advised October 16 was the date to hear the application again because the engineer needed 30 days to review a project. Chair Meigs found approximately 19 items that were unanswered and she felt 60 days was enough time to complete the application and agreed with the Town to do a continuance based on the findings.

Planning Director Welsh said the applicant had the right to submit information and that the Commission would have to make a decision on October 16, 2008. Commissioner Lacques stated it was not that the Town was being difficult, but that they needed a complete plan due to the complicated project.

M/S LaMotte-Ketcham motioned that Application # 08-38 was deemed incomplete as submitted.

AYES: All (6)

ACTION: The next hearing should be re-noticed to neighbors and would be heard within 60 days (October 16, 2008). The Town engineer required 30 days to review the applicant's information.

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

DISCUSSION ITEMS

Commissioner Ketcham requested 15 minutes to review the FAR at the Workshop September 4, 2008.

3. Continued discussion/consideration of the Circulation Element of the General Plan

Larry Kennings would be at the September 4, 2008 Workshop to answer questions about the Circulation Element, so Discussion Item 2 was postponed until the September Workshop.

September 27, 2008 was the date scheduled for the town Council Mixed Use Overlay Workshop and Chair Meigs hoped that as many commissioners could be available as possible.

APPROVAL OF MINUTES

4. Minutes from the July 17, 2008 Meeting.

M/S Goyan-LaMotte motioned to approve the minutes.

AYES: All (6)

COMMISSION COMMENTS and REQUESTS

Commissioner Goyon said it would be nice when there are incomplete plans that the person that deemed the application incomplete be present. Senior Planner Neal explained that having the Town Engineer at the meetings to discuss the incomplete plans is expensive and not Town policy, but if in the future, they felt it was necessary, to contact the Chair or Staff.

M/S Lacques-Goyan motioned to adjourn the meeting at 9:59 pm.

AYES: All (6)

Respectfully submitted,

Amy Dunnigan, Minutes Clerk