

DRAFT Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, October 15, 2009

Call to Order/Roll Call:

COMMISSIONERS PRESENT: Shelley Hamilton
Brannon Ketcham
Peter Lacques, Chair
Shelby LaMotte
Pam Meigs

COMMISSIONERS ABSENT: Peter Ramsay

STAFF PRESENT: Jim Moore, Planning Director
Linda Neal, Senior Planner
Joanne O'Hehir, Minutes-Secretary

Chair Lacques called the meeting to order at 7.35pm

Approval of the Agenda

Senior Planner Neal said that staff recommended taking 126 Meernaa Avenue off calendar because staff had found that other discretionary permits were necessary that the owners had not been aware they needed.

M/S, LaMotte/Hamilton, Motion to approve the agenda with the item on 126 Meernaa Avenue to be continued to a date unknown.

AYES: All

Public Comments on Non-Agenda Items

No one from the public came forward to speak.

Consent Items

1. 138 Bothin Road; Application # 09-23: Request for a Side Yard Setback Variance to reconstruct and increase the height of a garage; Assessor's Parcel No. 003-082-81; Residential Single-family RS 6 Zone; Seadon Wijzen, applicant/owner; CEQA categorically exempt, § 15303(e).

M/S, LaMotte/Hamilton, Motion to approve the Consent items.

AYES: All

Public Hearing Items

3. 294 Scenic Road; Application # 09-24: Request for a Preferential Parking Permit to construct a 42 foot long, concrete and steel I-beam retaining wall that will reach up to 12 feet in height along the property frontage in order to create two off-street parking spaces and replace the front entry stairs; Assessor's Parcel No. 001-051-18; Residential Single-family RS 6 Zone; Steven Bartley, applicant/owner; CEQA categorically exempt, § 15303(e) and 15305(b).

Senior Planner Neal presented the staff report. Ms. Neal discussed the Ordinance that allowed property owners to create parking in the public right-of-way in hillside areas and post it for their exclusive. She noted that the reason for the rule was to provide additional off-street parking. Ms. Neal explained that the parking space needed to be maintained in a safe and sanitary condition and that in order to qualify for Preferential Parking, the construction cost minimum must be \$10,000.

Ms. Neal discussed the wall and access stairs, and she noted that mature trees did not need to be removed and that excavation was limited. For these reasons, and those in the staff report, staff recommended approval of the project, in addition to the Conditions of Approval.

Commissioner Meigs and Ms. Neal discussed Preferential Parking. Ms. Neal reiterated the need for the homeowners to maintain the parking spaces in order to retain exclusive use of the spaces but that the Fire Department retained the right to withdraw the spaces if the property was enlarged.

Commissioner Meigs expressed concern that the Ordinance allowed only two designated homeowners to use land they did not own.

Commissioner Ketcham and Ms. Neal discussed encroachments into the public right-of-way pertaining to easements.

Chair Lacques and Ms. Neal discussed the retaining walls and Ms. Neal clarified certain aspects of the plans.

In response to Commissioner Hamilton, Ms. Neal said that the land had not been affected by slides.

Commissioner Meigs, Commissioner LaMotte and Ms. Neal discussed landscaping. Ms. Neal said that Public Works had identified the flow line of water that the applicants needed to follow.

There was a general discussion on the use of concrete.

In response to Commissioner Hamilton, Ms. Neal said that the plan checker would address ADA (Americans with Disabilities Act) requirements.

Steven Bartley, applicant, discussed his project. He noted that they would like a proper parking space. He discussed drainage and wall materials, when he noted that he hoped to use pressure-treated wood. He said that there would be concrete stairs and a concrete retaining wall below. He discussed the slope wall above.

Mr. Bartley and Commissioner Ketcham discussed a rock wall on the property.

Commissioner LaMotte led a discussion on landscaping, which was of concern to her because she did not believe that plantings would survive on a rip-rap slope.

Commissioner Hamilton discussed the wall materials with staff. Planning Director Moore said that they had not realized there was a possibility that wood would be used instead of concrete, although he said that Public Works usually favored the latter for maintenance purposes.

General discussion took place on a concrete wall versus a wood wall. Commissioner Meigs said she did not favor concrete and Commissioner LaMotte noted that wood becomes more natural when it weathers.

Commissioner Ketcham said he would favor either material.

Chair Lacques said that the plans were not clear about which materials would be used and expressed concern that the Public Works Department had the discretion to make a decision on which materials would be used. He said that he would support waiving the landscaping bond, although he would prefer that the wall was softened with landscaping.

Commissioner Hamilton made a motion to approve the request for a Preferential Parking Permit to construct a 42 foot long, concrete and steel I-beam retaining wall that will reach up to 12 feet in height along the property frontage in order to create two off-street parking spaces and replace the front entry stairs at 294 Scenic Road, with a strong recommendation that pressure-treated wood be considered for the retaining wall for aesthetic reasons, with the final decision to rest with the Public Works Director; the removal of the Condition of Approval pertaining to the provision of landscaping, and the recommendation that the applicant make every effort to create landscaping over the wall.

Chair Lacques made a friendly amendment that a landscaping plan should be drawn up but the landscaping bond should be waived, to which Commissioner Hamilton was in agreement.

Commissioner Ketcham made a friendly amendment that the retaining wall shall be constructed of pressure-treated wood, if possible.

Commissioner Meigs seconded the amended motion.

AYES: All

The Chair read the appeal rights.

Discussion Items.

4. Continued discussion/consideration of the Safety Element (please bring hard copy previously provided).

Planning Director Moore provided a brief overview of discussions at the previous meeting, and he noted that the Commissioners would need to approve the changes that were made because there had been no quorum.

General discussion by the Commissioners took place on the way forward. It was agreed that a subcommittee would convene to write a separate section on disaster preparedness and consolidate the information in the previous programs.

Planning Director Moore said that staff needed to undertake more research into evacuation, which should be included in the Safety Element. It was agreed that the subcommittee would discuss this aspect for the additional section of the Safety Element.

Minor amendments were made to the introduction following a brief discussion.

Planning Director Moore said he would investigate the difference between the Town Code's 50% remodel and substantial improvement that related to seismic retrofitting of private property.

It was agreed that the base year would be either 2009, or the year in which the elements were adopted.

Minor amendments were made to the sections discussed at the previous meeting.

It was agreed that the subcommittee would work on strengthening the language in Program ESE-1.6.2.

Commissioner Meigs led a discussion on the necessity of bringing the Town Code into compliance when the General Plan is approved.

M/S, Ketcham/Lacques, Motion to approve the changes through ESE 1.7.4.

AYES: All.

Discussion moved on to Flood Hazards, when Commissioner LaMotte noted that the Town might find it too onerous to comply with the maps referenced in the section, many of which were unfamiliar to her. Planning Director Moore said he would research this matter. However, he noted that an appendix of maps was included, but that it needed to be cross-referenced.

The Commissioners discussed culverts. Language was added at the behest of Commissioner Ketcham to address the problem of flooding caused by undersized, unmaintained culverts.

Further minor amendments and additions were made to the section ending before “Objectives and Policies”.

Discussions continued on Policy ESE-2, where minor changes and additions were made.

It was agreed that the subcommittee would discuss the flood area defined in the Town Code, in addition to a flood notification system. Chair Lacques suggested that this be added as a new program.

Due to the lateness of the hour, discussions ended at Program ESE-2.9.3.

5. Discuss disposition of Town Center Element with new Appendix.

Discussions were continued to another meeting due to the lateness of the hour.

6. Discuss final “packaging” of all eight General Plan elements and critical path to adoption.

Discussions were continued to another meeting due to the lateness of the hour.

Planning Director’s Report

Planning Director Moore said that the Commissioners should discuss the Town Center Element and Section 3 that was cut from the Circulation Element and updated at a future meeting. He said that after the eight elements of the General Plan had been reviewed by the Council, staff would work with a subcommittee to ensure continuity. Mr. Moore discussed further steps that were necessary to accomplish updating the General Plan.

Mr. Moore announced that staff had recommended to the Town Council that a forum be held to discuss hydrant requirements, sprinklers and defensible space with the Fire Department.

In response to Commissioner Hamilton, Mr. Moore said that staff were still looking into sprinkler requirements.

Mr. Moore announced that the Town Clerk had noticed the vacant commissioner position that was formerly held by Terry Goyan, although the Town had yet to receive a formal letter of resignation from Mr. Goyan.

Mr. Moore said that a subcommittee, including Andy Perry of the Marin Bicycle Coalition, had met to incorporate the edits into the Circulation Element regarding Complete Streets and the goal of attaining 20% of all journeys to be made on foot or by bicycle.

Approval of Minutes

7. Review of the minutes from the meeting of September 17, 2009.

Planning Director Moore said that on Page 6, second paragraph, that Town Council should “consider” the Circulation Element.

Mr. Moore further said that under the Planning Director’s Report, he “suggested a forum be held”.

M/S, LaMotte/Ketcham, Motion to approve the minutes of the meeting of September 17, 2009 with the amendments made by Planning Director Moore.

AYES: Shelley Hamilton, Brannon Ketcham, Peter Lacques, Shelby LaMotte

ABSTAIN: Pam Meigs

Commission Comments and Requests

Chair Lacques requested that the Commissioners be provided with the fire prevention requirements before the next workshop meeting.

Commissioner Meigs said that the Open Space Committee were diligently working on an amazing document, which she would like conveyed to the Town Council.

Adjournment

A motion was made, seconded and unanimously passed to adjourn the meeting at 10:30 p.m.

Respectfully submitted,

Joanne O’Hehir

NOTICE OF PUBLIC HEARING

