

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMENS CLUB
THURSDAY, MARCH 14, 2019

Call to Order/Roll Call:

Chair Swift called the Special meeting to order at 6:00 p.m.

Commissioners Present: Norma Fragoso
Philip Green (arrived at 7:00 p.m.)
Mimi Newton
Michele Rodriguez
Cindy Swift (Chair)

Commissioners Absent: Esther Gonzalez-Parber
Laura Kehrlein

Staff Present: Ben Berto, Planning Director
Linda Neal, Principal Planner
Garrett Toy, Town Manager
Janet Coleson, Town Attorney
Amanda Charne, Assistant Town Attorney

APPROVAL OF AGENDA

Chair Swift noted Public Comment on Non-Agenda Items was not on the agenda. Town Manager Toy stated this item is not usually included on a Special Meeting agenda.

M/s, Newton/Fragoso, motion to approve the agenda but hear the Approval of the Minutes prior to Regular Agenda Item #1.

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

Minutes from the February 21, 2019 Planning Commission meeting.

M/s, Newton/Rodriguez, motion to approve the February 21, 2019 Planning Commission minutes as corrected.

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

PUBLIC HEARING ITEMS

1. Discuss/consider local cannabis regulations and provide direction to staff.

Chair Swift noted Commissioner Kehrlein has recused herself from this item. She noted she would like the Commission to forward a finished product to the Council for its May meeting.

Planning Director Berto presented a staff report regarding Chapter 17.110, Cannabis Uses.

Assistant Town Attorney Charne presented a staff report regarding Chapter 5.56, Commercial Cannabis Businesses.

Commissioner Rodriguez asked if staff has received any feedback on the draft ordinance from the Fire or Police Departments. Town Attorney Coleson stated the Police Chief understands the general direction and does not have any comments except for a concern about the number of background checks that might be required. Commissioner Rodriguez had questions about the ordinance recently approved by the City of San Rafael. Planning Director Berto stated that San Rafael had added cannabis delivery-only businesses.

Commissioner Newton asked if moving the medical cannabis cultivation requirements into Chapter 17.110 has resulted in combining some of the definitions from the Business and Professions Code and the Health and Safety Code. She was concerned that combining the two sets of definitions would change the meaning of the State definitions. Assistant Town Attorney Charne stated the personal cultivation definitions are carried forward with the exception of the 200-foot buffer- it would be more inclusive.

Commissioner Newton had a question about the definition of "non-manufactured cannabis products" and "cannabis products". Assistant Town Attorney Charne stated the concept of the "non-manufactured cannabis product" comes from the Cal Cannabis Licensing Program Regulations. Staff was trying to set forth the broadest definition of commercial cultivation possible.

Commissioner Newton asked for clarification about signage for medical cannabis dispensaries. Planning Director Berto stated the sign requirements would be the same as other businesses. Commissioner Newton asked if the parking requirements were "extra and special". Planning Director Berto stated "no- it matches the Town's requirements for retail uses and industrial requirements for the delivery uses, with the potential exception for an extra parking space for a delivery business vehicle".

Commissioner Newton asked how they are justifying the "six plants per lot" limit (regardless of the number of residents or units on the property) with respect to State law. Assistant Town Attorney Charne stated each residence would be allowed six plants, whether indoors or outdoors. State law allows jurisdictions to ban outdoor cultivation. Commissioner Newton stated she sees this as a constitutional question.

Commissioner Newton stated she thought the Commission would be reviewing scoring criteria with respect to the application process. Planning Director Berto stated staff outlined this in broad terms. This will be a fluid and much discussed topic, and staff is recommending adopting the scoring criteria by resolution, separate from the ordinances.

Commissioner Newton asked if the items in the background checks were derived from State law or something staff is creating. Assistant Town Attorney Charne stated it was the latter.

Commissioner Green arrived at 7:00 p.m.

Chair Swift referred to page 6 of the staff report, the bottom paragraph, and asked if the definition for day care or schools omits private facilities. Assistant Town Attorney Charne stated "yes- they are using the new definition of pre-school".

Chair Swift referred to page 6 of the draft ordinance, Section 17.110.040, "Cannabis Retail Uses, (C)(5) and asked for clarification on the Traffic Impact Permit and the methodology for the study. Planning Director Berto discussed the permit and how the Town Council normally approves the methodology for the study, but would not that for purposes of processing cannabis applications.

Chair Swift referred to Chapter 5.56, Cannabis Businesses, and asked if the process would coincide with Chapter 17.110, Cannabis Uses. Planning Director Berto stated "yes, they are looking at the totality of regulations".

Chair Swift opened the Public Hearing.

Mr. Lew Tremaine, representing Marin Alliance, made the following comments:

- He gave a packet of information to Principal Planner Neal.
- The packet represents the first of many opportunities for funding for communities that want to foster a cannabis industry.
- He discussed a \$10 million grant program for start-ups.

Commissioner Rodriguez asked Mr. Tremaine his opinion on certain sections of the ordinance. Mr. Tremaine stated the fees for the annual renewal were onerous. People were harmed by the prohibition and need a helping hand.

Ms. Lynette Shaw, Marin Alliance, made the following comments:

- She noted the Town allowed a Recreational Delivery License for her medical-only dispensary but the State has never heard of a medical dispensary/recreational delivery configuration.
- This has caused a lot of red-tape to occur including the need to install two new doors at a cost of \$7,000.
- She urged the Commission to make this a simple process.
- Fairfax is a cannabis community with a long history.

Ms. Jasmine Garrety made the following comments:

- Fairfax will be the first city in Marin County to have a recreational store front.
- They need to think about the community as a whole.
- She was concerned about the high THC potency levels of the products.
- Putting regulations on certain products will be very important.

Commissioner Rodriguez asked Ms. Garrety about THC levels. Ms. Garrety discussed the testing and researching of THC levels had not been above 15 percent THC.

Ms. Fiona Core, Laurel Way, made the following comments:

- She is a student at Drake High School. She and her friends spend a lot of time in Fairfax.
- She asked the Commission to think about the impact this decision will have to the community.
- Marijuana use is prevalent among students.

Mr. Sebastian Myer made the following comments:

- He is a student at College of Marin.
- He experimented and developed a dependence on cannabis products- he was able to come out on the other side.
- He is concerned about the legitimization and commercialization of marijuana. The perception of harm drops as these products are legalized.
- Products are marketed towards kids- fruity flavors, etc.
- A storefront would negatively impact the perception of harm and normalize kids perception of how cannabis use affects people.

Ms. Linda Hammon, Kentfield, made the following comments:

- She works to reduce underage alcohol and drug use in the community.

- She is concerned that a commercial storefront would decrease the perception of harm and increase access and normalization.
- They should wait on retail until cannabis is legal on a Federal level- systems will be in place including testing, taxation, etc.

Mr. Don Carney, Mountain View, made the following comments:

- He runs the Marin County Youth Court and 70% of the cases are substance abuse driven- 80% of these cases involve marijuana.
- He is concerned with how rapidly young people have become involved in the concentrates.
- Kids are being targeted- it is a business plan.
- He did not support a retail outlet.

Ms. Melissa Strauss, Health and Human Services, made the following comments:

- She is the Substance Abuse Prevention Coordinator for the County.
- She provided the Commission with a packet of information.
- Health considerations are vital.
- A panel of researchers found positive and negative health effects from cannabis. The study did not include the effects of newly available high potency cannabis products (oils and concentrates).

Ms. Kelsey Fernandez made the following comments:

- Large commercial cannabis farms are negatively impacting the environment.
- Banned toxic substances are sometimes used on these farms.

Ms. Kelly Murphy, San Anselmo, made the following comments:

- She asked if consideration has been given to storefronts and the proximity to Contratti Field.
- Her son plays Little League and loves to go to Scoop and hang out in Fairfax.

Mr. David Stampanado, Fairfax, made the following comments:

- He is on the West Little League Board of Directors.
- The Board would like to see a buffer of greater than 600 feet.
- They are opposed to any exceptions to the buffer for recreational storefronts.
- Making exceptions for individuals or certain businesses is not sound policy.

Ms. Rosanne Olive, Director of First Friends Montessori, made the following comment:

- First Friends Montessori is a licensed child care center with a kindergarten program.

Chair Swift closed the Public Hearing.

Chair Swift stated she would like to address the policy issues regarding cultivation.

Chair Swift provided the following comment:

- She referred to indoor cultivation and stated she did not see the need for the cultivation to occur in a locked room within a locked private residence.

Commissioner Green provided the following comments:

- A locked door inside the house where the cultivation is going on is important.
- The plants could be an attractive nuisance to children.

Commissioner Newton provided the following comments:

- She disagreed- requiring a lock on the inside is far too intrusive.

- Responsible parents will take precautions.

Commissioner Rodriguez stated that she had no opinion.

Commissioner Fragoso provided the following comment:

- She does not have a preference for locked rooms.

Chair Swift asked for comments on buffers for outdoor cultivation and having a 200 foot buffer from a school or day care center.

Commissioners Green, Rodriguez, Fragoso, provided the following comments:

- They support this policy.

Commissioner Newton and Chair Swift provided the following comments:

- They were not in favor of a buffer for outdoor cultivation.

Chair Swift asked for comments on an exception policy to the number of plants and/or the 200 foot buffer.

Commissioner Newton provided the following comments:

- She strongly supported the exception policy.
- They should allow for an exception to the personal cultivation limit of 6 plants on a case-by-case basis.
- They are talking about medication.

Commissioner Green provided the following comments:

- He agreed with Commissioner Newton.
- The medical aspect is an important thing and they should allow for exceptions.
- They buffer and number of allowable plants go hand-in-hand.

Commissioner Rodriguez provided the following comments:

- She supports the staff writing as proposed.
- They should maintain the exception and amend Section 17.110.310 "Medical Cannabis Admin. Exception" to delete the 200-foot buffer.
- Section 17.110.310(F) should include a notification opportunity.

Commissioner Fragoso provided the following comment:

- She agreed with the comments made by Commissioner Rodriguez.
- She did not agree with an exception to the buffer but agreed to an exception to the number of plants and is willing to go to a maximum of eighteen.

Commissioner Newton provided the following comments:

- She referred to Section 17.110.310(C)(4) and stated the limit of six plants should be removed.
- They should trust the decision maker to use his or her discretion.
- She did not want to limit the additional number of plants.

Commissioner Green provided the following comments:

- They are dealing, somewhat, with the unknown. One plant could be as big as a Christmas trees.
- If someone needs 18 plants and the findings can be made then he would go with it.

Town Attorney Coleson stated there was a difference between "cultivating your own" and "using". They are not talking about a medical patient's right to use.

Chair Swift provided the following comment:

- She is in favor of the exceptions for both the buffer and the number.
- She supports taking out the limit of six additional plants.

Commissioner Green provided the following comment:

- He could support eighteen plants, and maybe more, if the individual has a “prescription” from a doctor.
- The clause about not creating a public nuisance is a protective measure.
- He now supported cultivation on balconies.

Chair Swift asked for comments on the definition of “youth center” and the optional language.

Commissioner Fragoso, Newton, and Rodriguez, provided the following comments:

- They supported the optional language.

Commissioner Green provided the following comments:

- The optional language is fine except he would delete the words “or facility” in the last part of the sentence.

Chair Swift asked for comments on buffers.

Commissioner Fragoso provided the following comments:

- She supports the buffers for storefront retailer- Alternative #1 on page 5 of Attachment #1.
- She is not in support of the exception process.

Commissioner Green provided the following comments:

- The 600-foot buffer for storefronts should remain.
- If the delivery service adheres to the regulations there should be no odor, visibility, etc.- he agrees with the 600-foot radius of a school.
- He does not support the exception process- it could be a “can of worms”.

Chair Swift provided the following comments:

- They have discussed the desire for competition.
- The optional section talks about an exception process for a location if the criteria are met.

Commissioner Newton provided the following comments:

- She is opposed to Chapter 17.110.040 “Cannabis Retail Use” (A)(1)- it should include the Limited Commercial (CL) Zone.
- She is not in favor of the buffer.
- She would allow retail and delivery in the commercial zones.
- She would support the exception process.

Commissioner Rodriguez provided the following comments:

- She supports the alternative with the added language that clarifies that if delivery is included in the retail business, then the buffer should be 600 feet.
- She does not support the exception process (optional).
- She supports Chapter 17.110.040(A)(1) as is.

Chair Swift provided the following comments:

- The buffers should be flexible.

- She would go along with all three buffers for retail.
- The exception process is important if a location meets the criteria.

Chair Swift referred to Chapter 17.110.040(A)(1) and asked if the Limited Commercial Zone should be included.

Commissioners Fragoso and Rodriguez provided the following comments:

- They would not include the CL Zone.

Commissioner Green provided the following comments:

- The two, small CL Zones are not good locations for retail outlets.
- They could accommodate delivery businesses.

Chair Swift asked for comments on parking.

Commissioner Fragoso provided the following comments:

- She would recommend the parking standards remain as written without the optional phrases for both retail and delivery.
- They should meet standards of the retail zone. She would not additionally restrict them.

Commissioner Green provided the following comments:

- There might be another way to look at the delivery aspect- to have a loading zone instead of a space. Planning Director Berto stated if they were dealing with larger businesses they would be looking at the loading zones questions.
- Storefront retailers should conform to the same retail requirements that currently exist.
- There should be an off-street space for delivery vehicles.

Commissioner Newton provided the following comments:

- They are making assumptions- the delivery drivers might take his or her car home and "take the sign off the top of the car".
- She was not in favor or asking for special requirements for cannabis businesses over and above what is asked of any other business.

Commissioner Rodriguez provided the following comments:

- She agreed with Commissioner Newton.
- She was concerned since they have not really talked about square footage. Planning Director Berto noted they will be reviewing operating plans for individual businesses when evaluating proposals.
- She supported C.(1) with the option.
- Parking should be required for only the delivery vehicles and not the employees.

Commissioner Green provided the following comments:

- There could be a compromise.
- A cannabis retail business should be subject to the same parking requirements as any other retail business but if there is a delivery component then one of the spaces must be reserved for the delivery vehicle.

Chair Swift provided the following comments:

- One of the concerns is that a retail business will have a lot of customers.
- She was not sure the three spaces plus the additional two spaces would be sufficient.
- They need to at least meet the requirements of any other retail businesses in town- a 1,500 square foot facility would need five spaces.

- She did not want one of the spaces used for the delivery vehicle- that would be taking away parking.
- She was in favor of the stated parking for retail and delivery plus the additional vehicle spaces.

Chair Swift asked for comments on the number of businesses and the type of businesses.

Commissioner Fragoso and Chair Swift provided the following comments:

- The current dispensary should be folded into whatever number they come up with.

Commissioner Green provided the following comments:

- He is in favor of two businesses based on two entities/locations- this would include the current dispensary.
- He is in favor of fair competition.

Commissioner Newton provided the following comments:

- She does not want to include the current dispensary in the number of allowable businesses.
- She would recommend rewriting the limitation on the number so each use is addressed separately or make the first category any combination of delivery and medical with storefront/retail. There could be a separate provision for delivery only and a separate provision for medical only. Assistant Town Attorney Charne stated that was what Alternative 2 is intending to do.

Commissioner Rodriguez provided the following comments:

- She agreed with the comments made by Commissioner Green.
- She supported two total locations including the existing.

Chair Swift provided the following comments:

- She supports a limitation of three locations. The current dispensary should be included in that number.
- It is too complicated to break out the different categories (storefront, delivery, medical, etc.)

Commissioner Newton provided the following comments:

- She is opposed to a limit on the number.
- If there is a limit she would prefer the alternative approach and go with the maximum number.

Commissioner Green provided the following comments:

- He noted they will see the end of medical marijuana programs.
- They should limit the number to two, and the language should be "cannabis retail locations".
- They could be a combination of retail and delivery.

Commissioner Fragoso provided the following comments:

- She asked if retail included microbusinesses. Planning Director Berto stated they are not talking about vertical operations or bud only- they are talking about cannabis products.
- She agreed with "two cannabis locations" including the current medical delivery service as one of the two.

The Commission took a 10-minute break at 9:30 p.m.

Commissioner Newton referred to Chapter 17.110.020 "Definitions" and stated she would like to discuss the definitions of "cannabis cultivation", "cannabis manufacturing" and "cannabis products". She would like to add the following definition: "non-manufactured cannabis products" so they can allow establishments to engage in rolling and packaging cannabis products. Assistant Town

Attorney Charne stated Section 5412 of the Bureau of Cannabis Control Regulations prohibits packaging and labeling by a retailer. Planning Director Berto stated this gets into the microbusiness issue.

Chair Swift stated she would like to address Chapter 5.56, Cannabis Businesses.

Commissioner Green asked if the Town can regulate businesses to the extent of what they have in stock to sell (products with scents, THC levels, etc.). Assistant Town Attorney stated "yes" since Proposition 64 gives specific authority to local jurisdictions to adopt health and safety regulations. The extent of this provision has not been tested.

Commissioner Rodriguez asked about limiting the THC levels, marketing to children, etc. Assistant Town Attorney Charne stated if the Town chose to adopt those standards it would be included in Chapter 5.56 as a business regulation- it would not be a zoning standard.

Chair Swift asked for comments on Chapter 5.56, Cannabis Businesses.

Assistant Town Attorney Charney asked for feedback on the overall application and scoring process.

Chair Swift referred to Section 5.56.090 "Operating Requirements" (D)(3) and asked about the State requirements for record keeping. Assistant Town Attorney Charne stated the State regulations have detailed requirements on keeping personnel records (7 years). Chair Swift noted the requirements about volunteers were not consistent.

Chair Swift asked for clarification on Section 5.56.090(D)(13). She referred to Section 5.56.120 "Expiration" and asked for the definition of "active use". Assistant Town Attorney Charne stated this could be fleshed out.

Commissioner Green provided the following comments:

- He referred to Section 5.56.060 "Permit Application" and stated he would like to add #16 that would say: "Proof of compliance with BCC Code #5017".
- He referred to Section 5.56.070 "Review and action on applications" (A)- Phase 1 (1) and suggested the following language: "Upon receipt....Town's municipal code *and State licensing regulations*...".
- He referred to Section 5.56.070 (A)- Phase 1 (3) and suggested the following language: "The applicant.... *shall submit fingerprints* to Livescan..."; and "The fingerprints shall... *FBI or other applicable agencies* for evaluation".
- He referred to Section 5.56.070 (A) (4) and noted prescreening decisions were not appealable and he asked if that was legal. Town Attorney Coleson stated it was intended to be a "yes or no" and not a discretionary type of thing. Staff will look at that.
- He referred to Section 5.56.070 (A) (4) and stated it should clearly specify the application period (i.e. midnight).
- He referred to Section 5.56.070 (C) and suggested the following language: "Furthermore...have been complied with *and the Town verifies compliance*".
- He referred to Section 5.56.080 "Minimum criteria for issuance of a permit" (C) and suggested adding #5 to include the common law felonies (murder, mayhem, etc.).
- He referred to Section 5.56.090, "Operating requirements" (D) (1) and stated these businesses should not be afforded the standard signage abilities. Signs should be smaller and less obtrusive.
- He referred to Section 5.56.090 (D)(3) and stated the business should comply with State recordkeeping regulations.

- He referred to Section 5.56.090 (D)(9) and suggested the following language: “The permittee.....within 7 days of application submittal...”.
- He referred to Section 5.56.120 “Expiration”, and stated they need a better definition of “active use”.
- He referred to Section 5.56.140 “Appeals” (A) suggested the following language: “Within 15 days of the date of mailing.....”. Assistant Town Attorney Charne stated she will check on the service provision.
- He referred to Section 5.56.0140(E) and suggested the following language: “In the event...or revocation is *stayed* pending final...”.
- He referred to Section 5.56.140(H) and suggested the following language: “However, and irrelevant, *immaterial, collateral*...”.
- He referred to Section 5.56.140 (I) and suggested language be added that defines when the Town would make a determination. The paragraph should be broken up with the second sentence becoming (A), the third sentence would become (B), etc.
- He referred to Section 5.56.150 “Enforcement” (E) and stated the end of the sentence should include causes of action including, but not limited, to injunctive relief.

Commissioner Newton provided the following comments:

- She referred to Section 5.56.080, “Minimum criteria for issuance of a permit”, (C) (1) and stated she is concerned about people who have served time, paid their debt to society, and felt this provision limits their abilities to run a business.
- She wondered about the purpose of the criminal prohibition.

Chair Swift provided the following comments:

- She asked staff to look at what the Alcoholic Beverage Control Board does in these circumstances (ex-felons).
- She would be more comfortable knowing there has been a certain length of time after a convictions has occurred.

Commissioner Rodriguez provided the following comments:

- She is interested in limiting the THC levels and eliminating packaging geared towards children and stated she would leave this up to staff to determine the appropriate section.
- She referred to Section 5.56.07, “Review and action on applications” and stated she felt this was a land use entitlement. She sees two pathways. There could be a simple checklist with standards of operation that would be reviewed by staff. The Commission could be the deciding body with the Council as the appealable body.
- She referred to Section 5.56.090, “Operating requirements” (D)(1)(ii) and stated “vicinity” should be defined.
- She referred to Section 5.56.090(D)(1)(iii) and suggested the following language: “ 25 % of the window shall not be covered”.
- She referred to Section 5.56.100 “Terms of permit and renewal procedure” and stated the permit should be good for two years
- She referred to Section 5.56.130 “Transfer of permits” and stated the word “projects” should be deleted.

Commissioner Newton provided the following comments:

- The issues she wanted to pursue would focus on the anti-franchise ordinance and the ability to limit products by requiring organic, no pesticide use, etc.
- She asked if they could impose organic standards. Planning Director Berto stated this could be part of the scoring criteria.
- She would like to include preferences for minority-owned or female-owned small businesses.

- She is also interested in limiting the big guys (Phillip Morris, etc.) from coming in with respect to obtaining business licenses and products.
- In terms of the phases and the application process, she would prefer to see a more ministerial procedure. This is doable if they can craft the criteria tight enough.
- There should be the ability for reconsideration during the pre-screening process if there is some kind of error.
- She is in favor of keeping signage for cannabis business the same as for other retail businesses.
- She is opposed to requiring the business to keep records of customers.
- She is opposed to prohibiting consumption in the retail establishment.
- Annual renewals would be fine if the process is ministerial.
- She referred to Section 5.56.160 "Application of this article" and stated she is in favor of the language as written.

Commissioner Green provided the following comments:

- He wants organic products and he does not want flavorings that cater to children.
- He wants to limit the THC levels.

Chair Swift provided the following comments:

- She agrees with Commissioner Newton about the signage- it should be the same for other businesses
- She likes the language as written with respect to consumption on the premises.
- She referred to limitation on products and noted this could be discussed by the Council in the future.

Planning Director Berto asked for comments on who reviews applications. Staff is proposing that the Commission does the scoring/ranking to set who qualifies to go to the Council for the final decision.

Chair Swift provided the following comment:

- She is fine with it as it is.

Commissioner Green provided the following comments:

- He is fine with the staff proposal but wants to see the criteria.
- He is aligned, in general, with the idea of ministerial permits.

Planning Director Berto stated staff would bring the draft ordinance back to the Commission.

Planning Director's Report

Planning Director Berto reminded the Commission to submit his or her Form 700 to Town Clerk Gardner before April 1st.

Commissioners Comments and Requests

Commissioner Newton asked if staff plans to bring the fence ordinance to the Commission for review. A member of the public had expressed concern about the type of materials that are being used.

Commissioner Rodriguez stated the Marin Municipal Water District (MMWD) has scheduled an Eco Garden Tour for Saturday, May 4th from 10:00 a.m. to 4:00 p.m. It is free!

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 11:05 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMENS CLUB
THURSDAY, MARCH 21, 2019

Call to Order/Roll Call:

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

Commissioners Present: Norma Fragoso
 Esther Gonzalez-Parber
 Laura Kehrlein
 Mimi Newton
 Michele Rodriguez
 Cindy Swift (Chair)

Commissioners Absent: Philip Green

Staff Present: Ben Berto, Planning Director
 Linda Neal, Principal Planner
 Kara Spencer, Assistant Planner

APPROVAL OF AGENDA

Commissioner Fragoso asked for the possible continuation of agenda item #5 if the meeting runs late.

M/s, Fragoso/Newton, motion to approve the agenda with the possible continuation of agenda item #5 relating to fence regulations.

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

ABSENT: Green

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

1. **200 Toyon Road; Application #19-03**
Continued consideration of a request for a Hill Area Residential Development, Encroachment, Excavation, Front Setback and Retaining Wall Height Variances and a Design Review Permit for a 2,750 square-foot single-family residence with an attached 597 square-foot, 2-car garage. The project also includes the extension of 35 feet of Toyon Road, a fire truck turn around and creation of 2 public parking spaces and an access path connecting with the existing public path to the Marin County Open Space land located southwest of the site; Assessor's Parcel No. 003-161-01, 003-171-01 through 08; Residential Single-family RS-6 Zone District; Jerry Frate, Architecture and Planning, applicant; Ben Ross, owner; CEQA Categorically exempt per Section 15301(a).

Principal Planner Neal presented the staff report. She noted this application was continued from the March 21st meeting and she listed the additional information requested by the Commission. The Tree Committee recommended approval of the removal of the proposed trees. The Open Space Committee comments are included in the packet. She noted several amendments to the resolution.

Commissioner Rodriguez referred to the biology report indicating that the Napa False Indigo is an endangered species and asked about the location of the 45 plants relative to the lot. Principal Planner Neal noted one plant was found on the open space area above the lot. Commissioner Rodriguez asked about the possible protection or relocation of these plants.

Commissioner Rodriguez asked about the species and sizes of the trees being removed. Planning Director Berto stated the site is heavily wooded and some of those trees are being removed at the recommendation of the Ross Valley Fire Authority.

Commissioner Rodriguez asked if the retaining walls would be designed at the building permit stage. Principal Planner Neal stated "yes"- there were some preliminary drawings but the actual construction drawings of the house and the road would be provided at the building permit stage.

Commissioner Newton referred to the Open Space Committee report and asked if staff has had a chance to figure out how to address some of the General Plan Goals. Principal Planner Neal stated the Commission could add anything they want to the resolution. Staff's is of the opinion that there is no way the Town could require the recommendation made by the committee. Planning Director Berto added the open space access is being preserved and enhanced with the provision of public parking.

Chair Swift asked if the applicant would be required to repair damages to the road and bring it back to what it was before. Principal Planner Neal stated "yes- it must be restored to the pre-construction condition".

Chair Swift opened the Public Hearing.

Mr. Jerry Frate, project architect, made the following comments:

- He would be happy to answer any questions.

Commissioner Rodriguez stated she saw a geo-engineering report in the packet but nothing regarding hydrology or drainage.

Mr. Dan Hughes, DDC Group, made the following comments:

- He performed the preliminary hydrology analysis and will do the final analysis when they get to the building permit stage.
- The plan is to take any storm water that lands on impermeable surfaces to dissipaters.
- They will install oversized vertical pipes that will store the water and allow it to percolate out slowly.
- The system will match the existing drainage patterns.

Commissioner Rodriguez stated the geotechnical report was very general and indicated slopes of 50% to 70% but there was no mention of any special stability concerns. There is discussion about future retaining walls but no mention of any special foundational requirements. She asked if there is a history of slides.

Mr. Hughes made the following comment:

- A full geotechnical analysis was done and was peer reviewed by the City's geotechnical consultants.

Mr. Frate made the following comment:

- The soils engineer climbed down the slope and did not find anything alarming.

Ms. Susan Grand, representing the Open Space Committee, made the following comments:

- She had a list of recommendations.
- The development is too big and should be scaled down.
- No future development of the rest of the property should occur.
- A new survey should be done by an expert on the rare Napa False Indigo.
- A study done in 2017 found there was proximity to the Spotted Owl habitat.
- Preservation of public trail and parking spaces must be ensured.
- The area is prone to landslides and wildfires.

Mr. Carl Deal, Toyon Drive, made the following comments:

- The neighbors are concerned about the condition of the road- it is fragile and was put in about 50 years ago.
- The possibility of damage to the road and loss of access by the residents are real.
- The Department of Public Works is requiring a deposit of \$25,000- that is not enough.
- The removal of a substantial number of trees could cause instability of the hillside.

Mr. Brian McCarthy, Toyon Drive, made the following comments:

- The road is narrow and not well constructed. He is hoping it will withstand the weight of the construction vehicles.
- A \$25,000 bond for the road is laughable.
- He is concerned about the zoning of the property. It is an environmental disaster waiting to happen.
- The project flies in the face of the General Plan.
- He asked if there were protections that would keep the present zoning (one house on one parcel) in perpetuity.

Mr. Bruce McDermott, Ridge Road, made the following comments:

- He asked if the \$25,000 bond was for the road only. Principal Planner Neal stated "yes".
- He asked about the story poles- he has no idea what the project will look like from his house.
- He asked if more development would require an Environmental Impact Report (EIR).
- He asked to see the color palette.

Ms. Lynn McDermott, Ridge Road, made the following comments:

- She agreed with the comments made by Ms. Grand.
- She is concerned about protecting the environment and in particular the owl.
- It is important to get current data about the rare plants and the owls.

Mr. Rick Hammer, Bolinas Road, made the following comments:

- The open space access along the paper street has not been dedicated.
- The private section of the road should be dedicated into the public maintenance program.
- A \$25,000 bond will not go very far.

Ms. Nancy Gump, Toyon Drive, made the following comments:

- She is speaking for the owls- they need to be protected.
- This is a steep hillside and replacement trees should be planted to prevent erosion.

Chair Swift closed the Public Hearing.

Commissioner Fragoso provided the following comment:

- She asked if there was a \$25,000 cash deposit and a separate roadway damage bond. Principal Planner Neal stated "yes".

Chair Swift provided the following comments:

- She referred to Resolution 2019-03, Condition 2(c), and asked if the cash could be used for Toyon Drive. Planning Director Berto stated this section could be amended and the word "public" could be deleted. He noted the Town has the ability to withhold the final inspection and certificate of occupancy until the roadway is restored.

Commissioner Newton provided the following comments:

- She had a question about the possibility of a shared maintenance agreement. Principal Planner Neal stated the Town does not have the authority to require this but is recommending the neighbors consider it
- She asked about the construction period if an updated survey found Spotted Owl nests and the Napa False Indigo in the vicinity. Principal Planner Neal stated they would have a very tight window to get the framing done and the foundation in. Work inside the house would probably be extended.

Commissioner Gonzalez-Parber provided the following comment:

- She referred to the Construction Plan and wanted to add another line item regarding the size of trucks accessing the road and number of trips.

Chair Swift provided the following comments:

- She asked for clarification about the potential for additional homes on the lot. Principal Planner Neal stated the site is one piece of property and the zoning, based on the slope, would allow subdivision of only two parcels. The public path is in a public roadway easement and for anyone to acquire it would require the Town to abandon the roadway easement.
- She would like to see an updated survey regarding the Napa False Indigo and the Spotted Owls.

Commissioner Kehrlein provided the following comments:

- She referred to the color palette and asked the applicant if he would consider something other than white trim. Principal Planner Neal stated the Commission could choose the facade color and allow the Planning Director to choose a complimentary trim color.
- She would like to discuss extending the construction period to include the weekend if the new survey finds owls in the vicinity.

Commissioner Rodriguez provided the following comments:

- The application should be continued to allow submittal of the new biological surveys.
- The roadway needs to be addressed along with a recommendation about truck sizes and the bond amounts.
- She would like to see the following: 1) installation of story poles with color contrasting material to give the neighbors a better idea of possible impacts; 2) more details about drainage, grading, and slide history; 3) the resolution should be modified to address the construction period (including days), 4) more information about light glare; 5) more information about materials selection; 6) a deed restriction for the open space access; 7) a 5-year contractual requirement on the drainage system maintenance; 8) an arborist on-site prior to construction.

Commissioner Fragoso provided the following comment:

- She asked about the timing for the Permit Streamlining Act. Principal Planner Neal stated the applicant would need to consent to an extension of time for review of the project under the Permit Streamlining Act for a period not to exceed 90-days.

Commissioner Newton provided the following comments:

- She is in favor of moving the proposal to the front of the property to ensure minimal disruption to the Madrone forest and continuation of access to the public trail.
- She acknowledged that the applicant has altered the proposal in many significant ways to accommodate the concerns of the Commission.
- She shares Commissioner Rodriguez's concerns about the story poles.
- She takes the General Plan goals very seriously.
- She has concerns about the owner trying to split the property.
- This is a large house.

Commissioner Fragoso provided the following comments:

- She appreciates the modifications to the proposal. It has come a long way in terms of addressing the concerns of the Commission and the community.
- She is not concerned about having a final hydrology plan at this time. There are sufficient conditions.
- She would like to see a current survey about the endangered species.
- She is leaning towards accepting the new design as proposed but would like to see clarifications in writing.

Commissioner Kehrlein provided the following comments:

- The applicant has responded to the Commission's comments.
- She could approve the project with changes to the resolution that address the comments raised tonight including the updated reports, adding the construction hours, the roadway issues, etc.
- Staff could review the updated reports.
- She would support a continuance to get the language right.

Commissioner Gonzalez-Parber provided the following comments:

- The applicant has made significant improvements.
- It is unrealistic to try to turn everything that has been discussed tonight around in 90 days.
- The biology report can be handled by staff.
- The engineering issues have been looked at by a lot of experts.
- She referred to the color palette and stated she favored #1 and #2. The trim does not bother her.
- She would like to add an additional condition to 2(A).
- She is leaning towards supporting the project but would support a continuance.

Chair Swift provided the following comments:

- In 2017 the Commission was of the opinion that the location was not workable. They wanted something smaller that was closer to Toyon Drive. The applicant has done this.
- The applicant has taken prior comments into consideration prior to submitting this redesign.
- She would like updated biology and botany reports before anything proceeds.
- They could get language about the size of the trucks from the Public Works Department.
- She would be in favor of approving the project subject to changes in the resolution.

Commissioner Newton provided the following comments:

- She has strong concerns about the story poles and visibility.
- She has concerns about ensuring the preservation of the trail.
- She has concerns about future development.

Chair Swift asked the applicant if he would agree to a 90-day continuance. Mr. Frate discussed the modifications made and stated he was not sure how much more they could do.

Commissioner Rodriguez provided the following comments:

- The continuation would allow staff to update the resolution with respect to the following: 1) the Monday through Friday schedule; 2) light glare; 3) options for the material board; 4) deed restriction regarding open space access and public use; 5) 5-year contractual requirement for drainage system; 6) conditions of approval for tree preservation that would be put on construction drawings; 7) arborist should be on-site to ensure protection; 8) update of special studies for the Spotted Owl and Napa False Indigo; 9) story pole material at the top be more visible/reflective; 10) Public Works Department should identify truck size for roadway construction; 11) increase in escrow amount; 12) encourage applicant and neighbors to talk about entering into a maintenance agreement; 12) the next round of reports should include grading, drainage and slide information.

Commissioner Newton provided the following comments:

- The word "public" should be deleted in Condition 2(c) of the resolution.

Chair Swift asked staff about the deed restriction question. Planning Director Berto stated this should be run by the Town Attorney but he is of the opinion that they could not reasonably ask the applicant to provide this. Subdivision of the property is not foreseeable at this time and it is probably unrealistic that they would do so.

Commissioner Kehrlein provided the following comments:

- Her preference for paint colors would be brown, then green, than gray.
- She would prefer a non-white trim.

Commissioner Fragoso provided the following comments:

- She likes the brown, then the green, not the gray. She is not concerned about the trim.

M/s, Kehrlein/Fragoso, motion to approve Resolution No. 2019-03 with the following changes/amendments: 1) The body color shall be either brown or green and staff and the applicant shall decide on the trim color; 2) construction hours shall be Monday through Friday unless owl nests are discovered on the site thus limiting the months that construction can occur- the Planning Director shall allow flexibility for construction to occur on Saturdays; 3) Submittal of updated Spotted Owl and Napa False Indigo prior to issuance of a Building Permit; 4) Public Works Department recommendation regarding proposed size of construction vehicles and number of trips; 5) The word "public" should be deleted in Condition 2(c) of the resolution; 6) Drainage maintenance that runs in perpetuity.

AYES: Fragoso, Gonzalez-Parber, Kehrlein, Chair Swift

NOES: Newton, Rodriguez

ABSENT: Green

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

2. 2020 Sir Francis Drake Blvd.; Application #19-04

Continued consideration of a request for a modification of a previously approved Conditional Use Permit and Design Review Permit to create a 792 square-foot outdoor dining area on the south side of the Splitrock Tap and Wheel restaurant/bike sales and repair shop; Assessor's Parcel No. 001-183-16; Highway Commercial CH Zone; Jason Faircloth, applicant/business owner; Naaim Karakabi, property owner; CEQA categorically exempt per Section 15301(a).

Principal Planner Neal presented the staff report and listed the additional information requested by the Commission and the applicant's response to their requests.

Commissioner Fragoso asked about the hours of other similar outdoor spaces. Principal Planner Neal stated Mas Masa has a closing time of 10:00 p.m.- she has not memorized the others. She could check the files.

Commissioner Newton stated the Commission had asked if the pillars would serve as the design element for the wall around the outdoor area. Principal Planner Neal stated the pillars, the arbor, and the seating on the two closest walls add articulation.

Chair Swift opened the Public Hearing.

Mr. Jason Faircloth, applicant, made the following comments:

- He would be happy to answer any questions.
- The architect felt they had enough architectural details and removed the patio cutout. There is adequate space for fire truck access.
- The materials for the wall will match the building- light and dark gray.
- There will be a retractable canvas canopy to address the sun.
- They would be willing to turn off the outdoor lights at night.
- The actual dimensions of the extension are 42'X18' (about 792 square feet).
- The majority of bikes are parked inside, on car racks, or inside cars. They will have plenty of parking for bikes outside.
- The garage door will not be open unless they are loading or unloading per the Health Department.

Mr. Rick Hammer made the following comment:

- He supported the proposal and urged the Commission to approve it expeditiously.

Chair Swift closed the Public Hearing.

Commissioner Gonzalez-Parber provided the following comments:

- She is glad to see the changes.
- The proposal is close to the drive isle and they might want to add a rail or horizontal cables.
- She supported the proposal.

Commissioner Kehrlein provided the following comments:

- She appreciated the additional changes. Her concerns have been addressed.
- This is a terrific proposal and a great addition to the building.

Commissioner Rodriguez provided the following comments:

- The applicant has done a great job bringing back plans that the Commission was looking for.
- She would like to see some tiles, a mural, or some greenery on the wall facing outward.

Commissioner Newton provided the following comments:

- She is in favor of the proposal.
- There could be design elements other than tile for the outer side of the cement wall. The Planning Director should have discretion to discuss options with the applicant.
- She appreciates the clean, minimal design elements that have been proposed.

Chair Swift provided the following comments:

- She agreed that the gray walls need something to break them up. This can be discussed between the Planning Director and the applicant.
- She would like to add a condition to have the lights off over night.
- The seating (first two sets of seats with the backs) could be extended to the table portion.

Commissioner Fragoso provided the following comments:

- She appreciates the efforts made by the applicants.
- Matching the existing blasé and sterile building does not do much for her.
- The design is lacking.

M/s, Rodriguez/Gonzalez-Parber, motion to approve Resolution No. 2019-04 with the following modifications: 1) Condition #2 shall indicate that the exterior lights shall be turned off at closure; 2) Condition #1 shall indicate that there shall be a safety barrier for children installed per the Planning Director's review; 3) The exterior wall shall be modified with some type of visual element (wall tile trim, mural, greenery, bike graphics) subject to the Planning Director's approval.

AYES: Gonzalez-Parber, Kehrlein, Newton, Rodriguez, Chair Swift

ABSTAIN: Fragoso

ABSENT: Green

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

The Commission took a 5-minute break at 9:45 p.m.

3. 18 Meerna Avenue; Application #19-05

Request for a Use Permit to convert an existing 237 square-foot, 1-car carport to a 237 square-foot, 1 car garage on a site developed with a single-family residence; Assessor's Parcel No. 002-036-29; Residential RD 5.5-7 Zone; Christopher Schrader, applicant; Marianna Caplan, owner; CEQA categorically exempt per Section 15303(e).

Principal Planner Neal presented the staff report.

Commissioner Fragoso asked if she should recuse herself from this item. Principal Planner Neal looked at the map and stated "no" (she was out of the 300-foot radius).

Commissioner Newton had a question about the revised resolution. Principal Planner Neal stated staff wanted to add a condition that all exterior lighting shall be dark sky fixtures, directing the light downward and avoiding any unnecessary light seepage. Commissioner Newton made a correction in the resolution title.

Chair Swift opened the Public Hearing.

Mr. Christopher Schrader, applicant, made the following comment:

- He would be happy to answer any questions.

Chair Swift closed the Public Hearing.

Commissioner Rodriguez provided the following comment:

- She supported the application with the changes to the resolution that have been identified.

Commissioner Newton provided the following comment:

- She asked the Commission if this was the type of application that should be at the discretion of staff.

Commissioner Kehrlein provided the following comment:

- She asked staff if this type of application was on their list of applications that should not require the Commission's attention. Planning Director Berto stated "yes".

Commissioner Gonzalez-Parber provided the following comments:

- The windows are a great addition.

- She supports the project.

M/s, Newton/Rodriguez, motion to approve Resolution No. 2019-05 with the following changes: 1) Removal of the letter "I" in the title; 2) The modification to #16 as suggested by Principal Planner Neal; 3) Deletion of Condition #17.

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

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

4. 251 Scenic Road; Application #19-06

Request for a Hill Area Residential Development, Design Review, Encroachment, and Combines Side-Yard Setback Variance to construct a 2,172 square-foot, 3 bedroom, 2 ½ bathroom, single-family residence with an attached 2-car carport; Assessor's Parcel No. 001-121-50; Residential Single-Family RS-6 Zone; Bryan Murdock, Murdock Architecture, applicant; David Boesel, owner; CEQA categorically exempt per Section 15303(a), 15305(a) and (b).

Principal Planner Neal presented the staff report. The Town Engineer would like some additional analysis of the soil make up since the applicant is planning to locate the drainage system below the slope stability wall. Staff is recommending that the project building plans be reviewed and approved by the Town Engineer. She noted the following revisions to the resolution: 1) A correction to a date; 2) Condition #1 shall specify that the tree removal is approved as shown on Page A1.0 which is dated January 8, 2019; 3) Addition of the following condition: "The surveyor shall mark the location of all the property lines in the field and the northwest and southeast side of the property line shall be fenced to keep persons accessing the project site from trespassing on the properties at 245 and 255 Scenic"; 4) Addition of the following condition: "Prior to issuance of the Building Permit the property owner shall prepare an easement granting the Town access for maintenance of the crib wall to a strip of land to be jointly determined by the Town Engineer and the Building Official"; 5) Addition of the following condition: "The recordation of a drainage system maintenance agreement at the County of Marin that will include an exhibit showing the location of all the drainage improvements and setting forth a schedule for maintenance".

Commissioner Kehrlein stated this section of Scenic Road was very narrow and she asked about requiring extra parking for a Fire Department turnout. Principal Planner Neal stated this was not a requirement of the Fire Department.

Commissioner Rodriguez referred to slope instability and the history of landslides and asked if drainage and hydrology issues were reviewed in addition to the foundational system. Principal Planner Neal stated there is a drainage plan in the large set of plans that should be read in conjunction with the studies. The Town Engineer is satisfied with what it being proposed. The only difference of opinion is the location of the drainage dissipation system (above or below the wall). The Town Engineer wants to see more information on the soils if they plan to locate the system below the wall.

Chair Swift asked how the application would change based on the results of the slope stability analysis and whether or not it would have a large impact to the project. Principal Planner Neal stated "no"- it would simply determine the location of the system.

Chair Swift opened the Public Hearing.

Mr. Bryan Murdock, applicant, made the following comments:

- He gave a PowerPoint presentation that included some added 3-D images.
- They agree with the staff report.

- They have a construction schedule that would address road closures.
- He gave the color chips to the Commission.
- The site plan showed the front setback well beyond the bin wall.
- The massing is defined by the parking which is pushed all the way to the front of the property.
- The first level is parking and the entry hall; the second level is the living area; the lowest level is all the bedrooms.
- They have broken up the materials and the side wall massing to provide articulation.
- The texture on the gray walls is vertical board and batten; the accents where the stairs are located is a beige, horizontal e-groove siding; the belly is a gray, smooth base panel. The colors will break up the massing.
- The windows on the west side are smaller to mitigate privacy concerns. The sills are more than 6 feet high.
- They have minimized the windows on the east side.
- The front of the house is screened by a Redwood grove. It will not be visible or produce a "lantern effect" from across the canyon
- They are using the "cake effect" to break up the massing and to step the structure down the hillside. .
- The slide at the bin wall was the major slide that occurred and added to the scarp that was at the bottom of the site. They came up with a slope stability wall solution.
- Tie backs and piers are one of the options open to them- there are multiple solutions
- The roadway is narrow which adds to the difficulty of the site.
- They will build a platform as a part of Phase I that will allow them to build a portion of the parking deck. This will be the staging area.
- There is not a lot of excavation aside from the drilled piers. Most of the house is sitting on top of grade.
- He discussed ways they would minimize the number of cars on site including construction workers carpooling to the site.
- They estimate about eight road closures, no more than two to three hours.
- They will put together a tree protection plan.
- Access to the downhill side for maintenance is through the house.
- He would be willing to put the dissipater uphill or downhill from the wall.

Mr. George Pickering, Tamalpais Road, made the following comments:

- The project would impact his next door neighbor.
- Stabilization of the hill should take his neighbor's trees into account.
- He is sure that engineering could solve the problems.

Mr. Alan Peterson made the following comments:

- He lives next door to the project.
- The architect has created a pretty design and it looks fantastic.
- He is concerned about the stability of the hillside between the two houses.
- The house is located in the middle of a slide.
- He hoped drainage from the site could be worked out safely.

Mr. Mark English, Scenic Road, made the following comments:

- He lives next door.
- He agreed with Mr. Peterson.
- The design is beautiful.
- He has issues with the house being located on an historic slide.
- He is concerned about impacts to his property.

Ms. Stephanie McCaffrey, Scenic Road, made the following comments:

- She is shocked that someone would build on this “unbuildable lot”.
- The project would go on for 14 months- during the rainy season.
- This is a very aggressive engineering project.

Ms. Julia English, Scenic Road, made the following comments:

- She is depending on the Commission to understand the special geology that makes up Fairfax.
- She wanted to make sure the neighbors were safe.

Mr. Scott Bowman, Scenic Road, made the following comments:

- He is shocked that this is happening- it is an unbuildable lot.
- The house is ugly.
- There will be a “lantern effect” toward his house.
- He is apprehensive about the traffic the project will generate.
- This part of Scenic is one-way and he was skeptical about contractors observing this restriction.

Chair Swift closed the Public Hearing.

Commissioner Gonzalez-Parber provided the following comments:

- Building on this site is bold and brave.
- She appreciates the way they have broken up the massing.

Commissioner Kehrlein provided the following comments:

- This project has been thoroughly reviewed.
- It is a difficult site.
- The applicant has provided all the necessary information.

Commissioner Rodriguez provided the following comment:

- She asked about the extent of the analysis regarding drainage and stability of the hill with respect to the area between property lines. Principal Planner Neal stated they have designed a drainage and foundation system that engineers believe will make the site more stable.

Commissioner Fragoso provided the following comment:

- She had questions about the safety of the properties below. Mr. Murdoch stated he could not speak to the properties below but the slope stability wall should provide some security. The amount of excavation would be insignificant.

Commissioner Kehrlein provided the following comment:

- She asked if this would be an on-grade wall. Mr. Murdoch stated it would be dug in and but it would not be a retaining wall- it is a slope stability wall. It would follow the grade.

Chair Swift provided the following comment:

- She would like to add some signage to make sure workers follow the one-way restriction.

M/s, Kehrlein/Gonzalez-Parber, motion to approve Resolution No. 2019-06 with the amendments and corrections as outlined by Principal Planner Neal and Chair Swift’s suggestion about signage subject to approval of the Police and Fire Departments.

AYES: Fragoso, Gonzalez-Parber, Kehrlein, Chair Swift

NOES: Newton, Rodriguez

ABSENT: Green

Commissioner Rodriguez stated she was in opposition and would recommend denial. The house should be smaller because she has an impervious surface concern.

Commissioner Newton stated she was in opposition mostly because of the drainage issues.

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

DISCUSSION ITEMS

5. Discussion on fence regulations regarding permitted materials

Chair Swift stated she would like to continue this item to the next meeting.

6. Minutes from the January 17, 2019 Planning Commission meeting

M/s, Kehrlein/Newton, motion to approve the minutes from the January 17, 2019 meeting as corrected.

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

ABSENT: Green

Planning Director's Report

Planning Director Berto reminded the Commission to turn in his or her Form 700 to Town Clerk Gardner as soon as possible. Staff is working on addressing the Commission's questions about the cannabis issue and would like to bring this to the Council in May. It would take two-thirds of the Commission (five) to recommend a resolution to the Council. The Commission might need to hold a Special Meeting. He stated he would poll the Commission about dates.

Commissioner Comments and Requests

Commissioner Gonzalez-Parber asked for an update on the Parkade Project. Planning Director Berto stated it is proceeding at a good pace. He is not sure when the resurfacing would occur. He discussed the removal of some of the Liquid Amber trees. Commissioner Kehrlein stated the Tree Committee would be discussing the replacement of the eight trees that were removed at its next meeting. Commissioner Fragoso stated there are grant opportunities through the Transportation Authority of Marin (TAM) for replacement of the electric vehicle chargers in the Parkade.

Chair Swift asked about the status of the Downtown Historic Building survey/inventory. Planning Director Berto stated staff would report back at the next meeting. Work is being done by the consultant.

Chair Swift asked about for an update on the Commission's prioritization workshop. Planning Director Berto stated the Council recently held a Goal Setting Retreat and came up with a list of priorities. Chair Swift stated she would like to start making progress on this.

Commissioner Rodriguez noted the Council retreat agenda included how to streamline meetings. She asked if the Commission should also discuss this issue.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 11:15 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary