

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 7th, 2019 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 what would happen to the construction scheduling 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 and get the new information submitted in 90 days. She would like to leave approval of the outstanding items such as the updated owl and plant reports to the staff to use their discretion and that way the project can keep moving.
- 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 if the applicant was agreeable to one.

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; 4) 5-year contractual requirement for drainage system; 5) conditions of approval for tree preservation that would be put on construction drawings; 6) arborist should be on-site to ensure protection; 7) update of special studies for the Spotted Owl and Napa False Indigo; 8) story pole material at the top be more visible/reflective; 9) Public Works Department should identify truck size for roadway construction; 10) increase in escrow amount; 11) 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 and then 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 "l" 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 is 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 peer reviewed by the Town Engineering consultant..
- 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 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