

FAIRFAX PLANNING COMMISSION MEETING MINUTES
WOMEN'S CLUB, 46 PARK ROAD
AND VIA ZOOM
THURSDAY, JUNE 20, 2024

Call to Order/Roll Call:

Chair Jansen called the Regular Meeting to order at 7:00 p.m.

Commissioners Present: John Bela (via Zoom)
Philip Feffer
Robert Jansen (Chair)
Mimi Newton (attending remotely)
Cindy Swift

Commissioners Absent: Brett Kelly

Staff Present: Jeffrey Beiswenger, Planning Director
Linda Neal, Principal Planner
Alexander Robbins, Planning Intern

Commissioner Bela made a request to join the meeting via Zoom due to a personal emergency

M/s, Feffer/Swift, motion to approve Commissioner Bela's request to attend the meeting remotely.

AYES: Bela, Feffer, Newton, Swift, Chair Jansen

ABSENT: Kelly

APPROVAL OF AGENDA

M/s, Swift/Newton, motion to switch Public Hearing items #1 and #2.

AYES: Bela, Feffer, Newton, Swift, Chair Jansen

ABSENT: Kelly

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

- 2. 60 Dominga Avenue; Application #24-07
Request for a Conditional Use Permit, Design Review Permit, Tree Removal Permit, and
Variance to remodel a 1,661 square-foot, two-story, single-family residence to create a
1,658 square-foot, single-family residence with a second story studio accessory dwelling
unit; RD 5.5-7 Residential Zone, High Density, APN 002-122-014; Gary Meyer, applicant/
architect; Ellen Nicosia, owner; CEQA Categorically Exempt per Section 15301(a)**

Principal Planner Neal presented the staff report. She noted a change to Condition #23 in Resolution 2023-10. Staff answered a question from the Commission regarding Condition #13.

Chair Jansen opened the Public Hearing.

Ms. Ellen Nicosia, applicant, made the following comments:

- She is trying to make this house more comfortable.
- The ADU will help her children stay in Marin.

Commissioner Swift asked Ms. Nicosia if the driveway would have to be changed due to the fence. Ms. Nicosia stated the driveway is being widened to twenty feet and the fence will be adjusted accordingly.

Mr. Rick Hamer made the following comment:

- The project is well thought out and should be approved as presented.

Chair Jansen closed the Public Hearing.

Commissioner Feffer provided the following comment:

- He appreciated when a project is contained in the existing footprint.

Commissioner Newton provided the following comment:

- She is in favor of the project.

M/s, Feffer/Swift, motion to approve Resolution No. 2023-10 with the change to Condition #23 as noted by Principal Planner Neal and deletion of the reference to Mountain View in Condition #13.

AYES: Bela, Feffer, Newton, Swift, Chair Jansen

ABSENT: Kelly

Chair Jansen stated there is a 10-day appeal period.

- 1. 152 Dominga Avenue; Application #24-06
Request for a Conditional Use Permit, Design Review Permit, and a Floor Area Ratio Exception to remodel and expand an existing 1,159 square-foot, two bedroom, 1 ½ bathroom residence into a 1,674 square-foot, three bedroom, 2 ½ bathroom, single-family residence; RD 5.5-7 Residential Zone, High Density, AP # 002-023-10; Stewart Summers, applicant/architect; Gary Hanley and Jessica Grey, owners; CEQA Categorically Exempt per Section 15301(e)**

Principal Planner Neal presented the staff report. Staff answered questions from the Commission regarding whether the Town Council could approve projects that do not meet the Findings; if there were other changes discussed that would adjust the Floor Area Ratio (FAR); the Table on page 2 of Attachment B; if the top floor would count towards the FAR if it were an ADU.

Chair Jansen opened the Public Hearing.

Mr. Gary Hanley, owner, made the following comments:

- This is a modest addition to a small house for a family of four.
- The project would accommodate their family.

Mr. Stewart Summers, architect, made the following comments:

- He gave a PowerPoint presentation.
- This is a nice design that includes a well-articulated upper level. It minimizes bulk and mass.
- He discussed the FAR Exception and other structures in the neighborhood.
- The precedence exists in the neighborhood.
- He has a difference of opinion about the definition in the Floor Area Exception and asked about its intent.

Commissioner Newton asked Mr. Summer if he could come up with a redesign that could get the project to a .40 FAR. Mr. Summer stated anything is possible but it would be tight. They could also look at the option of turning the top floor into an ADU.

Mr. Rick Hamer, downtown Fairfax, made the following comments:

- Drawing A6 depicts the shadowing of the adjoining property. There are hardly any adverse effects.
- The skyline matches up well as shown in Drawing A7
- The proposal is more appropriate than the existing structure.

Chair Jansen closed the Public Hearing.

Commissioner Feffer provided the following comments:

- He agreed with the comments made by Mr. Hamer.
- He discussed the Code section pertaining to the Exception process.
- He did not think this would be an example of a “grant of Special Privilege”
- This project is not out of step with the rest of the neighborhood.
- This is a great design.

Commissioner Newton provided the following comments:

- She agreed that the code language is ambiguous with respect to the Exception process.
- She asked if the Town Attorney could weigh in on the Code language.
- She asked if the applicant would be willing to continue the application in light of the totality of the circumstance and what is fair or not fair.
- She asked if there could be a means of reducing the FAR while retaining the goals of the family.

Commissioner Bela provided the following comments:

- It is clear from the staff report that there are no grounds to grant an exception to the FAR.
- This is a nice design.
- He asked the applicant to perhaps look into an ADU.
- The architect needs to get creative to accomplish the owners goals.

Commissioner Swift provided the following comments:

- She cannot make the findings for the CUP or FAR Exception.
- She asked the applicant if they would be willing to work with the Planning Department to meet the FAR.
- The design is great.

Commissioner Feffer provided the following comments:

- The project is adding approximately 500 square feet while an ADU is allowed to be 850 square feet.
- He does not want to ask the applicants to spend more money and time on a project that otherwise works.

Chair Jansen provided the following comments:

- Everybody likes the design.
- .40 is .40- there is no reason not to stick to the maximum.

Commissioner Newton provided the following comments:

- She asked if the applicant would be willing to postpone this matter.
- She had questions about Junior Accessory Dwelling Units (JADU).

Mr. Stewart had questions about the 50% remodel and FAR rules. He agreed to a continuance.

M/s, Newton/Swift, motion to continue this application to a date uncertain.

AYES: Bela, Newton, Swift, Chair Jansen

NOES: Feffer

ABSENT: Kelly

Discussion Items

3. Dark Sky Policy

Planning Director Beiswenger presented the staff report and a PowerPoint presentation. Staff answered questions regarding the background research; if there are filter options such as a gel; communities in Marin that have adopted Dark Sky Ordinances; if there is funding to upgrade all Town fixtures; cost to implement an ordinance and if there is grant money available; if the goal would be to get Dark Sky Certification; if the policy would apply to residential development.

Chair Jansen opened the meeting to public comments.

Ms. Bobbi Simpson made the following comments:

- It is nice to be able to look up and see the stars and enjoy a night sky.
- Wise use of lighting and shielding is the key.

Ms. Peggy Day made the following comments:

- She is one of the founders of Dark Sky Marin.
- LED lightbulbs have a 10-year warranty and cost \$250 to replace a bulb.
- She talked about efforts to obtain commercial compliance.

Mr. Rick Hamer, downtown Fairfax, made the following comments:

- He is a member of the Illuminating Engineering Society.
- Efforts should be focused on areas with less traffic.
- He is concerned with wildlife interference.

Ms. Debra (Dee Lee) Benson, Cascade Drive, made the following comments:

- She supported the proposal.
- The Town might need to look at new fixtures that would accommodate shielding.

Dr. Jody Timms made the following comment:

- She supported the proposal.

Chair Jansen closed the meeting to public comments.

Commissioner Swift provided the following comments:

- Wildlife needs to be protected.
- She discussed the impacts of light pollution.
- More light fixtures should have shields.
- The Town should have a comprehensive lighting plan and ordinance.
- She provided a timeline of the Town's history of Planning Commission consideration of the Dark Sky Standards
- Fairfax with its environmental values should lead the County in having a Dark Sky Compliant lighting ordinance.

Commissioner Feffer provided the following comments:

- There is no good reason not to do this.
- He discussed the benefits to wildlife.

Commissioner Bela provided the following comments:

- This is a great idea that will have positive impacts.
- He favored an education campaign, incentives, and an upgrade to the municipal system.

Chair Jansen provided the following comments:

- He supports this proposal.
- He suggested the addition of the term “wildlife” along with “star light”.
- The word “prohibited” and not “avoided” should be used when referring to unnecessary glare.

4. Update on Fairfax Lumberyard Fence

Principal Planner Neal presented the staff report. There were no questions from the Commission.

Chair Jansen opened the meeting to public comments.

Ms. Kendra Scott, member of the Spruce Road Coalition, made the following comments:

- She discussed the history of the project.
- They have received little communication about the project.
- Several of her questions were answered by the staff report.
- The dust remains a problem.
- They are concerned about the delay.

Chair Jansen closed the meeting to public comments.

Commissioner Feffer provided the following comments:

- He wondered if the yard could be watered down more often.
- He understood the neighborhood concerns.

Chair Jansen provided the following comment:

- He looks forward to the completion of the project and installation of the fence.

Minutes

5. Minutes from the April 18, 2024 meeting

Chair Jansen opened the meeting to public comments.

There were no comments.

Chair Jansen closed the meeting to public comments.

M/s, Newton/Swift, motion to approve the April 18, 2024 minutes as submitted.

AYES: Bela, Feffer, Newton, Swift, Chair Jansen

ABSENT: Kelly

Planning Director’s Report

Planning Director Beiswenger reported staff is moving forward with Housing Element implementation items. Updates to the Safety Element and Land Use Elements need to be adopted. Staff has identified several things in the Zoning Ordinance that need to be changed. Several individuals have applied for the Commission vacancy and will be interviewed by the Council soon.

Commissioner Comments and Requests

There were no comments.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:36 p.m. .

Respectfully submitted,

Toni DeFrancis,
Recording Secretary