

DRAFT Fairfax Planning Commission Meeting Minutes  
Fairfax Women's Club, 46 Park Road and Via Zoom  
Thursday, March 20, 2025 7:00 P.M.

1. **CALL TO ORDER:** Chair Feffer called the meeting to order at 7:03 P.M.

2. **ROLL CALL:**

**Commissioners Present:** Jon Bela  
Brett Kelly  
Robert Jansen  
Mimi Newton  
Daniele Petrone  
Cindy Swift  
Chair Philip Feffer

**Staff Present:** Director Jeffrey Beiswenger  
Principal Planner Linda Neal  
Associate Planner Kara Spencer

3. **APPROVAL OF AGENDA**

**M/S**, Jansen – Swift, motion to approve the agenda as posted.

Ayes: Bela, Kelly, Jansen, Newton, Petrone, Swift, Chair Feffer

4. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

A member of the public questioned why there seems to be no code enforcement occurring in Town.

5. **CONSENT CALENDER**

There were no consent calendar items.

6. **PUBLIC HEARING ITEMS**

**89 Broadway; Request for a Design Review Permit for proposed exterior changes to the existing commercial building to facilitate the continued use of the two Bank of America existing exterior automatic teller machines now that the bank has closed permanently. Exterior changes proposed include a new door, an additional parking lot pole light, and treatment of the exterior windows over the automatic teller machines with Gray Out Blocking Film; Assessor's Parcel No. 002-113-08; CC Central Commercial Zone; Doug and Pearl Wong, owners; Judy Yam of MJY Group, applicant; CEQA categorically exempt, § 15301(a), and 15303(c).**

Staff presented the staff report.

The commission requested clarification that the applicant for the project is the Bank of America and adding a condition that there be prior notice if both ATMs are going to be inaccessible/out of service during the construction.

The public spoke in favor of the project with one commentor questioning if the ATM would be enclosed in a building. Staff clarified that the enclosure is being built inside the building to allow for maintenance and restocking and that the public will still have free access to the ATMs outside the building once the construction is complete.

**M/S**, Jansen – Kelly, motion to approve application # 2025-03, by adopting Resolution No. 2025-03, with the following amendments, setting forth the findings and conditions for the project approval:

Page 1, after the 4<sup>th</sup> Whereas, change the word Kentfield to Greenbrae

Pag 2, in the 1<sup>st</sup> condition, change the plan date 2/7/2025 to the date the plans were received on 3/3/2025.

Page 3, 5<sup>th</sup> paragraph, change Dark Sky to DarkSky

Page 3, add a condition # 12, If both ATMs are going to be out of service at the same time, the applicants shall post a notice advising customers of the dates a minimum of ten (10) days prior to the closure.

**AYES:** Bela, Kelly, Jansen, Newton, Petrone, Swift, Chair Jansen

Motion passes unanimously.

**26 Scenic Road; Request for a Variance to construct a second driveway and parking area; APN: 001-131-15; RD 5.5-7 Residential Zone; Matthew Anderson applicant; Matthew and Barbara Anderson, owners; CEQA categorically exempt, § 15301(C).**

Associate Planner Spencer gave the staff report.

The Planning Commission questioned and staff clarified that if the applicants do not get approval for the second driveway, there is no on-street parking allowed on the project side of the street, and the applicants will not proceed forward with an application to build an ADU, and that the driveway width includes the two triangular portions of the driveway approach from the street.

One member of the public spoke questioning if the driveway will impact drainage in the area specifically for the property at 30 Scenic Road.

The Commission discussed the project with several Commissioners expressing that they are not sure about the project because the ADU does not require parking, and an additional space could be provided in the backyard.

**M/S**, Jansen-Newton, moved to approve application 25-04 by adopting Resolution No. 2025-04 setting forth the findings and conditions for the project approval, with the added condition that

the construction of the parking does not occur until a permit for the Accessory Dwelling Unit has been approved.

**AYES:** Kelly, Jansen, Newton, Pretrone, Chair Feffer

**NOES:** Bela, Swift

Motion passes with a five to two vote.

**3. Continued Consideration for recommendation to the Town Council the following: A resolution of the Fairfax Planning Commission recommending the Town Council adopt an ordinance to amend Chapter 17.048 (Residential Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 17 (Zoning) of the Fairfax Municipal Code to comply with recent changes in California state law. Statutorily exempt from CEQA under section 21080.17 of the Public Resources Code.**

Associate Planner Spencer gave the staff report.

There were no public comments.

The Commission discussed the proposed ordinance and agreed that the DarkSky language needs to be included in the code, the section requiring that the materials and color of a second detached Accessory Dwelling Unit (ADU) must match the main house and existing attached ADU should be changed to be more permissive in case the existing house materials may be prohibited by the Building, Health and Safety, or Fire Codes pointing out that chosen materials can look similar to the fire prone materials but be fire resistant. .

**M/S, Jansen-Swift, Move to adopt Resolution No. 2025-02 recommending that the Town Council adopt the proposed amendments to Town Code Chapter 17.048, Residential Accessory Dwelling Units and Junior Accessory Dwelling Units, of the Fairfax Municipal Code to Comply with Recent Changes in State Law with the following recommended changes:**

- Reinsert the DarkSky language as section 17.048.010(F)(1)(e)
- In Town Code section 17.048-010(F)(a) replace the word "match" with something more permissive such as "similar to".

**AYES:** Bela, Kelly, Jansen, Newton, Petrone, Swift, Chair Feffer

## **DISCUSSION ITEMS**

4. Fairfax Tree Committee composition

Director Beiswenger explained that if any Commissioners are interested at some time in the future a vacancy may occur and the code indicates that a Planning Commission can ask to be appointed.

## **MINUTES**

5. Minutes from the February 20, 2025, meeting.

Commissioner Swift made additions to the February 20, 2025, meeting minutes stating that without some additional information as described below, the action minutes will not be useful.

**M/S**, Swift-Jansen, motion to approve the minutes with the following additions:

Page 2, after "Principal Planner Neal presented the staff report, add "adding the condition that the applicant shall submit with their building permit a report from an ISA certified arborist assessing the health of the tree to the east of the preferential parking space and making recommendations for how to protect the health of the tree during the construction process and shall be on site during any excavation within ten (10) feet of the tree trunk (or other distance recommended by the arborist) to ensure the tree is protected from damage".

On Page 2, after "The Commission deliberated on the project add "Staff should determine what standard "Residents Only Parking" sign will look like so that the Commission can make erecting such a sign a condition in the next Preferential Parking Permit application review".

On page 2, after "Public Testimony was opened. One member of the public spoke" add "expressing concern that with the ordinance corrections and additions needed it is not ready to be moved on to the Town Council for action and he recommends the Planning Commission continue the matter to a later meeting date. "

On page 3, the following should be added after "Public Testimony was opened. Three members of the public spoke" add "stating the priority of the land use element and safety element update should be public safety, there is a lack of adequate cell service throughout the Town, evacuation routes are one way in and one way out in some neighborhoods, the lack of existing parking can impact response time and evacuation capability, the new Cal Fire local responsibility maps assigning emergency response responsibility to the local agencies, and the impact of the gas power landscaping equipment ban on vegetative management."

**AYES:** Bela, Kelly, Jansen, Newton, Petrone, Swift, Chair Feffer

## **PLANNING DIRECTOR'S REPORT**

Planning Director Beiswenger gave a report.

## **COMMISSIONER COMMENTS/REQUESTS**

- Future update on the progress of the 10 Olema Road project.
- 95 Broadway (School Street Plaza) update.
- Will the parking study done for the Town Center Element be updated when the Town Center Plan is updated and can staff provide a cost estimate to the Commission for such a study.
- Can staff make sure the website has a link to the "Code Enforcement Complaint" form?

**M/S**, Feffer-Swift, adjourned the meeting at 9:35 PM.

**AYES:** Bela, Kelly, Jansen, Newton, Petrone, Swift, Chair Feffer