

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMENS CLUB
THURSDAY, DECEMBER 15, 2016

Call to Order/Roll Call:

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

Commissioners Present: Bruce Ackerman
 Norma Fragoso
 Philip Green
 Laura Kehrlein
 Mimi Newton
 Cindy Swift

Commissioners Absent: Esther Gonzalez-Parber

Staff Present: Linda Neal, Principal Planner
 Garrett Toy, Town Manager/Acting Planning Director
 Katie Wisinski, Assistant Town Attorney
 Michelle Levinson, Zoning Technician
 Sean Kennings, LAK Associates, Planning Consultant

APPROVAL OF AGENDA

M/s, Fragoso/Newton, motion to approve the agenda.
AYES: Ackerman, Fragoso, Green, Newton, Swift, Chair Kehrlein
ABSENT: Gonzalez-Parber

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Mr. Richard Rogler, Banchero Way, thanked the Town for turning on the flood alarm today. The creek was high and water was almost coming out of the catch basins.

ELECTION OF A NEW CHAIR AND VICE CHAIR

M/s, Newton/Swift, motion to elect Commissioner Fragoso as Chair and Newton as Vice Chair.
AYES: Ackerman, Fragoso, Green, Newton, Swift, Chair Kehrlein
ABSENT: Gonzalez-Parber

RESCHEDULING THE JANUARY 19, 2017 MEETING

Town Manager Toy asked the Commission to hold off on this decision until later in the meeting.

PUBLIC HEARING ITEMS

1. **18 Meernaa Avenue; Applicant #16-43**
Request for a Use Permit to install a prefabricated, 52-square-foot hot tub and a 24-square-foot, 97-inch tall sauna, Assessor's Parcel No's. 002-036-29; Residential Single-

family RD 5.5-7 Zone; Mariana Caplan; Christopher Schrader, applicant; owner CEQA categorically exempt per Section 15303(e).

Zoning Technician Levinson presented a staff report.

Chair Fragoso opened the Public Hearing.

There were no comments from the owner or the public.

Chair Fragoso closed the Public Hearing.

Commissioner Green provided the following comments:

- He referred to Resolution No. 16-33, the fifth Whereas, #3, the last sentence, and asked that the words "prior notification" be replaced with a reasonable time period such as 14 days. He did not want any ambiguity.

Chair Fragoso provided the following comments:

- She asked how the hot tub would be drained. Principal Planner Neal stated she thought they had to be drained into the sewer system and could not longer go into the storm drain. The Building Official would make sure this is done properly.

Commissioner Newton provided the following comments:

- Miscellaneous condition #3 would cover Chair Fragoso's concern.

M/s, Kehrlein/Green, Motion to adopt Resolution No. 16-33, approving application #16-43 for 18 Meernaa Avenue.

AYES: Fragoso, Green, Kehrlein, Newton, Swift, Chair Fragoso

ABSENT: Gonzalez-Parber

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

2. 2625 Sir Francis Drake Blvd.; Application #16-44

Request for a General Plan Amendment, Zoning Ordinance Text and Map Amendment, Subdivision Map, Traffic Impact Permit, Design Review Permit, Excavation Permit and density bonus waivers and concessions for number of units, height, covered parking and parkland dedication to allow subdivision of an approximately 20-acre property into three parcels. A 2-acre parcel that will be rezoned Planned Development PDD Zone and is proposed for development with a 54-unit senior housing project and two, 9-acre parcels that will remain zoned for single-family use with Upland Residential UR-7 Zoning; Assessor's Parcel No. 174-070-17; project applicant, Resources for Community Development (RCD). Review of the Project under the California Environmental Quality Act ('CEQA') is being conducted via the preparation and circulation of an Initial Study/Mitigated Negative Declaration.

Town Manager Toy made some introductory comments.

Commissioner Swift asked about the overall workflow/process timeframe. Town Manager Toy stated in terms of process, all of the discretionary approvals come to the Commission as one package. The Planning Commission would make recommendations on the "package" to the Council. The Town is well within any timelines but the applicant might have concerns about the financing side.

Chair Fragoso asked if the Town was required to do the review in a 90-day period and does this 90-day period pertain to only the Commission but also the Council review.

Assistant Town Attorney Wisinski stated they were not constrained by the Permit Streamlining Act since the applicants are asking for a General Plan Amendment and a Zoning Text Amendment. Staff does want to move the project along expeditiously.

Mr. Sean Kennings, representing LAK Associates, presented the staff report and made a PowerPoint presentation that included: 1) Project description; 2) Design Review Findings; 3) Mitigated Negative Declaration; 4) Initial Study; 5) Traffic Impact Permit; 6) Existing site conditions; 7) Proposed lot plan; 8) Proposed site plan; 9) Proposed utility plan; 10) Proposed detention basins. He noted the Draft Mitigated Negative Declaration was circulated on November 30th and the public comment period ends on December 20th. The Initial Study covers 19 areas of review.

Chair Fragoso opened the Public Hearing.

Ms. Alisha Cline, Senior Project Manager with Resources for Community Development (RCD), made the following comments:

- She gave a PowerPoint presentation and discussed the history and mission of Resources for Community Development.
- RCD houses over 4,000 residents.
- She noted Victory Village was an affordable development for residents that are making no more than 50% (low income) or 30% (very low income) of the area median income.
- The development would include studios and one-bedroom units.
- Marin Housing Authority would provide rental assistant vouchers.
- The manager's unit would not be income restricted.
- She discussed local preference and fair housing issues.
- She discussed proposed marketing and outreach.
- RCD held a community meeting and got a lot of feedback regarding parking and traffic.
- The proposal includes 39 parking spaces for 54 units (0.7 spaces per unit). This number comes from RCD's experience with senior affordable housing developments and research of Marin County.
- The proposal includes an alternative driveway scenario that would allow for three more parking spaces.
- She discussed the timeline for the development- they would like to start construction in about a year and start renting units a year later.
- Planning Commission, Council and Tree Advisory Committee approvals over the next couple of months will allow them to apply for the rest of the funding in the spring and summer.
- They would like the process to be finished by the first half of March because the next funding application is due in the middle of March.

Mr. Rick Williams, representing Van Meder, Williams and Pollick Architects, made the following comments:

- He discussed the project design.
- He displayed an aerial view of the site.
- He pointed out the existing drainage ditch.
- They held a study session a year ago and provided a number of alternatives. People preferred a scheme that had a larger footprint but reduced the overall height of the building.
- The proposed project contains: 1) An "E" shaped building; 2) Two courtyards; 3) Parking in the back; 4) Deliveries and pick ups (trash, etc.) would occur in the back of the building; 5) The driveway coming out directly to Sir Francis Drake Boulevard; 6) The three-story area of the building would be about 240' from the street; 7) The frontage of the site would be improved

including a sidewalk, handicapped ramps, and curb and gutter; 8) New utilities and storm drain connections; 9) Enlargement of the storm water retention area; 10) Improvement of the ditch along the driveway.

- There would be about a 10% reduction in the overall off-site flow.
- The two-acre site would meet the 200-year storm water requirements.
- He discussed the details of the building plan; 1) The entry lobby is in the center portion of the building; 2) A large porch; 3) A community room; 4) A residentially oriented courtyard with community gardens; 5) Service area in the back; 6) Two elevators; 7) Bicycle parking; 8) An entryway for the residents on the lower level with a walkway that leads to the sidewalk on Sir Francis Drake and the bus stop; 9) A manager's office in the front.
- The only area of the site that would be fenced off would be the two courtyards.
- The landscape plan would include some large trees in the front and a lot of native, drought tolerant species.
- They plan to remove 72 trees- 26 are not in the two-acre site. The other 46 trees would be replaced on a one to one ratio.
- He displayed a slide of the story poles.
- The two-story element in the back allows for a view of the ridgeline across the way from the rear of the property.
- The building steps up the grade.
- He discussed stormwater management elements.
- He stated they took a lot of care with the interior spaces. Each unit has a personalized entry.
- The apartments are predominantly one-bedroom with an open floor plan, hardwood flooring, large, full kitchens, and accessible bathrooms.
- The corridors are well lit with good signage.
- The detailed roof plan includes solar panels and wiring for future approval. The panels would be tight to the roof and at the same slope as the roof.
- There are a number of sustainable features including solar hot water.

Commissioner Swift had questions about the age and eligibility requirements. Ms. Cline stated all residents would need to be age qualified (at least 62 years old) with the exception of a caregiver.

Assistant Town Attorney Wisinski discussed the actions that the Town would need to take to implement the applicant's vision. These actions include: 1) Changing the General Plan Land Use Designation; 2) Subdivision or Parcel Map (into three parcels); 3) Zone Change and Text Amendment; 4) Mitigated Negative Declaration; 5) A Mitigation Monitoring and Reporting Program; 6) A Planned Development District (PDD) Ordinance; 7) A Density Bonus Agreement; 8) A Traffic Impact Permit; 9) An Excavation Permit; 10) Design Review. Most of these actions have been envisioned in the Town planning documents for quite a while. The General Plan Amendment would need to be approved prior to any other approvals. The Zoning for any parcel must comply with its General Plan Designation per State law. The current PDD process is quite onerous and the General Plan has directed that this process be amended. This project has requested and qualifies for a Density Bonus under the State Density Bonus Law. This project is offering 100% affordable units and therefore qualifies for a 35% density bonus- or 27 dwelling units per acre. She discussed the exceptions (deviations) and concessions

Chair Fragoso asked how many units could be built on Lots #2 and #3. Assistant Attorney Wisinski stated the short answer is that they would be zoned UR-7 which requires 7 acres for one single family home. Each lot could have one single-family home.

Commissioner Kerhlein asked Assistant Town Attorney Wisinski to explain the park in-lieu fee. Assistant Town Attorney Wisinski stated one of the approvals is a Subdivision Map to divide the 20-acre parcel into three parcels. Under the Subdivision Map Act the Town may adopt an ordinance

requiring applicants to dedicate parkland for the use of residents in the subdivision. There is a parkland dedication requirement for both the Victory Village site and one for the two other parcels. The applicant can either dedicate land or pay an in-lieu fee to satisfy this requirement. The applicant plans to pay the fee for the two back two parcels. They are asking for two things with respect to the Victory Village site: 1) a credit against the amount of land required to be dedicated, and 2) a waiver with respect to the remaining dedication requirement.

Commissioner Newton referred to Government Code Section 66477 (The Quimby Act) which created dedication language and asked how it applied to the Town ordinance. She is not convinced that the calculation of 8,900 square feet for the Victory Village site is correct and asked how it was calculated. Assistant Town Attorney Wisinski agreed there was a discrepancy- five acres per 1,000 residents of the Town or the proposed subdivision. Staff has used the latter in its calculation. Commissioner Swift asked staff to bring back further clarification on this entire issue.

Chair Fragoso asked if the courtyards, front, and side yards would be included in the parkland requirement. Assistant Town Attorney Wisinski stated that information would be included in the memorandum.

Commissioner Newton asked if it was appropriate for the Commission to review and comment on the Mitigated Negative Declaration since the comment period was still open (closed on December 20th). Assistant Town Attorney Wisinski stated CEQA requires the lead agency (the Town Council) to consider the comments made on the document. The Commission can review and comment on the document prior to the closing of the public comment period.

Commissioner Swift asked if there has been any general discussion about the future of the two nine acre parcels. Assistant Town Attorney Wisinski stated the applicant could address this question. She clarified that the two acres (Lots #2 and #3) are included in this project. Ms. Cline stated there are two possibilities for the back two parcels: 1) Remain as open space; 2) Sale of the back two acres for possible development.

Ms. Cline stated the Town Code provides two alternatives for calculating the acreage to be dedicated- one based on population and one based on the number of units. They calculated 8,900 square feet based on 54 units for multi-family housing. This is square footage that is not already provided as active recreation area in the courtyards. They have calculated the in-lieu fee to be approximately \$15,000. The fee for the back two parcels would be about \$1,100 which would be financially feasible and are prepared to pay.

Commissioner Green asked what the purchase price of the two lots would be. Ms. Cline stated they increased the purchase offer by \$300,000.

Commissioner Newton stated the architect referred to the building as "tight" and she asked if the windows could be opened. Ms. Cline stated "yes". Commissioner Newton stated the restrictions for affordability would remain in place for 55 years and she asked if this was also true for the age restrictions. Ms. Cline stated it would cover the same period.

Commissioner Newton had the following questions: 1) Did the applicants look at options for a third story? 2) Has the application changed since it was reviewed by the Open Space Committee? 3) Did they consider the Visual Resources Map in the General Plan when analyzing the aesthetic view from the ridgeline? 4) Do they identify Sir Francis Drake Boulevard as a Scenic Highway? She has concerns about some of the conclusions in the environmental evaluation. Mr. Kennings stated Sir Francis Drake Boulevard is not a State designated Scenic Highway and there are no designated scenic vistas on the site.

Commissioner Green stated three stories do not necessarily have to be 40 feet high. Mr. Williams stated there is one point on the entire building that is 40 feet- he pointed to the rendering. They stepped the building up in an effort to keep the height down in the front. The eaves will be at 30 feet.

Commissioner Kehrlein asked if they could modify the roofline at that particular element- perhaps have a flat roof element over that portion. Mr. Williams stated a flat roof would give it a strange configuration. Chair Fragoso stated the variety of rooflines gives the building character. Mr. Williams stated if they used a flat roof they would need to build a parapet to hide the mechanical equipment.

Commissioner Swift stated she was concerned about the proposed number of parking spaces since the site is almost a mile from the downtown and not necessarily walkable to downtown services. She asked if RCD's other projects were more centrally located. Ms. Cline stated the other senior developments owned by RCD are in different parts of town and several are served by busses. They have started discussions with Whistlestop about the possibility of a shuttle system.

Commissioner Green asked if they had given any thought to creating retail space (a convenience store) on the property. He asked about visitor parking. Ms. Cline stated they have not considered a retail component since it is not a permitted use. They have included visitor parking in their parking calculations.

Ms. Jessica Green, Fairfax, made the following comments:

- Fairfax residents should have priority.
- She asked if the rents were guaranteed.
- This project is too big for Fairfax and too far from downtown.
- There is not enough parking.

Ms. Eleanor Block, member of the Commission on Aging, made the following comments:

- The Commission is trying to make Fairfax a senior-friendly town. Transportation is key.
- She supports the project.

Ms. Sandy Clair, Village West, made the following comments:

- She is concerned about the scale of the project.
- There is no public parking near the site.

Ms. Marian Weinstein, Oak Tree Lane, made the following comments:

- She asked if the project would be serving Fairfax residents.
- She had questions about the proposed marketing plan.
- She liked the green building aspects of the project.
- The parking is insufficient.
- Transit in that area is inadequate.
- She had questions about Section 8 vouchers.

Ms. Jane Richardson, Madrone Road, made the following comments:

- Seniors need cars and family.
- She did not know why the General Plan should be altered to accommodate this project.
- This project will not solve Fairfax's need for senior housing.
- The project is too big and should be scaled down.

Ms. Stephanie Burns, Mountain View, made the following comments:

- She did not move to Fairfax because it was a leader in affordable housing.

- If you live in Fairfax you need a car. Public transit is not adequate.
- The project puts people in the “back 40” where they are sort of like prisoners.
- There should be more time for public comment on the environmental documents.

Mr. John Remades, Madrone Road, made the following comments:

- He had a question about parking and height requirements.
- It feels like the Town is being “strong-armed” by the design professionals.

Ms. Cynthia Bradley, Dominga Avenue, made the following comments:

- She is 100% in favor of the project.
- The design is beautiful and sustainable.
- They should gather as a community to find alternatives to the automobile.
- They should open up their hearts to people outside of the community.

Ms. Buff Bradley, Dominga Avenue, made the following comments:

- This is a very exciting project.
- It is thoughtful and intelligent.
- She supports the project.

Ms. Amy Goslan, Fairfax, made the following comments:

- She serves on the Council of Christ Lutheran Church.
- She gave a brief history of the project.
- She is concerned about the homeless and the elderly

Ms. Patti Breitman, Rally Court, made the following comments:

- She works with the homeless- many grew up in Marin.
- There is a connection between homelessness and affordable housing.
- This project should be open to anyone who qualifies.
- This project is brilliant- it is the right place and the right time.

Ms. Sue Fox, Canon Village, made the following comments:

- She is happy to have more diversity in Town.
- She is concerned with the overall picture and the possibility of more homes in the area.
- She was concerned about the ecological impacts.

Ms. Gwen Ford, Creek Road, made the following comments:

- She is in favor of the project.
- Her heart goes out to anyone who is an underserved person.
- Fairfax should open its doors and plan smartly to be inclusive.

Ms. Wendy Kallins, Forest Knolls, made the following comments:

- She is an advocate for affordable housing.
- The way to create affordability is to provide a few more units.
- Adding more parking would add more cars and more traffic.
- The transit system on the west end of Fairfax is inadequate and needs to be improved.
- It would be a good idea to have an on-site shuttle.
- This project is not out of character with the surrounding neighborhood- Village West, Canon Village and the apartment buildings. This is a dense area.

Lisle, Fairfax, made the following comments:

- She is excited about the project. It is 100% low income.

- This project typifies what is the best about Fairfax.

Ms. Spirit Wiseman, Canon Village resident, made the following comments:

- She is a realtor and finds it difficult to watch what has been going on with housing in Fairfax.
- She supports the project.

Mr. Jake Rosen, Assistant Project Manager for RCD, made the following comments:

- There is an incredible need for affordable housing in Marin.
- Stable housing has a significant positive impact on older adults.

Ms. Lori Golden, San Anselmo, made the following comments:

- She supports this project. She is impressed with the care and thoughtfulness that has gone into this project.
- Housing is at a crisis point in Marin.

Ms. Diana Purdue, Scenic Road, made the following comments:

- She agreed that changes are needed to the General Plan.
- The General Plan is the cause of this acrimonious situation. It was put together in a backward fashion.
- She asked why anything would be changed to appease Plan Bay Area's notion of what is good.
- The atrocious Victory Village would be victorious only for the developer.
- The project is the shameless face of greed and will usher in the destruction of Fairfax.

Mr. Larry Bragman, Hickory Road, made the following comments:

- He supports the project.
- He is disappointed on how the project is going through the approval stage.
- The process for Planned Development Districts is being circumvented.
- There is an overwhelming need for this type of housing in Marin.
- Approving this project would take pressure off of the rest of the Town.

Ms. Denise Larson, Manor Hill, made the following comments:

- This project is for active seniors. The idea that residents will not need parking is a concern.
- The deal with Whistlestop should be in place before the project is approved.
- The bus service is awful in the west part of Fairfax.
- She is concerned about the application for rezoning and changing the height limit.
- She supports affordable housing but this project is too far from needed services.

Ms. Roberta Anthes, Snowden Lane, made the following comments:

- She supports the project.
- Seniors are the fastest growing demographic in the country and low-income seniors are the neediest.
- The 54 units will help offset the Regional Housing Needs Assessment (RHNA) numbers required by the State.
- There should be more time for public comment.
- She is concerned about the parking.
- Golden Gate Transit is not reliable and Whistlestop is not the solution- a shuttle service was the solution.

Ms. Delia Gosman, member of Christ Lutheran Church, made the following comments:

- She supports the project. It gives people at-risk a chance to live in Marin.

Ms. Jackie Hoffman, Sequoia Road, made the following comments:

- She is a professional in the affordable housing field.
- She supports the project and RCD.
- There is a price point that needs to be met for this project to be successful.
- There should be adequate transportation alternatives- not more parking.

Ms. Mallory Geidheim, Willow Avenue, made the following comments:

- This is a beautiful project that is very well done.
- She is on the Affordable Housing Committee. They have only met several times.
- The Commission and Council needs to interact with the Committee.
- She is concerned about allowing three stories- it would set a precedent.
- She asked if the third story could be relocated to one of the other parcels.

Mr. Bret Kelly, Tamalpais Road, made the following comments:

- He supports the project- it will help encourage diversity.
- He wished the project were not being driven by a business model.
- The third floor is an issue in terms of the Town regulations but also the building itself. It could be oppressive when someone is in the courtyard.
- A two-story building would add to a feeling of "community".
- There could be a safety issue if the two driveways come off of Sir Francis Drake Boulevard (and not Mitchell Drive).

Chair Fragoso closed the Public Hearing.

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

Chair Fragoso asked the applicant about their funding deadlines. Mr. Cline stated there were two applications due in March- one on March 1st and the other is due shortly after March 15th. She stated affordable housing requires a "layer cake" of funding sources to be feasible.

Commissioner Newton provided the following comment:

- She would like to see more open space preservation.
- She wondered if there could be a split into four parcels instead of three parcels, with one being devoted to open space.
- She would like to see a conservation easement or gift to the Town. Ms. Cline stated that was their first preference. The back portion of the 18 acres is bounded on either side by private property.
- She noted there were prescriptive easements. Assistant Town Attorney Wisinski stated she would discuss this with the Town Manager.
- She was struck by Mr. Bragman's concern about the streamlining of the process and the appearance that things are not being done in the right order.

Commissioner Green provided the following comments:

- He is also concerned about the process and noted they do have a process in the Town Code that has not been modified yet (Chapter 17.112.020). They have not voted to streamline that process and should be following it.
- He asked about the location of the public garden and was concerned it might be in the shade. Mr. Williams pointed to the garden and noted it would get good solar access.
- He would like to look into the following: 1) Turning the Mitchell Drive prescriptive easement into a recorded contract; 2) Purchasing the two lots, in a partnership with County Open Space or the Marin Municipal Water District, and turning them into whatever they want.

Commissioner Ackerman provided the following comments:

- The design elements are well thought-out.
- He was struck by Mr. Bragman's comments. He is concerned about the time frame.
- There is a lot of support for the project. He would like to make it work.
- It sounds like a big deal to be modifying the General Plan but this is not a substantive modification.

Chair Fragoso provided the following comment:

- It would be worthwhile to try to purchase the two lots and preserve them as open space.

Commissioner Swift provided the following comments:

- She asked if the enhancements to the drainage system and the 10% reduction in storm water runoff would benefit the neighborhood, particularly those at Village West. Mr. Mark Hale, civil engineer, stated the existing storm drain system is somewhat lacking. They looked at the 2-acre parcel and were able to reduce the amount of runoff with the bioretention system in the front. They have allowed for provisions for the 18-acre site if the Town is able to improve the downstream storm drain system in the future. The flow is not life or property threatening- it is more of an inconvenience.
- She asked if water would continue to flow across the road. Mr. Hale stated "yes, but there would be less of it". The problem is the existing inlets- the water does not get into the system to begin with.
- She asked if they would be willing to add more parking. Ms. Cline stated they looked at this- rearranging the 2-acre lot line or reorganizing the lot. Extra parking could negatively impact the storm drainage. These additional spaces would need to be permeable pavement and level. There could also be some financial constraints.

Commissioner Newton provided the following comment:

- She referred to the provision regarding 55 years for affordability and asked if they would be willing to change it to "in perpetuity". Ms. Cline stated she would need to research that question.

Commissioner Green provided the following comments:

- He asked if the manager's unit was low-income, rent-free, etc. Ms. Cline stated the manager's unit is not income restricted. They want to be competitive in terms of hiring this position.

Commissioner Ackerman provided the following comment:

- He likes the enclosed bicycle storage. He asked about bicycle storage for visitors. Mr. Williams stated there would be other bicycle facilities in a visible spot.

Commissioner Kehrlein provided the following comments:

- She stated some of the trees slated for removal look like they could be saved.
- She noted the replacement trees were 15-gallon and stated she wanted larger sized trees. Mr. Peter Arnold, landscape architect, stated smaller trees tend to do better in the long run.

Chair Fragoso stated the following were questions and issues for staff: 1) Clarify the streamline process; 2) Clarify the parkland dedication- which section of the code is applicable?; 3) Clarify the selection process (lottery, etc.) and the marketing efforts; 4) Increase in parking; 5) Height of the project; 6) Covered parking; 7) Clarification on the runoff from the property; 8) The 55 year affordability vs. "in perpetuity" issue; 9) Negotiations for more transit; 10) Feasibility of solar panels.

Commissioner Green provided the following comment:

- The PDD Ordinance (Town Code Chapter 17.112) sets out an onerous procedure.
- He is a streamlining buff. Assistant Town Attorney Wisinski stated the Housing Element calls for the reduction of governmental barriers to facilitate and produce affordable housing. The Town Attorney's office is comfortable with carrying forward an amendment to the process concurrently with this type of project.
- He stated it might make sense to create Town Code Chapter 17.112(a) that addressed PDD Zones for affordable housing projects.
- He could support the requested concessions.
- The parking is generous.
- He could approve the waiver for the open space.

Assistant Town Attorney Wisinski stated the Commission couldn't take some actions but hold off on others- this is a package that is centrally tied to the CEQA review. Staff and the applicants have received good direction about what to bring back.

M/s, Swift/Kehrlein, Motion to continue application #16-44, 2626 Sir Francis Drake Boulevard, to the January 19, 2017 meeting.

AYES: Ackerman, Green, Kehrlein, Newton, Swift, Chair Fragoso

NOES: Gonzalez-Parber

MINUTES

3. Minutes from November 17, 2016 Planning Commission regular meeting.

M/s, Kehrlein/Newton, Motion to approve the November 17, 2016 minutes as corrected.

AYES: Ackerman, Green, Kehrlein, Newton, Swift, Chair Fragoso

NOES: Gonzalez-Parber

PLANNING DIRECTOR'S REPORT

There was no report.

COMMISSIONER COMMENTS AND REQUESTS

Commissioner Kehrlein asked that the following item be placed on the next agenda: 1) Commission representative to the Tree Committee.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 11:55 p.m.
Respectfully submitted,

Toni DeFrancis,
Recording Secretary

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMENS CLUB
THURSDAY, JANUARY 19, 2017

Call to Order/Roll Call:

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

Commissioners Present: Bruce Ackerman
 Norma Fragoso (Chair)
 Philip Green
 Laura Kehrlein
 Mimi Newton
 Cindy Swift

Commissioners Absent: Esther Gonzalez-Parber

Staff Present: Linda Neal, Principal Planner
 Town Attorney Katie Wisinski
 Sean Kennings, LAK Associates, Contract Planner

APPROVAL OF AGENDA

M/s, Green/Kehrlein, motion to approve the agenda.
AYES: All

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Ms. Suzanne Cheney, Ace Court, referred to the recent proposal to close Bolinas Road and stated that road is a main evacuation route and could never be closed. Chair Fragoso stated that proposal was off the table. Ms. Cheney stated there were no lights on the edge of the park and it was dangerous.

Ms. Kiki LaPorta, Glen Drive, thanked the Victory Village applicants for the tremendous quality and extent of the community outreach they have performed. She thanked staff for the terrific staff reports on this much-needed project.

PUBLIC HEARING ITEMS

1. **Planned Development District (PDD) Proposed Text Amendment**
The Planning Commission will meet to consider and discuss a proposed ordinance revision to Chapter 17.112 ('Planned Development District Zone) of the Fairfax Town Code. The proposed zoning ordinance amendment will implement direction given in the Fairfax 2010-2030 General Plan and 2015 Housing Element update to revise the PDD Ordinance as it applies to three (3) parcels identified as 'housing opportunity sites' in the Housing Element. For these sites, it will establish a streamlined review and approval process. This ordinance amendment will not approve any new projects, it will amend the approval process applicable to housing opportunity sites directed to be zoned PDD.

Town Attorney Wisinski presented the staff report. She clarified the items that would be discussed tonight. She gave a PowerPoint presentation that included the following: 1) What's on the table; 2) Purpose of zoning; 3) PDD Ordinance; 4) Current PDD Ordinance; 5) PDD Ordinance also...; 6) Since PDD Ordinance enacted; 7) Land Use Element direction; 8) Take away from General Plan; 9) Opportunity Site No. 1; 10) Opportunity Site No. 2; 11) Opportunity Site No. 4; 12) General PDD direction; 13) Take away from Housing Element; 14) Another look at the current PDD Ordinance; 15) What would the new section apply to?; 16) Proposed PDD amendment; 17) Proposed PDD Ordinance; 18) Questions for Planning Commission.

Commissioner Green clarified that they were not amending the entire PDD Ordinance but rather adding a section to deal with these specific sites. Town Attorney Wisinski agreed.

Chair Fragoso clarified that the proposed amendments would streamline the process by eliminating some redundancies but also provide the Town and community an opportunity to see the full plans up front. Town Attorney Wisinski agreed- compressing the timeline puts the onus on the applicant to bring in all the information in the beginning. Chair Fragoso stated the applicant must also do the CEQA review early on, which could make it more comprehensive.

Commissioner Swift referred to the proposed Ordinance, Section 165(c)(2) "General Standards" which allows for deviations to the standards and asked how that compared to the process in the existing ordinance. She referred to the proposed Ordinance, Section (E)(1)(c) and asked for clarification about resubmittals. She also asked about the appeal process. Town Attorney Wisinski stated the Planning Commission is not in a position to adopt development standards that would apply to other zoning districts or this district. The change in the new ordinance recognizes that the Town Council has that authority. Planning Commission determinations can always be appealed to the Town Council and denied applications can be resubmitted within 60 days. This is a holdover from the existing ordinance.

Commissioner Newton stated she did not see any reference to fees, engineer's reports, open space dedication, or performance bond requirements reflected in the proposed ordinance. Town Attorney Wisinski agreed that some of these items are not in the proposed ordinance but are already included in the built-in staff process or in other ordinances. They could also be included in conditions of approval. These elements could be reintroduced in the proposed ordinance. Commissioner Newton asked what would be the timeline for a new project that was submitted after Council adoption of the new PDD Ordinance. Town Attorney Wisinski stated any project qualified to use the streamline process could bring in a single application that included all the necessary steps.

Commissioner Swift asked if there were timeframes for development. Principal Planner Neal stated "no"- variances were good for a year (can request a year extension) but if construction is started then the variance is good for perpetuity. Hillside Residential Development (HRD) permits are the same. They do expire if not activated in two years. There is no expiration of the Use Permit or Design Review process. Chair Fragoso asked about expiration of building permits. Principal Planner Neal stated that was set by the Building Code with inspections required periodically. Town Attorney Wisinski pointed out that this streamlined process only applied to sites identified as opportunity sites to be rezoned PDD.

Commissioner Green stated the PPD zone is a "little community" in and of itself and there should be a performance bond requirement.

Chair Fragoso referred to Section 17.112.060, "Master Development Plan" and stated she would like to list all the submittal requirements.

Chair Fragoso opened the Public Hearing.

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

- The developer and the Lutheran Church have been working on this project for a number of years.
- They have moved forward with the understanding that the zoning amendments would be adopted and they would be subject to the streamline process.
- They should not be subject to the current process- that would be very unfair and prejudicial.

Ms. Suzanne Cheney, Ace Court, made the following comments:

- She is bothered about losing control over the design elements.
- She is opposed to developments that do not fit in to the Town plan and look like they belong in San Jose.
- She does not want three years of dusty construction and noise in her neighborhood.
- There should be ballots for huge developments.

Ms. Pete Sentee, Mountain View, made the following comments:

- He thanked staff for the clear presentation.
- He asked if staff has researched how other similar sized towns handle this streamline process.

Mr. Larry Bragman made the following comments:

- The problem is getting everybody in the community back on the same page- not streamlining the ordinance.
- People need to trust the process that this project will go through.
- The existing code gives them the discretion to approve this project on an efficient basis.
- The existing PDD Ordinance has the flexibility they need to consider the requested concessions.
- The size of the proposal is not a prerequisite to come within the PDD Ordinance. PDD's are exempt from requiring a variance from site requirements.
- He would urge caution in amending the code. Residents would be more comfortable going through the existing code.

Mr. Doug Cooper, Fairfax, made the following comment:

- He read a statement from the Marin League of Women Voters in support of the proposed ordinance.

Ms. Roberta Andes, Snowden, made the following comments:

- She has supported the project from its inception.
- She has concerns about the ordinance.
- The project is best served by the original ordinance.
- A lot of people will support the project for 54 units for senior affordable housing but perhaps oppose it if there is a rider attached that includes two other properties.
- She did not want to see the project get hamstrung by the process.

Ms. Diane Hoffman, Porteous Avenue, made the following comments:

- This feels like a "rider" similar to what lazy politicians do.
- The project will eventually be market rate housing.
- Parking is important.

Mr. Chuck Wright, Pine Avenue, made the following comments:

- He works for a large developer of affordable housing.
- There is a housing crisis in Marin County.

Ms. Alicia Cline, representing Resources for Community Development (RCD), made the following comments:

- She supports the removal of Section 2- it takes away the fear that this is going to rezone other sites.
- RCD has submitted as part of the application all deliverables on the Master Planning list.
- They are ready to meet the requirements that are being considered tonight.
- The impact that the streamlining would have on the Victory Village submittal is critical in their ability to move forward.

Ms. Wendy Kallins, San Geronimo Valley, made the following comments:

- She supports the streamlining process.
- Affordable housing developers do not have the resources that for-profit developers have and need the ability to move as quickly as possible.
- This is not some sneaky idea- it is part of the General Plan and Housing Element.
- The Commission is simply carrying out the dictates that have already been decided.

Mr. Robert Pendoley, representing the Marin Environmental Housing Collaborative, made the following comments:

- His group recommends approval of the ordinance for two reasons: 1) The PDD process as currently constituted is an impediment to the development of affordable housing; 2) This provides a more transparent process.

Ms. Rebecca Collins, Monte Vista Road, made the following comments:

- She supports Victory Village and the other two sites for low-income housing.
- The environment is very difficult for non-profits.
- They need to look at the "big picture".

Mr. David Haskell, Glen Drive, made the following comments:

- He supported the proposed action and the applicant.
- The project is appropriate to the site.
- Preservation is about quality of life and caring about one another.

Mr. Vincent Damico, Arboleda Circle, made the following comment:

- Rules, regulations, ordinances, and laws should be applied equally to everyone.

Ms. Jessica Green, Fairfax, made the following comments:

- She wondered why School Street was included in these three projects.
- They are doing the other projects a favor by trying to push everything through so there won't be any review.
- Victory Village could have applied a year ago and now they are stuck.
- The basic General Plan does not need to be changed.

Ms. Kiki LaPorta made the following comments:

- She urged the Commission to proceed with the amendments to the ordinance as proposed by staff.
- The General Plan was passed through a long and arduous public process.
- She urged the Commission to move forward.

Chair Fragoso closed the Public Hearing.

Commissioner Green provided the following comments:

- The current PDD process is onerous.
- The General Plan was adopted in 2012 and details exactly what they are doing.

Commissioner Ackerman provided the following comments:

- Staff indicated there were contradictions inherent in the existing process.
- The proposed amendments would make the process clearer and quicker.
- There is a legal requirement to look at processes specifically for affordable housing.
- The most important issue is the timeline that RCD faces.
- There is a lot of support in the community for Victory Village.
- He did not want to thwart the project by stretching the process out.
- The proposed amendments provide more transparency. There is a value to a process where everything is seen at the same time.

Commissioner Kehrlein provided the following comments:

- She asked staff if the proposed amendments would eliminate any steps. Town Attorney Wisinski stated they would be consolidating steps and moving forward the presentation of all of the information required under the existing ordinance. The proposed ordinance does take away some redundancies.
- The identified opportunity sites are somewhat different than the sites listed in the existing PDD Ordinance.
- By front-loading the application the developer has the opportunity to solve issues that might not be apparent during the preliminary development process. This could create a better project.
- This is a more holistic process.

Commissioner Swift provided the following comment:

- She asked staff what would preclude an applicant under the existing code from coming in on "Day One" with what would be the equivalent of the Precise Development Plan. Principal Planner Neal stated they can do that but they still need to go through all the steps.

Commissioner Newton provided the following comments:

- She would rather take an approach that fixes the elements of the overall PDD Ordinance. She passed out an alternative proposal and proposed language.
- They could add a section to the existing ordinance that would allow for streamlining for the three opportunity sites.
- She asked about the language in the General Plan referred to by several speakers regarding rezoning and the lack of review. Town Attorney Wisinski stated the language is as follows: "No discretionary review besides confirming compliance with objective design standards will be allowed on the site after rezoning". This means that they can not be required to come in and get a Conditional Use Permit but the Town reserves the right to review design against whatever criteria is adopted.
- Her alternate proposal could be limited to the Victory Village site and not apply to the other two sites (School Street and Olema). Each General Plan Program talks about them separately. Town Attorney Wisinski stated they are not in a position to frame individual approval processes for each parcel in Town identified to be rezoned PDD. This could be construed as "spot zoning"- applying different standards to different parcels. They need to evaluate the proposed ordinance amendment on the strength of its own merits and not its ultimate impact on a single project.
- She had a question about General Standards Section (C)(2) of the proposed ordinance and whether or not they need to be bound by the standards, etc. of the zoning district most similar in nature. Town Attorney Wisinski stated the language parrots the language in the existing process which staff does not want to throw out.

- She would like to go through the proposed ordinance with a “fine toothed comb”.

Commissioner Green provided the following comments:

- He supports the streamlining changes as presented.
- It is a good idea to make these changes for these limited projects.
- He suggested some language modifications to the proposed ordinance including requiring a performance bond and encouraging solar, green building methods, and a reference to Downtown Fairfax relative to transit issues.

Chair Fragoso provided the following comments:

- They are mixing “apples and oranges”- there are some projects that should not be submitting a Final Precise Plan with the first application.
- Some projects need to go through the step-by-step process.
- She can understand setting these sites aside since the development standards have been approved.

Commissioner Swift provided the following comments:

- She agreed with the comments made by Commissioner Newton- that code section needs review.
- They should be incorporating the PDD into the entire code. Chair Fragoso stated that would be very time consuming- they are trying to come into compliance with the General Plan.

Commissioner Ackerman the following comments:

- They are also trying to let the Victory Village Project happen.
- He agreed with Commissioner Newton that the existing PDD Ordinance has a lot of problems. It makes sense to change it. Chair Fragoso reiterated that they do not have the direction from Council to do that.

Commissioner Newton provided the following comments:

- They have the ability to look at the PDD Ordinance holistically.
- She would like to take everything out of the existing ordinance, create a whole new section, and add things back in. This accomplishes what the General Plan directs them to do.
- She would like to boil the three-plan process down to a two-plan process.
- She wants to move along quickly

Commissioner Green provided the following comments:

- He agreed that they need to change the existing ordinance overall. This is not the time and place to do it.
- They need to lay a foundation for affordable housing developments to actually happen.

Commissioner Swift provided the following comment:

- She is willing to take the time tonight and follow Commissioner Newton’s suggestion.

Chair Fragoso provided the following comments:

- She thought it was unrealistic.
- They should take care of the business at hand.
- She has concerns about the late meetings.

Town Attorney Wisinski recommended a short break while she reviews the ordinance to see if there was a way to incorporate the concerns of Commissioner Newton and Swift. She passed out home made cookies.

The Commission took a 10-minute break at 9:40 p.m.

Chair Fragoso asked for a show of hands from the Commission in favor of postponing the discussion regarding item #1 and beginning the discussion on item #2. The Commission decided to discuss item #2 and come back to item #1.

STUDY SESSION ITEMS

2. 2626 Sir Francis Drake Blvd.; Applicant #16-44

Study Session on parkland dedication issues and density bonus matters with regard to the proposed Victory Village Project, which seeks a General Plan Amendment, Zoning Map Amendment, Subdivision Map, Traffic Impact Permit, Design Review Permit, Excavation Permit to allow subdivision of an approximately 20-acre parcel that will be rezoned Planned Development PDD Zone and is proposed for development with a 54-unit senior housing project and two, 9-acre parcels that will remain zoned for single-family use with Upland Residential UR-7 Zoning; Assessor's Parcel No. 174-070-17 project applicant, Resources for Community Development (RCD). Review of the Project under the California Environmental Quality Act ('CEQA') is being conducted via the preparation and circulation of an Initial Study/Mitigated Negative Declaration. No formal action will be taken on the project at this meeting, which will focus on parkland dedication and density bonus issues.

Town Attorney Wisinski presented a staff report and a PowerPoint presentation that included the following: 1) Status update; 2) Parkland dedication; 3) Quimby Act; 4) Calculation and application of ratio; 5) Subdivision Ordinance Section 16.24.100(B)(10); 6) Density bonus law; 7) How it works; 8) How to qualify; 9) "Density bonus"; 10) "Concessions" and "incentives"; 11) Calculating concessions/incentives; 12) Denying requested concessions; 13) Remedies; 14) Waivers I; 15) Waivers II; 16) Parking reductions; 17) Parking for senior projects; 18) Countering reduced parking ratios.

Chair Fragoso opened the Public Hearing.

Ms. Alicia Cline, representing Resources for Community Development (RCD), made the following comments:

- She clarified the timing of the grant funding. They missed the March funding deadline and are looking at the next funding round that will occur in June. They would need local approvals in order to compete for funding.
- She gave a PowerPoint presentation that included the following: 1) Resources for Community Development; 2) Density Bonus- Request; 3) Parkland Dedication; 4) Transportation Strategies; 5) Proposed Site Plan; 6) Building Height; 7) View of Residential Courtyard; 8) Frontage Improvements; 9) Stormwater management; 10) Story Pole View from Sir Francis Drake Boulevard.

Rick William, architect, made the following comments:

- He discussed some of the refinements that were made based on the discussions from the last meeting.
- The proposed site plan has not substantively changed.
- They have added four parking spaces for a total of 43.
- He pointed to the area of the building that would be three stories.
- He discussed the courtyard which would include a community garden.
- He discussed the stormwater management improvements.

Ms. Suzanne Cheney, Ace Court, made the following comments:

- She asked if citizens would still have access to the “meditation center”.
- She was concerned about people making a left hand turn onto Sir Francis Drake.
- She noted that many local residents park in the church parking during rain events.
- She was concerned that allowing three stories would set precedence.

Denise, Scenic Road, made the following comments:

- Traffic and parking have gotten very bad over the last ten years.
- There will be a lot of visitors and delivery vehicles coming to Victory Village that will need parking. Putting in a few more space and perhaps less landscaping could make a difference.
- She has concerns about what will happen to the other two acres.
- Allowing an exception to the height limit will set precedence.

Chair Fragoso closed the Public Hearing.

The Commission continued its discussion of item #1.

3. Planned Development District (PDD) Proposed Text Amendment

The Planning Commission will meet to consider and discuss a proposed ordinance revision to Chapter 17.112 (‘Planned Development District Zone’) of the Fairfax Town Code. The proposed zoning ordinance amendment will implement direction given in the Fairfax 2010-2030 General Plan and 2015 Housing Element update to revise the PDD Ordinance as it applies to three (3) parcels identified as ‘housing opportunity sites’ in the Housing Element. For these sites, it will establish a streamlined review and approval process. This ordinance amendment will not approve any new projects, it will amend the approval process applicable to housing opportunity sites directed to be zoned PDD.

Town Attorney Wisinski stated she has reviewed the suggestions made by Commissioner Newton. She suggested the ordinance revisions start all applicants who qualify for the streamline process at Step 2, the Master Development Plan, and allow at the time of applying for a Master Development Plan a simultaneous application for a Precise Plan. She presented a PowerPoint of the ordinance and the Commission discussed the suggested revisions.

Acting Chair Newton opened the Public Hearing.

Mr. Rick Williams, architect, made the following comments:

- They have already submitted an application, gone through the environmental review process, and he wanted to make sure that the project they have already submitted qualifies for whatever “wording” the Commission comes up with so the project won’t trigger another 30 day review process. He did not want to have to throw out all of the work that has already been done and return to “square one”. Town Attorney Wisinski stated the current application includes a request to be rezoned PDD which requires the submission of information. The Commission could make a strong recommendation to the Council that the information submitted satisfied the requirements.

Commissioner Newton provided the following comments:

- She referred to the first part of the PDD Ordinance, Section 17.112.10, “Purposes” and noted some of them do not dovetail with the attempt to streamline the process. She recommended the addition of a paragraph. Commissioner Green agreed and stated they need to identify and carve out the opportunity sites identified by the General Plan.
- Town Attorney Wisinski made a few revisions to the General Requirements Section.
- She suggested some revised wording related to the 5 acres or more requirement.

- She suggested some revised wording relative to the timing of the Tentative Map and Precise Development Plan.

Commissioner Green provided the following comments:

- He suggested some revised wording to the Residential Density Policy Section.
- He suggested some revised wording to the Master Development Plan Section.

Chair Fragoso left the meeting at 11:40 p.m. She noted her support of the Council recognizing that this applicant has submitted the information necessary to satisfy the requirements of the Master Development Plan.

Town Attorney Wisinski made a revision to the wording regarding the submittal of legal documents relative to the dedication of open space.

Commissioner Green provided the following comments:

- He suggested some revised wording to the Master Development Plan Section including the ability to waive fees.
- He had questions about the process and timing for submittals to the Town Engineer.
- He suggested some revised wording to the Master Development Plan; Town Engineer's Report Section.
- He suggested the deletion of Section (B).

Commissioner Newton provided the following comments:

- She referred to Master Development Plan, Final Planning Commission Action Section and stated it gets tricky because it refers to the Preliminary Development Plan. She suggested the words "if required" be added.

Commissioner Green provided the following comment:

- He suggested wording to the Master Development Plan: Approval Criteria, Standards and Procedures, (D), that would carve out the qualifying sites.

Town Attorney Wisinski referred to the Master Development Plan: Approval Criteria, Standards and Procedures, (F), and suggested revised wording. Commissioner Newton stated she did not want to delete this subsection altogether. Town Attorney Wisinski stated the wording was subjective. Commissioner Newton stated she would like to delete subsection (G).

Commissioner Newton provided the following comments:

- She referred to Master Development Plan; Town Council Action and noted one of the citations were incorrect.
- She asked for clarification of a term used in (C) (1)- "state of development schedule". Commissioner Green suggested eliminating the words "state of". Commissioner Newton suggested adding a requirement that a Master Development Plan include a schedule. Town Attorney Wisinski recommended deleting this subsection.

Town Attorney Wisinski referred to Master Development Plan; Town Council Action, (3)(a), and stated it should be deleted. This interim step had no value. She revised subsection (4) and added the words "as approved" in the place of "as filed".

Town Attorney Wisinski referred to Master Development Plan; Modification of Plan Section and changed it to subsection (A) and added subsection (B) stating that qualifying sites were not subject to this section. She stated subsection (A) needed to be revised in the future.

Commissioner Green provided the following comments:

- He referred to Precise Development Plan; Application, (A) (1), and suggested some revised wording. Commissioner Newton also suggested some revised wording to this subsection.

Town Attorney Wisinski asked Principal Planner Neal if this step has been required for a single-phased PDD. Principal Planner Neal stated there has never been a single-phased PDD.

Commissioner Newton provided the following comments:

- She referred to Precise Development Plan; Application and suggested adding a subsection (D) to address exemptions for qualifying sites. Commissioner Green added some wording to this new subsection.
- She suggested some additional wording to subsection (A) (1) and revised wording in (A) (3).

Commissioner Newton provided the following comments:

- She asked the representative from RCD if the Victory Village submittal addressed the items in the Precise Development Plan Section. Ms. Cline stated she thought so. Commissioner Kehrlein noted some of these items would be including in the Building Permit phase.

Ms. Cline made the following comments:

- She was not concerned about the content of what the Commission is doing tonight.
- She was apprehensive about the timing.
- The Council would be considering the Victory Village project in May and June. This leaves zero "wiggle room".

Commissioner Kehrlein provided the following comments:

- She sees the Precise Development Plan as being similar to the Building Permit process. There could be code changes or stipulations from the Fire Department, etc. The Commission needs an opportunity to review any possible scenario.

Commissioner Green provided the following comments:

- He referred to Precise Development Plan: Application, and stated perhaps this whole section should not apply to a qualifying site. Commissioner Ackerman agreed.

Town Attorney Wisinski clarified that the consensus of the Commission is that qualifying sites do have to submit for a Precise Development Plan but they can do it concurrently with the Master Development Plan. The Commission discussed whether the applicant should pay two fees and Principal Planner Neal stated the Council could set some type of combined fee.

Commissioner Newton provided the following comments:

- She referred to Precise Development Plan; Open Space Dedication and Maintenance and suggested the following wording be added to subsection (A): "To the extent permitted by law..".

Commissioner Swift provided the following comments:

- She referred to Precise Development Plan; Open Space Dedication and Maintenance and had a question about (C). She suggested some revised wording.

Commissioner Newton provided the following comments:

- She referred to Precise Development Plan; Performance Bond and stated no changes need to be made to this section due to financing/lending requirements and assurances. Commissioner Green suggested revised wording to subsection (A).

Commissioner Newton provided the following comments:

- She referred to Terms of Approval and suggested revised wording to (A).

Town Attorney Wisinski referred to Appeals and added some language to (A).

Commissioner Swift provided the following comments:

- She referred to Appeal and had a question about the 10-day appeal period.

Commissioner Newton provided the following comments:

- She referred to Appeal and suggested some revised wording to (B).

Town Attorney Wisinski stated she would include in the resolution language indicating that to the extent that there are any pending applications seeking rezoning to PDD for a qualifying site and if those pending applications have submitted the information required under the amended ordinance they shall be acknowledged as having satisfied the requirements of the Master Development Plan/Precise Plan submission and shall continue along the process.

Commissioner Swift wanted to make sure the Council received both the revised and the original PDD ordinance. Town Attorney Wisinski stated staff would make sure the Council receives everything that was in tonight's packet.

M/s, Kehrlein/Green, Motion to recommend that the Council adopt the PDD Ordinance as revised tonight.

AYES: Ackerman, Green, Kehrlein, Swift, Acting Chair Newton

NOES: None

ABSENT: Chair Fragoso

DISCUSSION ITEMS

None

MINUTES

4. Minutes from December 15, 2016 Planning Commission regular meeting.

It was the consensus of the Commission to continue the December 15, 2016 minutes to the next meeting.

PLANNING DIRECTOR'S REPORT

There were no reports.

COMMISSIONER COMMENTS AND REQUESTS

Commissioner Kehrlein was concerned that the Tree Committee received an application for the Victory Village project prior to any Planning approvals. Town Attorney Wisinski stated there was a procedural reason for this. Commissioner Newton asked for an update at the next meeting.

Commissioner Swift volunteered to serve on the panel, as the Commission representative, that would be interviewing the Planning Director candidates. The Council appointed several at large members last night.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 1:30 a.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary