

FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMENS CLUB
THURSDAY, NOVEMBER 15, 2018

Call to Order/Roll Call:

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

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

Commissioners Absent: Philip Green
Laura Kehrlein
Cindy Swift

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

APPROVAL OF AGENDA

M/s, Gonzalez-Parber/Fragoso, motion to approve the agenda as submitted.

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

ABSENT: Green, Kehrlein, Swift

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

- 1. Discussion/consideration of an ordinance to permit and regulate adult cannabis businesses in conformance with State Laws and Regulations pursuant to the Medical and Adult-Use Cannabis Regulations and Safety Act; Exempt from CEQA pursuant to Sections 15061(b)(3), 15301, 15305, and 15183 of the CEQA Guidelines as separate and independent bases.**

Town Manager Toy presented the staff report via a power-point slideshow. He noted this is a continuation of the discussion from the September 20th Commission meeting. He summarized the Commission's straw poll positions on various issues.

Commissioner Fragoso asked if there was a regulation that limits the amount of cannabis someone can have once it is no longer on the plant. Assistant Town Attorney Charne stated an individual is allowed to have six plants and all the cannabis those plants provide.

Commissioner Rodriguez asked for the definition of a microbusiness. Town Manager Toy stated it has to meet three out of four categories- manufacturing, retail, cultivation, and distribution.

Commissioner Rodriguez had a question about ITE standards for this type of retail use with respect to traffic generation and parking. Planning Director Berto stated he was not aware of any ITE standards. He noted there were unique traffic patterns associated with this type of business and staff would ask applicants for a traffic study.

Commissioner Gonzalez-Parber stated she would like to see a more detailed definition of manufacturing. Planning Director Berto stated that if the Commission wanted to get an ordinance to the Council soon, he recommended holding this discussion in abeyance since there is such a wide range of products out there.

Commissioner Fragoso referred to the pre-application criteria and asked staff to provide San Rafael's standards and requirements at the next meeting.

Chair Newton asked for an explanation of the terms "delivery-only", "storefront" and how it applies to existing and future businesses. Town Manager Toy stated the existing medical dispensary will be allowed to make deliveries for adult-use (recreational). They are already allowed to do medical marijuana deliveries under a different set of standards.

Commissioner Gonzalez-Parber asked if an owner that has a brick and mortar medical dispensary, who is also licensed to deliver retail adult-use, could he/she have another retail storefront for adult-use in a different location. Town Manager Toy stated "yes".

Chair Newton referred to the Buffer Zone Map and stated it did not include Deer Park and asked that all the commercial zones be included on the map.

Chair Newton opened the Public Hearing.

Mr. George Bianchini made the following comments:

- He works in the cannabis industry and has two of the San Rafael licenses.
- It has taken Fairfax too long to get to this point.
- They could end up with a public initiative and lose control.
- He supported the 600' buffer for new stores.

Mr. James Williams made the following comments:

- The "Yes on Proposition 64" campaign included a significant focus on the protection of kids.
- He has no problem with a suitable storefront in Fairfax but it should not be located where kids congregate.
- He is concerned about the buffer zone and how it applies to Contratti Field, Peri Park, and the Pavilion.
- The buffer zone should extend to playgrounds.

Ms. Patrice Bryan, Fairfax, made the following comments:

- She is a national cannabis advocate.
- The Town needs to allow the Marin Alliance a facility that is further away from the baseball field.
- The Town needs to allow competition.

Ms. Deb Nelson, Fairfax, made the following comments:

- She discussed the benefits of medical marijuana.
- She is against expansion of the Marin Alliance services.
- She is opposed to the Town backing into an ordinance to help a struggling individual business.
- She supported the 600' buffer zone.

Roselle, Director of First Montessori Pre-School, made the following comments:

- Parents of pre-schoolers have been under-represented at prior meetings.
- The 600' buffer zone should be upheld.

Mr. Tim Nardel made the following comments:

- Proposition 64 created a balance of public interest and protecting kids.
- The 600' buffer zone, if written into the law, is not voluntary.

Ms. Annie Schaeffer, Dominga Avenue, made the following comment:

- The 600' buffer zone should be upheld.

Ms. Betsy Kelly made the following comments:

- She wants to limit the impacts to her children.
- The 600' buffer zone should be upheld.
- Retail sales should be restricted to delivery.

Mr. Gabe Robinson, Kent Avenue, made the following comments:

- The 600' buffer zone should be upheld.
- They will need to address the unique traffic patterns related to cannabis businesses.

Mr. Rob Lence, Fairfax, made the following comments:

- The 600' buffer zone should be upheld.
- He was concerned about the impact on children.

Mr. Josh LaFrone, West Marin Little League Boardmember, made the following comment:

- He supported the 600' buffer zone and thought it should be larger.

Ms. Bridget Clark made the following comments:

- She appreciates the Town's cautious approach.
- She discussed the effect of cannabis on kids.
- She urged the Commission to review the County's Delivery Ordinance and follow their lead.
- She supported a traffic study.

Mr. Don Carney, Mt. View Road, made the following comments:

- He runs the Marin County Youth Court and works with kids that are impacted by substances.
- There is an epidemic of children using substances.
- A corporate THC industry has been created to make profits.
- Nobody has trouble getting marijuana.

Ms. Kelsey Fernandez made the following comments:

- She discussed products and the health risks of cannabis.
- This is a billion dollar market.

Mr. Doug Harning, Mono Avenue, made the following comments:

- He supported the 600' buffer zone.
- He urged the Commission to streamline the process.

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

- They are facing the extinction of the medical marijuana capability due to the competition from corporate dispensaries.
- The mission should be to level the playing field.
- They should restrict retail and allow only delivery.

- It would be difficult to find a retail location that was further than the 600 foot buffer.

Ms. Beverly Brewster, Cascade Drive, made the following comments:

- She is the pastor of the Sleepy Hollow Presbyterian Church.
- Her youth ministry congregates in Fairfax.
- She urged the Commission to resist pressure to move swiftly and to keep in mind the health and safety of the youth.
- She would like to see delivery only.

Chair Newton closed the Public Hearing.

Town Manager Toy referred to page 2 of the staff report and asked for comments on Discussion item (a)- Eliminating categories of use.

Commissioner Gonzalez-Parber provided the following comments:

- She asked for clarification on “manufacturing” of cannabis. Town Manager Toy stated he would bring that information to the November 29th meeting.

Town Manager Toy referred to page 2 of the staff report, Discussion item (b)- Eliminating temporary cannabis events, and stated the Commission had previously supported the Councils’ ban on temporary cannabis events.

Town Manager Toy referred to page 2 of the staff report, Discussion item (c)- Commercial medical retailers, and stated the Commission had previously supported the Council’s position of continuing to allow medical cannabis dispensaries in Town.

Commissioner Rodriguez provided the following comments:

- The existing ordinance allows three medical marijuana dispensaries and they might want to amend this ordinance the number depending of commercial/retail uses

Commissioner Fragoso provided the following comments:

- She clarified that the existing medical marijuana dispensary was the only one currently allowed in the buffer. Town Manager Toy agreed.

Town Manager Toy referred to page 2 of the staff report, Discussion item (d)- Personal/medical cultivation limits, and stated the majority of Commissioners supported the Council’s suggested six plants per parcel limit. It was currently not allowed in a multifamily district.

Chair Newton provided the following comments:

- She asked about the State limit for indoor and outdoor cultivation. Town Manager Toy stated the State simply says six plants could be grown indoor- it says nothing about outdoor cultivation.

Commissioner Gonzalez-Parber provided the following comments:

- She asked for additional information on the number of multi-plex houses in Town. This will need to be folded into the standards.

Commissioner Fragoso provided the following comments:

- They are talking about six plants per property and not six plants per housing unit on that property.
- She would recommend a “per property” limit whether single-family or multi-family.
- There could be an exemption for medical conditions.
- She has concerns about balconies and would like to see existing standards continued in terms of screening from the street, excessive odors, etc.

Commissioner Rodriguez provided the following comments:

- There should be 6 total per property.
- She was previously the dissenting vote on outdoor cultivation and is still leaning in that direction.
- There should be odor control/ventilation systems and lighting, plumbing, and electrical work should meet existing codes.
- There should be a full-time occupancy requirement.
- There should be consent of the property owner.
- The primary use of the property should be residential.
- There should be some level of security for outdoor cultivation to prevent access by children.
- Toxic, volatile chemicals should be prohibited.

Chair Newton provided the following comments:

- She was concerned about the limits.
- Everything should be up to code.
- She is not concerned about odors.
- She agreed that screening was important- the existing standards were adequate.
- She is “on the fence” about the per parcel issue. They should explore the option of seeking an exception for multi-units.

Town Manager Toy referred to page 2 of the staff report, Discussion item (e)- Cannabis deliveries (outside retailers) and stated the Commission was supportive of the Council’s position to allow adult-use cannabis deliveries in Town, subject to State regulations.

Town Manager Toy referred to page 2 of the staff report, Discussion item (f)- Non-medical cannabis retailers and the number of retailers, and stated the Commission supported some form of non-medical cannabis retail use and limiting the number of storefronts and delivery-only businesses.

Chair Newton provided the following comments:

- She asked if the Formula Business standards had any impact. Planning Director Berto briefly discussed the purpose of the provisions and the definition of a “formula business”. Chair Newton asked if this applies to the Central Commercial (CC) and Highway Commercial (CH) Zones. Planning Director Berto stated “yes”.

Commissioner Gonzalez-Parber provided the following comments:

- The buffer zone needs to be respected.
- She could support a maximum of one to three retail businesses.
- She wondered how a micro-business would impact the numbers, and there should be a maximum of three no matter what kind.

Commissioner Frago provided the following comments:

- They should adhere to the State’s buffer zone for any new business.
- The Formula Business regulations have worked well in helping maintain the character of Fairfax.
- She could support one or two retail businesses.
- This type of business would not necessarily enhance the downtown.
- She liked the idea of restricting them to the commercial zones, along Sir Francis Drake Boulevard, on a second floor in the back area of a building.

Commissioner Rodriguez provided the following comments:

- The Town already has a medical dispensary and delivery and given the size of the community was not sure they needed more.

- It would have to be in the CH Zone (the other side of Sir Francis Drake Boulevard) and in a limited portion of the CC Zone.
- She wants to maintain the State buffer zones.
- She would like to restrict the size of the use.

Chair Newton provided the following comments:

- She did not mind the buffer zone but was not sure it should cross Sir Francis Drake Boulevard.

Commissioner Gonzalez-Parber provided the following comments:

- She would like to see a requirement to develop youth education, prevention, and treatment programs. Funding is to be determined.
- She would like to see mechanical ventilation standards, security, and waste management.

Chair Newton stated she would like to continue this discussion to the November 29th meeting.

The Commission took a 10-minute break at 8:30 p.m.

**2. 1914 Sir Francis Drake Blvd; Application #18-18
Request for a Design Review Permit and a Parking Variance to expand/remodel the existing Lotus Café Restaurant from its current 683 square-foot commercial space at 1912 Sir Francis Drake Blvd. into the existing 687 square-foot commercial space at 1914 Sir Francis Drake Blvd.; Assessor’s Parcel No. 001-223-12; Central Commercial (CC) Zone District; Paul Sroa, applicant/business owner; CEQA categorically exempt per Section 15301(a) and (e)(1) and 15303(c).**

Principal Planner Neal presented the staff report.

Commissioner Rodriguez asked if there was a Specific Plan or Historic Character Ordinance that applied to this building. Principal Planner Neal stated “no, although the General Plan does talk about developing one”.

Commissioner Rodriguez had questions about the traffic study. Principal Planner Neal stated the traffic engineers have analyzed the number of seats that were in the hair salon and determined that the application is not subject to the Traffic Impact Permit Ordinance. The expansion would serve the already existing customers but they would now be able to sit and eat instead of doing take-out.

Commissioner Gonzalez-Parber asked if the twenty-eight net new “average daily trips” cited in the report equated to parking demand. Principal Planner Neal stated they were separate issues. She stated the General Plan talks about a Master Parking Plan involving public and private parking lots whereby all businesses could benefit from all the parking.

Chair Newton opened the Public Hearing.

Mr. Paul Sroa, applicant, made the following comment:

- The driving force of the business is sustainable, organic, non-GMO products.
- The majority of the business now is take-out.
- The current space is very small- about 10 seats.
- They are adding another bathroom.

Mr. Tony Chan, general contractor, made the following comments:

- The walk-in compressor will be located on the ground next to the walk-in cooler. It is very quiet.
- They are installing a new A/C unit on the roof for the new section.

Mr. Rick Hamer, Bolinas Road, made the following comment:

- He likes the restaurant.
- Parking in recent years is over the top and has gotten so in demand that people create spots in red and yellow zones.
- This project will add 5 vehicles for the 20 seats.
- He referred to special privilege and stated other projects could have a problem complying with the parking codes.

Chair Newton closed the Public Hearing.

Commissioner Rodriguez provided the following comments:

- She supports the restaurant doing the expansion.
- The previous business (hair salon) had different peak period times and different parking requirements.
- The parking demand would be greater than that of the previous use. She is concerned.
- She referred to the Resolution, Conditions of Approval, (3), and asked that a reference be made about the roof mounted air system. This would allow staff to obtain the details since they are not shown on the plans. Principal Planner Neal stated she was told that this unit would be screened by the existing parapet. A statement indicating that roof mounted equipment should be screened could be added to Condition #3.

Commissioner Gonzalez-Parber provided the following comments:

- She is happy they are expanding.
- She supports the project.
- She was concerned that the ice machine was next to the mop sink. Mr. Chan, contractor, noted this is a tight location and they will separate the machine from the sink by a wall.
- She asked about the possibility of shared parking and encouraged the owner to talk to the adjacent businesses about a shared parking agreement.

Chair Newton provided the following comments:

- She has a concern about a granting special privilege.
- There is no place for parking.
- A key physical characteristic of this property is that it is directly across from the bus stop. This should be added to the resolution as one of the findings for the Parking Variance.
- She referred to the findings for the Parking Variance, (2), and asked for the following addition: *“Granting a Variance...cannot be reasonably attained and the property is located in the immediate proximity of a public transit stop and public parking lot”*.

Commissioner Fragoso provided the following comment:

- She has been waiting many years for this business to expand.
- There are a number of shared parking opportunities (Bike Museum, garage next door, etc.).
- She did not consider approval of the Parking Variance a grant of special privilege.

M/s, Rodriguez/Fragoso, motion to adopt Resolution No. 2018-19, with the following amendments:

1) Under Parking Variance, (2), the following shall be added: *“Granting a Variance...cannot be reasonably attained and the property is across the street from a public parking lot and bus stop”*; 2) Under Condition of Approval #3, the following shall be added: *“The roof mounted HVAC system shall be below the parapet”*; 3) Under Condition 8(a), the following shall be added: *“The applicant...refrigeration equipment and roof mounted HVAC...including...”*.

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

ABSENT: Green, Kehrlein, Swift

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

3. 407 Cascade Drive: Application #18-21

Request for Design Review and Use Permit for a new, 2-story, 3-bedroom, 2 1/2 bath, 2,395 square-foot residence with an attached 530 square-foot (30 net square feet) garage (2,425 net building square feet) on a level 6,362 square-foot vacant lot. Independent of the garage area, the residence will contain 985 square feet on the first floor and 1,410 square feet on the second floor. Maximum proposed building height is 28.5 feet. Assessor's Parcel No. 003-044-09, Residential R6 Zone District; Shawn and Allison Madden, owners/applicants; CEQA categorically exempt per Section 15301.

Planning Director Berto presented the staff report.

Commissioner Rodriguez noted the applicants were requesting the removal of two trees and she asked if they were native trees subject to the Heritage Tree Ordinance. Planning Director Berto stated "no- they were two, old fruit trees".

Commissioner Rodriguez noted there were eight story poles installed and she asked if there was an ordinance that addresses where they should be placed or is it determined by staff. Planning Director Berto stated this very straightforward and was discussed with staff.

Commissioner Rodriguez asked where the 100-year flood line was located. Planning Director Berto stated this property slopes down in the back and as a practical matter the 100 year flood elevation is contained within the banks and does not extend into the level portion of the property.

Commissioner Fragoso had a question about the staff recommendation to pull the west side of the second floor in by two feet. The east side would be more impacted by the volume of the project.

Chair Newton opened the Public Hearing.

Mr. Shawn Madden, applicant, made the following comment:

- They would consider reducing the height from 28.5 feet to 25.5 feet.
- They are not asking for any variances and the structure maintains a limited Floor Area Ratio.
- The lot is narrow and they are looking for the most efficient use of the space.
- The story poles are 6 inches too high- they installed them as fast as possible to get on the agenda.

Mr. Jason Alden, architect, made the following comment:

- The high point of the vaulted ceiling in Section A4 is 12 feet at the ridge.
- He thanked staff for the suggested alterations.
- Pulling the second floor in by two feet would affect the design in an awkward way. He would prefer to do this on the other side where the porches are located.
- The front and back of the house have different ceiling heights- the back of the house has a 9'6" ceiling height and the front has a 9' ceiling height.
- They are working within the constraints of the property and are not trying to get the biggest house possible.
- They are open to suggestions on how to reduce the mass.
- He stated he had some modified sketches for the Commission. Principal Planner Neal stated neither staff nor the public has had an opportunity to review these modifications and a review of revised plans should be done at a subsequent meeting.
- They would be happy to install obscure glass and shift the house over a foot or so to accommodate the neighbor's concerns.
- They would prefer not to reduce the ridge by three feet- it would significantly impact the bedrooms.

Ms. Beverly Brewster, Cascade Drive, made the following comment:

- She lives to the west of the project.
- The applicants have been extremely thoughtful and considerate.
- She is concerned about light and privacy impacts if the house were shifted towards her property. The distance between the houses would be tight and could create a “dark tunnel”.
- Moving the house over would be more of a concern than the windows or the stepping back of the second floor.
- She referred to the back deck and asked the applicants to do something such as a wall to increase privacy.

Chair Newton closed the Public Hearing.

Commissioner Rodriguez provided the following comments:

- This is a rural, small scale, country-like area.
- This is one of the smaller lots along the street.
- This would be the largest house with the largest number of bathrooms and the largest floor area ratio by almost 10%.
- The project is too large.
- The second floor is out of scale. The vertical windows are eight feet in length.
- She agrees with staff that the design is too boxy.
- The height is too big and the second floor is too large.
- The proposed lighting would create glare.
- She likes the architectural style but the size and massing are too great for this neighborhood and site.
- The colors are not rural.
- The story poles should be amended to reflect the actual size.
- She would recommend denial of the application.

Commissioner Gonzalez-Parber provided the following comments:

- This is a beautiful design and there are a lot of things that she likes about it.
- She looked at the property from the neighbor’s prospective and her initial reaction to the plans was correct- the project would be massive in volume and needs to be broken up.
- There are a lot of small cottages in that area. They should look at the surroundings more carefully and be respectful of the history and vernacular of the area.
- The project could be reduced by three feet in every direction and still maintain the design.
- She was concerned about the impact to light and privacy on the neighbors to the east.
- She could not support the project as proposed.

Commissioner Fragoso provided the following comments:

- There is a better way to reduce the volume than moving one side by two feet.
- She would like to look at the modified plans at the next meeting.
- She appreciated the applicants willingness to shift the house on the west side.
- The neighbors to the east are one-story and she asked the applicants to do what they could to maximize the privacy.
- She agreed with the comments made by the other Commissioners.
- The design is attractive but the size and mass is inappropriate for the site given the surrounding development.
- She could not approve the massiveness of the project.

Chair Newton provided the following comment:

- She recommended that the applicants consult with staff and review the plans.

Mr. Madden stated they would like a continuance.

Chair Newton asked staff if the applicants should sign a request for an extension of the Permit Streamlining Act. Planning Director Berto stated “no”.

M/s, Rodriguez/Fragoso, motion to continue the application for 407 Cascade Drive to the December 20th meeting.

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

ABSENT: Green, Kehrlein, Swift

4. 119 Live Oak Ave.; Application #18-19

Request for a Use Permit to construct a 95 square-foot access stairway onto the west side of an existing residence to provide code compliant access from the upper floor of the structure to the crawl space mechanical room; Assessor’s Parcel No. 001-236-04; Residential RD 5.5-7 Zone District; Steve and Susan Scott, owners; Darold Petty, applicant; CEQA categorically exempt per Section 15301 (a) and (f).

Principal Planner Neal presented the staff report.

Commissioner Gonzalez-Parber asked if any of the photographs depicted the actual house. Principal Planner Neal stated “yes- the one in the lower right-hand corner”.

Chair Newton opened the Public Hearing.

There were no questions for the applicant.

Chair Newton closed the Public Hearing.

M/s, Rodriguez/Fragoso, motion to adopt Resolution No. 2018-20.

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

ABSENT: Green, Kehrlein, Swift

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

5. 154 Ridgeway Ave.; Application #18-20

Request for a Use Permit to construct a 108 square-foot art studio, accessory structure with electricity and plumbing for a sink in the south rear yard of site developed with a 1,668 square-foot, 3 bedroom, 2 bathroom single-family residence; Assessor’s Parcel No 001-214-20; Residential Single family RS-6 Zone District; Jessica Green, applicant/owner; CEQA categorically exempt per Section 15303(e)

Principal Planner Neal presented the staff report. She noted there is a condition that a deed restriction be filed requiring that the unit is used as an artist’s studio by the resident(s) of the main structure.

Commissioner Rodriguez asked about the applicability of the Home Occupation Ordinance and the Accessory Structure/Use Ordinance. Principal Planner Neal stated the deed restriction would address this. Home occupations are not allowed in accessory structures.

Chair Newton opened the Public Hearing.

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

- She needs the sink because she is working with clay.
- She would not be firing her work in the studio- she brings it somewhere else to be fired.
- She would be exhibiting her artwork from the studio occasionally during Marin Open Studio events. However, she rarely gets anyone coming to her house because is it so remote from the greatest core number of studios along the freeway corridor.
- The house is above the tiered retaining walls- the studio is nestled within the walls.

Chair Newton closed the Public Hearing.

Commissioner Fragoso provided the following comment:

- Her work is lovely.

M/s, Rodriguez/Fragoso, motion to adopt Resolution No. 2018-21.

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

ABSENT: Green, Kehrlein, Swift

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

6. Continued discussion/consideration of an Ordinance amending the text of the Fairfax Zoning Ordinance, Town Code Title 17, Chapter 17.112, PDD Planned Development District Zone, pertaining to development standards and submittal procedures; CEQA exempt, Sections 15305 and 15138

Planning Director Berto presented the staff report.

Commissioner Gonzalez-Parber asked for clarification on the phased review process and whether everything would still come in at once (Building Permit, Design Review Permit, etc.). Planning Director Berto stated this was discussed in the staff report- everything short of construction drawings would be required up front. Commissioner Gonzalez-Parber stated this was a disservice to the applicant. Planning Director Berto pointed out one advantage- it would give the applicant a much more predictable outcome.

Commissioner Rodriguez stated she has a different viewpoint from staff with respect to interpreting the material from BBK Attorneys at Law. She understood why they are starting with the PDD Zone but thought they should go broader and apply the standards to all zoning districts. She referred to Section 17.112.020 of the PDD Zone and stated they could expand on those standards and link it to the items listed on page 5 of the staff report. They need to delineate the layers of data that can be linked to health and safety.

Commissioner Fragoso stated they could work backwards into the standards. They need to flesh out the existing code.

Commissioner Rodriguez asked why they are focusing on the PDD Zone. Planning Director Berto stated this was a triage situation- the majority of the other zones at a minimum have a density standard. The PDD Zone does not have a maximum density.

Planning Director Berto agreed with Commission Rodriguez- this needs to be expanded into the other districts. The consultant was currently working on Historic Guidelines which will be folded into the context of the discussions about the downtown areas.

Commissioner Rodriguez asked if they needed a subcommittee to work on this topic.

Commissioner Fragoso agreed that they might need a working group to expedite the discussions.

Chair Newton was concerned that could cause more of a delay. She would rather follow staff's suggestions and review an ordinance.

Chair Newton referred to page 7 of the staff report and asked for comments on staff recommendation #1- Require application submittals prior to project being considered complete.

Commissioner Fragoso provided the following comments:

- This needs to be done to obtain the necessary information.
- It is more expensive and puts the onus on the developer.
- It gets them out of the "whack-a-mole" mentality.

Commissioner Gonzalez-Parber provided the following comment:

- She would like to reduce the guesswork experienced by applicants.

Chair Newton referred to page 7 of the staff report and asked for comments on staff recommendation #2- Modify submittal requirements.

Chair Newton provided the following comments:

- She agreed with this recommendation.
- She noted this would take some time.

Chair Newton referred to page 7 of the staff report and asked for comments on staff recommendation #3- Develop a ministerial path.

Commissioner Fragoso provided the following comments:

- Any developer who knows what they are doing will appreciate this.
- This provides up-front guidelines.
- This will help with larger developments.
- The density bonus requirements were problematic because the Commission and the community were not willing to talk about standards. They need to have a list of priorities (parking, height, open space, etc.).
- This ordinance will put the Town where it wants to be with respect to dealing with density bonuses and concessions.
- How would these standards apply to applications that are in process?
- She referred to Section 17.112.050 of the PDD Zone and stated it needs to be revised.
- She had a question about the 45-day moratorium.

Commissioner Gonzalez-Parber provided the following comments:

- The Commission does not get to weigh in if the developer checks all the boxes and meets all the requirements for completeness
- The Commission needs to develop those "boxes".

Chair Newton referred to page 7 of the staff report and asked for comments on staff recommendation #4- Amend PDD Chapter 17.112.

Chair Newton provided the following comments:

- She does not have concerns with the staff's outline.
- The purpose is to come up with something that is objective, simple, and identifiable early on in the process.
- They might want to "bite the bullet" and do something that is too simple for the sake of doing something as opposed to nothing.

Commissioner Rodriguez provided the following comments:

- The maximum floor areas should be much lower.
- This would be consistent with her preference for a 1,500 to 3,500 maximum house size.

Commissioner Gonzales-Parber provided the following comments:

- The chart on page 8 does not indicate a Floor Area Ratio (FAR). Chair Newton stated it was based on a greater slope. Planning Director Berto stated FAR's "break down" when you have over a 20,000 square foot lot.
- She asked if the chart on page 8, maximum floor area, took into account accessory structures. Planning Director Berto stated "yes" and explained that the Council was leaning towards allowing one, unconditioned, limited height accessory structure.
- They might end up with more stories on a steeper slope to make up for the smaller FAR.
- If an applicant complies with all the standards and it is reviewed on a ministerial level would it come to the Commission if the applicant was requesting and the site could accommodate more development. Planning Director stated it could be designed with an exception process.

Commissioner Fragoso provided the following comments:

- She would like to see the chart on page 8 (Slope, Parcel Size, Building Mass) in graphic form.

Planning Director Berto stated staff would submit draft regulations at the December meeting.

Discussion Items

There were no discussion items.

7. Minutes from the October 18th and 25th, 2018 meetings.

Chair Newton stated approval of the October 18, 2018 minutes would be continued because there are not enough Commissioner that can vote on them present at tonight's meeting.

M/s, Rodriguez/Fragoso, motion to approve the October 25, 2018 minutes as corrected.

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

ABSENT: Green, Kehrlein, Swift

Planning Director's Report

Planning Director Berto reported a planning conference would be held at Sonoma State University on Saturday December 1st. He urged Commissioners to attend. The Commission will be taking over review of tree removals that are in conjunction with development applications. He will arrange a training session with the Town Arborist.

Commissioner Comments and Requests

Commissioner Gonzalez-Parber asked about the status of the Meadow Way Bridge. Planning Director Berto stated the Council approved the design but it has to go through CEQA and NEPA. The Town is getting recommendations from contractors for emergency repairs. The reconstruction is estimated to occur by 2020.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 11:23 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary