DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMENS CLUB
THURSDAY, MARCH 16, 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) Laura Kehrlein Mimi Newton Cindy Swift
Commissioners Absent:	Esther Gonzalez-Parber Philip Green
Staff Present:	Town Manager Garrett Toy Assistant Town Attorney Katy Wisinski Principal Planner Linda Neal

APPROVAL OF AGENDA

M/s, Newton/Kehrlein, motion to approve the agenda without the Consent Calendar item.
AYES: Ackerman, Kehrlein, Newton, Swift, Chair Fragoso
ABSENT: Gonzalez-Parber, Green

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Ms. Denise Larson, Scenic Road, stated she would like people to give their names and addresses when giving public testimony. The Planning Commission recommendations should reflect what is best for the Town of Fairfax and it citizens.

Town Attorney Toy stated giving one's name and address when giving public testimony is voluntary.

CONSENT CALENDAR ITEM

1. **760 Center Boulevard; Application #17-06**
   This item was continued from the February 16, 2017 meeting for preparation of a Resolution for Denial. This matter is not being heard because the application has been withdrawn by the applicant; Use Permit and Design Review Permit to install a Wells Fargo ATM kiosk on the west side of an existing drive-through coffee building; Assessor's Parcel No. 001-131-13; Highway Commercial CH Zone District; Rich Dowd, architect/applicant; Rich Hall, owner; CEQA categorically exempt per Section 15303(e).

Chair Fragoso stated this application was withdrawn by the applicant.

AGENDA ITEM # 1

PUBLIC HEARING ITEMS

2. **Study session/workshop on the Proposed Victory Village Project, General Plan Amendment, Zoning Map Amendment, Subdivision Map, Traffic Impact Permit, Design Review, Excavation Permit to allow subdivision of an approximately 20-acre property into three parcels. A 2-acre parcel is proposed to be re-zoned to Multiple Family Residential-Senior, a new zoning district designation 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 amended Initial Study/Mitigated Negative Declaration.**

Town Manager Toy made some introductory comments and noted no action was being taken tonight.

Assistant Town Attorney Wisinski presented the staff report.

Commissioner Swift had questions about the process.

Commissioner Newton asked about the difference between Designated UR 7-10 vs. Zoned UR-7. Assistant Town Attorney Wisinski stated there were two governing documents- the General Plan and the Zoning Ordinance. Land Use designations tend to match up with Zoning Districts. The UR 7-10 Land Use Designation acts as an umbrella for the Zoning Districts UR-7 and UR-10.

Commissioner Newton referred to the proposed code amendment regarding Open Space requirements and stated she wanted to make sure this was separate and distinct from the parkland dedication involved with the Tentative Subdivision Map process. Assistant Town Attorney Wisinski stated it was separate but they can dovetail in certain circumstances.

Commissioner Newton asked about the distinction between height limits and story limits and whether uphill or downhill parcels were permitted to go three stories. Principal Planner Neal stated the intention is to allow three stories whether the parcel is on the uphill or downhill- they can go up to 35 feet and three stories on the downslope but only 28.5 feet and three stories on the upslope. She noted there was an error in the table on page 8 of the staff report.

Commissioner Newton asked for an explanation regarding the inadvertent mapping area referenced on the draft resolution on page 1 and whether the proposed changes to the General Plan correct that error. Town Manager Toy stated the color on the General Plan map shows the entire 20 acres as PDD. The two-acre lot is zoned PDD and the other parcels are zoned UR-7.

Commissioner Newton stated this ordinance introduces a whole new concept of senior housing- and they do not have a definition of "senior". Commissioner Swift stated the General Plan defines senior housing by California Housing Element law as projects developed for and put to use as housing for the Town's senior citizens. Senior citizens are defined as persons 65 years of age and older. Assistant Town Attorney Wisinski stated staff is looking for direction from the Commission on the mechanism they want to use to define "senior". She suggested they use the definition cross-reference in the density bonus statute.

Commissioner Swift stated the Multi-Family Senior Zone had a restriction of not less than two acres nor more than three acres and she asked if other parcels of less than two acres could apply for senior housing or if they would be precluded. Assistant Town Attorney Wisinski stated they would be precluded from being rezoned into this zoning district because they are smaller than two acres.

There is nothing that would stop them from seeking rezoning to the Multi-Family district provided they meet the qualifications. The 10 Olema Road site would not qualify in its configuration for this new district.

Commissioner Swift referred to page 10 of the staff report, State Law Parking Reduction, and noted the proposal calls for 43 parking spaces. She had questions about the General Plan Text Amendments, Program LU-8, and the change in the zoning designation for the subject property. It was not clear if the change applied to the two acres or the 20 acres. Assistant Town Attorney Wisinski stated that was a good point- the intent is to rezone only the 2 acres. The remaining 18 acres would remain UR-7. Commissioner Swift stated Table H4 should be corrected.

Commissioner Swift referred to Exhibit B, page 6, Parking Requirements and noted it was not consistent with the Parking Code with respect to guest parking.

Commissioner Swift asked when the California Environmental Quality Act (CEQA) documents would be available for public comment. Assistant Town Attorney Wisinski stated an Initial Study and Mitigated Negative Declaration were completed on the project as originally proposed. The document would be re-circulated due to the change in the zoning approach and project refinements. It will be republished for another 20-day public comment period in the next week.

Chair Fragoso opened the Public Hearing.

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

- The project is for adults 62 years and older. This is the age of the senior housing category within the low-income housing tax credit program that will be Red's key funding source.
- She gave a PowerPoint presentation.
- The project will be 100% affordable.
- The tax-credit program caps the initial affordability restriction at 55 years.
- Requested density bonus concessions include: covered parking, height, and possibly undergrounding the overhead utility lines.
- Parkland dedication is not longer a requested concession.
- The site is sloped and to spread the project out they would need to break the project into multiple buildings. This would increase costs and make accessibility difficult.
- Applications will be processed through a site-based lottery, starting with applications receiving preference points. Preference will be given to Marin County residents and workers.
- They plan to purchase the property and begin construction this winter.

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

- They are maintaining the development perimeter that was previously impacted by the church and the school.
- The access point will be changed from Mitchell Drive.
- The project will consist of 54 units (including manager).
- The General Plan allows a height of 2.5 stories or 28 feet- they are requesting a concession on the height the 3 stories.
- The project will include 47 1-bedrooms, 6 studios, the manager unit, 2 courtyards, and 43 parking spaces.
- He discussed the frontage improvements, drainage, utilities, and landscape concept.
- The landscape plan will include native, drought-tolerant species.
- They received approval from the Tree Committee for the removal of 72 trees, some for health and safety reasons. Forty-six others will be removed and replaced on a one-on-one ratio.
- He discussed the stormwater management plan.

- There will be a nice lobby and a community space.
- The project will be pre-wired and engineered for solar panels.
- He discussed the sustainability features.
- They have been thinking comprehensively about the overall development.

Commissioner Kehrlein asked if there was a way to minimize the verticality of the tallest element. Mr. Williams pointed to the highest ridgeline and stated he was trying to create an entry element. It is 240 feet away from the street. Commissioner Kehrlein stated they could modify the roof or install an awning to soften that vertical face. Mr. Williams stated he would take another look at that element.

Commissioner Ackerman asked if they had plans for an electric vehicle charging station. Mr. Williams stated "yes, Cal Green requires a certain percentage". There will be two stations.

Mr. Mark Hammerman, representing the Shadow Creek Homeowners Association, made the following comments:
- He asked how much staff time was billed researching the Foothills Community vs. Orange County ruling.
- There should be local preference for the project.
- This is an on-going charade and a blatant subversion of due process.
- He opposed the project.

Ms. Diana Purdue, Scenic Road, made the following comments:
- She thinks there is a nefarious plan going on and wanted to know why the process was specific to 2 acres.
- She asked if the Town has every changed its zoning regulations and policies to match a project that could use the PDD zone.
- The project should follow the current laws.

Ms. Patti Breitman, representing the Marin Organizing Committee (MOC), made the following comments:
- MOC is comprised of 16 civic and religious organizations representing 15,000 Marin County households.
- There is an urgent need for affordable senior housing.
- MOC supports the Victory Village project. It is thoughtfully designed and the site is appropriate.
- MOC urges the Commission to support the project.

Ms. Robert Anthes, Snowden Lane, made the following comments:
- She is encouraged that the Town is looking at a new and different way to allow Victory Village to apply.
- She is supportive of any smooth, fast, and expedient approach that does not offer entitlements to additional properties.
- She asked questions on behalf of Mr. Larry Bragman.

Ms. Debra Benson, Cascade Drive, made the following comments:
- She asked how the non-action by the Town Council at its last meeting resulted in a set of documents for this meeting. Who prepared them and how much did it cost? What is going on behind closed doors?
- The project should comply with existing laws.
- She would love to see affordable senior housing in Fairfax for its aging population. This is not it.

Ms. Leslie Clure, representing Episcopal Senior Communities, made the following comments:

- She is a housing specialist and does housing counseling.
- Last year she received 2,300 phone calls from seniors requesting information about senior housing.
- The wait list for subsidized senior housing is 2 to 5 years.
- She urged the Commission to support the project.

Mr. John Simmons, Fairfax, made the following comments:

- People are not aware of the project.
- This is a noble endeavor.
- The process is a charade.
- He is in favor of senior housing for Fairfax residents.

Mr. Bob Kahn, Bothin Road, made the following comments:

- The issue is about the heart of the community- is it warm and welcoming?
- Senior affordable housing is bigger than Fairfax- they do not live in a bubble.

Mr. Ford Fish, San Anselmo, Board of Directors for Mercy Housing, made the following comments:

- It is important to look at Bennett House. A large percentage of residents are from Marin County and Fairfax.
- There are 260 people on the wait list for Bennett House- 88% from Marin County and about 20% from Fairfax.
- Victory Village will have a lot of Marin County residents.
- It is not against government regulations to have local preference- it is not legal to racially discriminate.
- Bennett House has 42 parking stalls- 33% fewer stalls per unit than the proposal. The parking lot is often half empty.
- This is a great project.

Ms. Denise Larson, Scenic Road, made the following comments:

- She asked if another 2-3 acre property not on the current non-opportunity site list could apply under the new zoning.
- She asked if the frontage requirements for the 18-acres would need to change.
- She asked how long a guest, under the age of 62, could stay at Victory Village.
- She asked if a resident could have a live-in person under the age of 62.
- She had questions about the timetable for the funding sources.

Amy, Oak Manor Drive, made the following comments:

- She is on the council for Christ Lutheran Church.
- This process started about four years ago.
- They want to be of service- this project is their gift and legacy.
- Their congregation is aging and they need to sell the property.
- They have not asked for any special consideration- this is what the Town has chosen to do.

Ms. Jody Tims, Cascade Drive, made the following comments:

- She is a strong advocate for the senior population.
- This is an excellent project. It is a thoughtful, intelligent design.

Ms. Melanie Popper, Berkeley, made the following comments:

- She is an attorney who represents non-profit organizations and property management companies.

- The legal analysis has been thorough.

Ms. Wendy Kallins, representing the Coalition for a Livable Marin, made the following comments:
- In 2008 the County of Marin did a study on affordable housing in Marin and found that almost 90% of people living in Marin affordable housing moved there from another Marin County address.
- She passed out some information to the Commission and staff.

Ms. Lisle Blush, Fairfax, made the following comments:
- This project needs to be built in a timely fashion.
- It has gone through a long process.
- They are getting bogged down in the minutiae.
- Most of the people who live in affordable housing in Marin are from Marin.

The Commission took a 10-minute break at 9:25 p.m.

Chair Fragoso closed the Public Hearing.

Commissioner Newton provided the following comments:
- She asked for clarification on the number of trees that the Tree Committee approved.
- She asked for clarification on the applicant's assertion that it is an upsloping property.
- She asked for clarification on the height and story restrictions.
- She asked for clarification regarding the needing for the residences on the two back lots to be closer to the water main.

Commissioner Swift provided the following comments:
- She asked for clarification about the proposed configuration of the storm water drainage system and whether or not it would reduce the runoff onto Sir Francis Drake Boulevard.
- She asked if the project would include a graywater system.
- She asked for clarification on the rationale for the 40' roofline.
- She asked if there would be a request for future tree removals.
- She asked for clarification on the Section 8 vouchers and the "preference points".
- She asked for an update on the proposal to provide a shuttle through Whistlestops.

Ms. Cline made the following comments:
- There is nothing new to report on the issue regarding alternative transportation options. They continue the discussions.
- If they receive a commitment for Section 8 vouchers then a new list would be created for Victory Village.
- Two preference points given through Marin Housing Authority if you live and/or work in Marin County.
- Whoever signs the lease, however they are related, must be income eligible and must be 62 years of age. There are house rules regarding visitors who stay for a short period of time. Caregivers are not a member of the household and can be younger than 62 years of age.
- The projected rents are: $380 to $1,027 per month for studios; $403 to $1,095 per month for one-bedrooms.

Mr. Arnold made the following comments:
- The General Plan designation is for 2 ½ stories. They will fit in with the zoning to the extent possible. They are asked for the concession for height regardless.
- The new driveway location did not change the tree removal request.

- The drainage will be improved at different locations to slow down the runoff. A new inlet will be created that will allow water to flow in easier.
- They will work towards a graywater system.
- The top of the ridge is at 40 feet making the entry feature more prominent. They will take another look at this.
- They spoke to PG&E regarding the undergrounding requirements. One of the issues is the high water table. Undergrounding the utilities would be a long and expensive process.

Town Manager Toy made the following comments:
- Staff plans to put together a Frequently Asked Questions ("FAQ") flyer for the next meeting.
- This project (2-acres, 40 units) was contemplated in the 2010 Draft Housing Element. It was incorporated and approved in the 2012 General Plan.
- HCD noted the PDD zoning designation has a lot of subjective criteria and too many steps.
- The Town decided to create a streamlined process for affordable housing projects.

Assistant Town Attorney Wisinski made the following comments:
- If a project qualifies for a density bonus then that framework trumps local ordinances such as the need for a variance, etc.
- Staff does the majority of the work with respect to CEQA but will use a consultant when reviewing large-scale project. Ms. Cline noted RCD just received a bill from the environmental consultants in the amount of about $20,000.
- Adopting a new zoning district that allowed senior housing as a permissible use would in no way obligate the Town to extend preferential treatment to seniors coming in seeking zoning ordinance approvals. They are two, separate "baskets".
- Staff would come back with information regarding the requirement for underground utilities.

Principal Planner Neal made the following comments:
- In the absence of the density bonus concessions, this project would be limited to 28.5 feet in height above natural grade and three stories. The slope is greater than 10%.

Commissioner Kehrlein provided the following comments:
- She referred to the Conditions of Approval, page 1, #7 and had questions about the time extension.
- She suggested including a reference in the ordinance that describes the development process.

Commissioner Newton provided the following comments:
- The height issue is significant.
- She suggested a bell tower instead of a third story in the lobby area.
- She would like to see an updated Open Space report.
- The transit issues need to be addressed.
- She would like more information about lots #2 and #3 and the issue regarding the proximity to the water main.
- She wondered why the property would be split into three instead of four lots- the fourth lot would be a large open space parcel.
- She would like the project to be "pet friendly".
- She wanted to discuss the definition of "senior".

Chair Fragoso provided the following comment:
- They need to be flexible with respect to the definition of "senior"- it often depends on the funding source. She asked staff to report back.

APPOINTMENT TO NEIGHBORHOOD COMMITTEE

3. **Appointment of a Commissioner to serve on a neighborhood committee to provide feedback to the Marin County Flood Control and Water Conservation District on the proposed design of a floodplain detention basin or any other flood protection measures at the former Sunnyside Nursery site at 3000 Sir Francis Drake Boulevard**

Town Manager Toy presented a brief staff report.

Chair Fragoso volunteered to serve on the neighborhood committee.

DISCUSSION ITEMS

There were no discussion items.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:41 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary