

Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, October 15, 2015

Call to Order/Roll Call

Chair Green called the meeting to order at 7:05 p.m.

COMMISSIONERS PRESENT Esther Gonzalez-Parber
Philip Green (Chair)
Shelley Hamilton
Norma Fragoso
Mimi Newton

COMMISSIONERS ABSENT: Bruce Ackerman
Laura Kehrlein (Vice-Chair)

STAFF PRESENT: Jim Moore, Planning Director
Linda Neal, Principal Planner
Joanne O'Hehir, Minutes Secretary

APPROVAL OF AGENDA

M/s, Newton/Fragoso, Motion to approve the agenda:

AYES: Gonzalez-Parber, Green, Hamilton Fragoso, Newton
ABSENT: Ackerman, Kehrlein

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No one from the public came forward to speak.

CONSENT ITEMS

- 1. 10 Marin Road; Application # 15-29:** Request for a Use Permit and Variances for an unpermitted 190 square foot replacement storage structure on a site developed with a 1,244 square foot single family residence; Residential RD 5.5-7 Zone District; Assessor's Parcel No. 001-102-10; Sara and Chris Tewksbury, applicants/owners; CEQA categorically exempt, § 15303(e) and 15305(a).
- 2. 19 Bolinas Road; Application # 15-30:** Request for design review of exterior changes to an existing commercial space; Assessor's Parcel No. 002-121-22; Central Commercial CC Zone District; Scott Porter, applicant; Fairfax Bolinas LLC, owner; CEQA categorically exempt, § 15301(a).

Chair Green noted a minor error on page 2 of the staff report for 10 Marin Road relating to a code section. Planning Director Moore said staff would review the section for accuracy.

Chair Green opened and then closed the public comment period when no one came forward to speak.

M/s, Gonzalez-Parber/Hamilton, Motion to approve Consent:

AYES: Gonzalez-Parber, Green, Hamilton Fragoso, Newton

ABSENT: Ackerman, Kehrlein

PUBLIC HEARING ITEMS

- 3. Consideration/discussion of a draft Ordinance Updating the Water Conservation Chapter of the Town Code to require Very Low Flow Toilets, 1.28 gallons, to be installed in all structures when property sells/changes hands or is remodeled; Applies to all properties within the Town limits; CEQA categorically exempt, § 15301(a) and 15307.**

Planning Director Moore presented the staff report. He noted that, if passed, the Ordinance would bring the Town of Fairfax into compliance with the new requirements of the Marin Municipal Water District (MMWD) and the Plumbing Code. Commissioner Newton noted that she would recommend a very low flow toilet of 0.8 gallons per flush.

Chair Green suggested a language change in the resolution, to which there was general agreement.

Commissioner Hamilton and Mr. Moore led a discussion on how the Town could simplify the process of amending ordinances when new rules are implemented by the State or other jurisdictions that the Town must adopt. Mr. Moore said that, at this point in time, it is easier to amend the current ordinance and he noted that the Town is required to comply with the State's code. Principal Planner Neal noted that the Town could make a code more restrictive than the State.

Commissioner Gonzalez-Parber suggested recommending to the Town Council, with advice from the Town Attorney, that additional language is added to the ordinance to ensure that the most restrictive code is used, to which there was general agreement.

In response to Commissioner Fragoso, Mr. Moore discussed the conditions under which a new toilet must be installed.

In response to Chair Green, Ms. Neal said that there is a financial assistance program operated by MMWD relating to low-flow toilet replacement. Chair Green suggested the information is added to the Building Permit form.

Commissioner Hamilton noted that GPIC (General Plan Implementation Committee) has information on sustainability education programs, which she discussed.

M/s, Newton/Fragoso, Motion to approve Resolution # 15-34 to update the Water Conservation Chapter of the Town Code to require Very Low Flow Toilets, 1.28 gallons, to be installed in all structures when property sells/changes hands or is remodeled with the following changes:

“WHEREAS, the Marin Municipal Water District (MMWD) Code section 13,02,021(3)....., flush with 1.28 gallons or less. A 20% savings from the Town’s current maximum of 1.6 gallons (e.g., per Chapter 17.132); and

“WHEREAS, the Town Council would like to amend the Town’s Code to reflect these changes; and....”: amended to read:

“WHEREAS, the Marin Municipal Water District (MMWD) Code section 13,02,021(3).....flush with 1.28. gallons or less; and

“WHEREAS, the Town Council would like to amend the Town’s Code to reflect these changes: A 20% savings from the Town’s current maximum of 1.6 gallons (e.g., per Chapter 17.132); and”

AYES: Gonzalez-Parber, Green, Hamilton Fragoso, Newton

ABSENT: Ackerman, Kehrlein

MINUTES

4. Minutes from the September 17, 2015 meeting.

Page 10: “Commissioner Newton discussed her research.....She said that the town should codify....”, amended to read:

“Commissioner Newton discussed her research.....She questioned whether the town should codify....”.

M/s, Gonzalez-Parber/Fragoso, Motion to approve the Minutes from the September 17, 2015 meeting:

AYES: Gonzalez-Parber, Green, Fragoso, Newton

ABSTAIN: Hamilton

ABSENT: Ackerman, Kehrlein

DISCUSSION ITEMS

- Ordinance update on Solar Energy Systems greater than 10KW?

Planning Director Moore noted that that the commissioners had requested clarification on the Town Council's deliberations concerning updating the Town's ordinance on solar energy systems that are greater than 10kw.

Chair Green said he had reviewed all materials, including the California Solar Permitting Guidebook, which he discussed. Mr. Moore noted that the same document had been used as a guide for the Town's updated solar energy ordinance.

Chair Green discussed a statute on solar energy and said that he believes the Town's current ordinance on solar energy systems that addresses small rooftop systems is sufficient for reasons he discussed. Commissioner Newton said she is in agreement for reasons relating to the permit streamlining process. She said that the Town should not codify any limitation to its authority by adopting an ordinance streamlining the permit process for solar energy systems that are greater than 10KW.

The commissioners were unanimous in their consensus that the Town should not consider adopting a streamlined ordinance for solar energy systems that are greater than 10KW.

- Upcoming Planning Commission Workshop on the Wall property and Special Town Council meeting - General Plan/Housing Element Forum on CH to CC Zoning on October 22 & 29, 2015.

Planning Director Moore noted that the workshop must be re-noticed for reasons he explained. Mr. Moore said the workshop would provide an opportunity for Marshal Rothman, the owner, to discuss his plans for the site and for the residents to address their concerns. Mr. Moore noted that the workshop would also provide an opportunity for staff to explain the entitlements process. Under the current zone UR 10, Mr. Moore noted that Mr. Rothman would be entitled to build up to 9 homes on the site and he discussed the General Plan's policy concerning clustering. He said that such a design limits impacts but that nearby residents might not find it appealing.

Commissioner Hamilton and Mr. Moore discussed the likely setup of the meeting. Commissioner Newton said that Mr. Rothman had attended the last Open Space Commission meeting and had commented on the trails on his property.

In response to Commissioner Hamilton, Mr. Moore said the Planning Commission will be hosting the workshop and that other Town committee members are invited to attend. He said that discussions will also take place on development agreements and how the project can move forward.

Chair Green expressed a wish that the Tree Committee members attend, since there are a large number of trees on the site. Commissioner Newton suggested the means by which the workshop could be advertised.

Mr. Moore noted that a workshop is also scheduled for October 29th at which the proposed ordinance change from Commercial Highway to Central Commercial will be discussed. Mr. Moore said that, if an ordinance is passed, then downtown properties can build second units by right on the second floor.

- Planning Commission Workshop on Fair Anselm Market and Lutheran Church opportunity sites on November 12, 2015.

Mr. Moore discussed the workshop, which is scheduled for 6 p.m. – 9 p.m. He said that project architects for the church site, Resources for Community Development (RCD) will hold a presentation on two scenarios for the Church site.

Mr. Moore said that RCD have entered into an option to purchase the 20-acre site and that only 2 acres are proposed to be rezoned. He said that, following the workshop, RCD will submit an application for a General Plan Amendment to re-zone the two acre and will file for a Preliminary Parcel Map and Design Review, which he discussed. Mr. Moore discussed the benefit of the workshop relating to these matters.

Mr. Moore also discussed the second half of the workshop when the architect for the Fair Anselm Market site will give a presentation on a prospective ground floor commercial building with housing above, per the General Plan.

Mr. Moore said that staff will be sending out notices for the workshops within a 500 foot radius.

Commissioner Hamilton discussed a more comprehensive kind of outreach and provided an example used by the County that she thought is effective.

Commissioner Fragoso commented on the proceedings at a previous Town Council workshop. Mr. Moore suggested she contact staff to discuss her concerns.

Commissioner Newton agreed with Commissioner Hamilton's comments on public outreach and she made further suggestions, such as the website "Next Door". Mr. Moore said he would liaise with the Town Manager.

Discussion on facilitating large group meetings took place.

PLANNING DIRECTOR'S REPORT

Planning Director Moore requested that the date of the next Planning Commission meeting on November 19th is changed to the previous night for reasons he discussed.

Mr. Moore reported that an offer of employment has been made to a part-time Zoning Technician for the Planning Department.

Chair Green noted that his year as Chair is ending shortly and he complemented the Planning staff.

COMMISSIONER COMMENTS AND REQUESTS

Commissioner Gonzalez-Parber and Mr. Moore discussed the repair of dilapidated sidewalks and curb cuts on Bolinas. Mr. Moore noted that that it is the property owner's responsibility to repair the gutters and sidewalks. However, he said that the Town would like to widen the sidewalks, to which a bicycle lobby had raised objections for reasons he explained. Mr. Moore discussed the issues in relation to next year's forum on the Town Center Plan.

Discussion/consideration of the Sustainability Section of the Fairfax 2010-2030 Fairfax General Plan and the Commission sponsorship of an educational forum on water conservation and possible regulation changes (Commissioner Fragoso)

Commissioner Fragoso provided background information on an environmental master class she has attended. She suggested the Planning Commission might consider sponsoring educational forums on water conservation, such as gray water systems, which she discussed. Commissioner Newton commented on the sustainability of increased housing and population in relation to water resources. Commissioner Hamilton commented on analysis that is available from LAFCO.

There was general consensus to invite a water conservationist to provide a presentation at a Planning Commission meeting in January or February of 2016.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 8:35 p.m.

