

FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMEN'S CLUB
THURSDAY, AUGUST 15, 2019

Call to Order/Roll Call:

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

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

Commissioners Absent: Philip Green

Staff Present: Ben Berto, Planning Director
Linda Neal, Principal Planner

APPROVAL OF AGENDA

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

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

ABSENT: Green

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Mr. Rick Hamer, Fairfax, put a "bug in the Commission's ear" about Fairfax becoming a small, sustainable community noting that the current zoning allows no flexibility to allow sustainable businesses and that some of the Town's goals must include sustainable infrastructure.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

- 1. 80 Crest Road; Application # 19-10**
Request for a Conditional Use Permit for unpermitted improvements to a single-family residence including a sitting room, and a Height Variance for a fourth unconditioned story that includes storage, wine cellar and ½ bath with miscellaneous electrical improvements; Assessor's Parcel No. 002-152-32; Residential Single-Family RS-6 Zone; Verle and Marene Sorgen; applicants/owners; CEQA categorically exempt per Section 15301(e)(2)(A)
Note: Staff recommends continuance to the October 14, 2019 meeting.

Principal Planner stated staff was recommending a continuance to the October 17, 2019 meeting. The applicants signed an agreement for an extension of time with respect to the Permit Streamlining Act.

M/s, Newton/Fragoso, motion to approve the continue Application #19-10, 80 Crest Road, to the October 14, 2019 meeting.

AYES: Fragoso, Gonzalez-Parber, Kehrlein, Newton, Chair Swift

NOES: Rodriguez

ABSENT: Green

Commissioner Rodriguez stated she opposed the continuance because these were unpermitted improvements and they should not be given continuances but rather they should move forward.

2. 102 Marinda Drive: Application #19-13

Request for an exception to the Sign Ordinance regulations for the re-use of an existing free-standing sign to erect a 24 square-foot sign depicting the Ross Valley Charter School name, logo, and grades served; Assessor's Parcel No. 001-183-18; Planned Development PDD Zone; Ross Valley Charter, applicant; St. Rita's Church, owner; CEQA categorically exempt per Section 15301(g).

Principal Planner Neal presented the staff report.

Commissioner Fragoso asked about the proposed logo. Principal Planner Neal stated they were not proposing a logo but they did submit some images of their logo at staff's request and they can be found on the last page of the staff report. There is a logo on the current banner.

Commissioner Newton stated an email from Ms. Yetter expresses concerned about the size of the sign. Principal Planner Neal stated the proposed sign is the same size as the one originally approved for St. Rita's School- 24 square feet.

Commissioner Newton stated she disagreed with the staff interpretation of Code Section 17.064.060(G) and she discussed the findings. She indicated that she believes the way it is written requires 2 findings for an exception to the sign ordinance regulations.

Commissioner Rodriguez asked about the findings that were previously made for that sign location. The staff report seems to "hang its hat" on previous approvals. Principal Planner Neal stated staff was simply trying to give the history of the site. Commissioner Rodriguez asked if all free-standing signs need to get an exception. Principal Planner Neal stated "yes". Commissioner Rodriguez asked if there were standards with respect to free-standing signs. Principal Planner Neal stated "no". Commissioner Rodriguez asked if the Town had a "view triangle" standard. Planning Director Berto stated it should be included in Public Works Department terminology. He did not think the sign would cause a problem since it was behind a wide sidewalk area. Principal Planner Neal stated the Public Works Department reviewed the application and did not have any comments.

Commissioner Gonzalez-Parber asked if the Commission was reviewing the size only or also the design. Principal Planner Neal stated "yes- and also the location, and the height above ground".

Commissioner Newton asked how specific the Commission could be about the location of the logo. Principal Planner Neal stated the Commission could be specific or leave it up to the applicants. Planning Director Berto stated he would recommend that this be by the graphic designer.

Commissioner Fragoso had a question about the proposed location of the sign.

Chair Swift opened the Public Hearing.

Mr. Lucas Shane, Director of the Ross Valley Charter, made the following comments:

- They are planning on using the same posts that the St. Rita's and Cascade Canyon sign were on.

- They had a logo proposed as part of the sign but thought it might be too cluttered and distracting.
- They want a clean, simple sign.

Commissioner Rodriguez asked about the other businesses using the school site and whether there might be a third or fourth user that would also want a sign. Mr. Shane stated there is a pre-school that occupies a small part of the space separate from Ross Valley Charter. Commissioner Rodriguez referred to "Camp Funderblast" and asked if they plan to also hang banners at this location. Mr. Shane stated "yes, if allowed by the Sign Ordinance".

Commissioner Gonzalez-Parber asked if the proposed font was specific to the logo. Mr. Shane stated "yes- they are trying to be consistent".

Sarah made the following comments:

- The point of the sign is for "wayfinding" since the school is located in the back of the site.
- The sign should include the school name and maybe the logo but not the other "marketing" information.
- They should not be given a variance for a bigger sign.

Ms. Chris Lyons, teacher at the school, made the following comments:

- The wording "A TK – 5 Public School" is part of the school's logo. It is not a marketing tool.
- Camp Funderblast is the same operator as KinderBlast, the new pre-school.
- The sign will be the same size as the previous school signs.

Ms. Sharon Sager, Chair of the Board of the Ross Valley Charter School, made the following comments:

- They are not moving the posts and are proposing a sign that is the same size as the prior signs.
- A school sign needs to indicate the type of school- elementary, middle, etc.

Chair Swift closed the Public Hearing.

Commissioner Kehrlein provided the following comments:

- The St. Rita sign evolved over the years.
- This sign is similar to what was originally approved in 2001.
- The logo should be subtly included- the design looks plain without it.
- She is concerned about banners. They should be approved by the Commission.

Commissioner Fragoso provided the following comments:

- She referred to Attachment C and the elevation and stated the blue color was quite different. Principal Planner Neal stated she thought the brighter blue was the accurate color.

Commissioner Gonzalez-Parber provided the following comments:

- The lovely "tree" logo would enhance the sign but it would disappear if it were put on top of that blue.
- The white lettering against the bold blue background does not read well.
- They need to play with the colors a bit more.
- She is having a problem with the proportions and the color.
- She does not have a problem with the size or the location.
- The words "A TK-5 Public School" is a distraction.
- The proposal needs to be refined in terms of the color balance and the font.

Commissioner Rodriguez provided the following comments:

- The site should have a Master Sign Program.

- They should have information from the church that talks about the ultimate users, the space, etc. They are currently getting a patchwork.
- The sign is too big for the building and the site.
- The sign is rotated slightly and visibility is obscured.
- The proportions are off but she likes the tree idea.
- No materials were provided.
- She is not sure about the findings that need to be made.
- The proposal needs more work.

Commissioner Newton provided the following comments:

- She does not have a problem with the wording “A TK-5 Public School”.
- Signs with a motto have previously been approved.
- She likes the logo.
- She does not have concerns about the proportions or the color.
- She agreed with the comments about the font.
- There should be accommodations on the sign itself for other tenants. This would be preferable to a banner.
- She referred to the resolution, the second “Whereas”, and recommended the following finding: A. “The exception is not inconsistent with the purpose and intent of the Fairfax Town Code Chapter 17.064.060 Signs, and: B. The location of the school, set back from the street and not visible from Sir Francis Drake Boulevard, is the exceptional circumstance that warrants...”
- She read Section 17.064.100 Intent of the Chapter A through G.

Chair Swift asked how the Town would address a request for a sign from another tenant. Principal Planner Neal stated a free-standing sign, or any sign that does not meet the code, requires a permit from the Commission. Businesses are allowed to have a sign on the building.

Chair Swift provided the following comments:

- Any other business that wants to put signage on that same structure would need to come in for approval.
- She could approve the proposal- location, size, colors, and the “A TK-5 Public School” wording.
- She is not sure how the “tree” graphic would look but it would add to the design.

Commissioner Fragoso provided the following comments:

- She does not have a problem with the size.
- The submittal indicates two different locations (one is angled). Mr. Shane stated it would be angled so drivers coming out could see to the right and to the left (per Attachment B).
- She is concerned about the size of the letters and the colors.
- The letter band of “Ross Valley” would be about 2 feet long and seven feet wide.
- She has a problem with the proportions. The word “Charter” would get lost.
- She did not mind the logo but there might not be enough space.
- She would like to see a scaled model of the sign.

Commissioner Gonzalez-Parber provided the following comments:

- The applicant should come back with: 1) the tree logo; 2) making “Ross Valley” more visible (even if it is smaller); 3) improve the “wayfinding” aspect of the sign.

Commissioner Kehrlein provided the following comments:

- She did not want to second guess the designer.
- A white background might be more visible.
- The comment about the materials is valid.
- They need to consider future signs that might be on the same sign or in the vicinity.

Commissioner Gonzalez-Parber provided the following comments:

- She asked what the applicant would have to do to install a temporary sign. Principal Planner Neal stated the code allows a temporary business identification sign approved by staff. It is limited to eight square feet in size, can only be two colors, and can be up for 120 days. Planning Director Berto stated they could allow them to put up a banner that is approximately the size of the proposed sign for a limited period of time.
- This is a good strategy given the beginning of the school year.

Commissioner Newton provided the following comments:

- She would like to see another design come back with the tree logo and with better visibility.
- She agrees with the comments about the size of the lettering and the font.
- She is concerned about a future tenant that might need shared space.
- She agreed that they need more details on the materials.
- A scaled model is a good idea.

Ms. Sagar asked for clarification about the temporary sign.

M/s, Newton/Fragoso, motion to continue Application #19-13, 102 Marinda Drive, to the September Commission meeting and to allow installation of a temporary banner the same size as the proposed sign as approved by staff.

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

ABSENT: Green

The Commission took a 5-minute break at 8:05 p.m.

DISCUSSION ITEMS

3. Discussion/Consideration of possible amendments to the Zoning Ordinance to include requirements of the Hill Area Residential Development Ordinance in the Planned Development PDD Zone District regulations; CEQA Categorically exempt per Section 15060(c)(2) and 15061(b)(3)

Planning Director Berto presented the staff report.

Commissioner Fragoso stated that she was happy to see this come back, that PDD didn't originally include standards.

Commissioner Rodriguez referred to the Housing Accountability Act and stated she does not see the standards in this document. She referred to Attachment A, (A), (B), (C), and (D) and stated these were not standards but rather "characteristics". The topic areas reference slope and landslides but were missing protected species, flood, fire and others. She asked if this was about processing things a certain way. Planning Director Berto stated "yes". Developing objective standards for the PDD is a lengthy process- this is the first step. Staff will be applying for grant funding to help with this task. He noted the HRD Chapter has a fair amount of objective standards and requirements. Commissioner Rodriguez asked about the UR – Upland Residential Zone. Planning Director Berto stated there was not the same potential for subdivision, and they are looking at Design Review applications for residences.

Commissioner Kehrlein asked for clarification of the HRD "Overlay" Zone (is it the excavation, slope of the property, or a particular elevation). Planning Director Berto stated it could be any of those things. The requirements of this chapter and zone could apply to any number of the other specifically designated zoning districts. It represents characteristics of residential properties all over Town and not a physical location on a map. Commissioner Kehrlein had a question about Grading

Permits and minimum building site requirements. Planning Director Berto stated an applicant could reduce the amount of grading and apply for a Use Permit as opposed to an HRD Permit.

Commissioner Newton referred to Section 17.072.020, Applicability Exhibit 3, and stated she would like to see the General Plan Landslide Map and had a question about (D), minimum building site requirements.

Commissioner Fragoso stated that there were other environmental impacts including habitat and endangered species.

Chair Swift asked if the Hill Area Overlay applied to the RM-S Zone. Principal Planner Neal stated this zone is very new and staff would refer this to the Town Attorney. Chair Swift had a suggestion about the language that could be added and/ or changed in chapters referencing the HRD triggers. Planning Director Berto stated they could list the “triggers” (A through D) in each chapter. Chair Swift noted that the change doesn’t address landslide.

Commissioner Newton asked staff to come up with a map of all the pertinent zones listed in the staff report.

Chair Swift asked staff to report back on the five acre trigger with respect to the PDD Zone.

Commissioner Fragoso referred to Attachment A, Section 17.112.020, General Requirements for a Planned Development, (F) and stated she was glad to see that the HRD application comes to the Commission concurrently with a Planned Development Application. She asked for a “cheat sheet” on the submittal requirements for each application.

Commissioner Rodriguez stated the Commission took a lot of time in developing a Work Plan and she does not like being pulled away from this work. She understood why there were discussing this item tonight but it is not comprehensive and could be distracting. She wants to see the HRD standards fleshed out.

Commissioner Fragoso stated she would like to review the Work Plan.

4. Minutes from the July 18, 2019 Commission meetings

M/s, Newton/Rodriguez, motion to approve the July 18, 2019 minutes as corrected.

AYES: Fragoso, Newton, Rodriguez, Chair Swift

ABSENT: Green

ABSTAIN: Gonzalez-Parber, Kehrlein

Planning Director’s Report

Planning Director Berto reported staff was moving along on the consultant selection process for the Environmental Impact Report (EIR) for the Marinda Heights (a.k.a. Wall Property) Project. Staff will schedule a scoping session with the Commission once the selection is made. The Council reviewed the Ordinance pertaining to application and permit time limits and had some suggestions. Chair Swift had suggestions about forwarding pertinent information to the Council. Commissioner Newton stated the Council should receive the draft Commission minutes when possible. Planning Director Berto reported the Council introduced the ordinance regarding cannabis at its last meeting . Commissioner Newton asked for a report next month on the language that was introduced and the role of the Planning Commission with respect to this ordinance.

Commissioner Comments and Requests

Chair Swift asked staff to post the minutes to the Town Website.

Commissioner Fragoso had a question about the holiday meeting schedule.

Commissioner Newton stated she would like the Commission to start discussing the priorities in the Work Plan. Planning Director Berto noted the Marinda Heights Project was number one- the Commission will start discussing this project soon.

Commissioner Rodriguez asked how familiar the Commission should become with the Marinda Heights Project at this point in time. Planning Director Berto stated the information was on the Website- they should get to know the site and the conceptual plan.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary