

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMEN'S CLUB
THURSDAY, DECEMBER 19, 2019

Call to Order/Roll Call:

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

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

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

APPROVAL OF AGENDA

M/s, Green/Rodriguez, motion to approve the agenda.

AYES: Fragoso, Gonzales-Parber, Green, Kehrlein, Rodriguez, Chair Swift

ABSENT: Newton

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

1. **6, 8, 10, and 12 School Street Plaza: Application #19-15**
Continued consideration of a request for a Conditional Use Permit and Design Review Permit for a minor expansion to building #8 and conversion of the following 14 commercial suites into live-work units: Bldg. 6: #'s 110; Bldg. 8: #'s 8A2, 8A3, 8A4, 8B and 8D; Bldg. 10: #'s 10C, 10D and 10E; Bldg. 12: #'s 12B-1, 12C-1, 12C-2, 12D-1 and 12D-2; Assessor's Parcel No. 002-112-13; Limited Commercial CL Zone; Fred Ezazi, applicant/owners; CEQA categorically exempt per Section 15301(a) and (e)(1) and 15303(c).

Chair Swift stated Commissioner Newton recused herself from this item due to personal interest.

Principal Planner Neal presented the staff report and discussed the changes to the project.

Planning Director Berto discussed the issue of affordability and noted the applicant objected to the lighting levels and the affordability restrictions contained in Conditions #33, #34, and #35. The applicant has agreed to limit two of the units as affordable to very low-income tenants. He recommended the following change to Condition #33: "The applicant shall record a deed restriction restricting the two very low income rental units to being very low income for 55 years".

Commissioner Fragoso referred to Condition #33 and asked how this would be monitored. Principal Planner Neal referred to Condition #34.

Commissioner Rodriguez asked what the Housing Element identifies for the number of units on this site. Planning Director Berto stated it talks about nine total units but does not list a specific maximum number.

Commissioner Green asked if the original lighting requirement was too low or too high- what was the issue? Principal Planner Neal stated one of the Commissioners and the applicant expressed concern about the level that was chosen. Staff does not have a problem changing it as long as it complies with the Building Code. Commissioner Green asked if some of them could be motion detected.

Chair Swift asked if staff has had time to review all of the applicant's responses that were submitted yesterday. Principal Planner Neal stated "no".

Chair Swift asked if there was any construction going on. Principal Planner Neal stated "yes"- the Building Department issued a permit for things that are required for safety.

Chair Swift asked if there would be appropriate garbage/green waste service for the living units. Principal Planner Neal stated this would be a question for the applicant.

Chair Swift asked about prior live/work projects and how it was defined. Principal Planner stated the code does not define "live/work" but includes the phrase, "or any other use that the Planning Commission determines is appropriate".

Chair Swift stated the Building Code discusses requirements of live/work spaces and states that the work aspect is "not more than 50% of the area". However, the ordinance states that the commercial space is the primary use with residential being secondary. There seems to be a contradiction.

Chair Swift stated the staff report refers to Bldg. 8, 8B but the plans do not show it. She asked if they were accurate. Principal Planner Neal explained the plans and stated the numbering could be cleared up in the Building Permit phase.

Chair Swift referred to the bottom of page 8 of the staff report and asked if there was a definition of "family". Principal Planner Neal stated the State does not allow jurisdictions to define a "family". Commissioner Fragoso stated jurisdictions will typically use the term "household".

Chair Swift stated asked how "hazardous materials" were monitored. Principal Planner Neal stated the Fire Department inspects commercial properties every two to three years. The Business License application could include an attachment asking about the type of materials that will be used.

Chair Swift stated the staff report talks about prohibited uses and she asked about "off-site catering". Principal Planner Neal stated it is meant to be prohibited.

Chair Swift stated some cities do an environmental assessment (looking for lead, asbestos, etc.) as a part of this process. Planning Director Berto stated these materials are not allowed in a leased space and this must be certified by the landlord.

Commissioner Green referred to Conditions #31 and #32 and asked if there was discussion about this being too onerous. Principal Planner Neal stated applying for a permit was the law. Commissioner Green asked when the property was originally developed.

Chair Swift opened the Public Hearing.

Mr. Fred Ezazi, applicant/owner, made the following comments:

- He has owned the property for over 30 years.
- He did not think they could find housing at lower rental lease amounts in Fairfax.
- The property is at least 70 years old.

Mr. Rick Hamer, representing the applicant, made the following comments:

- The newest building (Building #6) was built in 1978. It probably does not have any lead paint and has been mold tested on various occasions. It was built as a commercial/medical building.
- Building #12 was built in 1956 and the others are about the same age.
- All the buildings except for Building #6 were built as classrooms.
- They would be willing to comply with any environmental testing.
- There has been a "curve ball" thrown with respect to the 55-year deed restriction covenant.
- The Town Code limits the Conditional Use Permit (CUP) to 6 months.
- Rents are based on the Housing Authority numbers.
- The proposal is an equal or better development of the premises and makes a substantial contribution to the workforce.
- They are requesting that Conditions #33, #34, and #35 be deleted.
- Attachment G, Draft Lease Addendum, contractually keeps the commercial use primary and residential use secondary and incidental.
- Conditions #31 and #32 were not brought up in the first hearing and expose the fifteen households to possible displacement.
- The proposal is designed to allow moving around of tenants during the remodeling.
- They asked that Condition #3 be modified back to what was submitted at the October hearing. All features will be Dark Sky compliant. One foot-candle levels are fine but would result in hot spots in the parking lot. They would prefer to use lower Kelvin temperatures (warm, reddish lights) and lighting because it would be less disruptive to animals.
- The lighting plan has not addressed the path from the bridge.
- The fence work has been withdrawn and the landscaping bond is no longer applicable. Condition #8 should be modified and this work should be bookmarked as a finding during the six-month CUP review.
- Creativity should be allowed to flow into the walkways.

Commissioner Kehrlein asked Mr. Hamer how many total units they were proposing. Mr. Hamer stated there were 36 total spaces on the property with some multiple space tenants.

Commissioner Gonzales-Parber asked for a clarification on the parking lot lighting- is the Dark Sky lighting too bright or not bright enough? Mr. Hamer stated it was too low and putting an upper limit of two-foot candles is overly restrictive. Planning Director Berto stated staff would work with the applicant. Principal Planner Neal stated the Building Official stated the condition could be modified to say that the lighting plan would be reviewed by the plan checker to make sure it was the minimum necessary to make the pathways safe.

Commissioner Gonzales-Parber asked Mr. Hamer to clarify his definition of "low-income". Mr. Hamer stated "moderate affordable" is defined as 30% of the median income of a community. "Very low income affordable" is 50% of median with the rental at 30% of this income- \$1,318. They

objected to the burden that would be placed on the property with a 55-year deed restriction. This should be discussed after the six-month CUP review.

Commissioner Gonzales-Parber asked Mr. Hamer about his objection to Condition #31. Mr. Hamer stated it sounded like one person's action could result in everyone being punished. Planning Director Berto stated that was not the intent.

Commissioner Kehrein asked if there were prospective or active tenants for the 15 live/work units. Mr. Hamer stated it is a mix of both- they were all occupied at one point but over time the owner has chosen not to fill some of the spaces while the Use Permit is pending. A few have been vacated due to attrition. Chair Swift asked how many were currently vacant. Mr. Hamer stated A2, D2, and 110 are not occupied.

Commissioner Green asked about the owners concern about having more affordable units or having the deed restrictions. Mr. Hamer stated the covenant could outlive the structure it was designed to protect. They want to pack the covenant in one area and did not want it spread throughout the property.

Commissioner Rodriguez agreed this is a cluster of artisans and asked if they thought about formalized some of the courtyard areas. Mr. Hamer stated the courtyards are not addressed by the Use Permit. Commissioner Rodriguez asked if they considered using different building materials on the new walls for Buildings #8 and #12. Mr. Hamer stated there was no new wall proposed for Building #12. They want to make Building #8 consistent with the rest of the property.

Commissioner Rodriguez asked if they planned to rework the garbage area. Mr. Hamer stated that was not part of the project. Commissioner Rodriguez asked if there would be additional HVAC work done to the roof. Mr. Hamer stated "yes". Commissioner Rodriguez asked if they would support affordability for all of the units in the newest building. Mr. Hamer stated they settled on two units for Building #8 and possibly one unit in Building #12. The other units in Building #8 could possibly be affordable at the one or two bedroom level but not at the studio level.

Commissioner Green asked if they would consider opening up the parking lot gate- it is a safety issue. Mr. Hamer stated that is out of his realm. A camera with motion detection lighting could be used.

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

- Artists are getting kicked out of living situations.
- This property is so much "about Fairfax". It is important to keep it that way.

Kristen, building 12, unit C2 School Street, made the following comment:

- The property should remain a creative space.

Ms. Holly Beatty, 10 C School Street, made the following comments:

- Her unit has a large main space, three other rooms, a kitchen, and a bathroom.
- This unit allows her to raise her children and see clients.
- Her rent is \$3,700 per month.

Chair Swift closed the Public Hearing.

Commissioner Rodriguez provided the following comment:

- She asked about review of the Use Permit. Principal Planner stated the CL Zone states: "Uses shall be granted for periods of no more than six-months initially. The Planning Commission may approve extensions". This language is only found in the CL Zone.

Commissioner Green provided the following comments:

- The language in Conditions #31 and #32 need to be modified to make it clear that it only applies to the offending unit. He suggested the following wording be added to the end of Condition #31: "...as it relates to that tenant"; and the end of #32: "...as needed".
- Deed restrictions provide that future owners keep things the way they are. He was not suggesting an onerous condition.
- He liked the "artist colony" idea.
- He would like to add a condition that the stairs on the Fairfax Lumber side of the property remain open for safety reasons.

Commissioner Fragoso provided the following comments:

- There are improvements that have been done over the years without review, permits, or concern with health and safety.
- A six-month review is not inappropriate.
- The plans are better than last month's and they incorporated egress windows and eliminated shared bathrooms.
- She referred to the floor plans and appreciated the approximate 50% split of "live" vs. "work" space.
- Some units have a bathroom immediately adjacent to the kitchen. The units could be significantly improved by swapping out the location of the bathroom. Planning Director Berto stated there could be a condition that says the distance between the bathroom and an eating area should be maximized.
- She suggested other minor modifications.

Chair Swift provided the following comments:

- There have been a lot of questions and the applicant provided information just yesterday.
- She has not had enough time to address this from an approval or denial standpoint.
- She would like to continue the item.

Commissioner Kehrlein provided the following comments:

- They have made progress but there are issues that need to be worked out.
- The deed restriction issue is important.
- She has concerns about the portion of the live/work units in relation to the entire complex.
- Nine units, or 25%, were dedicated in the General Plan. Fifteen seems to be too much- twelve might be more appropriate.
- Several of the units show the work space to be more than 50% which is in conflict with the Building Code.

Commissioner Gonzales-Parber provided the following comments:

- She asked if there was another option aside from continuation.
- A use of this kind is very complicated and they should let the experts figure out the regulations.
- She supports the project and could approve it tonight with some "wordsmithing".
- The Commission needs to have the applicant refine the design and concept as much as possible before it takes action on the proposal, and, if approved, the Commission could revisit the project in six months.

Commissioner Fragoso provided the following comments:

- She has concerns about using the six month review in that way.
- They are talking about corrections of health and safety.
- They need to get the design and concept down as closely as possible.

Commissioner Rodriguez provided the following comments:

- The project has made some improvements but it is lacking in addressing some key components.

- They need better clarity on the entry points and the installation of HVAC equipment.
- She is not sure about the percentage of the unit split and is looking at a greater percentage of commercial.
- She is looking at the highest number of affordable units. She does not mind them being in specific buildings but would like them to be a variety of types.
- She could support a continuation.

Commissioner Green provided the following comments:

- He asked for clarification on the ownership of the property (an individual or an LLC).
- They will come to an understanding about the lighting.
- He would like to get the project underway.
- He could support a continuation because of the last minute information submitted by the applicant.

Commissioner Gonzales-Parber provided the following comments:

- She asked how many times this application could be continued. Principal Planner Neal stated the Permit Streamlining Act gives them until January 12th unless the applicant agreed to a 90-day continuation.
- There is room for improvement in terms of the lay-out.

Chair Swift provided the following comments:

- She would like clarification on Table D submitted yesterday by the applicant.
- There does not seem to be a meeting of the minds with respect to Conditions #34 and #35.
- She would like clarity about landscaping and the bond.
- There should be a roof plan addressing the HVAC unit.

Commissioner Fragoso provided the following comments:

- She would like to see a site plan including all the exterior spaces (communal, trash, closed off stairways, seating areas).
- She would like to see some variety in terms of the paint selection.
- Some landscaping could make a difference in the overall appearance.
- She is concerned about the garbage- one debris box will not be enough.

Commissioner Green provided the following comment:

- He wanted clarity about the presence of asbestos and lead paint. Commissioner Gonzales-Parber stated that would go through the Bay Area Air Quality Control Board.

Commissioner Rodriguez provided the following comments:

- There are some plan revisions and condition modifications that need to be done.
- The policy issues are going to be kicked to the next meeting.

Principal Planner Neal stated the Commission has asked that the plans be modified to: 1) Increase the amount of commercial space if possible; 2) Relocate the bathrooms as far away from the kitchen as possible; 3) Indicate the location of the outdoor art areas; 4) Provide more detail about the garbage enclosure and recycling; 5) Reopen the school stairway by the lumber yard; 6) Review the lighting; 7) Provide a roof plan showing installation of the HVAC equipment; 8) Provide alternative exterior materials and colors for the new walls.

Commissioner Rodriguez provided the following comments:

- The percentage of commercial space is a policy discussion and could be addressed through a Condition of Approval.
- The bathroom locations are a Building Permit issue.

- Location of the art areas, the gate opening, and plans for the lighting could be Conditions of Approval.

Commissioner Gonzales-Parber provided the following comment:

- She supports the 50/50 split of commercial and residential.

Commissioner Kehrlein provided the following comments:

- When the commercial space is more than 50% then it is not really an R-2.
- She is comfortable with what the Town feels is appropriate.

Chair Swift provided the following comment:

- She asked the Commission if they had concerns about a living unit (existing) located in Building #6 near the cannabis dispensary. The Commission stated "no".

Commissioner Green provided the following comment:

- He asked the owner to come up with a "tenant handbook" for basic maintenance, behavior, etc.

Chair Swift asked Mr. Ezazi if he would agree to a 90-day continuation of the application as required by the Permit Streamlining Act. Mr. Ezazi stated he was concerned about the welfare of his tenants and he would not agree to a continuation.

Chair Swift asked the Commission if they supported the requirement for a deed restriction on the two low-income units. Principal Planner Neal stated she thought Mr. Ezazi stated the bank would not allow him to have a deed restricted property. Planning Director Berto stated staff would review this assertion. Principal Planner Neal stated this requirement could be voluntary. The applicant has indicated he is willing to keep two low-income units.

Commissioner Rodriguez provided the following comments:

- She is not prepared to go any farther with the only the information that has been provided to date.

M/s, Rodriguez/Fragoso, motion to deny Resolution No. 2019-17 given the comments made by the Commission.

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

NOES: Gonzales-Parber

RECUSED: Newton

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

Planning Director Berto stated staff would submit the Findings for Denial at the next meeting.

The Commission took a 10-minute break at 10:05 p.m.

2. 78 Bay Road; Application #19-16

Request for a Hill Area Residential Development, Excavation and Design Review Permits for a 2,475 square-foot, 3 bedroom, 2 ½ bathroom, single-family residence (existing 374 square foot studio residence will be converted to a legal Accessory Dwelling Unit through the building permit process). The project includes paving and improvement of the existing driveway to current 16-foot width standards (small section narrows to 14 feet as approved by Ross Valley Fire Department); Assessor's Parcel No. 001-093-21; Residential RS-6 Zone District; Leyla Hilmi, Designer; Ann Lockhard and Ted Bender, owners; CEQA categorically exempt per Section 15303(a)

Commissioner Newton took her seat at the dais.

Commissioner Green stated he was recusing himself from this item. He left the dais.

Principal Planner Neal presented the staff report. She noted staff placed a revised resolution on the dais that included the following additional conditions: 1) The geotechnical report shall be updated with updated seismic and other design criteria and recommendations for construction of the residential structure; 2) The building plans will incorporate the recommended debris catchment improvements near the ADU structure as well as new foundation work for the ADU.; 3) The Building Permit submittal for the driveway improvements shall incorporate deep foundation support, adequate debris catchment free board, and other elements as recommended in the recent geotechnical report dated April 22, 2019 by Hertzog Geotechnical Engineering; 4) The driveway improvements shall be completed and signed off by the Town Engineer, the Building Official, and the Ross Valley Fire Department before construction on the house begins.; 5) Road closures shall be noticed in the field a minimum of five days prior to the event and individual written notification shall be delivered to each resident on Bay Road.; 6) A flag person shall proceed any vehicle accessing or leaving the site.; 7) Construction cannot occur during the Spotted Owl nesting season (February 1st and July 31st).

Commissioner Kehrein had a question about the CEQA status of the application. Principal Planner Neal stated it is a single-family residence in a developed area- it is exempt.

Commissioner Fragoso asked if there was a specific location for Spotted Owl nests on the site plan. Principal Planner Neal stated "no".

Commissioner Rodriguez asked if a notice for this hearing was sent to the Marin Bicycle Coalition, the Boy Scouts, and Open Space and if staff received any feedback. Principal Planner Neal stated they do not own property within the 300-foot noticing radius.

Commissioner Rodriguez noted the parcel size and asked if subdivision would be possible. Principal Planner Neal stated a previous owner sought to subdivide the property but found that improvements to the road would be cost prohibitive. This application does not trigger those roadway improvements.

Commissioner Newton had a question about the height restriction on the downhill side of the street on a lot with more than a 10% slope. Principal Planner Neal stated the height limit was 35 feet above grade or three stories. Planning Director Berto stated this project complies.

Commissioner Newton referred to the reference to the Northern Spotted Owl and would like to replace paragraph 17 with paragraph 57 and correct the date- it should read July 31st. She suggested adding a condition requiring a survey for nests of any of the trees that have been approved for removal. Planning Director Berto stated they could add a condition requiring a Spotted Owl survey of the site prior to construction.

Commissioner Newton referred to page 3 of the resolution, #16, and had a question about the amount of grading. Principal Planner Neal stated the condition refers to "major" grading.

Commissioner Newton stated the Tree Committee recommended the preservation of Tree #14, the Coast Live Oak. Principal Planner Neal stated this should be included in the Conditions of Approval. She noted the conditions should be renumbered- Condition #18 should be #1, etc.

Commissioner Rodriguez asked how height was measured. Planning Director Berto read the definition of "height". He noted it could be tricky. Principal Planner Neal noted the project was not even close to the height limit.

Chair Swift opened the Public Hearing.

Ms. Leyla Hilmi, project designer, made the following comments:

- They have tried to place the project on the portion of the site that is already disturbed.
- They are removing few trees for the house- the majority of the trees being removed have to do with the driveway improvements.
- The driveway improvements are required by the Fire Department.
- They are trying to keep the trees, step the project down the hill to keep the height below the maximum, and reduce the impact.
- This is not a huge house.
- There would be no portion of the house that appears to exceed one story when the house is viewed from the access driveway.

Ms. Casey McDonald, Civil Engineer, made the following comments:

- The driveway improvements are being made to meet fire safe standards.
- It is currently susceptible to slides so they are putting in some retaining walls with piers going down to bedrock.
- They are taking the drainage downslope to the house which is the more stable area.
- They will regrade the Iron Springs Road drainage swale so it can collect any new run-off generated by the project and drains properly..
- They are adding a wall to protect the ADU.
- 70% of the off-haul comes from the driveway.

Mr. Shane Deal, Frustuck Avenue, made the following comments:

- He is the contractor for the project.
- The first phase of the project would be the driveway and they would like to get started. They would like to request that the Commission allow the driveway to be sealed with the blacktop after the house is finished and not prior to the start of construction because the construction equipment and vehicles can damage that top layer.
- Building a driveway does not create a lot of noise.
- They will have a short building window.

Chair Swift asked if the existing cottage has been lived in since it was bought in 2007. Mr. Bender stated it was rented before 2007, and the owners indicated that they have been to the site every day since they purchased it and

Commissioner Rodriguez referred to Sheet C3 and asked Ms. McDonald about the building in the middle of the lot. Ms. McDonald stated that was a deck that was being removed. Commissioner Rodriguez asked why the access was not from the shorter distance- Iron Springs Road. Ms. McDonald stated slope there was too steep to meet fire safe standards for an access driveway.

Commissioner Rodriguez asked Ms. Hilmi what part of the project would be affecting the tree they are trying to save. Ms. Hilmi referred to the site plan, Sheet A0.1, and stated the footprint of the house was shown as a dotted line. Commissioner Rodriguez stated this was not sufficient to show what was affecting the tree. Ms. Hilmi stated it was difficult to show the position of the tree and the building at the same time. Commissioner Rodriguez stated Sheet MEP.1 seems to depict steps. Ms. Hilmi stated there were steps up to the house.

Mr. Bender stated they were not opposed to trying to keep the tree as recommended by the Tree Committee. Principal Planner Neal stated the arborist identified this Live Oak as needing to be removed to create defensible space for the house. Planning Director Berto stated they could add a condition that the Fire Department should verify that the tree needs to be removed.

Commissioner Newton asked Ms. McDonald if the MMWD water tank access road was getting public use. Ms. Ann Lockhart stated that was an easement on their property to the water tank. The tank is on their neighbor's property and there are no trails in that area and no public use.

Commissioner Gonzales-Parber asked if the building would have a fire sprinkler system. Ms. Hilmi stated "yes, along with the existing small cottage". Commissioner Gonzales-Parber asked if the property was in the WUI. Ms. Hilmi stated "yes".

Chair Swift asked if the Fire Department reviewed the Vegetation Management Plan. Ms. Hilmi stated "yes, and they approved it". The plan does not include Tree #14 and the plan would be reassessed if they try to keep it.

Commissioner Rodriguez asked if the applicant agrees to the staff's revised Conditions of Approval. Ms. McDonald asked about modifying Condition #53 pertaining to the driveway materials. Planning Director Berto stated they would need to talk to the Fire Department.

Chair Swift closed the Public Hearing.

Commissioner Gonzales-Parber provided the following comments:

- This is a great project and they have done a great job addressing the topography.
- They were successful in breaking up the massing.
- There are a lot of questions they need to ask about the timing of the construction schedule.
- This is a very thorough submittal. They did all their homework for the earthwork.
- She supports the project as presented.

Commissioner Kehrlein provided the following comments:

- She agreed with Commissioner Gonzales-Parber's comments.
- She is concerned about the building color- the white might be too visible.

Commissioner Fragoso provided the following comments:

- This is a very attractive design. They did a nice job scaling it.
- The plans are very well done.

Commissioner Newton provided the following comments:

- She agreed with Commissioner Kehrlein's concerns about the white color.
- She is comfortable with the project subject to the changes to the resolution.

Commissioner Rodriguez provided the following comment:

- She agreed with Commission Newton.

Commissioner Kehrlein asked for clarification on the colors. Ms. Hemi stated the idea was that the main level would be the lighter color with the colors getting darker moving down the building. They do want some contrast. It is not a bright white but rather a creamy white. Commissioner Kehrlein asked if there would be a grey between the white. Ms. Hemi stated that was an option. Commissioner Gonzales-Parber stated they could leave it to staff and bring it one shade down overall. Ms. Hemi agreed.

M/s, Rodriguez/Newton, motion to adopt Resolution No. 2019-21 with the following changes: 1) Under the first "Whereas" replace 2,954 square feet with "approximately 2,975"; 2) Replace Condition #17 with Condition #57 with a change in the date from July 1st to July 31st and the addition of a sentence that would require the applicant's biologist to work with and obtain approval from the California Department of Fish and Wildlife to develop a work schedule and give the Planning Director the authority to sign off on the work schedule.; 3) Condition #18 shall be renumbered Condition #1 (and so forth) and shall be amended to say that the Arctic White color on the material

board shall be replaced with an earth toned color to be approved by the Planning Director; 4) Condition #19 (j) shall be modified to include: "The applicant shall attempt to maintain and preserve Tree #14 subject to Fire Department approval"; 5) Add a condition saying that all exterior lighting shall be Dark Sky compliant, downward facing, and the minimum necessary for adequate safety and visibility; and the additional conditions presented by staff in the supplement.
AYES: Fragoso, Kehrlein, Gonzales-Parber, Newton, Rodriguez, Chair Swift
RECUSED: Green

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

The Commissioner took a 10-minute break at 11:55 p.m.

Commissioner Green took his seat at the dais.

Discussion Items

There were no discussion items.

Minutes

3. Minutes from the November 21, 2019 Commission meeting.

M/s, Newton/Green, motion to approve the November 21, 2019 minutes as corrected.
AYES: Fragoso, Gonzales-Parber, Green, Kehrlein, Newton, Rodriguez, Chair Swift

Election of New Planning Commission Chair and Vice Chair

M/s, Swift/Newton, motion to elect Commissioner Green as Chair.
AYES: Fragoso, Gonzales-Parber, Green, Kehrlein, Newton, Rodriguez, Chair Swift

M/s, Fragoso/Gonzales-Parber, motion to elect Commissioner Rodriguez as Vice Chair.
AYES: Fragoso, Gonzales-Parber, Green, Kehrlein, Newton, Rodriguez, Chair Swift

The Commission thanked Chair Swift for her service last year. Commissioner Green commented on her copious notes.

Planning Director's Report

Planning Director Berto reported the Town Council adopted the Urgency ADU Ordinance and the first reading of the Regular ADU Ordinance. The Council shared the Commission's concerns about the fire safety impacts and gave specific direction to staff on how to work with the Commission on what is being called the "third" ordinance (a revised Regular Ordinance). He noted the ordinance has to be vetted by HCD. Everyone recognizes that the State's "one size fits all" approach does not work for a Town like Fairfax that has unique characteristics. He reported staff will start to work on revisions to the Housing Element which will include meetings with the Affordable Housing Committee and perhaps the County. Staff does not know what the RHNA numbers will be for the next cycle. The County's Objective Development and Design Standards group will be making a presentation in Fairfax very soon. Staff will also be working on an Inclusionary Housing Ordinance that will be reviewed by the Commission.

Chair Swift asked when the current Housing Element expired. Planning Director Berto stated in 2022.

Chair Swift asked if any new applications have been submitted for a cannabis dispensary. Planning Director Berto stated "no".

Commissioner Comments and Requests

Chair Swift reported Fairfax has a California State Historic Landmark (#679)- the home of Lord Snowden Fairfax. She asked the State to send her a copy of the application

Commissioner Green reported the renovation of the Parkade was impressive but there was an existing problem that was not fixed. There is a piece of sidewalk near the flashing lights by the Barefoot Café that ends abruptly- it is hazardous. What is needed is three more feet of concrete. Principal Planner Neal stated she would notify the Public Works Department. She mentioned that residents can also do this type of notification on the Town Website. She noted a photograph would be helpful.

Commissioner Gonzales-Parber asked for an update on the Council discussion about the Striping Project on Cascade Drive. Planning Director Berto stated a community meeting was planned for this coming Saturday at 10:30 a.m. at the Women's Club.

Commissioner Newton asked about the timing for the Commission's work on the "third" ADU Ordinance given the possible cannabis applications that might be submitted, the Marinda Heights Project, etc. Planning Director Berto stated he was not sure how long HCD would take to review the ordinance. Commissioner Newton stated Mr. Frank Egger submitted some information to the Council and she wanted to make sure it was forwarded to the Commission.

Commissioner Newton referred to the Housing Element revisions and noted the General Plan can be revised up to four times a year and asked why they do not do this to address insufficiencies. She wants to put together a team to accomplish this by the end of 2020.

Commissioner Fragoso stated tonight's staff reports were excellent! She thanked them for their great work.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 12:05 a.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary