

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES  
VIA TELECONFERENCE DUE TO COVID-19  
THURSDAY, JANUARY 21, 2021

Call to Order/Roll Call:

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

Commissioners Present:                    Norma Fragoso  
   Philip Green  
   Mimi Newton  
   Michele Rodriguez (Chair)  
   Cindy Swift

Commissioner Absent:                    Esther Gonzalez-Parber

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

**APPROVAL OF AGENDA**

M/s, Fragoso/Green, motion to approve the agenda as submitted.

AYES: Fragoso, Green, Swift, Chair Rodriguez

ABSENT: Clark, Gonzalez-Parber, Newton

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

There were no comments.

**CONSENT CALENDAR**

There were no Consent Calendar items.

**PUBLIC HEARING ITEMS**

- 1. Georeferenced Version of the 1974 Visual Resources Map; Discussion/Consideration for acceptance of a georeferenced version of the 1974 Visual Resources Map, with its designated Ridgeline Scenic Corridor, to be used as the basis for determining which parcels lie inside or outside of the Ridgeline Scenic Corridor**

Planning Director Berto presented the staff report.

Commissioner Swift referred to Attachments A and B and asked why the titles refer to “ridges” and not “ridgelines”. She asked why the legend in Attachment B does not include the ‘visually significant areas’. Planning Director Berto stated staff could change the language from “ridge” to “ridgelines”. Attachment B is a “zoomed in version” for clarification sake. Commissioner Swift asked if Attachment A would be the only map publicly utilized. Planning Director Berto stated “yes”.

Commissioner Green stated the language should conform to the Ordinance- “ridge” should be “ridgeline”

Commissioner Fragoso asked if the maps include the full horizontal and vertical distances as specified in the original Ridgeline Ordinance even though some go into the peneplain. Planning Director Berto stated the maps avoid the extension into the flat land areas. Commissioner Fragoso agreed with that approach and the idea of “splitting the baby”. Attachment A gives staff a workable solution to identify the exact location of an applicant’s property. Additional work on this map might be appropriate during the General Plan Update.

Chair Rodriguez stated the December 17<sup>th</sup> Commission packet included a variety of maps/attachments. She asked if the only change from the authentic 100-foot distance was at Sir Francis Drake Boulevard where it is squared off. Planning Director Bert stated the squared off lines terminate above the peneplain. Chair Rodriguez asked if the authentic lines (blue and pink) have been modified on this map. Planning Director Berto stated he would need to check with the GIS consultant but he thought all the ridgelines were the authentic terminus of those locations. Chair Rodriguez stated this adds more protection than the 1974 map because it reflects the blue and pink areas. She supports the approach.

Chair Rodriguez opened the Public Hearing.

Mr. Frank Egger, Meadow Way, made the following comments:

- He asked which attachment was the 1974 map. Planning Director Berto stated it was Attachment C.
- He asked if any structure would be allowed in the green area. Planning Director Berto stated he would have to refer to Chapter 17.060 which includes the specific determinations that have to be made.
- He referred to the 100 plus acres above Marinda Oaks and stated the prior owner (Dr. Wall) agreed that no development should be allowed within the Ridgeline Scenic Corridors.
- He asked if structures would be allowed in the blue areas. Planning Director stated the same regulations would apply.
- The application on Ridgeway was an infill lot. He referred to the Marinda Heights Project (a.k.a. Wall Property) and stated there was no development up there. There is enough land to move the structures out of the RSC.

Chair Rodriguez closed the Public Hearing.

Chair Rodriguez provided the following comments:

- It seems a majority of the Commission agree that Attachment A is appropriate.
- Staff should come back with distinct areas of the Town.
- She is not sure that the language of protection in the RSC Ordinance is doing what it says.

Commissioner Fragoso provided the following comments:

- The intent of the map is not to restrict how the ordinance is read but to clearly identify the 100 and 150 foot horizontal and vertical distances.
- This is a wonderful solution. She is very happy with it.
- She supports this and would like to move forward.

Commissioner Green provided the following comments:

- He agreed with Commission Fragoso.
- This is a good practical solution.

Commissioner Swift provided the following comments:

- She cited the definitions contained in the Appendix “A” excerpt that discusses Visual Resources Map No. 9 of the 1974 Conservation Element and the Ridgeline Development Code.

- Visual Resources Map No. 9 has taken into consideration the 150-foot horizontal from the ridgeline and the 100-foot vertical.
- The new maps have areas in pink representing 100-foot vertical distances from ridges that extend beyond the 150-foot horizontal from the ridgeline. This is not in the Ridgeline Development Code. They are both encompassed in the green area along the major ridgelines.
- She does not agree with extending out the 100-foot vertical beyond those areas that are on the original map.
- She does not agree with mapping that only considers things that are in the Town limits.
- She is opposed to making changes to only one section in a piece-meal fashion.

Commissioner Fragoso provided the following comments.

- The original dark green in the old map already includes the horizontal and vertical distances.
- The discrepancies in the original ordinance are causing confusion.
- The proposal is stricter.

Chair Rodriguez provided the following comments.

- Two people are accepting the proposal and two are not accepting it.
- Staff can bring more clarification back if they wish.

## **2. 48-52 Bolinas Road; Application # 21-01**

**Request for a Design Review Permit to remove the existing shingled mansard style roof and replace/repair façade of existing commercial building; Assessor's Parcel No. 002-115-15; Central Commercial CC Zone; Leyla Hilmi, applicant/architect; Peter and Norma Lydon, owners; CEQA categorically exempt per Section 15301(a)**

Principal Planner Neal presented the staff report.

Chair Rodriguez pointed out that the color palette was not favored by staff and they are recommending a continuation to allow modifications.

Chair Rodriguez discussed the distinct "village character" of the downtown and stated this design is extremely modern. The design is inconsistent with the General Plan Land Use Policies for the Town Center. Principal Planner Neal stated the Town's records are very spotty and she has no information on what this building looked like in 1924. It has been changed over the years. If it can be shown that there is an historic aspect that is part of the original building then the Commission could ask that it be retained. She cannot identify any feature that dates back to 1924. Chair Rodriguez stated there were two issues- modernization vs. the retention of the "village character" through architectural style.

Chair Rodriguez opened the Public Hearing.

Ms. Leyla Hilmi, architect, made the following comments:

- The current owner's father built the building in the 1940's.
- She discussed a photograph from the 1970's depicting a flat façade and a 1920's deco sign on the top.
- The mansard shingled roof was added in the late 1970's.
- The right side of the building is flat concrete and the left side is plywood and wood framing.
- They are restoring the original 1940's flat façade.
- The awnings will all match.
- There will be a box gutter projecting from the façade giving it some relief.
- The materials will be spark resistant horizontal Hardi planks.
- The original brick will remain a reddish color.
- The wood trim around the windows would remain.

- The upper portion of the building would be painted.
- The grey color would be lighter than the adjacent building.
- They are trying to appeal to new tenants and a neutral backdrop would work with any business logo.
- They are trying to refresh the building.

Commissioner Swift asked for clarification on the proposed colors. Ms. Hilmi stated they are proposing the pewter color. The windows will not be painted and will remain a natural wood. Commissioner Swift asked if the vertical beams would be painted pewter. Ms. Hilmi stated “yes”.

Commissioner Green noted the entry to the downtown contains warm colors and he asked if it would be possible to duplicate this historic Fairfax “look and feel”. Ms. Hilmi stated they did look at a blue color but wanted to appeal to a wide range of possible tenants. They are trying to go with neutral colors. The neighboring buildings are grey and the proposal would not be out of context with that end of the street.

Commissioner Fragoso asked if they would consider blade signs rather than awnings. They could be modern while giving an historic feel. This would add to the architectural character. Ms. Hilmi stated the owner already has an awning and the awnings help keep the afternoon summer heat from entering the building (they provide shade).

Mr. Frank Egger, Meadow Way, made the following comments:

- He gave a brief history of the building.
- He asked about the ordinance referred to by Principal Planner Neal about removing color approval requirements in the downtown. Principal Planner Neal discussed the ordinance.
- He agreed with Commissioner Fragoso and Chair Rodriguez- the character of downtown Fairfax would change if all the buildings were grey or black.
- The colors should be warmer.

Chair Rodriguez closed the Public Hearing.

Commissioner Fragoso provided the following comments:

- She appreciates the effort to clean up the building.
- The building is “bastardized” and there is nothing there to preserve in terms of structural elements.
- She does not care for the stark grey and black- it is too modern for the historic character of the downtown.
- She opposed a blue color.

Commissioner Green provided the following comments:

- The Design Review criteria mentions that color should be considered in the design review process.
- He would like to see some warm colors.
- He would like to see a continuance.

Chair Rodriguez provided the following comment:

- There is consistency among the Commissioners that they want to see change on this item.

M/s, Fragoso/Green, motion to continue this item to allow the design team to take another look towards bringing more historic character to the design and not creating such a stark and contemporary building. The applicants should consider warmer colors.

AYES: Fragoso, Green, Chair Rodriguez

NOES: Swift

ABSENT: Clark, Gonzalez-Parber, Newton

Commissioner Swift stated the applicants could have addressed the issues with staff without the need for a continuance.

The Commission took a 5-minute break at 8:30 p.m.

### **3. Housing Element Update Work Program Discussion** **Discussion of Work Program on the General Plan Housing Element Update planning for future housing development consistent with State mandates, for the next planning period of 2022-2030**

Planning Director Berto presented the staff report. He asked the Commission to appoint a subcommittee (two Commissioners) to work on the Housing Element Update with two members of the Affordable Housing Committee.

Chair Rodriguez discussed a December 7<sup>th</sup> letter from the Mayor to the Association of Bay Area Governments (ABAG) regarding the methodology used for determining the Regional Housing Needs Assessment (RHNA) numbers and the concerns about fire, water shortages, infrastructure capabilities, etc.

Chair Rodriguez asked what the subcommittee would be doing- a steering committee vs. a working group, how often they will meet, etc. Planning Director Berto stated it would depend on how the Commission envisions the role. The subcommittee could be a working group who would meet with the consultant and report back to the Commission or a steering committee with the Commission taking on a great role in the Public Hearings and public outreach.

Chair Rodriguez asked if staff wanted feedback on the timeline and schedule. Planning Director Berto stated there would be approximately ten meetings in order to discuss a complex and comprehensive process. The workshops will take place in the fall.

Commissioner Swift referred to the Work Program and stated there was no reference to the Safety Element. This will inform what the Housing Element will look like. The Work Program for the Housing Element needs to include the Safety Element work. The two go together. She was not sure about the expectations of the subcommittee. She asked if the Housing Element consultant would be on board by next month. Planning Director Berto stated "yes". The comments about the Safety Element were valid. The County Evacuation Study should be completed by July.

Commissioner Fragoso stated the County is amending their Building and Zoning Codes to incorporate wildfire planning which opens up land use planning strategies. She recommended Commissioner Swift and Chair Rodriguez for the subcommittee.

Chair Rodriguez opened the meeting to public comments.

There were no comments.

Chair Rodriguez closed the meeting to public comments.

Chair Rodriguez provided the following comments:

- The timeline and Work Program need to be tightened up.
- The timeline needs to include the completion of the Historic Inventory and Objective Design and Development Standards process.
- She would like to see a Steering Committee consisting of two Commissioners, two Councilmembers, the consultant, and the Planning Director and a Working Group to discuss fire, transportation, utilities, housing, safety, etc.

Commissioner Swift provided the following comments:

- She asked when staff would need the names of the two Commissioners who would serve on the subcommittee. Planning Director Berto stated they could push this until the February meeting.
- She would be willing to participate in the subcommittee but staff should contact the absent Commissioners.

Commissioner Green provided the following comment:

- He would like this huge discussion posted on and the Website in an easy and friendly manner.

Commissioner Fragoso provided the following comments:

- There are two items she would like to discuss at the next meeting: 1) A review of the previous density bonus requirements, how they are changing with State law, etc.; 2) A review of Green Building Codes.
- She supported Ms. Lisle Blach, a member of the Affordable Housing Committee, to serve on the subcommittee.
- She agreed with Commissioner Green about the need for posting information on the Website. Information needs to be documented on line, in the Town Newsletter, etc.

Chair Rodriguez provided the following comments:

- She would be happy to participate on the subcommittee.

#### **4. Review Commission Draft Work Program and Priorities for the remainder of Fiscal Year 2021 and upcoming Fiscal Year 2022**

Planning Director Berto presented the staff report.

Chair Rodriguez stated she reached out to the Climate Action Committee (CAC) and the Tree Committee and asked them if there were any Work Program items they would like the Commission to consider. One of the goals of the CAC is to reach zero greenhouse gases emissions by 2030. The CAC adopted a resolution proposing an all-electric ordinance for new construction. She would like the Commission to discuss this idea. The Tree Committee wanted a resolution to the issue of a lack of communication and clarity when a Fire Marshal is involved in an application. The other issue involves the removal of trees before the entire planning approval process is over. The other thing that came forward has to do with EV charging and AB 1236 which requires cities to adopt an ordinance to streamline a permit process for EV charging stations.

Commissioner Fragoso stated this is a rigorous Work Program and she does not want to add a lot more items. She does agree with Chair Rodriguez suggestions with respect to greenhouse gas emissions. She would like to see a more participatory relationship with the CAC. New construction should be totally solar, batteries, recycling water, save the owls, etc. This Green Building Code should be incorporated into the new Housing Element and comprehensively into the General Plan.

Commissioner Swift stated the Tree Ordinance and processes should be reviewed comprehensively. The Tree Committee is working on draft changes and on communication with the community. She is not in favor of the Commission doing anything with an all-electric ordinance at this point in time. They have plenty on their "plate". There might be an opportunity to work on some code corrections.

Commissioner Green stated Chair Rodriguez's list of additional items to add to the Work Program is valid. He would like to see the list of Commissioner Swift's code corrections. He would like a presentation from the Town Attorney about the current changes in State law. This might help them with prioritization.

Chair Rodriguez opened the meeting to public comments.

There were no comments.

Chair Rodriguez closed the meeting to public comments.

Chair Rodriguez asked staff to forward the Commissions' comments to the Town Council. She would also like to discuss this again at next month's meeting.

**5. Discussion/Consideration of holding two Planning Commission meetings per month due to upcoming Work Program and expected planning application workload for the upcoming year**

Chair Rodriguez stated this discussion might be premature and they could talk about it when the Work Program becomes clear.

Planning Director Berto was not sure it could wait- that sound they are hearing is the "other shoe dropping". The upcoming tasks are daunting and will require more meetings. The proposed schedule would include the Commission meeting on alternate weeks that the Council is meeting.

Commissioner Fragoso stated it would be helpful for staff to change the Regular meeting to the second Thursday. She asked if the second meeting of the month would be tentatively scheduled.

Commissioner Green stated he would not be able to attend two meetings per month or serve on a subcommittee due to his work load.

Commissioner Swift stated they need to find out which Thursdays would work for each Commissioner. She would like to do what they have done in the past and hold a Special meeting on a topic on a different day if needed.

Chair Rodriguez stated there seemed to be support for changing the Regular meeting date and asked staff to poll the Commission on the what day would work. She was opposed to meeting twice a month.

**MINUTES**

**6. Minutes from the December 17, 2020 Planning Commission meeting**

M/s, Green/Swift, motion to approve the December 17, 2020 minutes as corrected.

AYES: Fragoso, Green, Swift, Chair Rodriguez

ABSENT: Clark, Gonzalez-Parber, Newton

**Planning Director's Report**

Planning Director Berto stated there was no report but he would be happy to answer any questions.

Chair Rodriguez asked if there were any recent appeals heard by the Council. Planning Director Berto stated the Council heard the appeal of the Planning Commission decision for 6 Walsh Lane several months ago.

**Commissioner Comments and Requests**

Commissioner Swift thanked staff for posting information on the Objective Development and Design Standards (ODDS) project on the Town Website. She noted there was a place for people to subscribe to email updates on various topics.

Commissioner Green stated he would like to see some signage around Town about the need to wear a mask. Come on people !

Commissioner Swift stated Commissioners could drop off plans from prior meetings at Town Hall.

Chair Rodriguez asked Commissioner to give some thought to a replacement for the vacancy on the Commission.

Chair Rodriguez asked staff about the new business that is going in where Grilly's used to be. Planning Director Berto stated he was not sure but he would ask Principal Planner Neal.

## **ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:35 p.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary