

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
VIA TELECONFERENCE DUE TO COVID-19
THURSDAY, MARCH 18, 2021

Call to Order/Roll Call:

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

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

Commissioners Absent: Norma Fragoso
Philip Green

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

APPROVAL OF AGENDA

M/s, Newton/Swift, motion to approve the agenda as posted.

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

ABSENT: Fragoso, Green

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

- 1. 1930 Sir Francis Drake Blvd.; Application #20-02**
Request for a Formula Business Conditional Use Permit and recommendations on a Design Review permit, Sign Permit and scoring of a medical cannabis dispensary/adult delivery business permit for recommendation to the Town Council; Assessor's Parcel No. 001-223-10; Central Commercial CC Zone; Element 7 Fairfax LLC, Applicant; Adham Nasser, owner; CEQA Categorically Exempt per Section 15301(a)
This item has been continued off calendar.

M/s, Swift/Newton, motion to continue this item off calendar.

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

ABSENT: Fragoso, Green

PUBLIC HEARING ITEMS

- 2. 48-52 Bolinas Road; Application # 21-01**
Continued consideration of a 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)

applicant/architect; Peter and Norma Lydon, owners; CEQA categorically exempt per Section 15301(a)

Principal Planner Neal presented the staff report. She discussed the revisions to the design.

Chair Rodriguez opened the meeting to public comments.

Leyla Hilmi, architect, made the following comments:

- They focused on the upper section (the mansard shingle structure) which became unsafe.
- Looking at it head on it still looks flat.
- She pointed to the sections that are forward and the middle section that is set back and increases the articulation of the façade.
- They eliminated the awnings.
- They are not doing anything to the areas below.
- The revisions represent a more appropriate modulation of the façade.
- This has always been a simple structure.
- This is a repair project.

Chair Rodriguez asked the reason for the color choice given the colors in the downtown. Leyla Hilmi stated they did not think they had to match those colors and thought they should go with a warmer tone.

Chair Rodriguez referred to the three business names and asked if there was a master sign program. Leyla Hilmi stated it would be up to the individual occupants.

Norma Lydon made the following comments

- She inherited the building from her parents.
- They have prospective local tenants along with long-time tenants.

Richard Hamer made the following comments

- He used to be a tenant in this building and has construction knowledge.
- This is the antithesis of “preserving the funky Fairfax look”.
- The mansard roof was installed in 1982 and was repaired in 1997.
- Making this a flat expanse of whatever color they choose will take the character out of Bolinas Road.

Chair Rodriguez closed the meeting to public comments.

Commissioner Swift provided the following comment:

- She supports the changes to the color and the replacement of the mansard roof.

Commissioner Newton provided the following comment:

- She is not concerned about the removal of the mansard roof or the color.

Commissioner Gonzalez-Parber provided the following comments:

- She asked if the siding was Hardi plank. Leyla Himli stated they decided on the fiber cement siding since it mimics the wood paneling. It is spark resistant and fire safe.
- This is an improvement over what existed years ago.
- Initially she wanted exterior changes to include breaking up the horizontal plane of the facade but does not have any specific recommendations for how to do this.
- The project is addressing safety issues.
- The colors are fine.
- She supports the project.

Commissioner Newton provided the following comments:

- She suggested the following changes to the resolution: 1) On page 1, under the 4th "Whereas", it should read: "The proposal complies with..."; 2) On page 2, the 5th "Whereas" should read "... time of the lead agency's..."; 3) On page 1, under the 6th "Whereas" there are two applicants and this change should also be reflected in #5 on page 2 and throughout; 4) On page 2, #5, the last sentence should say: "... subject to the Town's promptly *notifying the applicants of any said claim, action, or proceeding*".

M/s, Newton/Swift, motion to adopt Resolution No. 2021-01 with the following amendments: 1) On page 1, under the 4th "Whereas", it should read: "The proposal complies with..."; 2) On page 2, the 5th "Whereas" should read "... time of the lead agency's..."; 3) On page 1, under the 6th "Whereas" there are two applicants and this change should also be reflected in #5 on page 2 and throughout; 4) On page 2, #5, the last sentence should say: "... subject to the Town's promptly *notifying the applicants of any said claim, action, or proceeding*".

AYES: All

ABSENT: Fragoso, Green

Chair Rodriguez stated there is a 10-day appeal period.

3. 51 Belle Avenue; Application #20-17

Request for a Conditional Use Permit, Minimum and Combined Side Yard Setback Variance, and Parking Variance to construct a new 330 square foot, single-car garage addition to a 1,017 square foot home; Assessor's Parcel No. 002-214-11; RD 5.5-7 Residential Zone, High Density District; Peter Brandelius applicant/owner; CEQA categorically exempt per section 15031(e)(1).

Planning Director Berto presented the staff report. Staff worked with the applicant last week and it was determined that this item should be continued to a date uncertain.

Chair Rodriguez asked if anyone in the audience would like to speak about this application. No hands were raised.

Planning Director Berto presented the staff report. He noted there was a discrepancy between the architectural plans and the survey.

Chair Rodriguez opened the meeting to public comments.

There were no comments.

Chair Rodriguez closed the meeting to public comments.

Commissioner Newton provided the following comments:

- She referred to the potential to turn an accessory structure into an Accessory Dwelling Unit (ADU) and asked how that might impact this project. Planning Director Berto stated the Commission would be looking at an application for a garage.

Commissioner Gonzalez-Parber provided the following comments:

- She asked if the neighbor to the left (west) has commented on the project. Planning Director Berto stated the project has been modified in response to the neighbor's concern. He is not aware of the neighbor's current position.
- She is concerned about access to the rear yard by emergency personnel.

- There are no openings or articulation on the west side of the garage. It presents and flat unbroken and blank wall towards the neighboring property.
- They are getting close to the neighbors on the west.
- She asked if they have explored putting the garage in the back.
- The lot is very narrow.

Commissioner Swift provided the following comment:

- She will make comments when the application comes back with revisions.

Chair Rodriguez provided the following comments:

- She asked about the standard width and depth for a single parking space (8' X 16", or 9' X 18')
- This is significantly longer and given the stairway she is confused about what is going on.

M/s, Newton/Swift, motion to continue this application to a date uncertain.

AYES: All

ABSENT: Fragoso, Green

4 88 Toyon Road; Application #21-04

Request for a design modification of a previously approved Hill Area Residential Development and Design Review Permit to remodel/expand an existing 1,530 square-foot, 3-bedroom, 2-bathroom, 2-story single family residence into a 2,319 square-foot, 3-bedroom, 2 ½ bathroom, 2-story, single-family residence; Assessor's Parcel No. 003-081-39; Residential Single-family RS-6 Zone; Gregg Foster, owner; Kenneth Holder, Architect; CEQA categorically exempt per Section 15301(e)(1).

Principal Planner Neal presented the staff report. She summarized the proposed changes to the project and the revisions to the resolution as indicated in the staff report (redline) plus the additional conditions: 1) On page 1, the 1st "Whereas" is missing an "e"; 2) On page 1, elimination of the reference to a Tree Permit and an Excavation Permit in the 3rd "Whereas"; 3) On page 8, the addition of Condition #37, "The second story roof deck privacy screen shall be 3 feet six inches in height and structurally extend out from the northeast corner of the building eight feet and the north window in bedroom #2 shall have a lower sill height of six feet above the floor level"; 4) On page 8, addition of Condition #38, "A revised Vegetative Management Plan must be obtained prior to issuance of the Building Permit to include the vegetative headlight screen at the front of the property and if the Ross Valley Fire Department is unable to approve the vegetation at the front then a fencing screen shall be placed in that same location."

Commissioner Swift had a question about Condition #38.

Commissioner Newton asked if there would be a change in the landscaping plan due to the retention of the swimming pool. Principal Planner Neal stated "yes". Commissioner Newton asked if the Floor Area Ratio (FAR) would be 0.14 or 0.16. Principal Planner Neal stated it would be the latter.

Commissioner Gonzalez-Parber asked about the location of the additional square footage. Principal Planner Neal stated they were extending out into the existing upper floor deck area on the second floor and shifting the lower floor living space out underneath the upper floor deck. The only space proposed not in the existing footprint of the house is a small area at the southeast corner where the existing deck jogs in towards the house – this area has been filled in with living space. Commissioner Gonzalez-Parber asked where the excavation was eliminated. Principal Planner Neal stated they were going to excavate under the house. Commissioner Gonzalez-Parber asked about the color change.

Chair Rodriguez opened the meeting to public comments.

Gregg Foster made the following comments:

- He has been working on the headlight screening with his neighbor whose house is 20 feet lower than the subject property's driveway.
- The proposal is for a wood screening which would eliminate the fence height issue.

Chair Rodriguez closed the meeting to public comments.

Commissioner Gonzalez-Parber provided the following comments:

- She appreciated the extra effort.
- The project looks a lot better.

Commissioner Newton provided the following comment:

- "Good fences make good neighbors"!

Commissioner Swift provided the following comments:

- She supports the modified project.

M/s, Swift/Newton, motion to adopt Resolution No. 2021-06 with the following amendments:

1) On page 1, the 1st "Whereas" is missing an "e"; 2) On page 1, elimination of the reference to a Tree Permit and an Excavation Permit in the 3rd "Whereas"; 3) On page 8, the addition of Condition #37, "The second story roof deck privacy screen shall be 3 feet six inches in height and structurally extend out from the northeast corner of the building eight feet and the north window in bedroom #2 shall have a lower sill height of six feet above the floor level"; 4) On page 8, addition of Condition #38, "A revised Vegetative Management Plan must be obtained prior to issuance of the Building Permit to include the vegetative headlight screen at the front of the property and if the Ross Valley Fire Department is unable to approve the vegetation at the front then a fencing screen shall be placed in that same location"; 5) Toyon Road throughout; 6) On page 2, 1st "Whereas", elimination of the reference to the TPP plan dated 2/22/21; 7) On page 8, #35, the date should be 3/9/2020; 8) On page 4, (i) should read *Commissions*'.

AYES: All

ABSENT: Fragoso, Green

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

5. Housing Element Status Update

Planning Director Berto presented a staff report. There is Joint Meeting with the Town Council scheduled for April 21st.

Chair Rodriguez asked about the Ad Hoc Subcommittee. Planning Director Berto stated he met with the subcommittee and had a discussion concentrating on the current Housing Element's major Policies and Goals. There is another subcommittee meeting scheduled. Chair Rodriguez stated these meetings should be open to the public with a posted agenda.

Chair Rodriguez had a question about the rescheduling of the joint meeting. Commissioner Newton discussed her understanding of the reason for the Council's decision

Chair Rodriguez opened the meeting to public comments.

Michael McIntosh made the following comments:

- The Commission should work on the Housing Element and bring it to the Council
- The State is now mandating what should be done.
- The same consultant should be hired to make a presentation to both the Planning Commission and Town Council at the same time.

- Everybody should be on the same page with the paid consultant.

Chair Rodriguez closed the meeting to public comments.

6 Discussion/consideration of draft Ordinance for recommendation to the Town Council for adoption amending Town Code Chapter 17.020, Section 17.020.030 to include a Subsection (C) requiring a design review permit for exterior color changes or significant design changes to any buildings or other structures on commercially zoned properties.

Principal Planner Neal presented a staff report.

Chair Rodriguez stated the Commissions' original concern was the preservation of the historic value of the downtown. She asked what zones this proposal applies to, if any of the Planned Development District (PDD) Zones have a commercial overlay, and about the definition of "significant" is in terms of alterations. Principal Planner Neal stated the original ordinance applied to all commercial zones and PDD Zones and she pointed them out. She stated new construction changes in the PDD are covered in another section.

Planning Director Berto stated this applies to the Highway Commercial (CH), Central Commercial (CC), Service Commercial (CS), and Limited Commercial (CL). Chair Rodriguez asked about the Commercial Recreation (CR) Zone.

Commissioner Newton stated they had the old version of the ordinance and it was difficult to look at this holistically. She suggested the first attachment to the proposed ordinance should be the existing language of the code with the current language and a "redline" to show the addition of Section (C). They should not look at this section in a vacuum.

Commissioner Swift stated they need to figure out the Commissions' intent. She noted there are five Commercial Zones (CH, CL, CR, CC, and CS) each of which has a Design Review Section. They are all basically the same. This issue started out with a concern about the downtown area. She asked about the Design Review language in each of the Commercial Zones as opposed to the Design Review Section language itself. She reiterated that they need to discuss intent.

Chair Rodriguez agreed with the comments made by Commissioner Swift.

Principal Planner Neal stated she was sure that this was originally intended to apply to all the Commercial Zones. The 1986 Design Review Board wanted to review the changes to Deer Park and School Street Plaza.

She is also of the opinion that the Design Review Board wanted this to apply to apartment buildings and multi structure residential developments (Multiple Residential- RM and PDD – condominium projects).

Chair Rodriguez opened the meeting to public comments.

There were no comments.

Chair Rodriguez closed the meeting to public comments.

Commissioner Swift provided the following comments:

- She asked if the RM Zone talks about Design Review. Principal Planner Neal stated "no" but it is included in the Senior Master Plan.
- The Commission started this discussion with the downtown corridor area in mind.

Commissioner Newton provided the following comments:

- She wondered if the intent was to require something that was formerly commercial but is now residential to go through this. Principal Planner Neal stated residences on commercially zoned properties should be subject to Design Review.
- She asked if they add the word “commercial” to the proposal.

Chair Rodriguez provided the following comment:

- They started with a review of the commercial properties downtown and now they are looking at all commercial properties in Town and maybe multi-family. Planning Director Berto stated staff believes this can be a fairly simple change. Principal Planner Neal agreed and stated she see this as being somewhat urgent.

Commissioner Swift provided the following comment:

- She had a question about the UR Zones. Principal Planner Neal stated Design Review Board approval is required in the Ridgeline Scenic Corridor.

Chair Rodriguez provided the following comments:

- She would like to continue this item and ask staff to come back the following: 1) Clarity on the goal; 2) A side by side comparison of the Design Review Ordinance and Section 17.020.030; 3) The triggers (i.e. \$2,500 of improvements, substantial change, etc.); 4) An analysis of the residential side of things.

Commissioner Newton provided the following comments:

- She would like to see in the proposed resolution something that reflects why this is coming forward and a reference made to the error made in 2002.
- She would like to restore it to what it was.

Commissioner Gonzalez-Parber provided the following comments:

- She likes staff’s idea of restoring the code to what it was before and adding the new language at the end regarding the 50% remodel criteria.
- The \$2,500 value is outdated.

Chair Rodriguez opened the meeting to public comments.

Frank Egger made the following comments:

- Somehow a simple amendment to the code to put all the commercial zones back into the Design Review code has gotten off track.
- This should be simple.
- An error was made in 2002 by the codification company.
- The purpose and intent is to cover the color schemes of commercial buildings.

Chair Rodriguez closed the meeting to public comments.

M/s, Swift/Newton, motion to continue this item to the next Planning Commission meeting for deliberation.

AYES: Gonzalez-Parber, Newton, Swift

NOES: Chair Rodriguez

ABSENT: Fragoso, Green

DISCUSSION

7. Discussion of zoning ordinance regarding the boundaries of Ridgeline Scenic Corridors

Planning Director Berto presented the staff report.

Commissioner Newton asked the Commission to imagine standing at the highest point of that Fairfax Ridge and dragging a piece of string 100 feet long and walking down that red line- everything in that area is caught up in that vertical distance.

Commissioner Swift stated if they go down that path they leave the code alone and the Visual Resources Map No. 9 alone. She never agreed to the approach of what that 100-foot vertical meant and that it would go beyond the 150-foot horizontal. It is more the point of what is within 35 feet of the ridgeline when looking at an application. They are really looking at what pokes above that 35-foot measurement.

Planning Director Berto stated the intent is to avoid structures that penetrate the plane of the ridge and to address the increased visual sensitivity of these properties.

Commissioner Newton stated the language in the ordinance talks about the 150-foot horizontal and 100-foot vertical, whichever is greater. This is a tool for staff to advise people whose properties fall within the distance of the ridge that they could potentially build and break that ridge plane.

Commissioner Gonzalez-Parber asked if this is going to be an overlay on the GIS map. Planning Director Berto stated "yes". Commissioner Gonzalez-Parber asked if they could add a cross-hatch in the location of the prohibited areas. Planning Director Berto stated the "no-build" zone will be made clear. Commissioner Gonzalez-Parber stated she loves the map and the colors.

Chair Rodriguez opened the meeting to public comments.

There were no comments.

Chair Rodriguez closed the meeting to public comments.

M/s, Gonzalez-Parber/Swift, motion to direct staff to complete the mapping of the 35-foot vertical and to combine it with the other two maps to come up with a cumulative Ridgeline Scenic Corridor Map for use by the Town.

AYES: Gonzalez-Parber, Newton, Swift

NOES: Chair Rodriguez

ABSENT: Fragoso, Green

Chair Rodriguez stated she voted "no" because she did not think this is the intent of the code and it does not provide adequate protection.

MINUTES

8. Minutes from the January 21, 2021 and February 18, 2021 Planning Commission meeting

M/s, Rodriguez/Newton, motion to approve the minutes from the February 18, 2021 meeting as corrected.

AYES: All

ABSENT: Fragoso, Green

M/s, Rodriguez/Newton, motion to continue the minutes from the January 21, 2021 meeting.

AYES: All

ABSENT: Fragoso, Green

Planning Director's Report

Planning Director Berto reported the Climate Action Committee (CAC) gave a presentation to the Council at its last meeting and he asked the Commission if they would like to receive a similar presentation. Assistant Planner Kara Spencer is moving on and he wished her well in her future endeavors. Staff welcomes comments and questions from the Commission but would prefer that they be sent prior to the meeting date - the earlier the better.

Chair Rodriguez liked the idea of a CAC presentation. The other Commissioners agreed.

Commissioner Comments and Requests

Chair Rodriguez asked if there was room in the 2021 League of California Cities Commissioners' Training session. Planning Director Berto stated "yes"- it is a virtual conference. Chair Rodriguez encouraged Commissioners to "attend".

Commissioner Swift asked about the status of the Annual Update to the Housing Element Report. Planning Director Berto stated the State has pushed the due date back to June. Commissioner Swift asked staff to send the spreadsheet.

Commissioner Gonzalez-Parber stated including paint samples on plans is very helpful.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:40 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

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 17th 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 7th 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