

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
VIA TELECONFERENCE DUE TO COVID-19
THURSDAY, APRIL 15, 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

Commissioners Absent: Esther Gonzalez-Parber

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

APPROVAL OF AGENDA

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

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

ABSENT: Gonzalez-Parber

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

PRESENTATION

1. Presentation from the Fairfax Climate Action Committee (CAC)

Dr. Jody Timms, Chair of the Climate Action Plan (CAP) Update Committee, gave a PowerPoint presentation that included the following: 1) Fairfax Climate Action Plan 2030; 2) 25% Reduction - Early; 3) Resolution 19-04, March, 2019; 3) Proposed 2030 Climate Action Plan; 4) Guiding Values; 5) Emission Trend, Forecast, and State Targets; 6) We beat out last goal- EARLY; 7) Strategy- Fairfax- California; 8) Thoughts on public comments to date; 9) Climate inaction/inadequate action is bankrupting our economy. She answered questions regarding voluntary compliance and incentives, creating an infrastructure conducive to achieving the goal, the disconnect in the County between CAP goals and objectives and local policies.

Mr. Walt Vernon, Chair of the CAC, stated the goal will not be entirely achieved through incentives and voluntary compliance. Aligning follow-through in terms of policy will be important. He discussed the goal of zero emissions by 2030.

Chair Rodriguez opened the meeting to public comments.

There were no comments.

Chair Rodriguez closed the meeting to public comments.

Commissioner Green stated this is a reasonable and implementable plan.

Chair Rodriguez discussed the upcoming Housing Element Update and housing goals and wanted to make sure the CAC was looped into the mailing list.

PUBLIC HEARING ITEMS

- 2. 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 the staff report. She referred to the definition of "significant design element" cited in the staff report and suggested the alternative: "A significant design element alteration is anything that changes the shape, line, color, pattern, or texture of the exterior of a building including changes in any exterior building materials, roof line, window or door shape, size, or location, or changes to awnings."

Commissioner Green liked the suggested language but would add "including, but not limited to..." prior to the list of elements.

Commissioner Swift asked where this language would be inserted in the ordinance. Principal Planner Neal stated at the end of Section 17.020.030 (C).

Chair Rodriguez referred to Section 17.020.040 Design Review Criteria (B) which states "only elements of design which have a significant relationship to exterior appearance of structures and facilities shall be considered, these elements may include height, arrangement on the site, texture, material, color, signs, landscaping". Principal Planner Neal stated this language could be used.

Commissioner Fragoso stated she did not have a problem with Principal Planner Neal's list and noted the Municipal Code is simpler and gets to the point. She asked if they wanted to wait a bit and include the structural elements of the Objective Design and Development Standards (ODDS). Chair Rodriguez stated she did not want to wait and could include that at a later date.

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 likes what they are doing.
- She liked the language with the residential zones added in.
- She wants to make it clear that there are commercial zones throughout the Town not just in the downtown area.
- They are not just focusing on the downtown.

Chair Rodriguez provided the following comments:

- There will now be mixed use properties that will be categorized under the Building Code as commercial.

- She referred to the Resolution, the third “Whereas”, and suggest deleting the words “to building new buildings and...”.

Commissioner Newton provided the following comments:

- She referred to the Resolution, the first “Whereas”, and stated the wording should be “multiple family developments”. The sixth “Whereas” should include the date of Ordinance 688.
- She referred to the Ordinance and stated the first, second, and fourth “Whereas” refers to the small downtown area and she asked if it is saying there is one downtown area and numerous commercial areas. Principal Planner Neal stated that was not her intent. She was trying to use language found in the General Plan and suggested adding an “s” to the word area. Commissioner Newton stated they could delete “downtown” and just reference the areas.
- She referred to Attachment B and stated it should include a timeline.

Commissioner Swift provided the following comments:

- They do not want people to assume that the resolution and ordinance applies only to the downtown corridor. She referred to the Resolution, the first “Whereas” and would like to add the following: “The Town of Fairfax...commercial district *primarily* along...”.
- She referred to the Ordinance, the third “Whereas”, and would like to delete the words “in the downtown commercial zones”, and add the words “including, but not limited to” before “Sir Francis Drake Boulevard...”.

Commissioner Green provided the following comments:

- He would to add the following to the end of the fifth “Whereas” in the Resolution: “The codification company apparently inadvertently removed certain alterations or additional language from the Applicability Section of the Design Review Ordinance”.
- He supported the other revisions.

M/s, Newton/Swift, motion to adopt Resolution No. 2021-04 with the following revisions: 1) The wording in the first “Whereas” should be “multiple family developments”, and should include the following: “The Town of Fairfax...commercial district *primarily* along...”; 2) In the third “Whereas” the following words should be deleted: “to building new buildings and”; 3) Add the following to the end of the fifth “Whereas”; “The codification company apparently inadvertently removed certain alterations or additional language from the Applicability Section of the Design Review Ordinance”; 4) The sixth “Whereas” should include the date (2002) of Ordinance 688; and the following revisions to the Ordinance: 1) In the third “Whereas”, delete the words “in the downtown commercial zones”, and add the words “including, but not limited to” before Sir Francis Drake Boulevard; 2) Add the following sentence to the Ordinance: “A significant design element includes, but is not limited to, height, arrangement on the site, texture, material, color, signs, landscaping”; a chronology should be added to Attachment B.

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

ABSENT: Gonzalez-Parber

3. 45 San Gabriel Drive; Application #21-05

Request for a Conditional Use Permit and a Combined Side-setback Variance to construct a 181 square foot addition/remodel of the second story of an existing 3-bedroom, 2-bathroom residence to provide a study and a third bathroom; Assessor's Parcel No. 001-261-44; Residential Single Family RS 7.5 Zone; Tristan Warren, Architect/applicant; Kevin and Susan Daniel, owners; CEQA categorically exempt per section 15031(e)(1).

Principal Planner Neal presented the staff report. She noted Mr. Tristen Warren is the architect for this project and not Ms. Laura Kehrlein.

Chair Rodriguez asked if it was the architect's idea to do the shadow study. Principal Planner Neal stated the application form requires a shade study but it is often waived by staff.

Chair Rodriguez opened the meeting to public comments.

Mr. Tristen Warren, architect, made the following comments:

- This is a straightforward project- a second floor addition that includes a third bathroom, an office, and expansion of one of the bedrooms.
- They are working with the existing frame of the house (exterior walls).
- The building mass will stay within the existing footprint and height envelope.
- He displayed the design style which would minimize the impact to the rest of the neighborhood.
- They are maintaining the ridge as is and shifting the pitch of the back roof up to gain the one-story at the front and two-story at the back style.
- They raised the eave line only high enough to allow the fenestration for the window- the same head height as the existing windows for consistency (12" between the eave line and the top of the windows).
- They are trying to maximize the usable area in the addition.
- This is not a big house.
- This is an existing non-conforming home.
- They are encroaching into the combined setbacks by a combine four foot three inches out of twenty feet. The building is not in the minimum required five foot setback on either side.
- The shadow study depicts how the structure exists and is proposed and indicates little change or impact from one to the other.
- They did a shadow study on the winter solstice depicting a conforming structure vs. the proposal and it showed no impact.
- The addition will not significantly impact the adjacent parcels.
- He noted the neighbors' support.

Mr. Kevin Daniel, owner, made the following comments:

- A master bathroom is desirable.
- There are two bathrooms which are quite small.
- This does not seem like a big project and would make the home more enjoyable.

Commissioner Fragoso asked if they were maintaining the same side yard setback. Mr. Warren stated "yes". Nothing they are doing will exceed the existing footprint of the building.

Chair Rodriguez referred to the letters of support and asked what documents were provided. Mr. Daniel stated they provided profiles of the house, how the existing structure looks now vs. the proposed structure, and the floor plan.

Chair Rodriguez stated the shadow study was helpful and asked if fewer drawings could have been submitted. Mr. Warren stated they followed the criteria of the Town but showing the winter solstice would have been sufficient.

Chair Rodriguez closed the meeting to public comments.

Commissioner Fragoso provided the following comments:

- Shadow studies are usually very helpful but this was a waste of paper and money. It could have been less voluminous and summarize the impacts in one or two pages.
- She has gone through the plans and does not really understand what has changed. A good site plan would have been helpful.
- She does not have a problem with the nature of the addition.

- She referred to the peak of the roof over the garage and asked if this is a usable space. Mr. Daniel stated it was for storage.

Commissioner Green provided the following comments:

- The project is great. It is brilliant.
- They are improving a house by making the same footprint more usable.
- The plans are great.
- Shadow studies are needed when solar is required and there might be an impact on the neighbors.
- He was in favor of more electronic packets.
- He could approve the project.

Commissioner Swift provided the following comments:

- She supports the project.
- She referred to the Resolution and suggested the following changes: On page 6 it should read Chair, *Michele Rodriguez*.

Chair Rodriguez provided the following comments:

- The architect did a great job with respect to placement and respect for the neighborhood.
- She appreciated the shadow study and agreed there could be a summary.

M/s, Green/Fragoso, motion to adopt Resolution No. 2021-07 with the following correction: On page 6 it should read Chair, *Michele Rodriguez*.

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

ABSENT: Gonzalez-Parber

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

4. Discussion of zoning map of the boundaries of the Ridgeline Scenic Corridor

Planning Director Berto presented a staff report.

Commissioner Swift asked if a parcel that is down sixty feet from the 150 foot horizontal would be captured in the thirty five foot area. Planning Director Berto stated it would not be captured in the 35-foot but it was within the 150 foot horizontal. The map overlays all of those elements. Commissioner Swift stated this approach would not only capture parcels that would be 35-feet down from the ridgeline but also anything that has the potential to cross that 35-foot line.

Commissioner Green referred to the “thumbprint” looking areas that are straight vertical lines and asked what they were. Planning Director Berto stated they are visual resource areas.

Commissioner Fragoso asked what the lines/areas (purple, red, blue, green) at the top of the Glen Drive Ridge represent. Planning Director Berto stated they represent the three RSC types, but focus is on the 35-foot vertical which is the aquamarine area.

Chair Rodriguez referred to Code Section 17.060.030 and the definition (100-foot vertical on the major ridge and 150-foot on a horizontal ridge) and asked if staff is proposing to return with a modification amending this definition to be 35 feet. Planning Director Berto stated not at this time- it would be added to a future work program. Chair Rodriguez questioned how staff would interpret this section. Planning Director Berto stated the 35 foot application provides the most reasonable vertical relationship to the actual defined ridgelines. It is a choice between using the 35-foot measurement or dropping the 100-foot vertical measurement entirely since there is no consensus.

Commissioner Swift reiterated her concern about using the 35-foot measurement and the impact of a potential structure when looking up at the RSC's from different areas in Town. The staff report talks about "broaching the ridgeline". Planning Director Berto stated this is a cumulative approach and staff is trying to add protections.

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:

- The attempt is to provide staff with some practical tools to assist them in reviewing proposals and provide information about what is or is not in what the Ordinance refers to as the "protected areas".
- These tools should be as comprehensive as possible.
- The tools should include the 150-foot horizontal and try to come up with a practical boundary for the vertical.
- She agreed with the concerns about the language in the ordinance.
- They need to amend the Ordinance holistically.
- She is in favor of moving forward.

Chair Rodriguez provided the following comments:

- The way she is interpreting all of this is that there was a 1974 Ridgeline map that was created as an indicator of where the ridgelines existed. The code is a compliment to that map and is what staff would use as applicants come in to determine if a proposal is in the RSC while applying the subsections criteria.
- She sees this interpretation as triggering an amendment to the code to decrease it from 100 to 35 feet resulting in fewer parcels being included.
- She sees the practical concerns of the measurements including a lot of places in Town. This can be corrected by language such as "when it hits the valley floor it is not applicable".
- She does not see a problem with all of those parcels being included.
- She values looking more closely in the cuts, the fills, the drainage, and at the biology and hydrology.
- She is getting lost in the detail of the mapping vs. the value of the ridges.
- She is not in support

Commissioner Newton provided the following comments:

- They could cut the red line off a little sooner so the second lighter color is not included in the Ridgeline Ordinance.
- The 35-foot approach is somewhat random but practical.

Commissioner Swift provided the following comments:

- She saw the 100-foot vertical coming off that 150-foot horizontal.
- She has a problem with the idea that the 100-foot vertical is going to run further out than 150 feet. That is not the definition in the code.
- They are looking at what is impacting significant view corridors.
- She is concerned with just the 35 feet. She asked about a comparison between these parcels and those that are on the list using the traditional method. Planning Director Berto stated the traditional list is obsolete. Digitizing the map and using it against a Marin Map parcel map added over 100 parcels. The 100-foot vertical would add about 2,000 parcels – the entire Town. The 35-foot vertical would add parcels and provide additional protection to what has been used.

Commissioner Green provided the following comments:

- He thanked Commissioner Newton for her work on this and stated she came up with a good solution for now.
- He supported it and wants to see how it works.
- They will need to revisit this issue.
- The 100-foot vertical could include most of the Town and that is a problem.
- The 150-foot horizontal is the limiting factor.
- He supported recommending the last map proposed on an interim basis

Commissioner Fragoso provided the following comments:

- She was concerned during the last review that staff was not incorporated all three of the views and measurements.
- She has always thought that they needed a practical fix to the overreach of the original ordinance.
- This is a tool that allows staff to determine the location of a parcel on the ridge.
- This could be a very good solution.
- The Ordinance could be rewritten when the General Plan is updated.

Commissioner Newton provided the following comment:

- The definition says they should stop at either the 150-foot horizontal distance or the 100-foot vertical, whichever is a greater area.

Commissioner Swift provided the following comments:

- She sees the definition differently. She looks at the triangle piece of it.
- She would like to go forward with this mapping.
- She would like to look at this a year from now.

Commissioner Fragoso provided the following comment:

- This should come back after the Housing Element Update is finished and perhaps after a couple applications have come through.

The Commission took a 5-minute break at 9:45 p.m.

5. Report out from Housing Element Subcommittee

Planning Director Berto presented a staff report.

Subcommittee member Swift stated the BBK PowerPoint presentation that was given at the last Council meeting should be on the Town Website. It would be good to go over the Association of Bay Area Government (ABAG) Regional Housing Needs Allocation (RHNA) process at the joint meeting with the Council because it is not only about providing low-income housing. It was helpful to go through the existing Housing Element since it shows what has and has not changed, assumptions that were made, etc.

Commissioner Fragoso stated she would like to take a close look at the Goals since some were redundant and could be combined into a cohesive strategy. It also contained some unpractical "fluff". The Goals should be more reflective of actual policies and a vision of how they want to do things.

Commissioner Newton referred to the table in the staff report regarding Current and Proposed RHNA numbers and stated they need to look at this without any preconceived ideas. Her goal is to

see workers in Fairfax be able to live in Fairfax. She wants to focus on “low”, “very low”, and “extremely low” categories.

Commissioner Fragoso agreed with Commissioner Newton. She asked if the “above moderate” category was market rate. Planning Director Berto stated “yes”.

Chair Rodriguez referred to the subcommittee’s comments and stated she did not see any safety comments (WUI, flood, evacuation, etc.), the concept of the green infrastructure, or connectivity to public transit/mobility. She referred to Goal H-5 and noted the ban on natural gas should be called an all-electric ordinance. The Racial Equity and Social Justice (RESJ) Committee should also be included in the process.

Commissioner Green stated the affordable housing process cannot favor people who already live in Town but he agreed with the desire for workers to live locally. Work/force housing should be prioritized. The RHNA numbers are very impractical.

MINUTES

6. Minutes from the January 21, 2021 and March 18, 2021 Planning Commission meeting

M/s, Swift/Green, motion to approve the minutes from the January 21, 2021 meeting as corrected.

AYES: Fragoso, Green, Swift, Chair Gonzalez

ABSENT: Gonzalez-Parber

ABSTAIN: Newton

M/s, Swift/Newton, motion to continue the minutes from the March 18, 2021 meeting.

AYES: Fragoso, Green, Newton, Swift, Chair Gonzalez

ABSENT: Gonzalez-Parber

Planning Director’s Report

Planning Director Berto reported he is planning to bring a report on the Objective Design and Development Standards (ODDS) to the Commission at a Special Meeting on May 27th. They have held two subcommittee meetings and progress was made. The recent League of California Cities Conference included some very good information and presentations. The RHNA seminar was very useful.

Commissioner Comments and Requests

Commissioner Swift asked if the Annual Housing Element Report has been submitted. Planning Director Berto stated “yes”. Commissioner Swift asked for a copy.

Commissioner Swift asked for clarification on whether or not a Commissioner who missed a meeting could vote on those minutes or should abstain.

Commissioner Swift stated the Commission was supposed to review the application for School Street Plaza a year after its submittal. She would like a report from staff on the status. Planning Director Berto stated permits were pulled and work is being done. Much of the “bootlegged” work has been legalized.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:36 p.m.
Respectfully submitted,

Toni DeFrancis,
Recording Secretary

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
VIA TELECONFERENCE DUE TO COVID-19
THURSDAY, MAY 20, 2021

Call to Order/Roll Call:

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

Commissioners Present: Norma Fragoso
Esther Gonzalez-Parber
Philip Green
Robert Jansen
Mimi Newton (Acting Chair)
Cindy Swift

Commissioners Absent: Michele Rodriguez (Chair)

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

APPROVAL OF AGENDA

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

AYES: Fragoso, Gonzalez-Parber, Green, Jansen, Swift, Acting Chair Newton

ABSENT: Chair Rodriguez

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

SWEARING IN

Ceremonial swearing in of Robert Jansen, the new Planning Commissioner

Planning Director Berto administered the Oath of Office to newly appointed Commissioner Jansen.

PUBLIC HEARING ITEMS

1. 150 Madrone Road; Application #21-06

Request for a Use Permit and a Front Yard Setback Variance to construct a 141 sq. ft. storage room addition to an existing 2,877 sq. ft. single family residence; APN 003-164-06; Residential Single Family RS 6 Zone; Surane Gunasekara, designer; Brian Fleischer, owner; CEQA categorically exempt per Section 15301(e).

Principal Planner Neal presented the staff report. She pointed out the following correction to the Resolution: On page 2, under the “Whereas”, it should be noted that the plans were received on April 8, 2021 and not 2020.

Commissioner Fragoso referred to page 2 of the staff report and asked if the existing front setback was zero (0) feet. Principal Planner Neal stated “yes” the parking deck extends over the property line to the edge of the road.

Acting Chair Newton opened the Public Hearing.

Ms. Surane Gunasekara, designer, made the following comments:

- He showed a video of what the occupants need to go through to get to the storage area.
- The plan is to create easier access to the storage.

Commissioner Green asked if this is an unfinished storage room and if the plans include installing an interior wall. Ms. Gunasekara they are putting in a wall to define the space that is within the property. This will include dry wall and some lighting.

Commissioner Green asked if this space would be used for sleeping. Ms. Gunasekara stated “no” it would be used for storage.

Commissioner Gonzalez-Parber asked what they planned to do with the existing entrance and if they plan to remove the stairs. Ms. Gunasekara stated the stairs will be removed but the door would remain.

Mr. Sahard, Madrone Road, made the following comment:

- He supports the project.

Acting Chair Newton closed the Public Hearing.

Commissioner Fragoso provided the following comment:

- This is a lovely set of plans and easy to walk through.

Commissioner Green provided the following comments:

- This is a great project and not that big.
- He could approve the project
- He referred to the resolution and suggested the following revisions: 1) On page 1, under Conditional Use Permit, it should read, “The approval of... *in consideration of that the window is not the only change but the only visible one*”; 2) On page 2, under Conditional Use Permit #1, it should read: “The addition will result in the installation of only one window...”;

Acting Chair Newton provided the following comments:

- She referred to the resolution and suggested the following revision: 1) On page 1, under Conditional Use Permit, is should read “The approval...because the only *visible* change...”.

M/s, Swift/Fragoso, motion to adopt Resolution No. 2021-06 with the following revisions: 1) On page 2, under the “Whereas”, it should be noted that the plans were received on April 8, 2021 and not 2020; 2) On page 1 under Conditional Use Permit, is should read “The approval...because the only *visible* change...”

AYES: Fragoso, Gonzalez-Parber, Green, Jansen, Swift, Acting Chair Newton

ABSENT: Chair Rodriguez

Acting Chair Newton stated there was a 10-day appeal period.

2. 85 Bolinas Road; Application #21-07

Request for a Sign Permit for a free-standing, business directory sign for the Commercial Building at 85 Bolinas Road; Assessor's Parcel No. 002-122-47; Central Commercial Zone; Bob Sanders, applicant; Harry Hunt, Bolinas Partners LLC, owners; CEQA categorically exempt per section 15311(a).

Principal Planner Neal presented the staff report.

Commissioner Swift referred to the right side of the driveway and asked if the temporary real estate leasing sign was permitted. Principal Planner Neal stated it was temporary and exceeds the permitted square footage.

Commissioner Fragoso asked if there were discussions about placing the proposed sign to the far right closer to the street. She is concerned about the proximity to the Redwood trees. Principal Planner Neal stated it is within the purview of the Commission to require relocation of the sign.

Commissioner Gonzalez-Parber asked about the "box" on the right hand side of the driveway and whether it could be moved. The sign could be moved closer to the street. Principal Planner Neal stated she thought it was an electrical vault.

Commissioner Gonzalez-Parber asked if Fairfax has a Dark Sky Light Ordinance. Principal Planner Neal stated "no".

Commissioner Jansen asked if there was data regarding the actual light output and the light color temperature.

Acting Chair Newton asked if the signage could be put on the building itself. Principal Planner Neal stated that might be difficult given the building overhang, windows, visibility, etc. Planning Director Berto stated it was standard for multi-tenant buildings to have monument signs.

Commissioner Green stated Condition #8 should include a requirement that the arborist report be submitted to the Commission prior to any work being done. Acting Chair Newton agreed.

Acting Chair Newton opened the Public Hearing.

Mr. Robert Sanders, applicant/designer, made the following comments:

- The building has been painted and updated.
- The existing sign is in an odd place and needs replacing. It is not very readable.
- The design of the sign is very simple with a nice color scheme.
- He understands the issue with the Redwoods but they are pretty far from the sign.
- The sign would require two little post holes.
- He agreed that they should get guidance from the arborist.
- They are proposing a nice warm wash of three thousand on the lighting (not blue LED).

Mr. Harry Hunt, owner, made the following comments:

- The building needed a lot of work.
- He wants the arborist to approve the placement.
- They could live with downlight as opposed to up lights.
- The canopy from the Redwoods would prevent any light pollution.
- The box is a water main and cannot be moved.

Commissioner Green asked if the sign is intended to be visible to people walking and driving by. Mr. Hunt stated "yes".

Commissioner Swift asked about the real estate sign. Mr. Hunt stated it will be removed.

Ms. Debra (Dee Lee) Benson, Cascade Drive, made the following comments:

- She was glad there is concern about the Redwoods.
- The resolution should include a provision that if there is any possibility of harm to the trees then the sign should be relocated.
- She also wants to see language requiring the applicant to retain the services of a certified arborist.
- The sign could be moved forward using the post holes that have been dug for the fence.
- She was glad that attention is being paid to the intensity and temperature of the lighting.

Mr. Harry Hunt, owner, made the following comments:

- They want to work with the Town and the community.
- They can make this work.
- They will consult with a certified arborist.

Acting Chair Newton closed the Public Hearing.

Commissioner Swift provided the following comments:

- She is concerned about the size and placement of the sign.
- The footings are two feet in diameter and two feet deep. Redwoods have shallow roots that go out horizontally.
- She cannot make the Findings.
- There is space on the right side of the driveway for the sign.

Commissioner Gonzalez-Parber provided the following comments:

- It is a beautiful sign but big.
- She would like to see downlights and Dark Sky lights.
- These are big footings.
- She is worried about the trees.
- She could see locating a smaller sign at the right hand side of the driveway rotated at a diagonal.
- She had a question about the number of tenants in the building vs. the number of spaces on the sign. Principal Planner Neal stated there were 14 tenants and 12 spaces on the sign.
- She would like to see the arborist report prior to her approval.

Commissioner Green provided the following comments:

- An 8' X 8' sign needs more thought and should be scaled down.
- The spaces on the sign depicting vacancies should say "Welcome to Fairfax" or "Have a Good Day".
- They must save the trees.

Commissioner Jansen provided the following comments:

- He agreed with Commissioner Green.
- Information is missing- placement of the sign, scale of the sign, lighting of the sign.
- The sign is well designed.

Commissioner Fragoso provided the following comments:

- She agreed with the concerns expressed by the Commissioners.

- She would like to see dimensions from the closest tree to the edge of the fence and the location of the posts.
- She would like to see the eight foot dimension from ground level.
- She would like to see the arborist report prior to approval.
- She likes the sign.

Acting Chair Newton provided the following comments:

- The drawing with the dimensions indicates a square sign (96" X 96") two feet back from the fence.
- They are asking for something that would entail breaking the ground surface to determine if the location of the posts is appropriate. This is inefficient.
- There are options: 1) Send it back to staff and require an arborists report prior to it coming back to the Commission; 2) Revise the parts of the resolution that talk about the roles that the arborists will play; 3) Have someone on site during sign installation to observe the excavation and make sure the sign is constructed to minimize impacts to the roots; 4) If they are unable to protect the trees the application would come back to the Commission.
- She referred to the resolution and suggested the following changes: 1) On page 3, Condition #8 should read: "Prior to submittal...shall obtain a *certified* arborist... The *tree assessment and tree protection plan* report...submittal for approval by the Town Arborist. The Town Arborist shall be on site...Once construction... the *applicant's* arborist shall provide..."

Commissioner Green provided the following comments:

- He was not sure it was feasible to have the arborist on site at the time of installation.
- The arborist should submit a report to staff who could decide whether it needs to come back to the Commission.
- He has faith in technology to figure out a way to install the sign.

Commissioner Gonzalez-Parber provided the following comments:

- These are protected trees and it is common to require a protection plan by a certified arborist with regular inspections.
- She would like an arborist on-site. This is standard.

Commissioner Fragoso provided the following comments:

- There must be a way a certified arborist could figure out where the roots are and figure out how close the trench will come to the roots. Planning Director Berto stated this technology exists.
- The Town Arborist should do a peer review and be on site.
- This is a massive structure.
- She referred to the resolution and suggested the following changes: 1) On page 3, Condition #9 should read: " If it is determined by *any* arborist that *any* trees need to be removed...project approval is voided. *The applicant must return if that is the case to the Tree Committee and Planning Commission for approval in concurrence with the arborist*".
- She referred to the resolution and noted Condition #10 should be eliminated.
- This is a beautiful sign.

Commissioner Green provided the following comments:

- He referred to the resolution and suggested the following changes: 1) On page 3, Condition #9 should read: "No trees may be removed. If it is determined...*cannot be adequately protected then the approval is voided*".

Commissioner Gonzales-Parber provided the following comments:

- She referred to the size of the sign and stated she is not making a connection between the dimensions in the photograph.

- She asked if they could add a condition requiring story poles that could be approved by the Planning Department. Acting Chair Newton stated that was unreasonable.

M/s, Fragoso/Green, motion to approve the project with the following revisions to the resolution: 1) Condition #8 shall read: "Prior to submittal...obtain a certified arborist report...The report shall be submitted... *to be reviewed by the Town Arborist prior to Building Permit*. The Town Arborist... not negatively impact *any* tree." 2) Condition #9 shall read: "If it is determined by the Town's Arborist any of the Redwood trees *would be damaged* or need to be removed to facilitate... project approval *shall be voided*". 3) Condition #10 shall be replaced with the following: "Should the Town Arborist determine the sign installation could damage any of the Redwood trees the applicant may resubmit a revised proposal to the Planning Commission within 60 days at no additional cost.

AYES: Fragoso, Jansen, Acting Chair Newton

NOES: Gonzalez-Parber, Green, Swift

ABSENT: Chair Rodriguez

Principal Planner Neal stated the motion fails due to a tie vote.

Commissioner Swift mentioned the real estate sign was in that Redwood area and not quite as large as the proposed sign. She could not make the findings. There is room on the right side of the driveway for signage.

M/s, Fragoso/Green, motion to continue this item and request that the applicant submit a preliminary arborist report reviewed by the Town Arborist prior to the hearing, install "story poles" in the proposed location indicating the size, provide dimensions on the plans, and provide down lighting (Dark Sky lights) to the drawings with an indication of the temperature. If the applicant can return in 50 days there is no additional charge.

AYES: Fragoso, Green, Gonzalez-Parber, Jansen, Swift, Acting Chair Newton

ABSENT: Chair Rodriguez

The Commission took a 5-minute break at 9:00 p.m.

3. 500 Bolinas Road ; Application #21-08

Request for a Use Permit and a Tree Removal Permit to repair/reconfigure/expand an existing 1,763 sq. ft. wrap around deck around an existing single-family residence into a 2,488 sq. ft. wrap around deck; APN 002-051-03; Residential Single-family RS 6 Zone Brian Farnsworth, architect; Jamie Taylor/Linda Anderson, owners; CEQA categorically exempt per Section 15301(e)(1)

Commissioner Gonzalez-Parber recused herself from this item.

Principal Planner Neal presented a staff report. She noted the following additional condition: "The glass guard rail panels must be of a non-reflective material and all exterior fixtures must be Dark Sky compliant, fully shielded, and emit no light above the horizontal plane with no sag or drop lenses, side light panels, or up light panels. The lighting plan shall be submitted with the Building Permit application and approved by the Planning Department prior to issuance of the project Building Permit. The lighting shall not emit direct off site illumination and shall be the minimum necessary for safety". She stated the applicants have indicated a willingness to replace the glass paneling with cable railing.

Commissioner Fragoso referred to Sheet A15 and asked about the "birds nest deck with a big flight of stairs". Principal Planner Neal stated that was the parking deck.

Commissioner Jansen asked if the height of the structure would be 41 feet. Principal Planner Neal stated "yes"- the house was approved with a number of exceptions to the code due to the steep slope. She explained how height is calculated.

Commissioner Jansen stated the calculations for lot coverage on the drawings were not correct. Principal Planner Neal noted parking structures were exempt.

Acting Chair Newton asked about the idea of delaying the planting of trees until the drought is over and noted there might be another solution.

Commissioner Fragoso stated she was not able to do a site visit and asked if the new deck extension that goes over to the hot tub faces down the hillside or up the hillside. Principal Planner Neal stated it extends out from the house- the Bolinas Road hillside is on one side and Cascade Drive and Canyon Road are on the other side. Commissioner Fragoso noted it would be screened by the trees on the ridge.

Acting Chair Newton opened the Public Hearing.

Mr. Brian Farnsworth, architect, made the following comment:

- The project is straight-forward.

Commissioner Jansen stated the existing deck cantilevers off the house and he asked why the one corner has a single large column. Mr. Farnsworth stated the column could probably be eliminated and this area could be cantilevered. Commissioner Jansen stated that the one corner post was the most prominent.

Commissioner Fragoso asked if the upper level and lower level decks circle the entire house. Mr. Jamie Taylor stated "no". He explained how they access the house from decks. They would be happy to use cable railings and non-reflective/glare glass.

Acting Chair Newton asked about the proposal to delay planting. Mr. Taylor stated they would be happy to put up a bond or a donation for trees to be planted elsewhere.

Acting Chair Newton closed the Public Hearing.

Commissioner Fragoso provided the following comment:

- She was initially concerned about the number of trees being removed but realized there were issues.

Commissioner Swift provided the following comment:

- She appreciated the willingness to go with the most non-reflective materials for the deck.

Commissioner Jansen provided the following comments:

- A deck is the only option for outdoor space on a steep, downhill lot.
- He appreciated the comment by the architect about the corner of the deck. He would like to see the elimination of the column.
- The posts should be painted a dark color.

Acting Chair Newton provided the following comments:

- The resolution could be modified to allow for a potential modification to that corner of the deck. Principal Planner Neal suggested the following language: "The support posts for the upper deck shall be relocated as far under the deck as it is structurally possible to be designed by the project

engineer and reviewed and approved by the Town Engineer prior to issuance of the building permit."

- A cash deposit or bond could be submitted until the trees are replanted.

Commissioner Green provided the following comments:

- He referred to the survey asked if the proposed deck encroaches into the Bolinas Road right-of-way at any point. Principal Planner Neal stated the property line is well away from the edge of the pavement and the deck does not project beyond the property lines.
- He supported exploring the relocation of the support posts based on an engineer's review and hiding the post from view. This could be Condition #16.
- The posts should be painted flat black.

Commissioner Swift provided the following comment:

- She suggested the addition of Condition #17 requiring that the glass guard rail panels must be of a non-reflective material. She is concerned about reflection across the valley.
- The posts should be painted a dark color as determined by staff.

Commissioner Fragoso provided the following comments:

- They are getting ahead of themselves by making engineering recommendations.
- The posts should be screened with a dark color.

M/s, Fragoso/Jansen, motion to adopt Resolution No. 2021-10 with the following modifications: 1) The requirement of a tree bond to ensure that the replacement tree requirement can be done at a later date; 2) On page 4, the addition of Condition #16: "Relocating the upper deck support beams further under the deck shall be explored by the project engineer to make them less visible and if it can be done the project plans shall be redesigned accordingly prior to submittal of the construction drawings and Building Permit and shall be approved by the Town Engineer. The posts shall be painted in a dark color as determined by staff". 2) On page 4, the addition of Condition #17: "The glass guard rail panels, with the exception of those located immediately in front of the sliding glass doors, shall be of a non-reflective material as determined by staff".

AYES: Fragoso, Green, Jansen, Swift, Acting Chair Newton

RECUSED: Gonzalez-Parber,

ABSENT: Chair Rodriguez

Acting Chair Newton stated there was a 10-day appeal period.

Commissioner Gonzalez-Parber returned to the meeting.

4. 403 Cascade Drive; Application #21-10

Request for a Use Permit and Design Review for a new 2 story, 1,745 sq. ft., 2-bedroom, 2-bathroom, single-family residence with an attached 467 sq. ft. two-car garage. The residence/garage will replace an existing residence on the site. APN 003-044-10; Residential Single Family RS 6 Zone; Daniel Thompson owner/applicant; CEQA Categorically exempt per Section 15301(e)(1),

Planning Director Berto presented a staff report. He noted the garage and front door will be a natural finish Douglas Fir. He is recommending moving the driveway two feet away from the fence to reduce impacts to the Sycamore tree and delaying the installation of new landscaping due to the drought. He also asked the Commission if they would consider a 3:12 roof pitch as opposed to a 2.5:12 roof pitch.

Commissioner Swift asked about the creek bank height. Planning Director Berto stated it was about 15 feet, maybe a bit taller. Commissioner Swift asked if the Ross Valley Fire Department would require a Vegetation Management Plan. Planning Director Berto stated "yes".

Commissioner Fragoso asked why new homes do not have solar panels and all electric appliances. Planning Director Berto stated this could be addressed by the applicant.

Commissioner Green asked what the finished roof height would be with a 3:12 pitch. Planning Director Berto stated it would be 22 feet 7 inches.

Acting Chair Newton noted the agenda cited an incorrect CEQA categorical exemption (although correct in the staff report) and she asked if this was a problem in terms of the noticing requirements. Planning Director Berto "no"- this is a minor clerical error.

Acting Chair Newton asked about the possibility of asking the applicants to make this structure Junior Accessory Dwelling Unit (JADU) ready. Planning Director Berto stated this was an interesting concept to explore.

Commissioner Gonzalez-Parber stated they should have a plan addressing the landscaping, the irrigation, and exterior lighting. Planning Director Berto stated the applicants could be asked to submit a cash deposit. Acting Chair Newton stated Condition #16 addresses the lighting.

Commissioner Swift stated this is a simple project but is a Design Review application and they did not submit a color board, a landscape plan, a lighting plan. Planning Director Berto stated he sent a color board to the Commission.

Acting Chair Newton opened the Public Hearing.

Mr. Dan Thompson, owner, made the following comments:

- He heard the concerns about the lighting but noted the architect provided some of that information. They are using shielded downlights.
- The Apple tree is paramount to the landscaping. He is not sure what the new landscaping would look like but it would be minimal.
- The front lawn is going away and will be mostly driveway.
- He is open to providing solar.

Commissioner Jansen asked Mr. Thompson if he had contact with the neighbors. Mr. Thompson stated "yes".

Commissioner Gonzalez-Parber stated the landscape design does not have to be detailed but should contain information about what landscaping material exists on the site, where the irrigation might connect to, etc. Same with the lighting. She asked if they could provide this at a later date. Mr. Thompson stated "yes".

Mr. Frank Egger made the following comment:

- The creek setback must be a minimum of 20' from the top of the bank or twice the depth of the bank, whichever is greater.

Ms. Debra (Dee Lee) Benson made the following comments:

- She is glad this is not a mega-house.
- The landscaping has always been minimal.
- She supports this application.

Acting Chair Newton closed the Public Hearing.

Acting Chair Newton provided the following comments:

- She asked about the creek setback issue. Planning Director Berto stated it is the 20' minimum. It is a considerable distance.

Commissioner Gonzalez-Parber provided the following comments:

- Overall this is a good project.
- She supported a 3:12 roof pitch.
- There should be some plants in front of the garage facing the street.
- Sheet A-1 says the setback to the creek is 84 feet.

Commissioner Swift provided the following comments:

- She wanted staff to review the application and the code with respect to the creek setback. Planning Director Berto stated if this is the desire of the Commission then the application should be continued to allow staff to perform this analysis.
- She cited Section 17.040.040, Setbacks, and noted a Variance could be granted.

Commissioner Green provided the following comment:

- He supports a continuance to allow staff to look into the creek setback issue.

Commissioner Fragoso provided the following comments:

- She did not support a continuance due to the creek issue.
- This is a modest house that will be further from the creek than the one recently built in the neighborhood.
- If it becomes a problem during the Building Permit phase then it could be worked out.

Acting Chair Newton provided the following comments:

- The question about whether the project requires a creek setback variance is the critical piece.
- The need to see where the creek setback line is located before proceeding.

Commissioner Gonzalez-Parber provided the following comments:

- She is in favor of a continuance to allow for clarification on the creek setback issue.
- Also important are the issues regarding the roof ratio, landscaping, and the driveway. She did not want to set a precedent by waiving these other standard.
- She is in favor of the project and pleased that it is modest.

Planning Director Berto stated the applicant must agree to a 90-day continuance due to the Permit streamlining Act.

M/s, Green/Swift, motion to continue adoption of Resolution No. 2021-10 to the June 17th meeting pending an examination of the creek setback issue pursuant to Section 17.040.040 and that the applicant also provide all the information with respect to a vegetation plan and further Design Review elements.

AYES: Gonzalez-Parber, Green, Jansen, Swift, Acting Chair Newton

NOES: Fragoso

ABSENT: Chair Rodriguez

The Commission took a 2-minute break.

5. 139 Forrest Ave.; Application #21-09

Request for a Use Permit to remodel an existing 1,326 sq. ft., 2 story, 3 bedroom, 2 bathroom single-family residence to correct dangerous electrical/plumbing resulting

from deferred structure maintenance and to relocate the first floor bathroom to construct a laundry/storage area (no increase in square footage); APN 002-192-51; Residential Single family RS 6 Zone; Kent Matheson, applicant/owner; CEQA Categorically exempt per Section 15301(a).

Commissioner Jansen recused himself from this item.

Principal Planner Neal presented a staff report.

Commissioner Green stated he would like to add the following language to Condition #4 as recommended by staff: "The lighting shall not directly illuminate or extend beyond the site and be dark sky compliant".

Acting Chair Newton opened the Public Hearing.

Mr. Kent Matheson made the following comments:

- The house is dilapidated. He is trying to bring the structure to modern standards and make it safe.
- He plans to preserve the character especially in the details.
- They reached out to the neighbors.

Commissioner Swift asked if expanding the parking was a future plan. Mr. Matheson stated "yes"- he has plans for a parking structure.

Commissioner Gonzalez-Parber asked if they brought the washer/dryer up from below. Mr. Matheson stated "yes"- the previous owner had it in the basement. Commissioner Gonzalez-Parber asked if the basement was slab on grade. Mr. Matheson stated it was a poured concrete retaining wall. They have no plans to develop it into living space but he would like to make it into a workshop.

Acting Chair Newton closed the Public Hearing.

Commissioner Green provided the following comments:

- This is a great and necessary project.
- The house will be brought up to par.

Commissioner Swift provided the following comment:

- She supported the project.

Commissioner Gonzalez-Parber provided the following comment:

- She supported the project.

Acting Chair Newton provided the following comments:

- She appreciated the contact with the neighbors.
- She suggested the following change to the resolution: 1) On page 2, Condition #4, the Dark Sky compliant language should be added; 2) The application number should be changed to 21-09, 3) On page 5, Condition #25, it should read: "...regulations *in effect*..."

M/s, Swift/Fragoso, motion to adopt Resolution No. 2021-11 with the following changes: 1) On page 2, Condition #4, shall read: "All exterior lighting shall be the minimum necessary for safety and be Dark Sky compliant fixtures and direct the light downward. The fixture cut sheets shall be included in the Building Permit submittal and be subject to Planning staff for approval prior to issuance of the Building Permit."; 2) The application number should be changed to 21-09 throughout; 4) On page 5, Condition #25, it should read: "...regulations *in effect*..."

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

RECUSED: Jansen

ABSENT: Chair Rodriguez

Acting Chair Newton stated there was a 10-day appeal period.

Commissioner Jansen returned to the meeting.

6. 204 Scenic Road; Application #21-11

Request for a Use Permit to construct a 63 sq. ft. expansion of an existing approximately 1,150 sq. ft. single-family residence to replace an existing non-building code compliant interior stairway with a code compliant stairway and to construct a partition wall and adjacent hallway area to provide for an existing bedroom; APN 001-025-06; Residential Single-family RS 6 Zone; Lindsay and Eric Bolter, applicants/owners; CEQA categorically exempt per Section 15301(e)(1)

Principal Planner Neal presented a staff report.

Acting Chair Newton referred to the chart on page 2 of the staff report and asked if the project would meet the required front setback. Principal Planner Neal stated the front setback is supposed to be 19 feet and the proposed is 11 feet. Acting Chair Newton asked about the proposed Floor Area Ratio (FAR). Principal Planner Neal stated the existing FAR is 0.16 and the proposed is 0.17. Acting Chair Newton asked about the lot coverage and the height. Principal Planner stated the lot coverage is going from .07 to .08. There is no change in the height.

Commissioner Green referred to the resolution and noted the first "Whereas" should mirror the title.

Acting Chair Newton opened the Public Hearing.

Ms. Lindsay Bolter made the following comments:

- She apologized for not getting the permit before starting the work. They were acting out of desperation.
- The stairs were unsafe and problematic.
- They are not adding any traffic since her husband is doing the work.

Commissioner Gonzalez-Parber referred to the plans and asked if the entrance to the living room is where the addition occurs. Mr. Bolter stated "yes"- the front door is where the stairs used to land on the ground. Ms. Bolter stated it is a "U" shaped staircase and there is a hallway where the old staircase was located.

Acting Chair Newton closed the Public Hearing.

Commissioner Green provided the following comments:

- The project is terrific.
- He is glad they are making the house safer

Commissioner Gonzalez-Parber provided the following comment:

- She is glad they are improving the bedrooms on the first floor.

M/s, Green/Fragoso, motion to adopt Resolution No. 2021-13 with the following change to the resolution: The first "Whereas" should mirror the title".

AYES: Fragoso, Gonzalez-Parber, Green, Jansen, Swift, Acting Chair Newton

ABSENT: Chair Rodriguez

Acting Chair Newton stated there was a 10-day appeal period.

DISCUSSION

7. Housing Element and Objective Design and Development Standards status update

Planning Director Berto presented a staff report.

Commissioner Swift asked if there would be a hard copy of the Objective Design and Developments Standards (ODDS) draft. Planning Director Berto stated “no”- as a color only document it would be too expensive. He noted that he was getting a black-and-white printable version and would make that available as soon as it arrived.

Commissioners Fragoso and Green had a question about upcoming meetings.

Acting Chair Newton opened the meeting to public comments.

There were no comments.

Acting Chair Newton closed the meeting to public comments.

MINUTES

8. Minutes from the March 18, and April 15, 2021 Planning Commission meetings

M/s, Swift/Green, motion to approve the March 18, 2021 minutes as corrected.

AYES: Fragoso, Gonzalez-Parber, Green, Swift, Acting Chair Newton

ABSTAIN: Jansen

ABSENT: Chair Rodriguez

M/s, Green/Swift, motion to continue review of the April 15, 2021 minutes.

AYES: Fragoso, Gonzalez-Parber, Green, Jansen, Swift, Acting Chair Newton.

ABSENT: Chair Rodriguez

Planning Director's Report

There was no report.

Commissioner Comments and Requests

Commissioner Swift asked for a copy of the housing report that was submitted to the State. She reminded the Commission to return project plans to Town Hall.

Commissioner Gonzalez-Parber asked whether 51 Belle Avenue would come back to the Commission. Planning Director Berto stated staff has asked for additional information but it has not been provided.

Commissioner Gonzalez-Parber had a question about mask guidelines.

Commissioner Jansen asked if they can bifurcate an agenda that is over-loaded. Planning Director Berto stated “yes”.

ADJOURNMENT

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

Toni DeFrancis,
Recording Secretary