

DRAFT FAIRFAX PLANNING COMMISSION
SPECIAL MEETING MINUTES
VIA TELECONFERENCE DUE TO COVID-19
THURSDAY, MAY 27, 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

Commissioner Absent: Michele Rodriguez (Chair)

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

APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING

M/s, Green/Swift, motion to approve the agenda and Affidavit of Posting.
AYES: Fragoso, Gonzalez-Parber, Green, Jansen, Swift, Acting Chair Newton
ABSENT: Chair Rodriguez

The Fairfax Planning Commission is holding this workshop to discuss Objective Design and Development Standards and solicit public comment.

1. Introduction by Planning Director

Planning Director Berto presented a staff report and gave a PowerPoint presentation that included the following: 1) Welcome & Introductions; 2) Staff Presentation; 3) Consultant Presentation; 4) Public Comment; 5) Discussion.

2. Presentation by Opticos Design Inc.

Mr. Stefan Pelegrini gave a PowerPoint presentation that included the following: 1) Tool Kit Purpose and what it is designed to do; 2) Project Timeline- Phase 1, Phase 2, and Phase 3; 3) Elements of the Marin Approach- Phases 1 and II; 4) Place Types Atlas; Marin; 5) Place Types Atlas: Fairfax; 6) Existing Conditions Analysis of Fairfax potential sites; 7) Building Types; 8) Objective Standards- Current Zoning Ordinance; 9) Objective Standards- Toolkit; 10) Toolkit Organization (A Menu of Standards); 11) Toolkit Chapters 1, 2- Preamble, Introduction; 12) Toolkit Chapter 3- Zones & Development Standards; 13) Toolkit Chapter 3- Palette of 8 Zones; 14) Toolkit Chapter 4- 10 Supplemental Standards; 15) Toolkit Chapter 4- Specific to Use Standards; 16) Toolkit Chapter 5- General to Design Sites; 17) Toolkit Chapter 6- Building Type Standards; 18) Toolkit Chapter 7- Frontage Type Standards; 19) Downtown Core Historical Review Survey- 2021; 20) Toolkit Chapter 8- Architectural Styles; 21) Toolkit Chapter 9- Signage Type Standards; 22) Toolkit Chapter 10- Large Site Standards; 23) Toolkit Chapter 11- Administration; 24) Toolkit Chapter 12- Definitions; 25) General Options for Implementation; 26) In Customization Phase of Project.

Commissioner Jansen referred to "Toolkit Chapter 3- Zones and Development Standards" and asked if the areas outside of the colored areas would be regulated within this framework. Mr. Pelegrini stated these standards are intended to be applicable only for multi-family and mixed use projects.

Commissioner Jansen asked about the purpose of identifying architectural styles. They do not want to falsify history. Mr. Ed Yarborough stated each community will have a unique toolkit that would provide guidance as to how to respond to existing conditions.

Commissioner Fragoso stated this is a lengthy process and she asked if the Commission will go through this chapter by chapter in July. Planning Director Berto stated the intent of tonight's presentation is to get some preliminary feedback. The subcommittee will have the opportunity to do a "deep dive" with staff and bring a more customized document back to the Commission.

Commissioner Swift asked if a Junior Accessory Dwelling Unit in a single family home would be considered multi-family. She asked about the definition of new construction. Mr. Pelegrini stated the ODDS are designed to accommodate ADUs to the extent they are allowed in multi-family districts. The focus is on multi-family zones and districts where multi-family projects can occur. Commissioner Swift asked if this would apply to a single-family zone that allows a duplex. Mr. Pelegrini stated the duplex in this situation could be subject to SB 35 or the Housing Accountability Act (HAA) and it might be useful to apply these ODDS. Duplexes, under State law, are falling in the multi-family category. The application of these ODDS is clearly oriented towards new construction but they are applicable to alterations and additions of existing buildings. The decision about where and when the ODDS should apply is up to the Town.

Commissioner Gonzalez-Parber asked if this inventory would identify areas where there are housing opportunities (i.e, infill). She asked if anybody was looking into the historic evolution of building types in Fairfax. Planning Director Berto stated "yes"- there will a convergence of this process with the Housing Element Update.

Commissioner Green had a question about process and if the beginning of the document would serve as the choices a developer would be making. Mr. Pelegrini stated "yes"- the tables are intended to provide guidance for applicants. Commissioner Green noted there were a lot of "building types" that have nothing to do with Fairfax. Mr. Pelegrini agreed and stated the intention is that there are a limited number and a range of options to be applied on a given parcel.

Commissioner Jansen asked at what point does the document becomes prescriptive. Mr. Pelegrini stated Chapters 7 and 8 are very prescriptive and the intent is for the developer to choose an architectural style and then adhere to those standards. In some cases there are options such as choosing an eave details or window proportions. The intent is to make sure that adhering to the standards are feasible.

Commissioner Jansen referred to Chapter 11 and asked how an applicant could ask for administrative relief of the prescriptive guidelines. Mr. Pelegrini stated Chapter 11 is tailored to the needs of the community. Communities have different traditions about the level of administrative relief they are willing to give.

Acting Chair Newton stated Fairfax likes to mix the T-1, T-2, and T-3 Zones and has a more natural vibe than the typical suburban area in Marin. She is interested in melding the T-1 and T-2 Zones into the T-3 and T-4 Zones. She wants to avoid "cookie-cutter" architectural standards and she is concerned about prescribing housing that has no imagination. She wants to embrace "wild stuff". Mr. Pelegrini shared the desire for architectural diversity. They need to be mindful of the

appearance of “downzoning” or making changes to the zoning that would result in a compromise to the existing zoning.

Commissioner Green stated Fairfax was surrounded by open space and he discussed the importance of the natural resources. Mr. Yarbrough stated Opticos has done an incredible job in allowing a lot of options including a requirement for open spaces and a relationship to the outdoors especially on the edge residential areas around the downtown.

Commissioner Swift referred to the February date of the Toolkit and asked if this was the generic copy that went to all the jurisdictions. Planning Director Berto stated “yes”. Commissioner Swift asked if the Commission would receive a written report from Mr. Yarborough. Mr. Yarborough stated “yes”- he will provide an historical resource survey. The Commission would come up with a recommendation about the establishment of an Historic District and its boundaries.

Acting Chair Newton opened the meeting to public comments.

There were no comments.

Acting Chair Newton closed the meeting to public comments.

Planning Director Berto stated staff will meet with the subcommittee and begin to pare down and simplify the document. He asked if the Commission wanted to add one more Commissioner to the Historic ODDS Subcommittee. The subcommittee is composed of Commissioners Fragoso and Green and Ms. Cassidy DeBakker. He asked if the Commission had comments on the various Zones, building types, etc.

Commissioner Swift stated she needs more time to review the document.

Commissioner Fragoso stated the subcommittee should include someone with an architectural background. She referred to the Zones and liked the approach of providing graphic images to describe different types of setting and places. She stated the duplexes/triplexes in the courtyard settings would fit in beautifully in Fairfax. They want to sustain the rural environment with walkable neighborhoods. There are opportunities in the commercial zone to bump up one story with mixed use. She supports the form-based design standards with parking, setbacks, height, etc. This is an excellent start.

Commissioner Green stated he would like to see a less generic and more “Fairfax” version. He thought an overlay district might be easier than a rezoning process. He supported an additional subcommittee member, preferably an architect.

Commissioner Jansen stated once the toolkit is adopted the “opposite” might happen- a developer will try to use this to maximize what they want to achieve. The historic context is extremely important. The map indicates areas that are subject to the toolkit and areas that are not and he is concerned there might be a loophole.

Commissioner Gonzalez-Parber stated she needed more time to review the document. She would like to see more of the Fairfax vernacular (natural, woodsy, etc.) included in the report.

Acting Chair Newton supported holding off on honing the document down until they get a better understanding of the toolkit. She reiterated the “cookie cutter” issues and suggested an expansion of Chapter 8. She would like to see a more robust list of architectural styles.

Commissioner Swift asked when the historical report would be released. Planning Director Berto stated he was not sure since the focus has been on getting Mr. Yarborough’s feedback on the

toolkit. Commissioner Swift stated it is important that they get this right and not put something out for expedience sake.

Commissioner Jansen stated he would contact Commissioner Gonzalez-Parber in terms of coordinating the subcommittee duties. He agreed they need to do this right but he asked if an interim stop gap measure was possible. Planning Director Berto stated some jurisdictions in Marin are moving quickly because they see this as a valuable stop gap. He stated it could be adopted soon and the Commission and Council could continue to develop it.

Commissioner Gonzalez-Parber stated would not be able to participate on the subcommittee. She was concerned about the sense of urgency conveyed by Planning Director Berto. They might want to look at this in terms of what they want to avoid instead of what they want to see. They need to look for loopholes and gaps.

Acting Chair Newton asked about the subcommittee's meeting schedule. Planning Director Berto the next meeting is tentatively scheduled for June 10th.

Commissioner Green agreed with Commissioner Jansen and Gonzalez-Parber's concerns about potential loopholes and wanted this issue addressed. He would like to see a "Fairfax" version sooner than later.

M/s, Fragoso/Green, motion to appoint Commissioner Jansen to the ODDS and Historic Subcommittee.

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

Planning Director Berto asked the Commissioners to get back to him about his or her availability for a Special Meeting on July 29th.

The Commission thanked Opticos for the presentation.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:45 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
VIA TELECONFERENCE DUE TO COVID-19
THURSDAY, JUNE 17, 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

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

APPROVAL OF AGENDA

M/s, Fragoso/Swift, motion to approve the agenda as posted.
AYES: Fragoso, Gonzalez-Parber, Green, Jansen, Swift, Acting Chair Newton

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

**1. 403 Cascade Drive; Application #21-10
Continuation of this item until the July 15, 2021 Commission meeting**

Commissioner Swift asked about the timing of this application with respect to the Permit Streamlining Act. Planning Director Berto stated there was no problem.

M/s, Swift/Fragoso, motion to continue this item to the July 15, 2021 Commission meeting.
AYES: Fragoso, Gonzalez-Parber, Green, Jansen, Swift, Acting Chair Newton

ELECTION OF CHAIR/VICE CHAIR

**2. Election of new Chair to replace Commissioner Rodriguez who has resigned and
election of new Vice Chair**

M/s, Fragoso/Gonzalez-Parber, motion to elect Commissioner Newton as Chair.
AYES: Fragoso, Gonzalez-Parber, Green, Jansen, Swift, Acting Chair Newton

M/s, Jansen/Gonzalez-Parber, motion to elect Commissioner Fragoso as Vice Chair.
AYES: Fragoso, Gonzalez-Parber, Green, Jansen, Swift, Acting Chair Newton

PUBLIC HEARINGS

3. 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. The Town Arborist has recommended the following condition: "The applicant shall mark the center of the sign posts, their circumference, and how deep and where the power line for the lighting will be brought from in the field". Staff is recommending the following condition: "Prior to the July 15, 2021 meeting the Town Arborist shall probe the affected areas to determine if any large roots exist in those locations and recommend where the footings and power supply line can be relocated if any large roots are encountered in the field. The sign footings and the electrical supply line installation shall be constructed per this recommendation with the project arborist, Dr. Kent Julin, observing the installation and verifying in writing they were installed per the Town Arborist specifications". She displayed a section of the code that states that a free standing sign should maintain a ten foot setback from the right-of-way. She explained approximately three feet of the sidewalk is on the property and not part of the right-of-way. They are proposing to place the sign five feet from the edge of the right-of-way. The applicants are requesting an Exception from this section of the code. This issue was not included in the staff report or the notice so staff is recommending a continuation so the requested exception can be noticed.

Commissioner Green asked if the sign was eight feet by four feet ten inches. Principal Planner Neal stated "yes".

Commissioner Jansen stated the sign seemed large "on paper" but noted this is a large building. Pushing it back would put it in the trees so it makes sense to put it closer to the public right-of-way.

Commissioner Fragoso asked if the 8' X 8' dimension includes the posts. Principal Planner Neal stated "yes".

Commissioner Swift asked for clarification on the location of the public right-of-way. Principal Planner Neal stated the edge is three feet towards the paved road. The property line is three feet into the sidewalk. Planning Director Berto noted public improvements, like sidewalks, are typically located entirely in the public right-of-way. But in this instance they extend into the private property.

Commissioner Gonzalez-Parber asked about the code section that talks about signage. Principal Planner Neal cited the code sections.

Chair Newton asked if there was a limit on the sign face square footage. Principal Planner Neal stated the Code Section is 17.064.050(c) and stated the total area of the additional sign shall not exceed 100 square feet. The proposed sign face square-footage is 20 square-feet.

Chair Newton opened the Public Hearing.

Mr. Bob Sanders, applicant, made the following comment:

- This is a directory sign being requested by and for the benefit of the tenants at the rear of the building.
- The rendering shows how the sign mass fits in with the large size and design of the 2-story building.
- The heavy posts reflect the architecture. It fits in.
- It is an attractive sign.

- The five foot setback from the front property line is sufficient- the sign is away from the Redwood trees.
- The Exception could be granted.

Commissioner Gonzalez-Parber referred to Attachment B, page 3, second paragraph and asked if the 7.5' and 10' root zone distances apply to both trees. Mr. Sanders explained the distances depicted in the photograph. Principal Planner Neal stated the Town Arborist indicated the sign could be closer to the redwood grove as long as large roots are not cut.

Chair Newton closed the Public Hearing.

Commissioner Green provided the following comment:

- The sign where it is more visible to the traffic driving by.
- It is a bit massive for people walking on the sidewalk.
- Pushing it back further would be good- between two feet and three feet depending on the roots. This could be left to the discretion of the arborist.

Commissioner Swift provided the following comment:

- She could not make the findings in the sign code where the sign is proposed.
- It is too large in that spot and blocks the view of the Redwoods.
- The arborist is going to do more work and they do not know in actuality where the sign would be placed.
- She supports a continuance.

Commissioner Gonzalez-Parber provided the following comment:

- She originally thought the sign was be set back a bit further from the fence. She likes this better.
- She could support the proposed location.
- This is a beautiful sign and fits in with the building and Fairfax.
- Commissioner Green's point about the pedestrian scale is a good one and perhaps the sign could be set three feet from the fence.
- The most stringent determination should govern depending on what the arborist finds during the probe.
- Two feet is ok, three feet is better.

Commissioner Fragoso provided the following comment:

- She has the opposite opinion. She likes it closer to the fence.
- She could support leaving it where it is depending on the findings of the arborist.
- It is a big sign but it is a gigantic building.
- The building sits forward more and the visibility for the sign would be better in its proposed location.
- She could approve the sign location Exception being requested.
- The actual lettering of the sign is about 3' X 6'.
- She was not sure the application had to come back to the Commission.

Commissioner Jansen provided the following comment:

- He is comfortable with the sign design the way it is.
- The design balances all the different interests.
- He could approve it tonight.

Chair Newton provided the following comment:

- The sign is too large.
- It should step back another foot.
- The precise location will be dictated by the arborists probe.

M/s, Fragoso/Green, motion to continue this application to the July 15, 2021, meeting.
AYES: Fragoso, Green, Gonzalez-Parber, Jansen, Swift, Chair Newton

**4. 183 Tamalpais Road; Application #21-12
Request for a Conditional Use Permit and a Combined Side-yard Setback Variance to construct an approximately 173 s.f., upper floor, deck addition to a single-family residence; APN 001-053-18; Residential Single Family RS 6 Zone; Shannon and Justin Sobieraj, applicants/owners; CEQA Categorically exempt per Section 15301(a) and 15305(a)**

Principal Planner Neal presented a staff report.

Commissioner Fragoso asked if the existing residence already has a reduced combined setback. Principal Planner Neal stated "yes". Commissioner Fragoso noted the proposed deck does not reduce it any further.

Commissioner Swift noted the plans should be dated 2020 in the resolution and the second CEQA citation should be eliminated in the staff report. She asked if the project entails the doors to the deck and the outdoor railing. Principal Planner Neal stated "yes".

Chair Newton opened the Public Hearing.

Mr. Justin Sobieraj, applicant, made the following comments:

- The additional living space on the top floor would give the family more room.
- The proposal is the only alternative due to the steep slope of the site.
- They cannot expand the front of the house due to the slope and the house proximity to the parking.
- The six foot privacy screen is a great idea.

Commissioner Green had a question about preventing falls from the deck. Mr. Sobieraj stated the railing would be built to code and would be safe.

Chair Newton closed the Public Hearing.

Commissioner Fragoso provided the following comments:

- The application is clear and straightforward.
- The plans are clear.

Commissioner Swift provided the following comments:

- She suggested the following additional condition: "All lighting shall be dark sky compliant to minimize blue rich lighting and limit light spillage beyond the areas necessary to light the outdoor patio and shall avoid direct outdoor illumination. A Lighting Plan should be submitted with the Building Permit application and approved by the Planning Department prior to issuance of the project Building Permit".

M/s, Fragoso/Gonzalez-Parber, motion to adopt Resolution No. 2021-14 with the correction to the date of the plans as pointed out by Commissioner Swift and the following additional condition "All lighting shall be dark sky compliant to minimize blue rich lighting and limit light spillage beyond the areas necessary to light the outdoor patio and shall avoid direct outdoor illumination. A Lighting Plan should be submitted with the Building Permit application and approved by the Planning Department prior to issuance of the project Building Permit".

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

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

The Commission took a 5-minute break at 8:20 p.m.

**5. Housing Element, Safety Element, and Land Use Element Update
Consideration of public engagement program including online platform, and discussion
of upcoming schedule**

Planning Director Berto presented the staff report.

Ande Flower, representing EMC Planning, and Michele Stevens, representing Bang the Table, gave a PowerPoint presentation that included the following: 1) Housing Element- Update Process; 2) Fairfax Speaks Platform; 3) Estimated Project Timeline; 4) Welcome to Fairfax Speaks- Goal, Promise, 5) Engagement Activities; 6) Milestone Tasks; 7) Take a Survey; 8) Mapping Activity; 9) Photo Contest; 10) Public Meetings; 11) Resource Library.

Commissioner Fragoso had questions about the polling tool and how to indicate multiple priorities.

Commissioner Jansen noted this is a standalone site and he asked why it was not embedded into the Fairfax Website. Planning Director Berto stated staff is treating the Commission as beta testers. There will eventually be links on the Town Website.

Commissioner Green stated he saw a number of red flags including conforming to privacy laws with respect to photographs. The user interface is pretty good. He wanted to see as much participation as possible. Planning Director Berto stated staff is dealing with the privacy law issue.

Commissioner Swift stated the section regarding “process fears” should be done as a survey.

Ms. Stevens stated they were open to feedback.

Commissioner Fragoso stated it is better that this is not an integral part of the Town’s Website. It should be hyper-linked from the Town website.

Commissioner Green suggested using the word “concerns” instead of “fears”. The Town should hang a banner over Sir Francis Drake to get the word out.

Commissioner Jansen asked if there is a reporting format other than just looking at the site. Ms. Stevens stated “yes”.

Commissioner Fragoso asked how long the test version will be available before it is finalized. Ms. Stevens stated this is not a “test” environment but rather a soft launch phase.

Commissioner Fragoso noted this is the early phase and asked if there would be additional surveys, polls, etc. Ms. Stevens stated “yes”.

Ande Flower, representing EMC Planning, gave a PowerPoint presentation that included the following: 1) Town of Fairfax- 6th Cycle Housing Element; 2) Website Introduction; 3) Draft Community Engagement Plan; 4) Engagement Approach- Goal, Promise; 5) Agenda- Community Outreach Program; 6) Outcomes, eight strategy elements, and current status; 7) Goal- trusted relationship; 8) Description- Community Outreach Program; 9) Strategy- purpose, objectives, process, committees and stakeholders, context, risk assessment and mitigation, tools and techniques, reporting, communications and promotion, current status; 9) Public participation discussion focus.

Commissioner Fragoso suggesting including the Chamber of Commerce, MEAC, and Sustainable Fairfax in the process.

Commissioner Jansen asked about the mechanism that would allow people to comment on other people's comments and what would stimulate them to do that.

Commissioner Green suggested a small reward for people who participate- a cup of coffee at a local business.

Commissioner Swift suggested they reach out to the neighborhood groups.

Chair Newton opened the meeting to public comments.

There were no comments.

Chair Newton closed the meeting to public comments.

The Commission thanked the representatives of EMC Planning for the presentation.

MINUTES

6. Minutes from the April 15, 2021 and May 20, 2021 Planning Commission meetings

M/s, Fragoso/Green, motion to approve the April 15, 2021 and the May 20, 2021 minutes as corrected.

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

Planning Director's Report

Planning Director Berto reported the Town Council denied the appeal and upheld the Planning Commission decision on the project at 63 Spring Lane. The Council introduced the first reading of the ordinance pertaining to commercial building colors and exterior changes and discussed excising certain language that could be viewed as having exclusionary connotations. This concept could impact the Commission's work on certain General Plan Elements. He is happy to report that the vacancy on the Commission has been filled. He has been in contact with Opticos to confirm their availability for a meeting on July 29th regarding the Objective Design and Development Standards (ODDS). The ODDS Subcommittee recently met. The sooner the Town gets an ODDS Ordinance on the books, the better.

Commissioner Fragoso asked about the color changes to 19 Broadway. Planning Director Berto noted the ordinance has not been adopted and the soonest it could go into effect would be August 6th.

Commissioner Gonzalez-Parber had a question about the Cascade Canyon Striping Project. Planning Director Berto asked her to send him an email with specific questions.

Commissioner Comments and Requests

Chair Newton asked when the July 29th Special Meeting would start. Planning Director Berto stated that would be up to the Commission. The Commission decided to start the meeting at 7:00 p.m.

Chair Newton asked staff to check on the large temporary sign at 19 Broadway.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:05 p.m.

Respectfully submitted,
Toni DeFrancis,
Recording Secretary