

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.

Ms. Michele Stevens and Andi Flower, representing EMC Planning, 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 would be better if this were not an integral part of the Town’s Website. It should be a hyper-link.

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”.

Andi Flower, representing EMC Planning, gave a PowerPoint presentation that included the following: 1) Town of Fairfax- 6<sup>th</sup> 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 for 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 29<sup>th</sup> 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 6<sup>th</sup>.

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 29<sup>th</sup> 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