

FAIRFAX PLANNING COMMISSION  
SPECIAL MEETING MINUTES  
VIA TELECONFERENCE DUE TO COVID-19  
THURSDAY, AUGUST 12, 2021

Call to Order/Roll Call:

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

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

Staff Present: Ben Berto, Planning Director

**APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING**

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

- 1. Discussion of Housing Element site selection process and options. Items to be discussed include hazards, evacuation, zoning, Association of Bay Area Governments Housing Element Site Selection (HESS) Tool, and outreach and engagement efforts and strategies, including demonstration of an interactive public preference site selection tool scheduled to go online in the near future.**

Planning Director Berto presented a staff report.

Andy Flower, representing EMC Planning Group, gave a PowerPoint presentation that included the following: 1) Planning Commission 6<sup>th</sup> Cycle Housing Element; 2) Site Analysis is in Process; 3) ABAG Initial Map (HESS)- Pre-screened sites; 4) Highly Constrained Sites; 5) Potential Sites; 6) Structures One Way Out; 7) 5<sup>th</sup> Cycle- 2015/22 Housing Element Potential Residential Development Sites; 8) Construction Decade; 9) Multi-family zones sites; 10) Multi-family zones sites minus Willow neighborhood; 11) Eco-village ideas and Tiny Homes or Micro-units; 12) Town of Fairfax Zoning Map; 13) Four-plex examples from ODDS draft; 14) Duplex examples from ODDS draft; 15) Community Favorite Spots in Fairfax; 16) Part A through Part E; 17) Getting the Word Out; 18) Public Participation Discussion Focus; 19) Site Preference and Density Simulation Tool; 20) Subcategory Comparison; 21) Demonstration of the Tool.

Commissioner Green asked for the definition of an “adequate site”. Consultant Flower stated it is a site recognized by the Town as adequate for fulfilling the additional density necessary to meet the RHNA number.

Commissioner Jansen asked if about 600 of the 900 red sites could turn yellow. Consultant Flower stated that was a broad estimate. Commissioner Jansen had a question about Attachment “A”.

Commissioner Swift asked for an explanation of the different type of constraints in the red areas. Consultant Flower stated there are 46 sites understood as California protected areas, 361 sites understood as critical habitat, 217 sites in floodplains, 412 in landslides areas, 17 sites understood as having a political faction concern, and 28 in some level of fire risk. There could be some overlap.

Chair Newton asked for an explanation of the yellow areas. Planning Director Berto stated this is an attempt to determine where existing streets are in fact paper streets and could be one-way.

Commissioner Swift stated the one way in/one way out map does not have street names and she asked if it would be expanded. Planning Director Berto stated the intent is to show every length of street for which there is one way in/one way out. He welcomed any assistance.

Commissioner Jansen asked about the minimum length for a one way street. Planning Director Berto stated there is none- it could be a cul-de-sac or a court.

Commissioner Kelly asked about the criteria in deciding where to start and stop the one way in/one way out roads. Planning Director Berto discussed considerations in terms of which ones feed into a major arterial.

Commissioner Fragoso was concerned about cars coming down a very narrow street while emergency vehicles are trying to come up the street. Planning Director Berto stated they were trying to incorporate pavement width into the analysis.

Commissioner Gonzalez-Parber asked if the study takes into account evacuation routes by car. Planning Director Berto stated "yes". Commissioner Gonzalez-Parber asked if anyone would be looking at pedestrian evacuation routes. Planning Director Berto stated that is a challenging issue.

Chair Newton stated the focus is on housing and safety and should include the network of trails within the Town.

Commissioner Green noted they need to be careful with respect to density since there is only one way out of Fairfax. The look and feel of a quadplex is going to be very important. He would like to see some work force housing and asked if it qualified towards the RHNA numbers. Planning Director Berto stated "yes".

Commissioner Fragoso liked the idea of creating housing for all segments of the community- all prices, all sizes, etc. She likes the idea of retrofitting old housing and making them more energy efficient.

Commissioner Jansen stated duplexes and quad-plexes as infill in the existing housing stock is the best way to add housing. It will not change the scale of the Town. There is a problem with the map since construction technology in the 1960's and 1970's was significantly worse than pre-1940's. He disagreed with the concept that age is an indicator of the state of the building.

Commissioner Swift asked how many parcels in Town are unimproved. She agreed with Commissioner Jansen regarding the age of a building. She asked for caution in terms of looking at this on a parcel by parcel basis when looking at surrounding areas. Off-street parking needs to come into play.

Commissioner Green asked if it was possible to establish a standard of compatibility (Victorian, Craftsman, etc.) when applying the ODDS. Planning Director Berto stated "yes, if it fell into that category of style". Fairfax, however, is famous for its vernacular style.

Chair Newton agreed that age of a building is not indicative of its quality of construction. She asked about the minimum square footage for a duplex. Planning Director Berto stated the minimum lot size is 7,000 square feet. Chair Newton asked if there is a maximum square footage for single-family homes. Planning Director Berto stated it was 3,500 square feet and the maximum Floor Area Ratio (FAR) is 0.40. A 2,800 square foot quad-plex would be allowed on a 7,000 square foot lot in order to meet the maximum FAR. Chair Newton asked about the State requirements regarding Accessory Dwelling Units (ADU). Planning Director Berto stated an ADU could be 850 square feet regardless of FAR. Chair Newton asked if staff was looking at “opportunity sites” on top of the by-right numbers. Planning Director Berto stated staff is looking at things that are in synch with current State law. ADUs and Junior Accessory Dwelling Units (JADU) are separate from this. Chair Newton has concerns about doing this on a parcel-by-parcel basis- that is not realistic. They need to look at other parameters.

Commissioner Swift stated the staff report has a list of zones with the potential for multi-family residential but some of the zones do not currently allow residential.

Commissioner Green stated they should target some areas suitable for four-plexes that would blend in with the neighborhood. He likes the idea of a four-plex for work force housing.

Commissioner Swift stated the staff report talks about how the Land Use and Safety Element work is shifting to site analysis and she asked about the process for updating the Safety Element. Planning Director Berto stated staff will be coming back to the Commission for discussion in the next few months.

Commissioner Jansen thanked staff for the presentation and stated it helps to visualize the process. He referred to Chapter 8 of the ODDS and was concerned there were only five styles.

Chair Newton stated they can always add the “Avant guard” as a style.

Chair Newton opened the meeting to public comments.

Rick Hamer referred to the “one-way” map and stated many communities have changed their CalFire roadway width requirements to two continuous 10’ lanes. The map should be redrawn to include this twenty foot width. This allows a fire engine to get in while everyone is evacuation out. Evacuation is a critical element in determine opportunity sites. He had a question about the timeline for appeals.

Lynn Walsh stated she lives on Dominga Avenue across the street of an existing duplex. There should be more discussion about triplexes, flood zones, a map of local trails, and workforce housing.

Debra (Dee Lee) Benson stated the estimated 350 unregistered second units in Fairfax could go towards the RHNA numbers. She referred to the Safety Element and was concerned about homeowners taking out trees of a particular species without a permit.

Chair Newton closed the meeting to public comments.

Commissioner Swift stated trail maps should not be relied upon for evacuations. There are evacuation maps.

Commissioner Jansen stated the unregistered second units should be identified.

Commissioner Green agreed with the comments made about the second units. He reiterated his support of work force housing and asked what could be done to attract developers.

Commissioner Fragoso stated a Second Unit Amnesty could be a big boon for the Town. She likes the Tiny Home idea for the homeless and to help solve the lack of affordable housing. She supported live/work units.

Commissioner Swift asked staff if they could identify the number of units that went through the Second Unit Amnesty Program. She referred to work/force house and would like to see a comprehensive questionnaire/interview with current employees in Town.

Commissioner Gonzalez-Parber stated it was helpful to start to visualize the overlays that could happen for the opportunities. She was concerned about evacuation and safety. She asked if a traffic study could be done depicting an emergency situation. She asked staff to focus on the Second Unit Amnesty Program.

Commissioner Kelly stated he was more concerned about what buildings are than how to regulate styles or how things look. Discussions about tiny homes and live/work units are very encouraging.

Chair Newton stated she wanted to know more about the unregistered second units in Town and the numerous AirBNB's. The Open Space Committee Map identifies undeveloped parcels. She supported the creation of tiny homes, micro units, etc.

Planning Director Berto stated staff would be meeting with the Affordable Housing Committee on September 8<sup>th</sup> and will start to focus on specific sites. Staff has scheduled a Joint Meeting with the Town Council and Planning Commission on September 22<sup>nd</sup>.

Commissioner Swift referred to the schedule and asked if they were on track. Consultant Flower stated "yes"

## **ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:12 p.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary