

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
VIA TELECONFERENCE DUE TO COVID-19
THURSDAY, SEPTEMBER 16, 2021

Call to Order/Roll Call:

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

Commissioners Present: Norma Fragoso
 Robert Jansen
 Brett Kelly
 Mimi Newton (Chair)
 Cindy Swift

Commissioners Absent: Esther Gonzalez-Parber
 Philip Green

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

APPROVAL OF AGENDA

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

AYES: Fragoso, Jansen, Kelly, Swift, Chair Newton

ABSENT: Gonzalez-Parber, Green

PUBLIC COMMENTS ON NON-AGENDA ITEMS

John thanked the Commission for their service.

CONSENT CALENDAR

There were no Consent Calendar Items.

PUBLIC HEARINGS

- 1. 1930 Sir Francis Drake; Application #20-02
Consideration of a Cannabis Business permit application, Formula Business Conditional Use Permit, Design Review permit, and Sign Permit for a medical cannabis dispensary/adult delivery business permit for business permit scoring and recommendation on the required Design Review and Sign discretionary permits to the Town Council. Assessor's Parcel No. 001-223-10; Central Commercial CC Zone; Element 7 Fairfax LLC, Applicant; Adham Nasser, owner; CEQA categorically exempt per section 15301(a), 15303(c) and 15304(b).**

Principal Planner Neal presented the staff report.

Chair Newton referred to the Formula Business Conditional Use Permit and asked if there were six findings that need to be made. Principal Planner Neal stated "yes". Chair Newton asked what year the building was constructed. Principal Planner Neal stated it was built in 1939.

Commissioner Fragoso asked if there is a record of the owners of the LLC. Principal Planner Neal that information is in the supplemental information provided by the applicants that is part of the

public packet. Commissioner Fragoso asked if the two proposed services, a medical dispensary and an adult retail delivery program, need to be physically separated. Principal Planner Neal stated the Town Attorney is of the opinion that they can have both services in one location. Commissioner Fragoso asked if the existing business ((Mana Bowl) had a tentative agreement for a continued lease or purchase of the property. Principal Planner Neal stated she did not know but the property owner has been in contact with staff about this hearing date.

Commissioner Jansen asked about the applicability of Chapter 17.032, General Use Permits. Principal Planner Neal advised that the Commission has to make the findings contained in the General Use Permit section and the Formula Business Permit section to approve the use and she read the required findings. Commissioner Jansen asked if the Formula Business Ordinance says anything about the size of the company or the number of locations. Principal Planner Neal stated "no".

Commissioner Swift referred to Exhibit 1, #3, and asked if changes would be reviewed and approved by the Planning Commission or the Town Council. Principal Planner Neal stated they would be reviewed by the Commission. Commissioner Swift asked about current exterior lighting requirements for a storefront and what the existing dispensary does in terms of lighting. Principal Planner Neal stated the lighting fixture location and fixture cut sheets are contained in the submitted plan sets.

Chair Newton asked if the Formula Business Ordinance does not necessarily ban a formula business but rather allows the Planning Commission to make findings to approve the permit. Principal Planner Neal stated "yes". Chair Newton asked if the Commission would review the other applications (Design Review, etc.) if they first decide they could not make the findings. Principal Planner Neal stated "yes". Chair Newton asked about the proposed sign. Principal Planner Neal stated it is shown on the elevations.

Chair Newton opened the Public Hearing.

Mr. Josh Black, Head of Operations for Element 7 made the following comments:

- He gave a PowerPoint presentation.

Mr. Nicholas Pommier made the following comments:

- He will be the General Manager at the proposed location.
- This is a difficult industry to be a part of and he wanted to partner with people who had a background.
- He wants to be legal and protected.

Mr. Stuart Summers, architect, made the following comments:

- The only changes to the building would be to make it ADA accessible.
- The other changes are minor in nature and give a "nod" to the original character of the building.

Commissioner Jansen noted the application indicates different owners. Mr. Black stated they look for a strong local who understands retail and the local community. He explained the ownership split.

Commissioner Jansen had a question about the renderings.

Commissioner Swift asked about the personnel and benefit packages, other stores, the number of parking spaces, the delivery model, insurance and licensing, recycling of packaging, work the company has done in terms of "public benefit", local hiring and the "surrounding community". Mr. Black responded.

Commissioner Fragoso asked where the products come from and the projected yearly sales. Mr. Black stated the products are sourced from State licensed distributors. The average dispensary in California does \$3.5 million in gross sales per year.

Chair Newton had a question about a Request for Proposal (RFP) referred to in a letter dated September 13, 2021 and sourcing of products. Mr. Black discussed the Town's process for applying for a permit and how they want to support local products whenever possible which could include San Francisco or Sonoma. Chair Newton had questions about the pesticide issue. Mr. Black stated everything is independently tested by a licensed testing company.

Jess made the following comments:

- She is not a fan of corporate businesses.
- She opposed Mana Bowls being "kicked to the curb".

Ms. Jasmine Gerrity made the following comment:

- She read a letter from Michele Leopold in support of small businesses.

Mr. Greg Morneau made the following comments:

- He has worked for Element 7 for about a year.
- They do a lot of stuff for communities and veterans.

Ms. Lisa Beauchamp made the following comments:

- She was concerned about the number of parking spaces and where employees would park.
- There is a parking issue in the surrounding residential neighborhood.

Mr. Kevin Curtis made the following comments:

- He discussed the RHNA numbers and noted this property could be in a priority allocation area.
- The preferred use could be a mix of commercial and housing.

Ms. Jane Richardson-Mack made the following comments:

- This is not a good fit for Fairfax.
- She does not see a public benefit.

Mr. John Ramaides, Fairfax, made the following comments:

- This is a corporation coming into Town to make money.
- He heard no mention of security.

Mr. Eric Moreno, Fairfax, made the following comments:

- He was concerned about the parking issue.
- This proposal does not complement the existing businesses.

Ms. Marian Craig made the following comments:

- She opposed Element 7 coming into Fairfax.
- The commercialization of cannabis is fundamentally toxic.

Ms. Kelsey Fernandez made the following comment:

- She asked about the amount of local ownership.

Ms. Debra (Dee Lee) Benson, Fairfax, made the following comment:

- This is a chain corporation and it should be opposed.

Mr. Brad Clark, Fairfax, made the following comments:

- He is opposed to this very slick, corporate business.

- It does not fit within the character of nor benefit the Town.

Jeremy made the following comment:

- The Element 7 representatives do not understand the culture and identity of Fairfax.

Ms. Bridget Clark made the following comment:

- The numbers in the traffic study do not add up.

Mr. Dustin Redman, Fairfax, made the following comments:

- He had challenges opening up an independent dispensary on Bolinas Road.
- He supported the proposal and liked the local ownership aspect.

Christopher made the following comment:

- He is a big proponent of and supports this business.

Lauren made the following comments:

- She has been working with Element 7 for a while.
- They have two stores and she does not consider this a corporation.

Ms. Brenna Gubbins, Fairfax, made the following comments:

- She opposed the idea of a large, corporate business.
- Kids gather at this location.

Mr. Matt Brown made the following comments:

- He is a real estate broker and has worked with Element 7.
- He urged careful consideration.

Mr. Black made the following comments:

- He responded to the local ownership, traffic, design, and security questions.
- There is one dispensary in Marin County servicing 258,000 residents.
- They are not a franchise and they have never sold a license.
- They have signatures of over 90 people in support.

Chair Newton closed the Public Hearing.

Chair Newton provided the following comments:

- She asked staff about the implications of approving this application in relation to the RHNA numbers and the General Plan that encourage infill. Planning Director Berto stated staff was in the middle of developing housing opportunity sites that respond to the RHNA numbers and have not specifically identified locations in the Central Commercial (CC) Zone.
- She asked about Sales Tax Revenue. Planning Director Berto stated the Town receives a small percentage of Sales Tax Revenue that is collected and it goes into the General Fund.

Commissioner Fragoso provided the following comments:

- She was not sure they would be able to provide five or six parking spaces.
- She has no association with Mr. Fragoso, a member of the team.
- She did not believe there is sufficient space on this tiny lot to develop housing.
- She referred to the General Use Permit Findings and stated the proposed business is not necessarily in the public interest, protection, or enhancement of the community. It is not necessarily equal or better development of the premises because of the community concerns.
- The trade-offs are not comparable.
- She has issues with the Formula Business and the service being compatible with the needs of the area.

- The proposal would shift the quality and nature of the space.
- The public benefit is diminished.

Commissioner Jansen provided the following comments:

- One of the purposes of the Formula Business Ordinance is to preserve opportunities for owner operated businesses.
- They are offering a hybrid model.
- He referred to Code Section 17.032.060 (D) (General Use Permit Findings) and stated he was not sure he could make this finding.

Commissioner Kelly provided the following comments:

- He noted there is a pedestrian nature to the existing business compared to what has been described tonight.
- He was concerned that the security aspects of the incoming business are going to be insular.
- The proposal will encourage people to come and go and not be a part of the streetscape.
- They need to consider the “front and center” nature of the location.

Commissioner Swift provided the following comments:

- She is concerned about the location and the number of customers that will be served.
- The Traffic Study looked at the current use of a “fast/casual” restaurant and not what is being proposed.
- This is a Formula Business under the Ordinance.

Chair Newton asked if the Findings for a General Use Permit and Formula Business would need to be made. Principal Planner Neal stated “yes”.

Chair Newton provided the following comments

- She referred to the proposed location and the limited areas within which a retail dispensary can be located and stated some Commissioners want “another bite of the apple”.
- A lot of time was spent on coming up with these locations.
- Location is not a good basis for rejecting the application and a denial would need to hold up to legal scrutiny.

Chair Newton referred to Code Section 17.032, Findings for the Conditional Use Permit, and asked if the Commission could make the first finding. Commissioners Fragoso, Jansen, Swift, Kelly, and Chair Newton stated “yes”

Chair Newton referred to Code Section 17.032, Findings for the Conditional Use Permit, and asked if the Commission could make the second finding. Commissioner Fragoso and Swift stated “no” Commissioner Jansen and Chair Newton stated “yes” Commissioner Kelly stated “maybe”.

Chair Newton referred to Code Section 17.032, Findings for the Conditional Use Permit, and asked if the Commission could make the third finding. Commissioners Fragoso, Jansen, Swift, and Chair Newton stated “yes”. Commissioner Kelly stated “maybe”.

Chair Newton referred to Code Section 17.032, Findings for the Conditional Use Permit, and asked if the Commission could make the fourth finding. Commissioners Fragoso, Jansen, Swift, and Kelly stated “no”. Chair Newton stated “yes”.

Chair Newton referred to Code Section 17.040.220, Formula Business Findings, and asked the Commission if there were any findings that they could not make. Chair Newton stated she could make all six findings. Commissioner Jansen stated he has concerns about Finding (C) but could agree with all six findings. Commissioner Swift stated she could not make Finding (D).

Commissioner Fragoso stated she could not make Findings (D) or (F). Commissioner Kelly stated he could not make Finding (D).

Principal Planner Neal noted based on the previous discussion, staff would need to re-write the Resolution for denial of the two Use Permits. This item would need to be continued.

Chair Newton asked for comments about how the Commission would make recommendations to the Town Council regarding the other applications (Design Review, Sign Permit, Scoring the Business). She asked for a straw poll of the Commission of who could support the Design Review Permit. Chair Newton stated she could make all the findings; Commissioner Swift stated she could not make Findings (K) or (M); Commissioner Jansen stated he was concerned about the lighting and the traffic; Commissioner Fragoso stated she has an issue with Finding (H); Commissioner Kelly stated he had an issue with Finding (M).

Chair Newton asked for a straw poll of the Commission of who could support the Sign Permit Exception. Commissioner Fragoso stated she had a problem granting a Sign Exception for two different signs on two different sides of the building; Commissioner Swift stated she could not support the Sign Permit because it conflicts with Section 17.110.064(d)(5) and the Cannabis Ordinance; Commissioner Kelly agreed with Commissioner Swift; Chair Newton stated she could make the Findings to support the Sign Permit for both signs; Commissioner Jansen agreed with Chair Newton.

Chair Newton referred to Attachment G, Exhibit A, and asked the Commission to assign points on the scoring criteria for (i), "Business Qualifications and Business Plan". Commissioner Fragoso assigned 30 points, Commissioner Kelly assigned 21 points, Commissioner Jansen assigned 30 points, Commissioner Swift assigned 35 points, and Chair Newton assigned 27 points. Chair Newton asked the Commission to assign points for (ii), "Quality of Operating Plan". Commissioner Fragoso assigned 27 points, Commissioner Kelly assigned 24 points, Commissioner Jansen assigned 28 points, Commissioner Swift assigned 25 points, and Chair Newton assigned 32 points. Chair Newton asked the Commission to assign points for (iii), "Public Benefits". Commissioner Fragoso assigned between 20 and 23 points, Commissioner Kelly assigned 22 points, Commissioner Jansen assigned 20 points, Commissioner Swift assigned 30 points and Chair Newton assigned 28 points

M/s, Fragoso/Swift, motion on Application 001-223-10, Creation of a medical cannabis dispensary/ adult retail delivery business in an existing commercial building, Formula Business Conditional Use Permit and recommendations to the Town Council on Design Review, Sign Permits and scoring of the Element 7 Fairfax LLC Cannabis Business Permit Application #21-02, the Commission has taken a poll of the different findings that were to be made considering the Use Permit Findings required by Chapter 17.032 the Formula Business Findings required by Section 17.040.220 and the Findings regarding the Design Review, the Signage, and the ratings. The Commission provided a straw poll on all of those items and it is recommended that the item be continued for one month so that staff has an opportunity to draft a resolution for denial documenting the findings and reasons to bring back to the Commission at the next meeting to finalize.

AYES: Fragoso, Kelly, Swift

NOES: Jansen, Chair Newton

ABSENT: Gonzalez-Parber, Green

The Commission took a 5-minute break at 11:15 p.m.

M/s, Fragoso/Kelly, motion to rearrange the order of the agenda and hear item #3 prior to item #2, and continue the other items.

AYES: Fragoso, Jansen, Kelly, Swift, Chair Newton

ABSENT: Gonzalez-Parber, Green

3. 169 Ridgeway Avenue; Application #21-19

Request for a modification of an approved Hill Area Residential Development, Design Review and Ridgeline Scenic Corridor permits to convert an area previously approved as a laundry/mechanical room into a den along with minor window/door changes; Assessor's Parcel No. 001-280-01; Residential Single Family RD 5.5-7 Zone; Alex Riley, Architect; Dylan Riley, owner; CEQA categorically exempt per section 15301(e).

M/s, Fragoso/Jansen, motion to continue this item to the next meeting.

AYES: Fragoso, Jansen, Kelly, Swift, Chair Newton

ABSENT: Gonzalez-Parber, Green

2. 100 Cascade Drive; Application #21-20

Request for a Conditional Use Permit and Minimum Side and Rear and Combined Front/Rear Setback Variance to construct a bay window addition to the south, front, side of an existing single-family residence and for an existing rear deck; APN 003-203-22; Residential Single Family RS-6 Zone; Christopher Schrader, Designer; Daniel Neal, owner; CEQA categorically exempt per Section 15301(e).

Commissioner Kelly stated he would need to recuse himself from this application.

Principal Planner Neal presented the staff report.

Commissioner Jansen asked if the neighbor at 104 Cascade had comments on the project. Principal Planner Neal stated they received a notice and staff had not heard from them.

Chair Newton opened the Public Hearing.

Mr. Daniel Neal made the following comment:

- His kids love the deck.

Chair Newton closed the Public Hearing.

Commissioner Fragoso provided the following comments:

- She is in total agreement with the staff report in all respects.
- This is the type of project that would be appropriate for an administrative approval.

Commissioner Swift provided the following comment:

- She could approve the project.

M/s, Swift/Fragoso, motion to adopt Resolution No. 2021-21 with the following changes: 1) On page 1, third "Whereas" should say: "Whereas...Combined Front/Rear Setback Variance, *Side Setback Variance, and Rear Setback Variance...*", 2) On page 3, Condition #8, the reference to the Design Review Board should be deleted; 3) On page 4, under "Now, Therefore Be it Resolved", the first paragraph should read: "The approval of... Combined Front/Rear Setback Variance, *Side Setback Variance, and Rear Setback Variance...*".

AYES: Fragoso, Jansen, Swift, Chair Newton

RECUSED: Kelly

ABSENT: Gonzalez-Parber, Green

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

MINUTES

4. Minutes from the August 19, 2021 Planning Commission meetings

Chair Newton noted this item has been continued to the next meeting.

Planning Directors Report

5. Housing Element and Objective Design and Development Standards Update

Chair Newton noted this item has been continued to the next meeting.

Commissioner Comments and Requests

Chair Newton noted this item has been continued to the next meeting.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 11:42 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
VIA TELECONFERENCE DUE TO COVID-19
THURSDAY, AUGUST 19, 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
 Linda Neal, Principal Planner

APPROVAL OF AGENDA

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

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Ms. Renu Mahatra asked if it was possible to be on camera when asking a question. Planning Director Berto stated not unless the person is an applicant.

CONSENT CALENDAR

There were no Consent Calendar Items.

PUBLIC HEARINGS

1. **104 Bothin Road; Application #21-15**
Request for a Conditional Use Permit for the remodel/expansion of a 1,619 s.f., 2-story, 3-bedroom, 2-bathroom, single family residence in to a 1,881 s.f. 2-story, 3-bedroom, 2-bathroom single family residence with sewing/storage rooms. Assessor's Parcel No. 001-082-70; Residential Single Family RS 6 Zone; Gary Millar, applicant/architect; Dan and Sandy Howard, owners; CEQA categorically exempt per section 15301(e).

Commissioner Green recused himself from this item.

Principal Planner Neal presented the staff report.

Chair Newton referred to page 2 of the staff report and noted two corrections and had a question about the applicability of the code sections cited in the second paragraph. She referred to page 2 of the Resolution, the first "Whereas" #3(a), and had a question about the emergency access routes. Principal Planner Neal stated that is a standard condition that is determined by the Public Works Director. Chair Newton had a question about the Noise Ordinance, the language at the top of page

6 of the Resolution, and noted Condition #20 was vague. Principal Planner Neal stated the Commission could schedule a meeting to discuss the standard resolution language- it could be updated.

Chair Newton opened the Public Hearing.

Mr. Gary Millar, architect, made the following comments:

- They have met all the requirements of the Town.
- They met with the neighbors and discussed the plans and viewed the story poles. Most of them signed a letter of support.
- The neighbor's concerns were about the process (noise, construction schedule) and not the design.
- The contractor will be readily available to the neighbors.
- They submitted a Lighting Plan with low-level lighting. There will be no light spillage.

Commissioner Kelly asked about the three inch square steel tube posts on the addition. Mr. Millar stated those were for shades over the deck.

Chair Newton closed the Public Hearing.

Commissioner Swift provided the following comments:

- She supported the project.
- She referred to the resolution and suggested the following changes; 1) On page 2, Condition #1 should refer to Plan pages 2 and 2.1; 2) On page 3, Condition #10, the reference to the Design Review Board should be deleted.
- All Dark Sky requirements should be included in the conditions.

Commissioner Gonzalez-Parber provided the following comments:

- She supported the project.
- There is little impact to the exterior.

Chair Newton provided the following comments:

- She referred to the resolution and suggested the following changes: 1) On page 1 there should be a reference to Town Code Section 17.032.060 under the Conditional Use Permit Findings; 2) On page 2, Condition #2 should be deleted and the reference to the Lighting Plan should be included in Condition #1.

M/s, Swift/Fragoso, motion to adopt Resolution No. 2021-16 with the following changes: 1) On page 1 there should be a reference to Town Code Section 17.032.060 under the Conditional Use Permit Findings; 2) On page 2, Condition #2 should be deleted and the reference to the Lighting Plan should be included in Condition #1; 3) On page 2, Condition #1 should refer to Plan pages 2 and 2.1; 4) On page 3, Condition #10, the reference to the Design Review Board should be deleted.
AYES: Fragoso, Gonzalez-Parber, Jansen, Kelly, Swift, Chair Newton
RECUSED: Green

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

Commissioner Green returned to the meeting.

2. 403 Cascade Drive; Application #21-11

Continued consideration of a request for a Use Permit, Creek Setback Variance, and Design Review Permit for a new 2 story, 1,745 s.f., 2-bedroom, 2- bathroom, single-family residence with an attached 467 square foot, 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). (Continued from the July 15, 2021 meeting)

Planning Director Berto presented the staff report.

Commissioner Swift asked about Condition #24 in the resolution and the reference to a “deferred permit”. Principal Planner Neal stated the permit will come in with the Building Permit. This is something the applicant needs to work out with the Ross Valley Fire Department.

Commissioner Jansen asked about the Creek Setback Variance. Planning Director Berto stated it is referred to on page 2 of the resolution. It should also be added to the resolution title.

Chair Newton asked what year the structure was constructed. Planning Director Berto stated he did not know. Chair Newton referred to page 4 of the staff report and asked what code section was used to make the conclusions about the slope, dimensions of the lot etc. Planning Director Berto stated it is Section 17.080.50 and standards for the RS-6 Zone. Chair Newton asked about the location of the proposed structure vs. the existing structure. Planning Director Berto stated the proposed structure is further back (maybe a foot) from the creek. Chair Newton had a question about the duties of the Building Permit Plan Checker

Chair Newton opened the Public Hearing.

Mr. Daniel Thompson, applicant, made the following comment:

- The home was constructed in the 1930's- his family took possession in 1956.
- This is a teardown, with no foundation and full of dry rot.
- This will be a simple, open home.

Commissioner Green asked about the reason for the building. Mr. Thompson stated he plans to live in the home.

Chair Newton closed the Public Hearing.

Chair Newton provided the following comments:

- She is in favor of the project.
- She referred to the resolution and suggested the following changes: 1) On page 1, the title should include a reference to the Creek Setback Variance and the application number; 2) On page 2, Code Section 17.032.060 should come after “Use Permit”; 3) On page 2, the Code Section for the Variance Findings should be included; 4) On page 2, under “Variance”, the third paragraph should say, “Moving the location... *close* to where the current residence...for over *eight* decades... where it *would be twice the average depth of the bank...*”; 5) On page 7, it should read, “The approval... *Creek Setback Variance...*”

Commissioner Swift provided the following comments:

- She referred to the resolution and suggested the following changes: 1) On page 2 it should read “Creek Setback Variance”; 2) On page 5, Condition #17 should read: “Prior to the issuance of the Building Permit, the applicant or his assignee shall provide a Lighting Plan that shows all lighting to be Dark Sky compliant to include compliance with color, temperature to minimize blue rich lighting and shall be the minimum necessary for safety”.

Commissioner Green provided the following comment:

- Commissioner Swift's condition regarding lighting should be included in all resolutions.

Commissioner Gonzalez-Parber provided the following comments:

- She asked if a landscaping and drainage plan was submitted. Planning Director Berto stated “yes” as part of the last meeting’s submittals.
- She supports the project.

M/s, Jansen/Green, motion to adopt Resolution No. 2021-12 with the following changes: 1) On page 1, the title should include a reference to the Creek Setback Variance and the application number; 2) On page 2, Code Section 17.032.060 should come after “Use Permit”; 3) On page 2, the Code Section for the Variance Findings should be included; 4) On page 2, under “Variance”, the third paragraph should say, “Moving the location... *close* to where the current residence...for over *eight* decades...where it *would be twice the average depth of the bank...*”; 5) On page 7, it should read, “The approval... *Creek Setback Variance...*”; 6) On page 2 it should read “Creek Setback Variance”; 7) On page 5, Condition #17 should read: “Prior to the issuance of the Building Permit, the applicant or his assignee shall provide a Lighting Plan that shows all lighting to be Dark Sky compliant to include compliance with color, temperature to minimize blue rich lighting and shall be the minimum necessary for safety”.

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

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

The Commission took a 5-minute break at 8:15 p.m.

3. 79 Wood Lane; Application #21-17

Request for a Hill Area Residential Development, Excavation, Design Review Permit and Tree Removal Permit and Combined Side-yard Setback and Retaining Wall Height Variance for a 1,936 square-foot , 2-story, 3-bedroom 2 ½ bathroom, single family residence, attached 704 square-foot accessory dwelling unit and a detached 450 square-foot garage; Assessor’s Parcel No. 002-062-03; Residential Single Family RS-6 Zone; Laura Kehrlein, applicant/architect; Coby Friedman, owner; CEQA categorically exempt per section 15303(a).

Principal Planner Neal presented the staff report. She referred to page 1 of the staff report and stated there is a correction- the proposal is for a 2,639 square foot, two story structure (includes the house and the accessory dwelling unit).

Commissioner Jansen asked if the height, regardless of excavation or backfill, was less than 28 feet. Principal Planner Neal stated “yes”.

Commissioner Green stated reducing the amount of excavation and lowering the nine foot story to eight feet would reduce the tall visual impression. He noted the height complies with the code. Principal Planner Neal noted the Commission has the ability to ask them to lower the height if it feels it will negatively impact the neighboring homes.

Commissioner Kelly asked if the addition of the fill on the lower portion of the site would require retention on both sides of the site. Principle Planner Neal stated the plans show a retaining wall on the west side only.

Commissioner Fragoso stated she is having trouble figuring out why they need so much fill. Principle Planner Neal stated she should ask the applicant. Commissioner Fragoso asked about the Drainage Plan and the use of fill.

Commissioner Kelly asked if the first floor is raised up three and one half feet. Principal Planner Neal stated “yes”.

Commissioner Swift stated the Lighting Plan dated July 1, 2021 shows the second floor with a fourth bedroom and a family room. Principal Planner Neal stated the original plan was for an ADU located over the garage. They might have inadvertently included these plans.

Commissioner Swift stated the project engineer documents indicate that the applicants accept the risk of future maintenance and repairs with respect to the foundation type. She asked if this only applies to the owner's parcel and building. Principal Planner Neal stated she would need to ask the applicants.

Commissioner Gonzalez-Parber asked if the raised foundation was being driven by the basement height or the projected run-off. Principal Planner Neal stated she should ask the applicant. A basement that will not be inhabited does not need that high of a ceiling.

Chair Newton referred to the staff report, the top of page 6, and stated the Town Code Section should be 17.080.060(a). She had a question about Section 17.008.020, "Definitions". She was concerned the story poles were not as high as the actual proposal. Principal Planner Neal stated the corner poles are relatively accurate but she was not sure about the center poles. Chair Newton referred to the top of page 9 of the staff report and stated the Town Code Section should be 17.080.070(B)(2).

Commissioner Gonzalez-Parber asked staff to identify which structures on adjacent properties were one-story ADUs. Principal Planner Neal pointed them out.

Chair Newton opened the Public Hearing.

Ms. Laura Kehrlein, architect, made the following comment:

- The existing hillside house no longer works for the owner.
- The 749 square foot cottage was built in 1912. It is in poor condition and will be demolished.
- The wall behind the existing house is the elevation of the finished floor of the new proposed house. The finished floor elevation is determined by the existing rear patio level.
- The lot is narrow and has less buildable area than the neighboring lots. A two-story design is necessary.
- The lot is flat with a slope of less than 10% in the front then slopes steeply at the rear. The grade elevation change is about four feet.
- The proposed construction will occur at the front of the lot.
- The proposal is for a new 1,939 square foot single family residence with a 704 square foot accessory dwelling unit approximately 30 feet from the street curb.
- New off-street parking will be provided with a new driveway on the west side of the residence. A new 450 square foot detached garage will be built in the same location as the existing cottage.
- The rear portion of the lot will remain undeveloped.
- The new landscaping will be simple, cottage-style plantings with low water requirements.
- The main floor will have nine foot ceilings and the upper floor will have eight foot ceilings.
- The roof will be a shallow 4/12 pitch.
- The fill is needed to make the driveway work- to create a gentle slope.
- She discussed the project materials.

Mr. Coby Friedman, owner, made the following comment:

- He read a letter.
- This is a tear-down.
- The proposal is for a modest master bedroom, kitchen, and living area on the ground floor, and two, small bedrooms on the second floor.
- The landscape plan includes backfilling and grading the side yards to accommodate access through the back door.

- The back half of the second story is a one-bedroom, one bath ADU.
- The design is traditional and in keeping with the Fairfax spirit.
- Some neighbors think the house is too large- he disagrees.
- They set the house back 26 feet from the property line.
- They are not exporting fill and may have to import fill to build the approach to the back of the house.
- The height of the new retaining wall will be at the same elevation.
- They are within the height limit but could convert the hip roof into a mansard roof lowering it by one foot.
- The height of the basement is not relevant to the height of the building.
- Drainage will not be an issue.

Commissioner Jansen asked about the materials for the retaining walls- wood or concrete. Mr. Friedman stated they would be concrete. Ms. Kehrlein stated the plans indicate I-beam with wood lagging. This would be the minimum. Commissioner Jansen stated they do not wrap around the side of the lot. Mr. Friedman stated they need to do that.

Commissioner Green asked if the proposal is for a rebar concrete slab foundation. Mr. Friedman stated "yes". Ms. Kehrlein stated it would be an engineered slab. Drilled piers would not be a workable foundation system.

Commissioner Gonzalez-Parber asked if this foundation system would be for the house and the garage. Mr. Friedman stated "yes". Commissioner Gonzalez-Parber asked if the utilities would be run under the floor. Mr. Friedman stated "yes".

Commissioner Kelly noted Sheet A4 shows spread footings. Ms. Kehrlein stated those are the preliminary generic drawings. Commissioner Kelly asked if the shorter retaining wall would be demolished. Mr. Friedman stated "yes". Commissioner Kelly asked if the back yard would be reconfigured. Mr. Friedman stated the back yard would abut up against the house.

Chair Newton asked about the Americans with Disabilities Act (ADA) accessibility from the rear of the house. Ms. Kehrlein referred to the Floor Plan and noted the level area would be through the back door, the garage, and the patio area. The design goal is for a slope of 8% or less, with 5% considered a "sloped walkway". Mr. Friedman stated he could add a ramp is necessary.

Ms. Heather Ford, Wood Lane, made the following comments:

- She lives next door to the east of the proposal.
- She strongly opposes the proposal.
- There are environmental and safety concerns.
- There will be a massive 22 foot tall and 47 foot long wall looming over her property- over 1,000 square feet. It will be five feet from the property line.
- All three of her bedrooms are on that side of the house. The wall would block their views of the trees, etc.
- The wall would impact her privacy since the window would look into her back yard, bedrooms, and pool.
- The proposal would reduce the resale value of her home and block her sunlight and solar panels in the winter.
- She discussed to the Shade Study.
- She asked the Commission to consider a new design.

Ms. Renu Malhotra, Wood Lane, made the following comments:

- There are challenges on Wood Lane- light and water.
- These are small lots in a valley.

- Nobody is discussing the rising level of the water table in this valley.
- She asked for a continuance so she could consult with a hydrologist.
- She is concerned about the creation of more water on her side because the project will reduce the ability of the water table to dissipate.
- She was concerned about the plans for the hillside- the end of retaining wall and the end of the swale.
- She displayed a photograph.

Mr. Frank Egger, Meadow Way, made the following comments:

- He has seen the creek overflow just below the stables and run curb to curb down Wood Lane.
- He recommended two conditions for the Junior Accessory Dwelling Unit (JADU)- it shall not be used as a short-term rental, and it shall be a rent controlled unit.
- The combined side yard setback requirement is to protect the small-town character of Fairfax.
- The height and bulk of the project is setting the stage for the transformation of Wood Lane.
- He supports the staff recommendation for a continuance.

Mr. Rick Ford, Wood Lane, made the following comments:

- He understands the geology and hydrology of the area.
- He agreed with the comments made by Ms. Malhotra about the groundwater.
- The basement and foundation of the proposal would create a dam.
- He will lose sunlight due to the height of the proposal and lose all views to the west.

Mr. Friedman made the following comments:

- The lot is only 50 feet wide.
- Ms. Malhotra's house sits right on the property line with no setback.
- They pushed the house to the left.
- They "split the baby" with respect to the location of the proposal.

Chair Newton closed the Public Hearing.

Commissioner Jansen provided the following comments:

- This is a small lot with a relatively large building on it that would have an impact to the neighbors.
- He agreed with the staff recommendation for a continuance.

Commissioner Gonzalez-Parber provided the following comments:

- This is a very constrained site.
- The project is being built in a "community" and it needs to be balanced with the environment (Mother Nature) and the neighbors.
- She agreed with the staff- this is a box, with a roof, an attic and crawlspace. It is too tall and the building does not need to be raised 3 ½ feet.
- A better solution to the access issue would be to drop the garage.
- There should be a way to break up the box with some type of articulation,
- The ADU should be a stand-alone on the ground level.
- The massing is creating very tall walls that impact the neighbors.
- They could drop the finished floor levels three to four feet.
- They could drop the back and make the retaining wall a bit higher.
- Creating more height by backfilling is a mistake.
- This is a great floor plan and she supports the ADU.
- She cannot support the project as proposed.

Commissioner Swift provided the following comments:

- She cannot support the proposal and cannot make the findings for the Hillside Residential Development Permit

- She is concerned about the shade studies and the amount of impact to the neighbors and the solar panels.
- The application should be continued.

Commissioner Green provided the following comments:

- The Variance Findings cannot be made.
- There would be some adverse, detrimental effects to the neighbors.
- The proposal needs more articulation, in particular the tall wall.
- The height could be reduced in numerous ways.
- He suggested the applicant and architect meet with the neighbors.
- He supported a continuance.

Commissioner Kelly provided the following comments:

- He was encouraged by the idea of pushing the garage all the way to the back.
- He was disappointed that some of that yard was filled with parking.
- He is concerned about drainage of the property.
- He asked them to revisit the shade study.
- The colonial red color of the roof is out of context with the neighborhood.
- The red and white contrast makes the building stand out.
- All the floor heights should be lowered by three feet or so.
- He supported the staff recommendation for a continuance.

Commissioner Fragoso provided the following comments:

- Given all the concerns expressed by the neighbors and the Commissioners she is unable to approve the project tonight. There are too many questions.
- She did not agree with the recommendation to lower the ceiling heights. They could lower the building, the roofline, or the basement.
- She agreed with a continuance.

Chair Newton provided the following comments:

- She agreed with the comments made.
- There needs to be a balance between the applicant's and the neighbor's desires and a win-win for the hood.
- She urged the applicant to meet with the neighbors.
- She is focused on the light issues, the drainage issues, and the idea that the scope of the structure is massive and could potentially be scaled down.
- She asked staff to address, at the future meeting for this application, the conditions that could be imposed on the JADU.

Chair Newton asked Mr. Friedman if he would agree to a continuance. Mr. Friedman asked about the options. Principal Planner Neal stated the Commission could deny the application and the applicant could appeal to the Town Council. Mr. Friedman asked when the application would be rescheduled. Principal Planner Neal stated that would depend on how quickly they can submit revised plans. Ms. Kehrlein stated they could resubmit quickly. Mr. Friedman agreed to a continuation.

M/s, Fragoso/Green, motion to continue this application to a date uncertain to allow the applicant to address the concerns of staff, the Commission, and the neighbor.

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

The Commission took a 5-minute break at 10:32 p.m.

4. 24 Shadow Creek Court; Application #21-18

Request for an exception to the 3,500 s.f., maximum house size limitation, Design Review and Excavation Permits to expand an existing 4,005 s.f., 6-bedroom, 3.5 bath, single family residence into a 4,153 s.f. residence with an expanded family room. The project includes construction of a swimming pool, spa pool accessory structures and an accessory dwelling unit; Assessor's Parcel No. 174-210-03; Planned Development PDD Zone; Chase Hallenberg, owner; Charles Theobald, applicant/architect; CEQA categorically exempt per section 15301(e), 15303(f).

Principal Planner Neal presented the staff report. She noted the accessory dwelling unit complies with the Town's Accessory Dwelling Unit Ordinance it is not part of tonight's review. The applicant has agreed to relocate the shower to meet the 15' rear setback.

Commissioner Swift asked if the reference in the staff report to the RS-6 Zone should be the RS 7.5 Zone. Principal Planner Neal stated "yes".

Commissioner Jansen asked about the recommendation from the Ross Valley Fire Department regarding the use of wood shingles. Principal Planner Neal stated she did not receive any comments. It will get reviewed again by the RVFD during the Building Permit stage.

Commissioner Kelly asked if the sanitary district would have allowed a greywater system instead of a roof over that shower. Principal Planner Neal stated she did not know.

Chair Newton asked if the Commission has any authority over the construction of a pool. Principal Planner Neal stated they have authority over the amount of excavation. They would have to make the findings for denial. The owner said he is going to wait until the drought is over to fill the pool.

Chair Newton referred to the staff report and stated the code section citations should be 17.112.030 (A)(4) and 12.20.080(A).

Chair Newton opened the Public Hearing.

Mr. Charles Theobald, architect, made the following comments:

- The intent of these minor additions is that "when you leave you will never know they were there".
- Stylistically it is a continuation of what exists.
- They are trying to take advantage of the indoor/outdoor life style.
- The addition allows them to reorient the connections between the inside and outside.
- There are no visual impacts to the public.
- They want to keep the house looking the same and the new WUI allows a layer of fire resistant board behind a shingle product.
- He likes the comment about the greywater system and will discuss this with the owner.

Michael, landscape architect, made the following comments:

- He liked the comments about Dark Sky Lighting and the greywater system.
- There is no rear yard neighbor.
- There will be no impacts to the rear yard improvements.

Chair Newton closed the Public Hearing.

Commissioner Green provided the following comment:

- The project makes sense.

Commissioner Swift provided the following comments:

- She made a correction to the table of comparable house sizes in the staff report.

- She could approve the project.
- She referred to the resolution and suggested the following changes: 1) On page 3, the first paragraphs should include Plan page C-1; 2) On page 8, Condition #31 should read: "All exterior...uplight panels) *as well as compliance with color temperature to minimize blue-rich lighting.*"

Chair Newton provided the following comments:

- She is torn about approving a pool during a drought and encouraged homeowner to be aware of the water use.
- She would like to see the citations for the findings included in the resolutions for the Design Review Permit, the Excavation Permit, etc.

Commissioner Gonzalez-Parber provided the following comments:

- She supports the project.
- The floor area ration is the smallest in the neighborhood.
- The addition is in proportion to the site and improves the indoor/outdoor relationship.
- She agreed with Chair Newton in terms of the pool and asked if there was a way to put in a pump in the event of a fire.

Principal Planner Neal stated she included boilerplate Fire Department requirements and stated Condition #13 should be removed.

M/s, Fragoso/Swift, motion to adopt Resolution No. 2021-19 with the following changes: 1) On page 3, the first paragraphs should include Plan page C-1; 2) On page 8, Condition #31 should read: "All exterior...uplight panels) *as well as compliance with color temperature to minimize blue-rich lighting.*"; 3) Condition #13 shall be removed; 4) The code section citations should be 17.112.030 (A)(4) and 12.20.080(A).

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

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

Commissioner Fragoso noted two of tonight's applications pertained to the maximum size of a house (3,500 square feet) and she asked that the Commission discuss this policy at a later date.

MINUTES

5. Minutes from the July 15, 2021 and July 29, 2021 Planning Commission meetings

START HERE

M/s, Fragoso/Swift, motion to adopt the July 15, 2021 minutes as corrected.

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

ABSTAIN: Gonzalez-Parber

M/s, Green/Gonzalez-Parber, motion to adopt the July 29, 2021 minutes as corrected.

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

Planning Directors Report

6. Housing Element, Safety Element, Land Use Element, and Objective Design and Development Standards Update

Planning Director Berto reported there has been a lot of activity with respect to the ODDS and the Housing Element including extra Public Hearings. Staff is working on a table showing a comparison

of current zoning vs. ODDS Districts. Staff is also working on the issues regarding the Housing Element and how it integrates into the existing duplex districts, how it relates to larger parcels, and restrictions that would be applied based on topography and street access. The Affordable Housing Committee will be meeting in September with the Joint Meeting of the Council and the Commission scheduled for September 22nd. He asked the Commission to contact him about his or her availability. He is considering scheduling a Special Commissioner Meeting on October 14th to discuss the Safety Element and progress made on the ODDS.

Commissioner Swift asked for an updated project schedule.

Chair Newton asked about the status of holding in-person meetings. Public Works Director Berto stated September meetings will remain virtual.

Commissioner Fragoso had a question about the Regular Commission meeting in October.

Commissioner Comments and Requests

Commissioner Swift asked staff if they got a response from the Town Attorney about her question regarding SB 330 and its reference to historical sites. Planning Director Berto stated he was told that this type of detailed legal analysis is best addressed in a specific context. Staff is aware of the issues and it is under review.

Commissioner Swift asked if existing accessory dwelling units (ADU) are considered existing housing stock according to Housing and Community Development (HCD) and the Association of Bay Area Governments (ABAG). Planning Director Berto stated "yes, if they have permits".

Commissioner Jansen had a question about modifying the code with respect to creek setbacks. Planning Director Berto stated he would like to recommend a finite, easily understood basis for determining "top of bank". Commissioner Fragoso stated she would like to see this incorporated into the ODDS.

Chair Newton stated prioritizing projects is difficult since there is so much to do and so few resources. She thanked staff for the great work!

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 11:37 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

DRAFT 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 6th 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) 5th 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 8th and will start to focus on specific sites. Staff has scheduled a Joint Meeting with the Town Council and Planning Commission on September 22nd.

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