

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

Call to Order/Roll Call:

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

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

Commissioners Absent: Esther Gonzalez-Parber  
Philp Green

Staff Present: Ben Berto, Planning Director

**APPROVAL OF AGENDA**

M/s, Fragoso/Kelly, motion to approve the agenda as submitted.

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

ABSENT: Gonzalez-Parber, Green

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

Mr. Collin Mc Donnell, owner of the Hen House Brewing Company, stated he looks forward to being a part of the Fairfax community.

**ELECTION OF CHAIR AND VICE CHAIR**

M/s, Jansen/Kelly, motion to elect Vice Chair Fragoso as Chair.

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

ABSENT: Gonzalez-Parber, Green

M/s, Newton/Kelly, motion to elect Commissioner Swift as Vice Chair.

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

ABSENT: Gonzalez-Parber, Green

The Commission thanked Commissioner Newton for her service as Chair.

**CONSENT CALENDAR**

There were no Consent Calendar Items.

**DISCUSSION ITEMS**

1. **Housing/Safety Element**
  - a. **Housing Site Options**
  - b. **Housing and Safety Element Update**

- 1. November 20<sup>th</sup> Workshop**
- 2. Safety Element**

Planning Director Berto presented the staff report.

Mr. Andi Flower, representing EMC Planning, gave a PowerPoint presentation that included the following: 1) Housing Sites Inventory Discussion; 2) Housing Element Update; 3) Outreach Update; 4) Changes in Housing Law; 5) Potential Site Review; 6) Table of Potential Sites; 7) Accessory Dwelling Units and SB 9; 8) Draft Initial Affordability Table; 9) Staff Requests for Planning Commission Direction; 10) What is a Housing Element? 11) Regional Housing Needs Allocation (RHNA); 12) How many future units? 13) Where are we in the process? 14) Fairfax Speaks.com Engagement; 15) What is the Fairfax Housing Tool? 16) Website Engagement; 17) Future Discussions; 18) November 20, 2021 Website Feedback; 19) Potential Site Review; 20) What is a Site Inventory? 21) Map of Potential Sites; 22) Site 1- White Hill School; 23) Site 2- Portion of Kingdom Hall; 24) Site 3- 10 Olema Road; 25) Site 4- St. Rita's Church; 26) Site 5- Westside Commercial; 27) Site 6- Fairfax Market; 28) Site 7- School Street Plaza; 29) Site 8- Marinda Heights, (a.k.a. Wall Property); 30) Site 9- Deer Park Villa; 31) Site 10- Former Poncho Villa's; 32) Site 11- O'Donnell's Nursery; 33) Site 12- Eastside Commercial; 34) Site 13- Fair Anselm Shopping Center; 35) Site 14- Town and Country; 36) Site 15- Jolly Hill; 37) Site 16- Central Commercial Downtown; 38) Accessory Dwelling Units and SB 9; 39) Missing Middle Opportunities; 40) Carriage House/ADU; 41) Objective Development and Design Standards (ODDS).

Planning Director Berto and Mr. Flower answered questions about the sites; whether property owners have been contacted and if they were able to object; number of participants in the public outreach, impacts from the deletion of parking areas, possible addition of the Bank of America site; if there has been any CEQA assessments for the sites and when this assessment would be done; which of the sites would need rezoning; whether or not property owners are interested; which sites have multiple ownerships; development potential of the Wall property; if the Town was credited against the RHNA numbers for the prior low income units; use of Town owned sites for housing; status of the ingress/egress map; feasibility of tiny homes; the Objective Development and Design Standards (ODDS) in relation to the middle housing concept; if short-term rentals would affect the numbers.

Chair Fragoso opened the Public Hearing.

Ms. Lisel Blash made the following comments:

- She provided comments on the sites on the Website.
- She wanted the Town to be creative.
- She is more concerned about affordability than meeting the RHNA numbers.
- It is difficult to make affordable units "pencil out". There should be incentives.

Chair Fragoso closed the Public Hearing.

Commissioner Jansen provided the following comments:

- All the sites have potential.
- They are all very different.
- The downtown sites seem to have more potential but are challenging in terms of the impacts.
- He did not want to eliminate the Jolly Hill site from study.
- The scoring from the Website is based on developing new housing on empty sites. This is only one of the three ways to reach the numbers. Public input on this is important.
- Splitting duplexes into fourplexes and converting Airbnb's represent a potentially large number of units

Commissioner Kelly provided the following comments:

- An important aspect to consider is how a site fits into the fabric of the town- walkability, etc.
- It is not just about the numbers.
- The Jolly Hill site should be evaluated but it did not seem to be a viable site.

Commissioner Swift provided the following comments:

- She is concerned about the elimination of parking.
- She is not prepared to give input about the numbers on each of these sites but the minimum capacity for some is too high.
- She agreed Jolly Hill should be on the list.
- Short-term rentals would be a separate discussion.
- The Draft Safety Element does not adequately address risk factors with respect to road widths, the Storm Drain Master Plan, how to make the business community resilient, etc.

The Commission took a 5-minute break at 9:40 p.m.

Commissioner Newton provided the following comments:

- The Town exceeded the RHNA numbers in the last round for lower income units.
- The process is backwards- they should be setting goals based on what is in the Safety Element instead of fitting RHNA numbers into the goals.
- She wants to err on the side of affordability.
- It is premature to comment on Jolly Hill.
- She is concerned about the outreach and did not think 40 participants was a relevant data set.
- She did not want to put their eggs in the “Town and Country basket” due to the rezoning requirement.
- She would like to see a more comprehensive approach and include components of the Safety Element.
- They need to look at the capacity of the Town to absorb more residents.

Chair Fragoso provided the following comments:

- This is the early stages. There are no designs. They are simply identifying sites.
- All the sites should be included for consideration.
- The goal should include equitably available housing including tiny homes, cottages, etc.
- She supported the middle housing concept.

Commissioner Swift provided the following comments:

- She is concerned they are not reaching the vast majority of the community.
- Community neighborhood-based meetings would provide a deeper data set than the online process.

Chair Fragoso provided the following comments:

- The outreach is more extensive than it appears and is reaching people that would not ordinarily come to a meeting.
- She asked if there was a way to address the immediate neighborhood around an opportunity site.

Planning Director Berto thanked the Commission for their valuable input.

## **2. Changing the regularly scheduled monthly Planning Commission meeting date**

Planning Director Berto presented the staff report.

The Commission discussed holding the Commission meetings either the second or fourth Thursday of the month. Commissioner Swift would not be able to attend meeting on the second Thursday. All

Commissioners present were preliminarily able to meet on the fourth Thursday. Commissioner Gree should be contacted to determine his availability on the alternative dates. No final decision was made, but the fourth Thursday was deemed to be acceptable if all Commissioners were able to attend.

## **MINUTES**

### **3. Minutes from the November 18, 2021 Planning Commission meeting**

M/s, Newton/Swift, motion to approve the November 18, 2021 minutes as corrected.

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

ABSENT: Gonzalez-Parber, Green

#### **Planning Directors Report**

Planning Director Berto reported the Council met last night and voted to modify the General Plan to eliminate the term “character” and replace it with a more descriptive term. The Council adopted an Urgency Ordinance in response to SB9 which provides for some development standards. Staff is working on a permanent ordinance that will be reviewed by the Commission. Staff is working on another Urgency Ordinance relating to Accessory Dwelling Units.

Commissioner Swift mentioned that the Town Council’s approval of modification to the General Plan resulted in an Amendment to the General Plan and as such, printed copies needed to be made and one copy must be provided to the Fairfax Library for its Government section.

Chair Fragoso opened the meeting to public comments.

Mr. Frank Egger made the following comments:

- The 1958 Preliminary General Plan includes the term “character”.
- He opposes the elimination of the word “character”.

Chair Fragoso closed the meeting to public comments.

#### **Commissioner Comments and Requests**

Chair Fragoso asked staff about the increase in outdoor music. Planning Director Berto stated staff responds on a complaint basis.

Chair Fragoso asked about the status of the new restaurant at the corner of Broadway and Bolinas Road. Planning Director Berto stated he was not sure but would find out.

## **ADJOURNMENT**

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:46 p.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary