

DRAFT FAIRFAX PLANNING COMMISSION MEETING MINUTES
WOMEN'S CLUB, 46 PARK ROAD
AND VIA TELECONFERENCE
THURSDAY, AUGUST 25, 2022

Call to Order/Roll Call:

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

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

Staff Present: David Woltering, Interim Planning Director
Linda Neal, Principal Planner
Kara Spencer, Associate Planner

APPROVAL OF AGENDA

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

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar Items.

PUBLIC HEARING ITEMS

- 1. 217 Cascade Dr.; Application #22-15
Request for a Conditional Use Permit to remodel an existing residence by
converting a spare storage room into a bathroom and a hallway with an exterior
door; APN # 003-134-04; RS-6 Single-Family Residential Zone; James Irving,
applicant/owner, CEQA categorically exempt per Section 15301(a).**

Assistant Planner Spencer presented the staff report. She answered questions from the Commission regarding the revised resolution that clarifies this is a full bathroom; if staff checks for owl nests and possible adjustments to construction; if staff has conversations with applicants about the requirements for Junior Accessory Dwelling Units (JADU).

Chair Fragoso opened the Public Hearing.

Mr. James Irving, applicant/owner, made the following comment:

- The staff report was very thorough.

Ms. Trudy Totty, owner, made the following comments:

- She has an interest in the Town providing housing.
- They are not interested in having full time additional residents at this time.
- They are open to the possibility in the future.

Commissioner Newton asked if the owners would consider a provision added to the resolution that might allow ministerial approval by the Planning Department of a modification to the plans that would meet the JADU standard. Principal Planner Neal stated they would need to comply with the efficiency kitchen requirement- 15 square feet of counter space and 30 square feet of cabinet space.

Commissioner Green asked what would need to happen for such a unit to count towards the Town's Regional Housing Needs Allocation (RHNA) numbers. Interim Planning Director Woltering stated the JADU discussed tonight would count if it were authorized by the Town. The affordability level would be determined at a future date.

Mr. Totty made the following comment:

- They would like approval of the project as is tonight.

Chair Fragoso closed the Public Hearing.

Commissioner Green provided the following comments:

- He supported Commissioner Newton's suggestion.
- He likes the project.
- Creating a bathroom in the lower level is a good idea.

Commissioner Newton provided the following comments:

- She asked if there would be a fee to apply for a ministerial permit for a JADU at a later date. Principal Planner Neal stated "yes".
- She reiterated the need for more units that would count toward the RHNA numbers

Commissioner Swift provided the following comments:

- She is in favor of the application as it stands.
- The resolution should refer to a "full bathroom" and not a "half bathroom".

Commissioner Green provided the following comments:

- Any mention of a JADU would be included in a "Whereas" and could say: "The applicant is cognizant of the possibility of converting this unit to a JADU".
- He would like applications to include a check box where an applicant could express interest in applying for an ADU.

Chair Fragoso provided the following comments:

- These improvements make a lot of sense.
- She encouraged the owners to consider a JADU or ADU in the future- it would be good for the property and good for the Town.

M/s, Swift/Jansen, motion to adopt Resolution No. 2022-19 with the following changes: 1) On page 1, the Title and first "Whereas" should refer to a full bathroom.

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

Chair Fragoso stated there was a 10 day appeal period.

2. 350 Bolinas Rd.; Application #22-16; Request for a Conditional Use Permit, Design Review, and Minimum and Combined Side-Yard Setback Variances to remodel an existing duplex with two-bedroom units into a Single-family residence, and to construct a two-story, two car garage with a studio Accessory Dwelling Unit above it; APN #002-032-23; Residential Single-family RS 6 Zone; Jeff Kroot, architect; Mario Orihuela, owner; CEQA Categorically exempt per Section 15301(a) and (e)(1) and 15305(a).

Principal Planner Neal presented the staff report. She noted the following correction to the resolution: One page 4, Condition #6, the third line should read: "Any construction... Application 22-16 by either the Planning Commission or the Planning Director will result..." Condition #7 shall read Bolinas Road and not Forrest Avenue. On page 7, the addition of Condition #23 shall read: "The eyebrow roof on the south side of the building shall either be decreased to project only the permitted two feet from the building or it shall be eliminated from the plans prior to submittal for a Building Permit". She answered questions about the non-conforming setbacks; the use of the word remodel vs. new construction.

Chair Fragoso opened the Public Hearing.

Mr. Jeff Kroot, architect, made the following comments:

- The house is too small for the family.
- He was told by staff that the Town would be unhappy if they removed one of the rental units.
- The new garage is about thirteen feet back from Bolinas Road.
- The new roof is no higher than the roof of the existing building.
- They removed two windows from the exterior where the garage attaches to the house.
- The house itself is almost unchanged on the outside.
- The house will look more attractive from the street.

Chair Fragoso closed the Public Hearing.

Commissioner Jansen provided the following comments:

- He likes the project
- The Creek Setback line on the plans indicates that half the building is in the setback. Principal Planner Neal explained the Legal Non-Conforming section of the code.

Commissioner Green provided the following comments:

- He asked if the creek would be fenced off. Animals need to get to the creek. Principal Planer Neal stated there is an existing fence which acts to control children's access to the creek.

Commissioner Newton provided the following comment:

- She referred to the resolution and noted a typographical error on pages 2, 6, and 7.

Chair Fragoso provided the following comments:

- She likes the plans very much.
- This will be a wonderful improvement for the property and the neighborhood.

M/s, Newton/Swift, motion to adopt Resolution No. 2022-20 with the following revisions: 1) On page 4, Condition #6, the third line should read: "Any construction... Application 22-16 by either the Planning Commission or the Planning Director will result..."; 2) Condition #7 shall read Bolinas Road

and not Forrest Avenue; 3) On page 7, the addition of Condition #23 shall read: "The eyebrow roof on the south side of the building shall either be decreased to project only the permitted two feet from the building or it shall be eliminated from the plans prior to submittal for a Building Permit"; 4) Correction of the typographical errors noted by Commissioner Newton
AYES: Green, Kelly, Newton, Swift, Chair Fragoso
NOES: Jansen

Chair Fragoso stated there was a 10 day appeal period.

The Commission took a 5-minute break at 8:05 p.m.

**3. 125 Live Oak Ave.; Application #22-17
Request for a Hill Area Residential Development, Design Review, Excavation Permit
Encroachment Permit and Parking and Minimum and Combined Side-Yard Setback
Variance to construct a single family residence and garage; APN # 001-236-03;
Residential RD 5.5-7 Zone; Bacilia Macias, Architect; Paul and Maria Cadieux,
applicant/owner; CEQA categorically exempt per Section 15301(a).**

Principal Planner Neal presented the staff report She noted the following corrections to the resolution: 1) On page 7, Condition #26, the following language shall be deleted: "If deemed necessary by the Town Engineers and the Town Attorney"; 2) On page 10, Condition #53 shall be eliminated since it is a duplicate; 3) On page 10, a new Condition #53 that states: "An arborist shall be on site during the excavation to make sure tree mitigation measure are complied with". She answered questions regarding input from neighbors; landslides in the area and a swale that is in disrepair; the size of the original building; if there are renderings or images of the project from below; the Combined Side Yard Setbacks; reasons to grant the Parking Variance.

Chair Fragoso opened the Public Hearing.

Mr. Paul Cadieux, owner, made the following comments:

- The neighbors are thrilled about the proposal.
- The property is in disrepair- it is a hazard.
- The neighborhood will benefit from the widening of the street.
- This will provide additional parking.

Ms. Bacilias Macias, architect, made the following comments:

- They made the adjustments recommended by staff.
- They have been conscientious about all the views.
- The glass facing Sir Francis Drake Boulevard will not be reflective.
- The lower levels are shielded/shaded by the upper level- the three story façade will not be seen from below.
- They are happy they are adding an ADU.

Commissioner Kelly stated the trees that are going to be removed help to mask the bulk of this housing type. He asked if they plan to replant in that area. Ms. Macias stated "not at this time". Getting water to this location would be a challenge.

Commissioner Kelly stated the building type has a big façade and is perpendicular to the road and results in a repetitive wall. The Side Yard Setback Code is intended to prohibit this from happening by providing view corridors between buildings. He asked if they considered complying with this code section and making the building a bit narrower. Ms. Macias stated the challenge was to create living space and provide adequate parking.

Commissioner Green asked about DJB Property Solutions LLC which is named as the owner on the survey. Principal Planner Neal stated that is probably a previous owner.

Chair Fragoso closed the Public Hearing.

Commissioner Jansen provided the following comments:

- The building is bulky because it is a small site.
- The volume itself complies with the intent of the code.
- There are benefits to the design- it has a lot of variation and there is more room on the street itself.
- The big building pushes the boundaries but it is acceptable the way it is.

Commissioner Green provided the following comments:

- He asked if there is a condition to maintain the sanitary/sewer pump.
- He is happy about the solar panels.

Commissioner Kelly provided the following comments:

- The chart in the staff report indicates this house has the largest floor area ratio (FAR) of any on the list.
- The massing is unfortunate.
- There are a number of things that can be done to break up the scale and bulk.
- They are asking for it to be bigger, technically, that what is required.
- He is not satisfied with the assertion that they cannot and do not want to plant on the site.
- He does not support the project.

Commissioner Green provided the following comment:

- He is now concerned about these issues raised by Commissioner Kelly.

Commissioner Swift provided the following comment:

- She supports the project.
- This is a small site.
- They are addressing the parking and providing an ADU.

M/s, Swift/Jansen, motion to adopt Resolution No. 2022-21 with the following revisions: 1) On page 7, Condition #26, the following language shall be deleted: "If deemed necessary by the Town Engineers and the Town Attorney"; 2) On page 10, Condition #53 shall be eliminated since it is a duplicate; 3) On page 10, a new Condition #53 that states: "An arborist shall be on site during the excavation to ensure that tree protection measures are complied with and shall provide a letter to the Town that his recommendations were complied with during excavation prior to the final inspection".

AYES: Jansen, Swift, Chair Fragoso

NOES: Green, Kelly

ABSTAIN: Newton

Chair Fragoso stated there was a 10 day appeal period.

MINUTES

4. Minutes from the July 28, 2022 Planning Commission meetings

M/s, Green/Swift, motion to approve the July 28, 2022 minutes as corrected.

AYES: Green, Jansen, Kelly, Newton, Swift

ABSTAIN: Chair Fragoso

Commissioner Comments and Requests

Commissioner Kelly reported he appreciated tonight's discussion about staff mentioning the possibility of an ADU or JADU to applicants. Principal Planner Neal stated staff does this when appropriate.

Commissioner Newton encouraged residents to become a part of the solution with respect to the Town meeting its RHNA numbers. She is focused on these numbers.

The Commission discussed issues regarding ADU/JADUs vs. Air BNBs.

Planning Director's Report

5. Updates on Housing Element Project and Department Work

Interim Planning Director Woltering reported on recent tasks the department is undertaking: Parklet Ordinance and Design Standards were approved by the Council and staff will be working on developing permit fees; short-term rental regulations and permitting fees; options for Rent Stabilization. He reported on the status of the Housing Element Update with Commission meetings scheduled for August 31st and September 28th. The August 31st meeting will look at the Objective Design and Development Standards (ODDS) and the identified opportunity sites. He discussed the Housing Element Update timeline. Staff is working on the Notice of Preparation for the environmental document for the Housing Element Update and the Safety Element Update. The notice will be released tomorrow which will start the 30-day public review period. The next Community meeting is scheduled for Saturday, September 10th at the Pavilion from 2:00 p.m. to 4:00 p.m. and will look at ways to improve conditions for renters. The Draft Housing Element Report will be available for a 30-day local review in October. The document would then be sent to Housing and Community Development (HCD) for a 90-day review period sometime in November. The Commission will review and the Council will ultimately certify the document. The Safety Element went through a review period, comments were received, and modifications were made. He answered questions about the use of a QR code to register for the Community meeting; if the Safety Element is posted on the Website; how the Safety Element has influenced the selection of the opportunity sites; if the Commission will be reviewing design standards for parklets; several of the opportunity sites; the ODDS process; status of historic inventory; how the ODDS are incorporated into the Safety Element and Housing Element; how the Commission could get information in advance; the status of Marinda Heights.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:30 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

DRAFT FAIRFAX PLANNING COMMISSION SPECIAL MEETING MINUTES
PRESENTATION ON OBJECTIVE DESIGN
AND DEVELOPMENT STANDARDS
VIA TELECONFERENCE ONLY
WEDNESDAY, AUGUST 31, 2022

Call to Order/Roll Call:

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

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

Commissioners Absent: Norma Fragoso (Chair)
 Philip Green

Staff Present: David Woltering, Interim Planning Director

APPROVAL OF AGENDA

Acting Chair Swift stated she wanted the Commission to have the ability to ask questions after the presentation and before public comments, and would like this added to the agenda.

M/s, Newton/Kelly, motion to approve the agenda with the addition suggested by Acting Chair Swift.

AYES: Jansen, Kelly, Newton, Acting Chair Swift

ABSENT: Green, Chair Fragoso

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

- 1. Introductory remarks by Planning Director**
- 2. Presentation on Objective Design and Development Standards (ODDS) by ELS Architecture & Urban Design, and Schemata Workshop, with zoning and schedule for Housing Element update by EMC Planning Group**
- 3. Planning Commission questions**
- 4. Public comments**
- 5. Planning Commission discussion and feedback**

Interim Director Woltering presented a staff report.

Mr. Ande Flower, Principal Planner at EMC Planning Group, introduced the team: Mr. David Masenten, representing ELS Architecture and Urban Design, Mr. Ryan Call, representing Urban Field Studio, and Ms. Grace Kim, representing Schemata Workshop. The team gave a PowerPoint presentation and answered questions from the Commission regarding the following: whether the team has reviewed the ODDS subcommittee information; if the UR-10 Zone is identified in the ODDS as a T3 Suburban Neighborhood; how Accessory Dwelling Units (ADUs) and duplexes are handled; parking standards with respect to guest parking; if Section 8 of the document will define the quality of what will be built; if theT3 typology (depicted on a hillside) will be updated; when the draft document will be distributed for review and comment; definition and selection of the zones;

comments on the zones criteria; adjustments to the criteria; consideration of comments from the focus group or Town Council; if three-story buildings would be allowed; how to mandate quality; definition of a durable material; how to mandate alternative housing typologies in the document; scale and clustered nature of buildings on a site; scale of development on large sites; if bonuses are tied to affordability; if affordability is deed restricted; homeowner options in terms of deviating from the standards; how current objective standards in the code would apply; would existing language in the General Plan with respect to views be superseded; what happens if there is a property where the standards cannot be met due to physical conditions; would the standards allow for a round building; the slide about the zoning of the Town and Country Club; timeframes and why they are tying the ODDS development to the Housing Element; the concept of ministerial approval based on the ODDS; options for the identified large sites; if a site is allocated towards the RHNA numbers must it be zoned for housing.

Acting Chair Swift opened the meeting to public comments.

Frank Egger, representing Save Fairfax, stated the proposal, if approved, will allow ministerial approval of certain projects and eliminate Public Hearings on many large and significant projects. Fairfax should not have to give up its Zoning Ordinance to comply with the Regional Housing Needs Allocation (RHNA) numbers. He opposed the concept of consultants and staff determining the Town's future development.

Mallory Geithheim stated she does not want Fairfax to turn into Corte Madera or Mill Valley. She does not want to see tall buildings. Fairfax is a little Town.

Brenna asked how the public could find and comment on the document.

Michael Mackintosh stated quality never goes out of style and style never goes out of fashion. He invited the consultants to the Marin Town and Country Club, a special property he owns.

Acting Chair Swift closed the meeting to public comments.

Commissioner Jansen provided the following comments:

- He is pleased to see the ODDS less complicated.
- He wants to limit defining too precisely development options to allow developer creativity.
- The biggest hurdle is addressing discretionary review.
- He suggested taking the current zoning code, stripping it of ambiguous language, and adding Section 8 of the ODDS (quality of the building) as an option for moving forward.
- The zone designations make sense.
- Hillside development has a lot to do with view corridors and an intentional separation of properties which is important.
- The T3 SN should have a T3 edge to make sure side setbacks are accommodated.
- An occasional three-story building would create interest.
- There is no such thing as 2 ½ story - stories have occupants.
- Styles should not be in the ODDS- they should qualify what is good and not good.
- The signage should be simple and maintained in the zoning code.
- There should be incentives for developers.
- He did not support a typology/style for the larger sites - it should be left open.

Commissioner Kelly provided the following comments:

- Tonight's presentation was very informative.
- He would like to see a follow-up draft of the document as soon as possible.
- The images of three-story buildings are alarming - they would be a huge impact to Fairfax.

- Fairfax is an unusual Town with respect to parking - there is not enough. He supports increasing the parking numbers.
- He does not support bundling the parking.

Commissioner Newton provided the following comments:

- She was excited about allowances for more creativity.
- Three story buildings have the potential to block views.
- She has misgivings about three stories in the downtown.
- The General Plan talks about clustering to maximize open space with an emphasis on preserving the natural environment.
- She supported incentives to preserve wildlife corridors and open space.
- She supports putting specific architectural styles and typologies in the ODDS.
- She is in favor of considering the idea of replacing some of the existing signage language in the zoning code with some version of the ODDS signage language.
- She would like more information about options that would make development attractive to developers.
- Affordable should be attractive.

Acting Chair Swift provided the following comments:

- The PowerPoint presentation does not reflect Fairfax's topography.
- More is better with respect to parking.
- Cars need to be parked off the road as much as possible.
- She did not want to unbundle the parking.
- She would like to leave signage out of the ODDS document.
- She is not sure the ODDS and Housing Element development necessarily go together.
- The consultant team should look at the objective standards in the zoning code and see how they fit into the ODDS.
- She was in favor of creating a density bonus schedule/chart.

Interim Director Woltering stated the next step would be for staff and the team to get together to debrief, go through all the comments, and put together a working list of things that need to be addressed. Staff will bring back a revised draft to the Commission on September 28th.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:46 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary