

Fairfax Town Council Minutes
Special Meeting
Women's Club, 46 Park Road, Fairfax
and via teleconference
Wednesday, April 19, 2023

Mayor Cutrano called the Special meeting to order at 5:00 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Lisel Blash (via Zoom, illness exception)
Barbara Coler
Chance Cutrano
Stephanie Hellman

COUCILMEMBERS ABSENT: Bruce Ackerman

STAFF MEMBERS PRESENT: Heather Abrams, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney

Approval of Agenda

M/S, Coler/Hellman, Motion to approve the agenda as submitted.

AYES: Blash, Hellman, Vice Mayor Coler, Mayor Cutrano

ABSENT: Ackerman

Regular Agenda

1. Receive Presentation and Public Comments on Public Review Draft Sixth Cycle Housing Element and Revised Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Fairfax General Plan Housing Element Update Scoping Meeting

Town Manager Abrams presented a staff report.

Andrew Hill, representing Dyett and Bhatia Consultants, presented Part One of a PowerPoint presentation. He answered questions from the Council regarding how the affordability/income distribution was obtained for the Accessory Dwelling Units (ADU) allocation of 160 units; how they came up with the 80% growth rate for ADUs; if there has been engagement with and support from the inventory list property owners; if it is unusual for so many jurisdictions to be late in the certification process; legal issues related to non-certification; the schedule for the rezoning process once adoption of the Housing Element occurs; first-right-of-refusals; how to make projects "pencil out" for affordable housing developers.

Mayor Cutrano opened the meeting to public comments.

Jack Judkins, Chair of the Open Space Committee, was heartened by the presentation, but concerned that previous actions taken by the Town or regional agencies have been forgotten.

Kevin Curtis, San Anselmo, suggested the Town add a program to the Housing Element to specifically address the future of the Marin Town and Country Club (MTCC) site.

Mark Bell, Fairfax, stated the existing infrastructure could not accommodate new housing required by the RHNA number.

Michael Mackintosh stated his property, MTCC, should be on the opportunity list.

Todd Greenberg discussed a number of concerns, including that the report was biased and incomplete.

Rob Schwartz, Oak Manor Drive, was concerned that his property was missing from the housing inventory list.

Rick Hamer, School Street, stated public involvement was lacking and he had resigned from the Affordable Housing Committee since they were not meeting.

Scott Hochstrasser, land use planner, representing Rob Schwartz who owns 615 Oak Manor Drive, stated they want to see this property put back on the list. There is internal inconsistency between the Housing Element, Open Space Element, and the General Plan.

Kelly London was opposed to over-building and proportionately out of character apartment buildings.

Mallory Geithem stated one-sixth of an acre was too small for workforce housing. She did not want the tenants of School Street Plaza kicked out. The Affordable Housing Committee should meet.

Jack Judkins, speaking on his own behalf, stated the policies of the General Plan needed to be respected. The approach should be the least environmentally impactful. He supported low-income housing, infill housing, and clustering.

An individual was concerned that the Marin Town and Country Club site was excluded. Fairfax should tell the State to "get lost".

Michael Sexton, Fairfax, agreed with the comments made by Mark Bell, Todd Greenberg, and Michael Mackintosh. To increase affordable housing, he suggested the Town incentivize ADUs and alternative rental housing.

Philip S. stated his concern that the new rent control regulations would impact ADU construction. The plan for School Street Plaza (175 units) was not viable. The Marin Town and Country Club site should be looked at.

Carla Culbertson stated that a large property she owns was included on the list but she was not notified. She agreed with the last two speakers. They need to look at viable sites.

P.J. Feffer, speaking on his own behalf as an individual, was concerned about the lack of discussion about public transit, and the dependence on cars to get in and out of Town.

Richard Applebaum, Woodland, stated people were frustrated with the process. He asked if they could explore a legal focus on pushing back and fighting the State.

Mayor Cutrano closed the meeting to public comments.

Andrew Hill, representing Dyett and Bhatia Consultants, presented part two of a PowerPoint presentation: the EIR and the Programmatic CEQA process.

Mayor Cutrano opened the meeting to public comments.

Todd Greenberg stated there was no public packet available in the Council Chambers tonight.

Jack Judkins discussed the need to protect Fairfax and its open space. Some of the proposed development was in conflict with Town adopted policies.

Michael Mackintosh stated the current housing opportunity site list included 29 sites from the prior cycle. He was concerned about the taxpayers paying for the infrastructure needed for developing these sites. He recommended a feasibility study for parcels in the NOP.

An individual asked that the upcoming meeting include information about Vehicles Miles Travelled (VMT) calculations. He asked if a programmatic approach to CEQA could include all sites in Fairfax.

Rick Hamer stated additional EIR issues should include the fire department's ability to handle fires in a three-story structure, a solution for transportation, and the need to decentralize the power grid.

Scott Hochstrasser stated the EIR did not look at an appropriate level of detail and there will be a number of significant adverse impacts that cannot be mitigated. The policies in the Housing Element were not consistent with the policies in the General Plan, in particular the Land Use Element and Open Space Element. He asked if there was funding available to prepare a Statement of Overriding Considerations.

Claire Armitage was concerned about evacuation during a fire and water supplies.

Deb London stated the Town should stand up to the State and negotiate the housing numbers.

Mayor Cutrano closed the Public Hearing.

In response to a request from the Council for clarification regarding the MTCC site and Mr. Schwartz's property, Mr. Hill stated the MTCC currently does not have zoning that permits or is available for housing. His firm discussed with HCD what it would take to rezone the property, including a ballot initiative. HCD was of the opinion that including the site on the inventory would be a last resort. The property owned by Mr. Schwartz is on the list.

The meeting was adjourned at 7:55 p.m.