

Fairfax Town Council Minutes
Special Meeting
Women's Club, 46 Park Road, Fairfax
and via teleconference
Wednesday, **October 18, 2023**

Mayor Cutrano called the Special Meeting to order at 6:00 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Bruce Ackerman
Lisel Blash
Barbara Coler
Chance Cutrano
Stephanie Hellman

STAFF MEMBERS PRESENT: Heather Abrams, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Jeff Beiswenger, Planning Director
Christine Foster, Deputy Town Clerk

Approval of Agenda

M/S, Coler/Blash, Motion to approve the agenda.

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

Interview and Appointment

1. Interview Theodore Catrini and consider his appointment to the Open Space Committee

The Council interviewed Theodore Catrini for appointment to the Open Space Committee.

M/S, Coler/Blash, Motion to appoint Theodore Catrini to a full term on the Open Space Committee effective November 1, 2023.

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

Public Hearings

2. Introduce by Title Only an Ordinance Amending Title 17 (Zoning) of the Fairfax Municipal Code to Add the Following New Chapters: Chapters 17.010 (Rules of Measurement), 17.026 (Ministerial Approvals for Qualifying Housing Developments), 17.027 (Procedures for SB 330 Application for Housing Development), 17.050 (Affordable Housing Density Bonus), 17.006 (Definitions), 17.020 (Design Review Regulations), 17.024 (Required Permits), 17.032 (Use Permits), 17.040 (General Zone Regulations), 17.044 (Exceptions and Modifications), 17.048 (Residential and Accessory Dwelling Units and Junior Accessory Dwelling), 17.052 (Off-Street Parking and Loading Requirements), 17.056 (Traffic Impact Permit), 17.076 to 17.090, and 17.116 (Related to Residential Zones), 17.138 (Regulations Applying in Multiple Zone Districts), and 15.02 (Construction Codes) to Implement the General Plan Housing Element and Determining the Ordinance to be Exempt from CEQA

Planning Director Beiswenger presented the staff report and gave a PowerPoint presentation. Staff answered questions from the Council regarding a definition of density bonus and builders remedy; the constraints regarding the inclusion of the Marin Town and Country Club in the Housing Element document; Section 17.010.040(c) and if retaining walls were included in measuring fence heights; Section 17.020.090 and how the six-month time period was decided for Design Review; Section 17.040.010, if the waiver provision was different from the current code; Section 17.048.010(C) and (F) and where (A) comes into play; the notion of open space within a development; Exhibit E and the number of allowable ADUs vs. JADUs; the required number of parking spaces for apartments and single-family homes.

Mayor Cutrano opened the public hearing.

Todd Greenberg asked the Council to be more receptive to public input.

Philip Salaverry was concerned about the development of School Street Plaza without additional parking.

Mark Bell stated he was entitled to speak for three minutes. He asked why the Council would approve an ordinance that would be immediately amended.

Frank Egger was concerned about Section 17.044.090 giving the Planning Director authority to grant waivers; evacuation out of the Cascades; and new State legislation regarding housing.

Michael Mackintosh was concerned about doing a first reading with amendments. He would like a discussion about whether his property should be on the site inventory list. He was concerned about the cost of infrastructure necessary for more housing.

Jessica Green was concerned that more housing in the hills would make evacuations more difficult.

A resident opposed increasing the density in Fairfax. She was concerned about fire danger.

Johnson stated there are many people who work in Marin who cannot afford to live here.

Carmella, speaking on behalf of the Marin Environmental Housing Collaborative, supported rezoning School Street Plaza, housing people who work in Marin, and density housing.

Mayor Cutrano closed the public hearing.

M/S, Coler/Blash, Motion to Introduce by Title Only an Ordinance Amending Title 17 (Zoning) of the Fairfax Municipal Code to Add the Following New Chapters: Chapters 17.010 (Rules of Measurement), 17.026 (Ministerial Approvals for Qualifying Housing Developments), 17.027 (Procedures for SB 330 Application for Housing Development), 17.050 (Affordable Housing Density Bonus), 17.006 (Definitions), 17.020 (Design Review Regulations), 17.024 (Required Permits), 17.032 (Use Permits), 17.040 (General Zone Regulations), 17.044 (Exceptions and Modifications), 17.048 (Residential and Accessory Dwelling Units and Junior Accessory Dwelling), 17.052 (Off-Street Parking and Loading Requirements), 17.056 (Traffic Impact Permit), 17.076 to 17.090, and 17.116 (Related to Residential Zones), 17.138 (Regulations Applying in Multiple Zone Districts), and 15.02 (Construction Codes) to Implement the General Plan Housing Element and Determining the Ordinance to be Exempt from CEQA, including the supplement, errata, and changes recommended tonight.

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

The Council took a 5-minute break.

3. Receive a Status Update on the Town of Fairfax 2023-31 Housing Element Update

Planning Director Beiswenger presented the staff report and a PowerPoint presentation. Staff answered questions from the Council regarding whether the Sherwood Oaks apartments are counted towards the RHNA numbers; the red line copy of the document and waiver of fees; Exhibit C and if ADUs are eligible for short-term rentals; current interest rates.

Mayor Cutrano opened the meeting to public comments.

Frank Egger discussed a lawsuit filed against the planning consultants. He was concerned that clustered development would result in large houses near the ridgeline.

Todd Greenberg opposed the proposed development and increased density.

Mark Bell questioned recent housing laws. He discussed the current minimum wage, workforce housing, the lack of public transportation, the density bonus percentage, and several of the proposed sites.

Michael Mackintosh discussed the steep slopes of several Town-owned properties that are on the housing opportunity site list. He supported more parking.

A resident stated the Council was ceding control of the Town to Sacramento.

Lynn asked for fire drills in Fairfax. She did not like the direction Fairfax is headed. .

Sierra Salin discussed environmental concerns, infrastructure failures, and an increasing population.

Casey had a question about Sherwood Oaks and a recent Fairfax lawsuit.

Mayor Cutrano closed the meeting to public comments.

The Council was appreciative of the report.

Consent Calendar

4. Adopt Resolution Authorizing the Temporary Closure of Dominga and Napa Avenues Following the 2023 Halloween Parade on October 31, 2023- Deputy Town Clerk

5. Receive proposal letter from Marin Open Space Trust regarding Wall Property and Mayor Cutrano's reply to said letter- Town Manager

Mayor Cutrano opened the meeting to public comments.

Frank Egger had a comment about item #5.

Todd Greenberg was opposed to more development.

Michael Mackintosh supported more community engagement.

Mayor Cutrano closed the meeting to public comments.

M/S, Coler/Hellman, motion to approve the Consent Calendar.
AYES: Ackerman, Blash, Hellman, Vice Mayor Coler, Mayor Cutrano

The meeting was adjourned at 9:27 p.m. in memory of Terry Wayne Scott.