

FAIRFAX PLANNING COMMISSION MEETING MINUTES
WOMEN'S CLUB, 46 PARK ROAD
AND VIA TELECONFERENCE
THURSDAY, SEPTEMBER 21, 2023

Call to Order/Roll Call:

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

Commissioners Present: John Bella
 Philip Feffer
 Robert Jansen
 Mimi Newton
 Cindy Swift (Chair)

Commissioners Absent: Brett Kelly

Staff Present: Jeffrey Beiswenger, Planning Director
 Linda Neal, Principal Planner
 Kylee Otto, Assistant Town Attorney
 Kara Spencer, Assistant Planner

APPROVAL OF AGENDA

M/s, Jansen/Newton, motion to approve the agenda as submitted.
AYES: Bella, Feffer, Jansen, Newton, Chair Swift
ABSENT: Kelly

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

- 1. 109 Broadway: Application #22-22**
Continued consideration of a request for a Fence Height Variance, Design Review Permit, and an Encroachment Permit to erect an 8-foot tall fence along approximately 350 linear feet of the rear property line along Spruce Road and install a planting buffer within the Spruce right-of-way (Tree Removal Permit no longer required- the plans have been revised so that no trees subject to Town Code Chapter 8.36, Trees, are proposed for removal; AP# 001-148-13; Service Commercial CS Zone; Fairfax Lumber and Hardware, Applicant; San Rafael Lumber Company, owner; CEQA categorically exempt per Section 153043(e)

Principal Planner Neal presented the staff report. She answered questions from the Commission regarding whether the landscape architect met with the neighbors; maintenance of the corrugated metal.

Chair Swift opened the Public Hearing.

Mr. Gary Roth made the following comments:

- He talked about what has occurred since the last meeting.
- He met with the neighbors; shared the plans with the changes; recessed some of the fence panels to allow more vines to grow; walked around with the Fire Marshal who recommended some pruning.
- The panels have a rustic quality and come pre-finished.
- They will install misters for one of the bins and will upgrade the irrigation.

Mr. Roth answered questions from the Commission regarding the misters; if the invasive species of trees will be removed; the proposed vine (Boston Ivy) for the fence.

Mr. James Riley, Spruce Road, made the following comments:

- This is a good plan.
- There should be a condition requiring the removal of graffiti.
- Sprinklers, and not misters, should be used for the bins.

Ms. Kendra Scott, Spruce Road, made the following comments:

- Dust is being created by the bins and the lumber yard itself.
- Adding a mister to the bins will not remove the dust.
- The bins should be moved.

Ms. Susie Bergen, Spruce Road, made the following comments:

- She agreed with Ms. Scott.
- This is a pretty good plan.

Hillary, Spruce Road, made the following comments:

- She was concerned about graffiti and maintenance of the fence.
- The dust is the main problem.

Mr. Roth made the following comments:

- They owners are trying to manage the situation while staying in business.
- They are proposing professional grade sprinklers and not misters.
- Moving the bins is a non-starter.
- He would not propose adding more shrubs into the mix.

Chair Swift closed the Public Hearing.

Commissioner Jansen provided the following comments:

- He made a change to the resolution on page 2, under the second "Whereas", #2, and suggested adding the words "free of graffiti".

M/s, Kelly/Bella, motion to adopt Resolution No. 2022-30 with the change recommended by Commissioner Jansen.

AYES: Bella, Feffer, Jansen, Newton, Chair Swift

ABSENT: Kelly

Chair Swift stated there is a 10-day appeal period.

2. 18 Wood Lane; Application #23-25

Request for a Design Review Permit to construct an approximately 668 sq. ft. detached garage/workshop in a Ridgeline Scenic Corridor; AP # 002-041-37; RS 6 Single Family

Residential Zone; Gabriel Dunne, owner/applicant; CEQA categorically exempt per Section 15303(a) and 15305(a)

Assistant Planner Spencer presented the staff report. There were some additional conditions. She answered questions from the Commission regarding whether the structure would have electricity; the fire sprinkler issue.

Chair Swift opened the Public Hearing.

Mr. Gabriel Dunne, applicant, made the following comments:

- He wants a nice water proof storage area and workshop.
- It will match the existing architecture of the house.
- It will not impact the turnaround.
- There will be electricity but no plumbing in the workshop.

Mr. Dunne answered a question regarding the turnaround area.

Chair Swift closed the Public Hearing.

Commissioner Jansen provided the following comments:

- The project is nicely nestled into the appropriate space.
- The conditions from the Ross Valley Fire Department should reference a “garage” and not a “residence.”

Commissioner Newton provided the following comment:

- The Ross Valley Fire Department conditions refer to “sleeping rooms” and “the number of stories.”

Principal Planner Neal stated conditions #15 and #16 could be deleted.

M/s, Jansen/Newton, motion to adopt Resolution No. 2023-23 including the Ross Valley Fire Department conditions #11 through #14 and #17 through #19 submitted by staff.

AYES: Bella, Feffer, Jansen, Newton, Chair Swift

ABSENT: Kelly

Chair Swift stated there is a 10-day appeal period.

3. 66 Cascade Drive; Application #23-26

Request for a Conditional Use Permit and a Variance for a 440 sq. ft. primary bedroom and bathroom addition and remodel to a 1,192 sq. ft. house; AP #003-203-17; RS 6 Single Family Residential Zone; Jamie Romero, applicant; Daniel McKenzie, owner; CEQA categorically exempt per section 15301(a) & (e)(1)

Assistant Planner Spencer presented the staff report. She stated there were edits to the Resolution. She answered questions from the Commission regarding the Variance to allow parking in the side-yard; if the Town received comments from any neighbors.

Chair Swift opened the Public Hearing.

Mr. Daniel McKenzie, owner, made the following comments:

- They work from home and the house is now tight.
- They want to turn one room into an office and add a bedroom.
- He talked to all of the neighbors- they were all supportive.

Mr. McKenzie answered a question from the Commission about the small shed in the back.

Chair Swift closed the Public Hearing.

M/s, Jansen/Bella, motion to adopt Resolution No. 2023-24 with the edits cited by Assistant Planner Spencer.

AYES: Bella, Feffer, Jansen, Newton, Chair Swift

ABSENT: Kelly

Chair Swift stated there is a 10-day appeal period.

4. 12 Barker Avenue; Application #23-27

Request for a Hill Area Residential Development Permit, Excavation Permit; Design Review Permit including action to allow construction within a Ridgeline Scenic Corridor, Retaining Wall Height Variance, Tree Removal Permit, and Revocable Encroachment Permit for a 3,347 sq. ft., single-family residence and 500 sq. ft., detached garage. Project includes construction of a Junior Accessory Dwelling Unit and a detached Accessory Dwelling Unit that do not require Planning Commission action; AP #002-071-01; Upland Residential UR-7 Zone; Gary Millar, applicant/architect; Matt and Mireya Quirie, owners; CEQA categorically exempt per Section 15303, Class 3, (a) and (e) and 15305(b)

Principal Planner Neal presented the staff report. She answered questions from the Commission regarding an earlier submission; the protected Ridgeline Corridor area; the Visual Resources Map; If Town Code Section 17.060.070 applies to this project; the square footage listed in the table; if the resolution should indicate the Commission is granting an exception to the maximum house size limit; the Excavation Permit; if this parcel is on the General Plan Open Space inventory; the visually significant areas vs. top of the ridge areas vs. scenic corridors; why the road would not be maintained by the Town;

Chair Swift opened the Public Hearing.

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

- He displayed a diagram of the site.
- The knoll is the natural site for the building. It is not in the area of the Scenic Corridor that has a significant view
- He talked about the siting of the house, the road location and extension, the driveway, and the retaining walls.
- The development and the retaining walls will be on the uphill side of the roadway. They will not be visible from Porteous.
- The Fire Department turnaround is the major imposition on the site. They attempted to minimize the amount of cut and fill. It is "Y" shaped rather than "T" shaped.
- He discussed the drainage and the design of the rain catchment.

Mr. Millar answered questions from the Commission regarding the height of the retaining walls; the contours and slope; the Stormwater Management Plan; mitigation of sedimentation or run-off from the fill.

Mr. Matt Quirie, owner, made the following comment:

- They have been clearing Scotch Broom from the property- lots of it.

Ms. Mireya Quirie, owner, made the following comment:

- They would like to provide a space for her aging parents.

Ms. Allison Zeus, Porteous Avenue, made the following comments:

- She is generally in favor of the project.
- She is concerned about having a road behind her property and who would build it, the run off, and construction impacts.

Mr. Randy Chavez, Porteous Avenue, made the following comments:

- He would be closest to the main house.
- He is excited about the project.
- The site was a “tinder box” until recent work was done.

Mr. David Garten, Barker Avenue, made the following comments:

- His house is at the same elevation as the applicants.
- He supports the project.

Mr. Charles Dice, Hillside Avenue, made the following comments:

- It sounds like a wonderful project.
- He has reservations about the visual impacts during the night.
- He would like to see a rendering as seen from across the valley.

Ms. Karen Gabriel, Hillside Drive, made the following comments:

- The project sounds amazing.
- She asked them to consider views from a greater distance.

Chair Swift closed the Public Hearing.

Commissioner Newton provided the following comments:

- She would like the resolution to reference the General Plan, Open Space Policy 3.2.3.
- It is possible to expand the visually significant areas by amending the General Plan.
- The colors should blend in with the environment.

Commissioner Bella provided the following comments:

- He is happy to hear about the updated design that balances the cut and fill on the site.
- A lot of thought has been given to the orientation of the road, the siting of the house, and the approach to the grading.
- He does not want to weigh in on colors.

Commissioner Jansen provided the following comments:

- He agreed with the other Commissioners.
- The project will fit nicely in the hill.
- He would like some assurances about the quality of the road construction in the public right-of-way.
- The light fixtures are downward facing and comply with the standards.
- He is concerned about the size of the house.

Commissioner Feffer provided the following comments:

- The colors look more subdued on the color board. He likes the look of the stone.
- The project was built with great detail and care.
- He was concerned about the interior lighting bleeding out from all the windows and recommended some way to limit that effect.

Chair Swift provided the following comments:

- She wondered if trees/vegetation would minimize the lights.
- There is nothing that they can do about interior lighting.

Principle Planner Neal recommended a changes to the resolution: 1) Findings for the Excavation Permit should include the amount of excavation; 2) Acknowledgment that the Commission approved an exception to the maximum floor area

M/s, Jansen/Newton, motion to adopt Resolution No. 2023-25 with the corrections to the resolution cited by Principle Planner Neal.

AYES: Bella, Feffer, Jansen, Newton, Chair Swift

ABSENT: Kelly

Chair Swift stated there is a 10-day appeal period.

The Commission took a 5-minute break.

5. Continued discussion/consideration of recommendation to the Town Council the following: A resolution of the Fairfax Planning Commission recommending the Town Council adopt an Ordinance amending the Fairfax Municipal Code to add or amend chapters.

Planning Director Beiswenger presented the staff report and gave a PowerPoint presentation. Staff answered questions from the Commission regarding defensible space and high and very high fire zones; the errata sheet; single-family dwelling definition; if there is a reference to Dark Sky compliance; open space definitions; condominium conversions; definition of a tiny house; lot coverage and impervious surfaces, Section 17.010.100(d); change in parking requirements; when the Objective Design and Development Standards (ODDS) are applied and if they are applied to single-family homes; the ministerial process; Chapter 17.138; when subjective design standards can be used; the difference between discretionary and non-discretionary; evacuation concerns and parking; Design Review criteria; screening; applicability of landscaping standards; if Section 17.052 applies to all zoning types; parking requirements for tiny homes; Accessory Dwelling Unit (ADU) height measurement; Section 17.010.030(c); if the definition of balcony is necessary; minimum dimensions for lofts; Section 17.116.040 Single Family Residential Master Planning District; the relationship between inclusionary housing and the State density bonus; what would trigger SB 330 application procedures; the definition of "fair market value".

Chair Swift opened the Public Hearing.

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

- He discussed the adoption of the Fairfax Zoning Ordinance in 1973.
- The ordinance was designed to protect this small Town from overdevelopment.
- He is concerned about the direction of the Housing Element and the Safety Element.

Chair Swift closed the Public Hearing.

Commissioner Bella provided the following comments:

- Defensible space components should be added to the ODDS.
- There is a tremendous amount of information in the packet and it is confusing.
- The document presented tonight does not streamline the code.

Commissioner Newton provided the following comments:

- Tiny homes should have a one parking space requirement.
- The color issue is more important the higher up the ridges you go.
- She would not support the color blue up on a ridge.

Commissioner Jansen provided the following comments:

- He disagreed- he loves blue. That is the problem- it is subjective.

- He would like to discuss the color issue at another time.

Chair Swift provided the following comment:

- She agreed with Commissioner Newton with respect to the issue of color.
- She wants Section 17.052 to stay the way it is.

Commissioner Feffer provided the following comments:

- Parking requirements merit further discussion but tonight's exercise is to get the Zoning Ordinance in compliance with State law as opposed to having a substantive review of every subject.
- He would rather talk about the color issue at another meeting.

Chair Swift provided the following comments:

- The Tree Ordinance conflicts with Fire Safe Marin's list of fire resistant or prone plants.
- There is no clarity about applicability and the document lumps everything from a multi-family unit perspective.

Assistant Town Attorney Otto there is no consensus on the color issue and several Commissioners were on record stating that the color standard as stated in the errata is subjective.

M/s, Newton/Jansen, motion to adopt Resolution 2023-27 recommending the Town Council adopt an ordinance amending the Fairfax Municipal Code to add or amend the following 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 15.04 (Construction Codes) and incorporate all the consensus and input from the Planning Commission over the last two weeks and exclude the language from the errata about the color and go back to the proposal that was previously there.

AYES: Bella, Feffer, Jansen, Newton, Chair Swift

ABSENT: Kelly

Minutes

6. Review and approval of the minutes from August 17, 2023 meeting

M/s, Feffer/Jensen, motion to continue the August 17, 2023 minutes.

AYES: Bella, Feffer, Jansen, Newton, Chair Swift

ABSENT: Kelly

Commissioner Comments and Requests

The Commission thanked Planning Director Beiswenger for the great work!

Commissioner Feffer asked for a review of the Housing Element and Zoning Code in January.

Planning Director's Report

There was no report.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 12:25 a.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary