

DRAFT FAIRFAX PLANNING COMMISSION
SPECIAL MEETING MINUTES
WOMEN'S CLUB, 46 PARK ROAD
AND VIA ZOOM
THURSDAY, NOVEMBER 29, 2023

Call to Order/Roll Call:

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

Commissioners Present: John Bela
 P.J. Feffer
 Robert Jansen
 Brett Kelly
 Cindy Swift (Chair)

Commissioners Absent: Mimi Newton

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

APPROVAL OF AGENDA

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

PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no comments.

CONSENT CALENDAR

Mr. Rick Hamer, downtown Fairfax, stated December is the month that the Council decides on Building Codes that will be incorporated into the Fairfax Town Code. He stated Appendix D, Fire Apparatus Access to New Developments, should be included. This section addressed ingress and egress issues in neighborhoods. He was concerned about one-way in and out neighborhoods.

Mr. Michael Macintosh stated the Commission should be involved in adopting guidelines that represent and protect the majority not just protect the minority. He was concerned that the Commission is being usurped of its wisdom and guidance by a Council that subordinates its duties to consultants.

PUBLIC HEARING ITEMS

1. **34 Olema Road: Application #23-32
Request for a Design Review Permit for the 50% remodel of a historic house,
Combined Side-Yard Setback Variance and Minimum Front-Yard Setback Variance
for the construction of a new single-car garage, and Second Driveway Variance for
access to and creation of required parking. AP# 001-104-18; RD 5.5-7 Residential Zone;
Mahaney Architecture and Design, architect; Skip Jack, LLC, owners; CEQA categorically**

exempt per Sections 15301(d), 15303(e), 15305(a), 15331.

Assistant Planner Spencer presented the staff report. There were no questions from the Commission.

Chair Swift opened the Public Hearing.

Ms. Valerie Saroyan, architect, made the following comments:

- The residence was purchased with the intent to restore the historic details while updating the interior to include modern conveniences
- The kitchen and bathrooms will be updated.
- The existing building footprint will not change.
- Demolition exposed extensive dry rot and structural damage.
- They would like to begin construction prior to the winter weather.

Mr. Michael Macintosh made the following comment:

- The project seems reasonable.

Chair Swift closed the Public Hearing.

Commissioner Jansen provided the following comments:

- The project is nicely done and fits perfectly on the site.
- He supports the project.

Commissioner Kelly provided the following comments:

- This is an ambitious project.
- It will be an attribute to the Town.

M/s, Jansen/Bela, motion to adopt Resolution No.2023-31 as submitted.

AYES: Bela, Feffer, Jansen, Kelly, Chair Swift

ABSENT: Newton

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

2. Fairfax 2023-31: Housing Element Update

Discussion/consideration for recommendation to the Town Council of the following Resolution of the Fairfax Planning Commission recommending that the Town Council Certify the Environmental Impact Report; and a resolution of the Fairfax Planning Commission recommending that the Town Council adopt the 2023-31 Housing Element update

Planning Director Beiswenger presented the staff report and Mr. Andrew Hill, representing Dyett and Bhatia Consultants, presented a PowerPoint presentation. They answered questions from the Commission regarding the responsibilities of the Town in terms of the site inventory, the buffer, and actual development; the reason for and importance of the buffer; the EIR's category of significant and unavoidable impacts and the consequence on the process that they exist; cluster development in Scenic Ridgelines and density; consequences for non-compliance; "good faith" efforts; if there is State monitoring of compliance subsequent to approvals; enforcement actions from the State; incentives to developing Accessory Dwelling Units (ADU); development of the Marin Town and Country Club; development in the Fire Protection Plan; evidence to support Section 3, E, Findings; risks of being out of compliance including the availability of the Builders Remedy and SB35 and if staff has staff received such applications; how Fairfax compares to other jurisdictions in Marin in terms of progress towards compliance; certification timeline and target; Zoning Amendments;

mitigation measures for the significant, unavoidable impacts; housing in the commercial area and design standards established by the State; Work Force Housing; Fairfax's default density of 20 dwelling units per acre and where this is defined; how the default density relates to Town owned parcels; high and moderate Fire Hazard Severity Zones; Priority Conservation Areas identified by ABAG and MTC; the EIR planning area and the EIR "project"; increase in population due to the "project"; the number of people who commute to jobs in Fairfax; air quality and biological resources mitigation measures; Cal Fire maps, SRAs, and LRAs; the CPUC Fire Threat Districts; potential inventory sites subject to AB211 and the definition of "commercial corridor"; programmatic EIRs; certification of the EIR before it is final; how it can be determined that sites that are not vacant will be likely to discontinue the current use; the Fairfax Market site.

Chair Swift opened the Public Hearing.

Mr. Rick Hamer, downtown Fairfax, made the following comment:

- The January deadline is very important.

Mr. Frank Egger, representing Save Fairfax, made the following comments:

- He asked if this is a quasi-judicial hearing.
- He asked the Commission to reject the Resolution certifying the EIR. The EIR is inadequate.
- Wildland fires are an important issue and the discussion of evacuation is insufficient.

Mr. Todd Greenberg, downtown Fairfax, made the following comments:

- There are letters that were not available to the public.
- He was concerned about the process.
- The HCD rejection letter should be made available to the public.

Mr. Michael Macintosh made the following comments:

- This qualifies as a contested hearing since information has not been made available to the public.
- He was concerned that an alternate plan calls for 50,000 square feet of mixed/commercial use plus 200 units at the Marin Town and Country Club.
- He was concerned about the cost of the infrastructure that would need to be built to accommodate the proposed number of units.

Chair Swift closed the Public Hearing.

Commissioner Jansen provided the following comments:

- He agreed with some of the comments made by the public.
- The intent of the document is to make a case that according to the plan it would be possible to reach the number of housing units assigned to Fairfax.
- He has a good understanding of what is included in the documents and he would support the recommendation to the Council.

Commissioner Bela provided the following comments:

- He would like to see more progress made on the Pedestrian and Bicycle Master Plan and a downtown parking strategy.
- It is clear that the risk of not moving forward is greater than the risk of some of the concerns expressed by the public.
- Allowing Builder's Remedy projects results in a total lack of control.

Commissioner Feffer provided the following comments:

- He agreed with the comments made by the other Commissioners.

- He agreed with some of the public's concerns including wildfire risk, evacuation, and the fire insurance issue
- He wants to move along with the process towards compliance.
- He would like to focus on the very low, low, and moderate income categories
- He suggested a tweak to Resolution No. 2023-32, page 2, Section 2- it should refer to the DEIR.

M/s, Jansen/Bela, motion to adopt Resolution No. 2023-32

AYES: Bela, Feffer, Jansen, Kelly, Chair Swift

ABSENT: Newton

M/s, Jansen/Bela, motion to adopt Resolution No. 2023-33.

AYES: Bela, Feffer, Jansen, Kelly, Chair Swift

ABSENT: Newton

The Commission took a 5-minute break.

Discussion Items

3. Planning Commissioner Training Opportunities

Planning Director Beiswenger presented a staff report. There is money in the Town budget for Commissioner's attendance.

Chair Swift stated she has attended several Planning Commissioners Conferences and they are very useful.

Minutes

4. Review and approval of the minutes from the September 21, October 12, and October 19, 2023 meetings

M/s, Jansen/Bela, motion to approve the September 21, October 12, and October 19, 2023 minutes as submitted.

AYES: Bela, Feffer, Jansen, Kelly, Chair Swift

ABSENT: Newton

Commissioner Comments and Requests

Chair Swift asked about the status of the Safety Element and when it would be reviewed by the Commission. Planning Director Beiswenger stated staff will start working on this document in February and March. He will attempt to accelerate the timeline.

Chair Swift asked if public comments sent to the Commission could be added to the on-line agendas section.

Chair Swift stated they are approaching the new Northern Spotted Owl Nesting season and asked if staff has current mapping and information from the County. Principal Planner Neal stated staff was checking into obtaining a current map.

Commissioner Jansen asked if the requirement for two-way evacuation routes would be incorporated into the Fire Code. Planning Director Beiswenger stated he would follow-up with the Building Official.

Planning Director's Report

Planning Director Beiswenger stated he had no additional information to report.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:11 p. m.

Respectfully submitted,
Toni DeFrancis,
Recording Secretary