

Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, May 29, 2014

Call to Order/Roll Call

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

COMMISSIONERS PRESENT: Roxanne Ezzet
Esther Gonzalez-Parber
Shelly Hamilton
Laura Kehrlein (Vice-Chair)
Brannon Ketcham (Chair)
Shelby LaMotte

COMMISSIONERS ABSENT: Philip Green

STAFF PRESENT: Garret Toy, Town Manager
Jim Moore, Planning Director
Linda Neal, Senior Planner
Joanne O'Hehir, Minutes Secretary

APPROVAL OF AGENDA

M/s, Hamilton/Kehrlein, Motion to approve the agenda:

AYES: All

PUBLIC COMMENTS ON NON-AGENDA ITEMS

John Sergeant, Madrone, discussed his concerns regarding road congestion, traffic and pollution, which would be exacerbated with additional housing. He commented on the planned workshops and the need to publicize them.

PUBLIC HEARING ITEMS

1. Consideration of a draft ordinance repealing Ordinance No. 778, a zoning ordinance that amended Town Code Chapters 5.52, 17.012, 17.020, 17.092, 17.096, and 17.104, and added Chapter 17.130, rezoned all parcels then-zoned Highway Commercial (CH) to Central Commercial (CC) Zone, rezoned APN 002-112-13 and 001-104-012 from Limited Commercial (CL) to Planned Development District (PDD); rezoned APN's 174-070-17 and 174-070-50 from UR-7 to PDD, added a Public Domain (PD) Zone, rezoned selected parcels to Public Domain (PD), provided for the supremacy of the Zoning Map

over the text in event of discrepancy, corrected typographical errors, and updated the Town Zoning Map to reflect these zoning changes, in its entirety.

Planning Director Moore presented the staff report. He provided background information on Ordinance 778 and the Resolution to repeal the Ordinance. Mr. Moore discussed the Housing Element in the General Plan, which included the conversion of the Central Highway zone to Central Commercial, and the adoption of a new Zoning Map. He explained the purpose of the zone changes.

Mr. Moore discussed the Ordinance, which had been adopted by the Town Council, in relation to a referendum petition. He said that the Town Council voted 3 to 2 at their meeting on May 7, 2014 to begin the appeal process for the entire Ordinance. The Planning Commission has been requested to start that process.

Mr. Moore noted that tonight's hearing offered an opportunity to discuss the concerns raised at the Council meeting and for opportunities to be explored to ascertain whether the Lutheran Church project could continue to move forward without Ordinance 778 being adopted. Furthermore, Mr. Moore said that staff had been directed to arrange a forum/workshop for the community to discuss their concerns.

Mr. Moore concluded that if the Planning Commission did not repeal Ordinance 778, findings would need to be made and incorporated into the Resolution that was before them.

Garrett Toy, Town Manager, added that the goal of the workshops would be to discuss inconsistencies regarding rezoning and the General Plan.

In response to Commissioner Ezzet, Mr. Moore said that the Housing Element should not lose its certification if the General Plan were implemented within a reasonable time period and the Zoning Map brought into compliance. He noted that the Lutheran Church site and 10 Olema had satisfied the state's requirements for low income housing, which he discussed.

In response to Commissioner Gonzalez-Parber, Mr. Toy said that if the petition was certified, the Council could repeal the Ordinance or put the matter on the ballot. However, the Town Council has asked the Planning Commission to consider, after further discussion, whether they would recommend that the Town Council repeal Ordinance 778.

In response to Commissioner LaMotte, Mr. Moore confirmed that the workshops could go ahead and the General Plan could be amended without the need to repeal Ordinance 778. He said that if the ordinance were repealed, all the sites scheduled for rezoning to accommodate affordable/workforce housing would be jeopardized.

Vice-Chair Kehrlein and Mr. Moore discussed site densities. He noted that the number of units designated for a site was not a guarantee that they could be built, and that a developer would not be absolved of meeting other criteria associated with new construction.

Chair Ketcham opened the public comment period.

Chris Lang, Canyon Road, discussed the problems with traffic congestion at Willow and Drake. He also said that he supported an affordable housing project at the Lutheran Church site and that it should be separated from the other sites scheduled for rezoning. Mr. Lang discussed the reasons he believed that Highway Commercial should not be changed to Central Commercial.

Valeri Hood, Dominga, discussed the lack of trust that appeared to exist and she asked who would be able to move into the affordable housing.

David O'Callaghan, Olema, said that the information on the process had not been clear. He said that the parking requirements for the 10 Olema site were inadequate and that he would like to know exactly what constituted affordable housing.

Bonnie Leonard, 73 Dominga, also asked what affordable housing meant. She discussed her concern that such sites required fewer parking spaces than ordinary housing.

Niccolo Caldararo, Frustuck, discussed the limitation of formula stores in Fairfax, and he commented on low cost housing, which he said could not be built unless there was funding in place.

Norma Fragoso, Meernaa, said that excellent work had been accomplished in updating the Zoning Map and Housing Element. She believed that the character of the town should be preserved while being able to conform to the State rules. Ms. Fragoso said that the town should maintain its certification and that the Ordinance should not be repealed.

Alexander Binik, 7 Meadow Way, discussed his concern that there was a potential to build too many affordable units in Fairfax. He agreed that the Lutheran Church project should be considered separately from other sites that had been slated for potential affordable housing.

Hannah Doress, Porteous, said that trans-oriented development was a sensible option, which would provide more opportunity for young people and other people to live close to public transport and stay in the community. She supported the plans for the Lutheran Church.

Diane Hoffman, Porteous, discussed the petition. She asked that the Planning Commissioners and Town Council members listen to the residents.

Christopher McManus, Sir Francis Drake Blvd, said that he lived close to one of the proposed sites and that he supported affordable housing.

Doug Mason, Von Court, commented on the urbanization of Fairfax, which he believed would have a negative effect on the town. He supported a repeal of the Ordinance.

Amy Gosman, Oak Manor Drive, discussed the petition. She said that she had not realized it would jeopardize a possible future housing project at the Lutheran Church, and that she would support their wish to share their land.

Alicia Klein, Resources for Community Development, discussed the potential project at the Lutheran Church site with regard to funding. Ms. Klein noted that they could not develop the site if the Ordinance were repealed.

John Sergeant, Madrone, discussed the Council's comments at their last meeting. He urged the Planning Commission to support the repealing of the Ordinance.

Morgan Hall, Walsh Lane, said that the General Plan was a fine document and should be a standard for other communities. He said that the process for approving housing developments was arduous and that residents should attend those meetings. Mr. Hall commented on the Housing Element and asked that the Planning Commission support the Ordinance.

Amy Newton, Mono, supported repealing the Ordinance and holding a workshop to discuss and explain to the community what should be done next.

Wendi Kallins, Coalition For A Livable Marin, said that there had been an excellent process that led to the Ordinance and compelling reasons why it should not be repealed. Ms. Kallins said that the town was in danger of losing the Lutheran Church project and being out of compliance with the State. She commented on the petition.

Jennifer Hammond, 9 Iron Springs Road, provided materials to the commissioners and staff. She urged the commissioners to support Ordinance 778, and she suggested that changes to the General Plan could be made at a future date after the workshops.

David Kroll, Claus, said that additional housing would increase traffic congestion and he noted that seniors used cars.

Noreen Neela, Main Court, said that affordable housing should be studied in a practical, measured way without repealing the Ordinance.

Kiki Laporta, Glen Drive, said that Fairfax was not an island and that it should be inclusive and should build affordable housing. She said that everyone needed to drive less and that she supported the Lutheran Church project.

Jane Richardson Mack, Madrone, suggested that the process should begin again so that it could be discussed in a more open way.

Frank Egger, Meadow Way, discussed the public service roles he held at the Town of Fairfax. Mr. Egger urged the commissioners to support rescinding the Ordinance in order for a fresh start to be made.

A Sleepy Hollow resident said that a full, robust debate on the housing issues should be held. He provided materials to the commissioners.

Lisel Blash, Pacheco, discussed problems with the petition. She said that parking was at a premium but that she put social justice above that and supported affordable housing.

Jessica Green, Ridgeway, commented on water in relation to affordable housing. She believed that more time was needed to get affordable housing right and that there did not seem to have been enough outreach.

Bill Carey, 220 Marinda, said that there were ways to address parking and other issues. He said he would like more clarity on those issues and to keep moving forward with the Ordinance.

Chair Ketcham closed the public comment period. He noted that a traffic study had been completed as part of the Housing Element and that Ordinance 778 reflected what was in the Housing Element and General Plan.

Commissioner Gonzalez-Parber said that she believed there appeared to be misinformation on which people were making decisions. She noted that the Housing Element could be revisited but that the Ordinance should not be rescinded. Commissioner Gonzalez-Parber said that changes could be done well with sensitivity and good design and that opportunities existed to fix any problems.

Commissioner Ezzet said that land use controls were made locally but that the State had mandated every town to have affordable housing, which she discussed. Commissioner Ezzet noted that the issues raised by residents, which mainly concerned development that had not occurred, could be addressed at workshops. She discussed the General Plan and Housing Element and said that she would not support repealing the Ordinance.

Vice-Chair Kehrlein commented on the 10 Olema parcel. She said that a lot of the issues raised about parking and traffic would be scrutinized if and when a project came forward. She recommended adopting the general plan and zoning changes that were proposed and not repeal Ordinance 778.

Commissioner Hamilton said that she respected the diverse opinions expressed and she encouraged residents to take part in discussions. She noted that the Affordable Housing Committee members, Open Space Committee members and the Planning Commissioners were all residents and volunteered their time. Commissioner Hamilton discussed the confusion that seemed to have occurred and the need for public workshops to make sure residents understood the issues.

Commissioner LaMotte discussed affordable housing in relation to people who lived in Fairfax, and she noted that a great deal of discussion on affordable housing had already occurred. She said that she wished more residents attended public meetings and noted that the workshops were not unrepresentative. Commissioner LaMotte said that the town could not choose the laws with which it wished to comply and that the General Plan represented a flexible document. She said that they should not go backwards by repealing the Ordinance.

Chair Ketcham noted that the town had held workshops, which were not well attended. He discussed the Ordinance passed by the Town Council and the rationale for its adoption. Chair Ketcham said that there were limited findings to repeal the Ordinance and that it was consistent with the General Plan. He said that he would encourage residents to read the traffic study, which

he had already noted was included in the Housing Element of the General Plan. Chair Ketcham said that he would like the workshops to be scheduled.

Commissioner Hamilton summed up the main issues that had been discussed by members of the public. She said that the town should concentrate on fixing problems with the General Plan and not waste time repealing the Ordinance. Commissioner Hamilton explained that there is confusion stemming from public not being clear on the distinction between the locations of different issues that are being discussed. Some of the issue items are found in the Housing Element itself, Some are found in the Town Code and some are found in Ordinance 778. She explained that it is important to make the distinction because where the items are found changes the process that needs to be followed to address those issues and potential corrections. Commission Hamilton stated that there is a distinction between hearing and listening to public comments and agreeing with individual speakers. While individual

Chair Ketcham and staff discussed the process of amending the General Plan, which would start with the first workshop in July. They discussed bifurcating the Lutheran Church from the other zoning changes, which was not recommended by staff.

Mr. Moore noted that Town Council would be taking action and that the Planning Commission needed to make their recommendation.

M/s, Ezzet/Hamilton, Motion to adopt Resolution # _____ recommending that the Town Council not repeal Ordinance 778, with the following amendments to the Resolution:

Section 2. The Planning Commission makes this recommendation to the Town Council based on the following findings:

- The General Plan includes Figure LU-1 ('Fairfax General Map') and Figure LU-2 ('Fairfax Zoning'), both of which include Public Domain (PD) and Central Commercial CC zones, and neither of which include a Highway Commercial (CH) zone; and
- The General Plan Land Use Program LU-7.1.1.2 directed that all properties within the Town zoned as Highway Commercial (CH) be rezoned to Central Commercial (CC); and
- General Plan Land Use Element Program LU-8.1.1.3 and Housing Element Program H-2.1.1.2 directed that the real properties commonly known as 10 Olema Road (Assessor's Parcel Number 001-104-12), 2600 and 2626 Sir Francis Drake Boulevard (Assessor's Parcel Numbers 174-070-50 and 17) and School Street Plaza (Assessor's Parcel Number 001-112-13) be rezoned to Planned Development District (PDD); and
- California Government Code § 65860(C) requires towns and cities to amend their zoning ordinances to conform to their respective general plans; and
- Ordinance 778, among other actions, deletes all references to the CH zoning district and rezones all properties previously zoned CH to CC, provides for a certain parcels to be rezoned Planning Development District (PDD) and identifies those parcels, includes a

Public Domain (PD) zoning district and identifies the parcels belonging in the PD zoning districts in order to effect General Plan Program LU-7.1.1.2 as well as to achieve conformance with the zoning map depicted in General Plan Figure LU-2; and

Section 3. The Planning Commission finds that Ordinance No. ____, repealing Ordinance 778, does not comply with California Government Code § 65860(C) because its adoption will result in the Town Zoning Ordinance being out of compliance with the 2010-2030 Fairfax General Plan which was unanimously adopted by the Town Council on April 4, 2012

A roll call was taken:

Kehrlein, Ezzet, Hamilton, Ketcham, LaMotte, Gonzalez-Parber AYES

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:22 p.m.

Respectfully submitted,

Joanne O’Hehir