

DRAFT Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Thursday, October 15, 2015

Call to Order/Roll Call

Chair Green called the meeting to order at 7:05 p.m.

COMMISSIONERS PRESENT

Esther Gonzalez-Parber
Philip Green (Chair)
Shelley Hamilton
Norma Fragoso
Mimi Newton

COMMISSIONERS ABSENT:

Bruce Ackerman
Laura Kehrlein (Vice-Chair)

STAFF PRESENT:

Jim Moore, Planning Director
Linda Neal, Principal Planner
Joanne O'Hehir, Minutes Secretary

APPROVAL OF AGENDA

M/s, Kehrlein/Gonzalez-Parber, Motion to approve the agenda:

AYES: Gonzalez-Parber, Green, Hamilton Fragoso, Newton
ABSENT: Ackerman, Kehrlein

PUBLIC COMMENTS ON NON-AGENDA ITEMS

No one from the public came forward to speak.

CONSENT ITEMS

- 1. 10 Marin Road; Application # 15-29:** Request for a Use Permit and Variances for an unpermitted 190 square foot replacement storage structure on a site developed with a 1,244 square foot single family residence; Residential RD 5.5-7 Zone District; Assessor's Parcel No. 001-102-10; Sara and Chris Tewksbury, applicants/owners; CEQA categorically exempt, § 15303(e) and 15305(a).
- 2. 19 Bolinas Road; Application # 15-30:** Request for design review of exterior changes to an existing commercial space; Assessor's Parcel No. 002-121-22; Central Commercial CC Zone District; Scott Porter, applicant; Fairfax Bolinas LLC, owner; CEQA categorically exempt, § 15301(a).

Chair Green noted a minor error on page 2 of the staff report for 10 Marin Road relating to a code section. Planning Director Moore said staff would review the section for accuracy.

Chair Green opened and then closed the public comment period when no one came forward to speak.

M/s, Gonzalez-Parber/Hamilton, Motion to approve Consent:

AYES: Gonzalez-Parber, Green, Hamilton Fragoso, Newton
ABSENT: Ackerman, Kehrlein

PUBLIC HEARING ITEMS

3. **Consideration/discussion of a draft Ordinance Updating the Water Conservation Chapter of the Town Code to require Very Low Flow Toilets, 1.28 gallons, to be installed in all structures when property sells/changes hands or is remodeled;** Applies to all properties within the Town limits; CEQA categorically exempt, § 15301(a) and 15307.

Planning Director Moore presented the staff report. He noted that, if passed, the Ordinance would bring the Town of Fairfax into compliance with the new requirements of the Marin Municipal Water District (MMWD) and the Plumbing Code. Commissioner Newton noted that she would recommend a very low flow toilet of 0.8 gallons per flush.

Chair Green suggested a language change in the resolution, to which there was general agreement.

Commissioner Hamilton and Mr. Moore led a discussion on how the Town could simplify the process of amending ordinances when new rules are implemented by the State or other jurisdictions that the Town must adopt. Mr. Moore said that, at this point in time, it is easier to amend the current ordinance and he noted that the Town is required to comply with the State's code. Principal Planner Neal noted that the Town could make a code more restrictive than the State.

Commissioner Gonzalez-Parber suggested recommending to the Town Council, with advice from the Town Attorney, that additional language is added to the ordinance to ensure that the most restrictive code is used, to which there was general agreement.

In response to Commissioner Fragoso, Mr. Moore discussed the conditions under which a new toilet must be installed.

In response to Chair Green, Ms. Neal said that there is a financial assistance program operated by MMWD relating to low-flow toilet replacement. Chair Green suggested the information is added to the Building Permit form.

Commissioner Hamilton noted that GPIC (General Plan Implementation Committee) has information on sustainability education programs, which she discussed.

M/s, Newton/Fragoso, Motion to approve Resolution # 15-34 to update the Water Conservation Chapter of the Town Code to require Very Low Flow Toilets, 1.28 gallons, to be installed in all structures when property sells/changes hands or is remodeled with the following changes:

“WHEREAS, the Marin Municipal Water District (MMWD) Code section 13,02,021(3)....., flush with 1.28 gallons or less. A 20% savings from the Town’s current maximum of 1.6 gallons (e.g., per Chapter 17.132); and

“WHEREAS, the Town Council would like to amend the Town’s Code to reflect these changes; and....”: amended to read:

“WHEREAS, the Marin Municipal Water District (MMWD) Code section 13,02,021(3).....flush with 1.28. gallons or less; and

“WHEREAS, the Town Council would like to amend the Town’s Code to reflect these changes: A 20% savings from the Town’s current maximum of 1.6 gallons (e.g., per Chapter 17.132); and”

AYES: Gonzalez-Parber, Green, Hamilton Fragoso, Newton

ABSENT: Ackerman, Kehrlein

MINUTES

4. Minutes from the September 17, 2015 meeting.

Page 10: “Commissioner Newton discussed her research.....She said that the town should codify....”, amended to read:

“Commissioner Newton discussed her research.....She questioned whether the town should codify....”.

M/s, Gonzalez-Parber/Fragoso, Motion to approve the Minutes from the September 17, 2015 meeting:

AYES: Gonzalez-Parber, Green, Fragoso, Newton

ABSTAIN: Hamilton

ABSENT: Ackerman, Kehrlein

DISCUSSION ITEMS

- Ordinance update on Solar Energy Systems greater than 10KW?

Planning Director Moore noted that that the commissioners had requested clarification on the Town Council's deliberations concerning updating the Town's ordinance on solar energy systems that are greater than 10kw.

Chair Green said he had reviewed all materials, including the California Solar Permitting Guidebook, which he discussed. Mr. Moore noted that the same document had been used as a guide for the Town's updated solar energy ordinance.

Chair Green discussed a statute on solar energy and said that he believes the Town's current ordinance on solar energy systems that addresses small rooftop systems is sufficient for reasons he discussed. Commissioner Newton said she is in agreement for reasons relating to the permit streamlining process. She said that the Town should not codify any limitation to its authority by adopting an ordinance for solar energy systems that are greater than 10KW.

The commissioners were unanimous in their consensus that the Town should not consider adopting an ordinance for solar energy systems that are greater than 10KW.

- Upcoming Planning Commission Workshop on the Wall property and Special Town Council meeting - General Plan/Housing Element Forum on CH to CC Zoning on October 22 & 29, 2015.

Planning Director Moore noted that the workshop must be re-noticed for reasons he explained. Mr. Moore said the workshop would provide an opportunity for Marshal Rothman, the owner, to discuss his plans for the site and for the residents to address their concerns. Mr. Moore noted that the workshop would also provide an opportunity for staff to explain the entitlements process. Under the current zone UR 10, Mr. Moore noted that Mr. Rothman would be entitled to build up to 9 homes on the site and he discussed the General Plan's policy concerning clustering. He said that such a design limits impacts but that nearby residents might not find it appealing.

Commissioner Hamilton and Mr. Moore discussed the likely setup of the meeting. Commissioner Newton said that Mr. Rothman had attended the last Open Space Commission meeting and had commented on the trails on his property.

In response to Commissioner Hamilton, Mr. Moore said the Planning Commission will be hosting the workshop and that other Town committee members are invited to attend. He said that discussions will also take place on development agreements and how the project can move forward.

Chair Green expressed a wish that the Tree Committee members attend, since there are a large number of trees on the site. Commissioner Newton suggested the means by which the workshop could be advertised.

Mr. Moore noted that a workshop is also scheduled for October 29th at which the proposed ordinance change from Commercial Highway to Central Commercial will be discussed. Mr. Moore said that, if an ordinance is passed, then downtown properties can build second units by right on the second floor.

- Planning Commission Workshop on Fair Anselm Market and Lutheran Church opportunity sites on November 12, 2015.

Mr. Moore discussed the workshop, which is scheduled for 6 p.m. – 9 p.m. He said that project architects for the church site, Resources for Community Development (RCD) will hold a presentation on two scenarios for the Church site.

Mr. Moore said that RCD have entered into an option to purchase the 20-acre site and that only 2 acres are proposed to be rezoned. He said that, following the workshop, RCD will submit an application for a General Plan Amendment to re-zone the two acre and will file for a Preliminary Parcel Map and Design Review, which he discussed. Mr. Moore discussed the benefit of the workshop relating to these matters.

Mr. Moore also discussed the second half of the workshop when the architect for the Fair Anselm Market site will give a presentation on a prospective ground floor commercial building with housing above, per the General Plan.

Mr. Moore said that staff will be sending out notices for the workshops within a 500 foot radius.

Commissioner Hamilton discussed a more comprehensive kind of outreach and provided an example used by the County that she thought is effective.

Commissioner Fragoso commented on the proceedings at a previous Town Council workshop. Mr. Moore suggested she contact staff to discuss her concerns.

Commissioner Newton agreed with Commissioner Hamilton's comments on public outreach and she made further suggestions, such as the website "Next Door". Mr. Moore said he would liaise with the Town Manager.

Discussion on facilitating large group meetings took place.

PLANNING DIRECTOR'S REPORT

Planning Director Moore requested that the date of the next Planning Commission meeting on November 19th is changed to the previous night for reasons he discussed.

Mr. Moore reported that an offer of employment has been made to a part-time Zoning Technician for the Planning Department.

Chair Green noted that his year as Chair is ending shortly and he complemented the Planning staff.

COMMISSIONER COMMENTS AND REQUESTS

Commissioner Gonzalez-Parber and Mr. Moore discussed the repair of dilapidated sidewalks and curb cuts on Bolinas. Mr. Moore noted that it is the property owner's responsibility to repair the gutters and sidewalks. However, he said that the Town would like to widen the sidewalks, to which a bicycle lobby had raised objections for reasons he explained. Mr. Moore discussed the issues in relation to next year's forum on the Town Center Plan.

Discussion/consideration of the Sustainability Section of the Fairfax 2010-2030 Fairfax General Plan and the Commission sponsorship of an educational forum on water conservation and possible regulation changes (Commissioner Fragoso)

Commissioner Fragoso provided background information on an environmental master class she has attended. She suggested the Planning Commission might consider sponsoring educational forums on water conservation, such as gray water systems, which she discussed. Commissioner Newton commented on the sustainability of increased housing and population in relation to water resources. Commissioner Hamilton commented on analysis that is available from LAFCO.

There was general consensus to invite a water conservationist to provide a presentation at a Planning Commission meeting in January or February of 2016.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 8:35 p.m.

Draft Town of Fairfax Planning Commission Workshop Meeting Minutes on
The "Wall" Property
Fairfax Women's Club
Thursday, October 22, 2015

Call to Order/Roll Call

Vice-Chair Kehrlein called the meeting to order at 7:05 p.m.

TOWN COUNCILMEMBERS: Peter Lacques (Vice-Mayor)

COMMISSIONERS PRESENT: Bruce Ackerman
Esther Gonzalez-Parber
Laura Kehrlein (Vice-Chair)
Shelley Hamilton
Norma Fragoso
Mimi Newton

COMMISSIONERS ABSENT: Philip Green (Chair)

OPEN SPACE COMMITTEE MEMBERS:

TREE COMMITTEE MEMBERS: Laura Kehrlein

AFFORDABLE HOUSING COMMITTEE MEMBERS: David Smadbeck

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

Town Manager Toy confirmed that this is a Planning Commission Workshop meeting and added that Town committee members and councilmember are present, who were asked to identify themselves.

Vice-Chair Kehrlein assumed the Chair and made an announcement regarding the meeting's television and Webstream broadcast.

Planning Director Moore made a short presentation. He noted that Mr. Roth has been invited to discuss his plans for the development of his property and to receive feedback from the residents and staff. Mr. Moore noted that staff would explain the planning process and he noted that a formal application has not been submitted.

Mr. Moore provided an overview of the evening's discussions. He said that staff would begin with an explanation of the entitlement process, the location and size of the property, and the current zoning and General Plan policies in relation to the site. Mr. Moore explained that the applicant would then discuss his proposed project before the Chair opened the public comment period. Mr. Moore noted that the Planning Commission would then provide feedback to the applicant.

Mr. Moore used a slide presentation to discuss the Wall property, which he said is approximately 99 acres. He discussed the zoning designation, which is mainly in the UR10 district with a small piece of land that is zoned RS7.5.

Mr. Moore discussed the Town's General Plan policy on open space, which he said is to encourage the creation of open space through clustered development on parcels. He said that the undeveloped portion of the property would create the open space, which he discussed in relation to a Development Agreement.

Mr. Moore discussed a document providing an overview of the entitlement process and he noted that the parcels are not necessarily legal lots. Mr. Moore said that Mr. Rothman has made requests to the Town to determine if the lots are legally created, which he discussed, including the process to create legal parcels.

Mr. Moore discussed the subdivision and CEQA processes. He noted that if there are any impacts identified as a result of the environmental analysis that cannot be mitigated, an Environmental Impact Report will be necessary.

Mr. Moore discussed an informational memo with regard to additional discretionary permits that might be necessary and the timeframe for accomplishing the actions. Mr. Moore also discussed the laws and codes with which Mr. Rothman would need to comply, which he noted are also explained in the memo.

Mr. Moore went on to discuss the current site conditions, including road access and he identified the areas that might be suitable for clustering the development.

Marshal Rothman, managing partner of investment group and property developer, said that any proposal will comply with the Green Point Rating System, which he discussed. He explained that the property has been enjoyed by the neighborhood as open space area and that they hope their design will maintain some of this open space.

Mr. Rothman discussed the difficulties of maintaining the site, and the costs involved with the project. He said they will develop a complete proposal and that they must consider the resulting values of their project.

Mr. Rothman discussed the parcels and the property. He said their goal is to preserve as much of the property as possible and cause minimum intrusion. Mr. Rothman said they hoped to utilize the existing paths and roads to reduce

environmental impacts and costs. He discussed deed restrictions on the parcels and the donation of land for public access.

Mr. Rothman used the slide presentation to discuss the clustered map design. He said they hope to build 9 houses and leave the 10th lot as open space for reasons he discussed, including the use of the empty lot for public trails to the ridgeline. Mr. Rothman explained that the design would allow the parcels to retain their value and they want to keep the density low with a home on each of the 9 lots. He discussed the infrastructure that will be necessary and noted there will be 80 acres that will remain as parkland.

Mr. Rothman said they have identified the most logical sites for the homes; that the pads would be on denuded areas and the sites would allow the greatest value once developed so they can offset the price of the project.

Mr. Rothman said the homes should not have a large impact on the community and that they will undertake a reflective window study and will develop the homes as close to net zero energy as much as possible.

Mr. Rothman noted that the proposed homes will be a maximum size of f 2,500 sq. ft. with 800 sq. ft. in-law units and that each parcel will comprise of 10 acres.

In response to Commissioner Fragoso, Mr. Rothman discussed features he intends using to build net zero energy homes, including water recycling measures and the installation of solar panels.

Commissioner Newton asked staff to provide Mr. Newton with the Town's Ridgeline Ordinance map and the Visual Resources Map. Mr. Rothman said he felt comfortable that they can mitigate visual impacts.

In response to Commissioner Gonzalez-Parber, Mr. Newton discussed their involvement with the community regarding past cluster developments.

In response to Vice-Chair Kehrlein, Mr. Rothman said the approximate lot area for the cluster design development is 1 – 1.5 acres. Mr. Moore confirmed that rezoning will be necessary.

In response to Commissioner Fragoso, who expressed concern that the natural flow of water from the ridgelines might be impacted, Mr. Rothman said they would provide hydrological studies.

Vice-Chair Kehrlein opened the public comment period.

Frank Egger, 13 Meadow Way, discussed his concerns regarding past issuance of Certificates of Compliance and subdivision of parcels. He noted that the Town is not

required to approve Certificates of Compliance. He urged the Town to reject the proposal.

Jan Hegland, 84 San Gabriel Drive, discussed her concern that the schools have reached saturation (so further development should not be approved) and that cars, most likely a minimum of 2 per house, will be left on Sir Francis Drake Blvd as a result of the development.

A speaker discussed his concern about fire safety and homeless people using gas burners on the property. He asked that the applicant works with the Police and Fire Departments to ensure safety until the property is developed.

Philip Henson, 121 San Gabriel Drive, discussed his concern about mudslides that might result if houses are built on the ridgeline. He discussed soil instability and a mudslide that occurred 10 – 15 years ago that affected his property.

George Scott, 57 San Gabriel Drive, discussed his concern about a collapsed lot. He also discussed his concern about the negative impacts the development will have on the kid-friendly quiet neighborhood road.

A speaker commented on the additional traffic problems and the problems caused by drivers who make a wrong turn into the street. He also expressed concern that the new housing would cause a landslide.

Bill Appleton, 125 Ridgeway, discussed three parcels of land adjacent to Ridgeway and his concern that a road might have to be accommodated. Mr. Appleton said he hopes the Planning Commission will take into consideration the fact that residents do not want homes to be built on the site. He said that it is not a public service if the developer has bought the property to make a profit and the priority is to maintain the Town's quality and environment. Mr. Appleton said he does not favor the development.

Susan Beran, representing residents in Oak Manor, discussed her traffic concerns. She said that properties with two units would have a significant impact on traffic on Miranda Oaks. She also expressed concern about Mr. Rothman's past and she said that the land is a living space, not a hardscape, and that it is already being impacted with building materials, roads and concrete, which she discussed.

Mallory Geitheim, Willow Avenue, discussed a mudslide problem on her property caused by a swimming pool project above her, and she noted that her home is built on bedrock. Ms. Geitheim said she is a member of the Affordable housing Committee and that it would be better to build smaller homes in smaller clusters that are affordable. She said that no one who can afford the proposed homes would need to rent out the in-law unit, and the Town does not need to bring more people on to a piece of land that is pristine and magnificent.

James of Oak Knoll, San Anselmo, said he calculated that each of the homes and second units will yield 3,300 sq. ft. of space and huge profits.

Scott Hochstrasser, 141 Bolinas Road, environmental planning consultant, asked if a tighter development, or homes of a similar size as those in the neighborhood, or affordable housing has been considered. He said the cluster design could be improved and savings made on the infrastructure.

Chair Kehrlein closed the public comment period.

In response to Commissioner Hamilton, Mr. Moore said that traffic impacts would be part of the initial study, which would be peer-reviewed by the Town and will need to be approved by the Planning Commission and Town Council. Commissioner Hamilton and Mr. Moore discussed traffic mitigation measures used for the Good Earth project that could be considered for this project.

Commissioner Newman noted that the current trail is well-used and asked Mr. Rothman to discuss alternate trail locations that they have considered. In response, Mr. Rothman said they have identified a possible trail that would be a more picturesque way for hikers to walk to the top of the ridge.

Mr. Rothman noted that their profits would not be anywhere near the figure suggested during the public comment period and he noted that they are complying with the General Plan by providing in-law units. He said they would be happy to consider alternative plans.

In response to Commissioner Gonzalez-Parber, Mr. Rothman said they do not have updated soils reports, although there are reports available. He said they are confident they can choose stable sites and that further studies will need to be undertaken.

In response to Commissioner Fragoso, Mr. Moore said that an Environmental Impact Report would most likely be necessary following the Initial Study.

Chair Kehrlein closed the workshop at 8:40 p.m.