

DRAFT Town of Fairfax Planning Commission Minutes
Fairfax Women's Club
Wednesday, November 18, 2015

Call to Order/Roll Call

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

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

STAFF PRESENT: Jim Moore, Planning Director
 Linda Neal, Principal Planner

APPROVAL OF AGENDA:

In response to Commissioner Hamilton, Principal Planner Neal said that staff has listed 32 Porteous under the Consent Agenda, rather than under Public Hearing items, because it is on a flat lot and does not require a variance. Furthermore, she said that parking will be brought into compliance and the addition is at the back of the property.

In response to Commissioner Newton, Planning Director Moore noted that the discussion items are not numbered on the Agenda but are numbered in the staff report.

In response to Commissioner Hamilton, Ms. Neal discussed the reasons why there are two separate applications for 31 Bolinas Road, noting that there are two different applicants. Ms. Neal also noted the applications are modifying the original Use Permit approved in 2002.

Commissioner Fragoso discussed the reasons she would like the two consent items moved to the public hearing items.

M/s, Ackerman/Hamilton, Motion to approve the Agenda, with the items on Consent regarding 32 Porteous and 1906 Sir Francis Drake Blvd. moved to the Public Hearing items:

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

Mr. Moore introduced the new Zoning Technician, Michelle Levinson. He also introduced Polina Osipova, Outreach Associate for Resilient Neighborhoods.

CONSENT ITEMS – None

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Polina Osipova discussed Resilient Neighborhoods' program. She said they work with families in Marin to promote climate change, which she discussed. Ms. Osipova noted that Fairfax Climate Action Committee supports their program and the Town Council endorses their organization.

Ms. Osipova discussed the participation of Marin residents in their program and the savings that have been made in CO2 emissions. She provided an overview of the organization and noted that 60% of emissions come from people. Ms. Osipova said the program is free and that they encourage households, friends or coworkers, to work together to reduce the amount of carbon they produce. Ms. Osipova encouraged those present to sign up to the website and she provided contact information.

PUBLIC HEARING ITEMS

1. **32 Porteous Avenue; Application # 15-33:** Request for Use Permit and Design Review Permit approval for a 50% remodel project expanding and remodeling a 1,383 square foot single-family residence into a 1,691 square foot residence; Assessor's parcel No. 002-041-04; Residential RD 5.5-7 Zone; Ann Bool, Designer, Kirk and Linda Kepley, owners; CEQA categorically exempt, § 15301(a).

Principal Planner Neal presented the staff report. Ms. Neal said the project consists of a 50% remodel and expansion of a single-family residence with three bedrooms and one bathroom. She noted that the project will meet the setback requirements and that it will remain a one-story dwelling. She also noted that the height will remain below the limit and that the parcel meets the minimum lot size. However, Ms. Neal explained that a Use Permit is required because the lot does not meet the minimum lot width of 50 feet.

Ms. Neal noted that the proposed dwelling will fit the neighborhood and is not out of proportion with other dwellings in the area. She discussed the 50% remodel, which she noted requires design review. Ms. Neal said that there will be no changes to the front visible from the street, and that the project affects the side and rear. She discussed the materials, which she said will match the existing house. Ms. Neal said that staff has determined the design and location of the addition complies with the design review criteria. Furthermore, she noted that the modifications to the driveway will bring parking into compliance with the provision of a third parking space with one covered space. Thus, Ms. Neal said that staff is recommending approval of the application by adoption of the Resolution.

Commissioner Fragoso said she is in agreement with the staff report. However, she expressed concern with the amount of construction that is ongoing in the neighborhood and Planning Director Moore discussed a condition of approval that addressed construction vehicles.

Commissioner Hamilton said she agrees with the staff report.

Chair Green suggested the applicants should not be able to light the fireplace during construction based on the location of the property and a fire that occurred in a house that was under construction.

Chair Green opened the public comment period.

Ann Bool, Applicant, said she did not have anything to add to the staff report. Chair Green closed the public comment period.

M/s, Fragoso/Hamilton, Motion to approve Application #15-33, a Request for Use Permit and Design Review Permit approval for a 50% remodel project expanding and remodeling a 1,383 square foot single-family residence into a 1,691 square foot residence at 32 Porteous Avenue, with the following addition to the Conditions of Approval:

Page 4, Item 5c: No occupant may have any fire prior to the installation of the sprinkler system and smoke detectors.

AYES: Ackerman, Fragoso, Gonzalez-Parber, Green, Hamilton, Kehrlein, Newton
NOES: None

Chair Green announced the appeal rights.

- 2. 1906 Sir Francis Drake Boulevard; Application #15-34:** Request for Use Permit and Design Review Permit approval to operate a tattoo salon from an existing commercial space and make exterior color changes; Assessor Parcel No. 001-223-19; Central Commercial CC Zone District; Majid Mahani, owner: Adam Roach and Nathan Gonzalez, applicants; CEQA categorically exempt, § 15301(a).

Principal Planner Neal presented the staff report, when she provided background information on the zoning ordinance. She noted that the ordinance has not been updated since 1973 and that the list of businesses allowed under the ordinance is antiquated. She said the applicant is applying for a Use Permit for a tattoo salon, which she discussed. Ms. Neal noted that the estimated maximum number of people in the shop will be 8 and that the employees currently live in Fairfax. She explained that the applicants plan to operate a specialty business, which she discussed in relation to traffic, and noted that staff believes that neither a traffic study nor variance is necessary.

Ms. Neal said that Design Review is necessary because the applicants are proposing to repaint the exterior of the building with a yellow pallet that is similar to the surrounding building. Staff believes that the colors meet the Design Review criteria and are recommending approval of the proposed use by adoption of the Resolution.

Commissioner Fragoso discussed the reasons why she recommended the item was moved to the public hearing calendar, one of which related to comments made by a commissioner about allowable uses that they are discussing. However, Commissioner Fragoso commended the applicant and asked if some assurance could be provided that employees would not take up public parking spaces. Staff confirmed that employees cannot be prohibited from using public parking

spaces and Mr. Moore noted the Town will be discussing the issue as part of the forums that are slated for the Town Center Plan.

Chair Green suggested an additional condition that there must be a sign notifying the public that no one under the age of 18 can be admitted. Chair Green also suggested an additional condition of approval that relates to the Use Permit, to which there was general consensus.

Chair Green opened the public comment period.

Adam Roach, Owner, said there are 4 employees and that he does not own a car.

Simon Carson, Fairfax resident, said that he supports the project and he noted that street parking outside the business is limited to 30 minutes. He also noted that a sign still exists for a previous business that warns patrons that no one under the age of 18 can be admitted.

Chair Green closed the public comment period.

In response to Commissioner Gonzalez-Parber, Mr. Roach explained how they enforce the age limit and said it is important that they do so. Commissioner Gonzalez-Parber said she supports the project.

M/s, Newton/Fragoso, to approve Application #15-34, a request for Use Permit and Design Review Permit approval to operate a tattoo salon from an existing commercial space and make exterior color changes at 1906 Sir Francis Drake Boulevard with the following additions to the Conditions of Approval:

Approval of this Use Permit does not add "Tattoo Studios" to Ordinance 17100.040A; and

A sign must be visible from the street notifying patrons that they must be 18 or older to enter the tattoo salon:

AYES: Ackerman, Fragoso, Gonzalez-Parber, Green, Hamilton, Kehrlein, Newton
NOES: None

Chair Green announced the appeal rights.

- 3. 31 Bolinas Road, Suites A & B, Application #02-39:** Request for a Use Permit to operate a fitness facility with a retail component including an outdoor workout area along the Bolinas Road frontage from an existing developed commercial property; Assessor's Parcel Numbers 002-122-02, 34 and 37; Central Commercial CC Zone; Brad Schwan, owner; Jasha Faye, applicant; CEQA categorically exempt, § 15301(a).

Vice-Chair Kehrlein recused herself because she has a professional association with the project and Principal Planner Neal presented the staff report. Ms. Neal discussed the modifications to the original Use Permit that were made by the commissioners at the meeting in May 2015 to allow a

mixed use. She noted that the mixed use did not include an application for a fitness facility that specializes in weight training. Ms. Neal discussed the proposed hours of operation, the number of patrons and events that are proposed, and she confirmed that a Use Permit is necessary.

Ms. Neal said that the facility is unlikely to attract as much traffic as the previous restaurant use. She noted that design review is not required because the outdoor area has already been approved, and she also noted that similar uses on Bolinas Road have been approved in the past. Therefore, Ms. Neal said that staff are recommending approval of the application to modify the Use Permit by adoption of the Resolution.

Ms. Neal clarified the plans for the application in response to Commissioner Fragoso. She noted that the applicants are adding shower facilities and that there are existing restrooms.

Commissioner Gonzalez-Parber discussed correspondence referring to the old Fairfax Weight-Lifting Center with Ms. Neal. The Applicant clarified the location of the old center. In response to Commissioner Gonzalez-Parber, Ms. Neal clarified aspects of the project that the commissioners are required to review for the Use Permit relating to the outdoor equipment area.

In response to Commissioner Ackerman, Ms. Neal confirmed the commissioners are considering the use of the Applicant's space, the shower and the rack in the outdoor area. Mr. Moore noted that the owner is responsible for improving the whole property and design review will be considered in the next application.

In response to Commissioner Fragoso, Mr. Moore noted that the parking arrangements, previously approved under the May 2015 application for the property, have not changed. Ms. Neal noted that the Traffic Engineer has advised that the proposed use should generate less traffic than the previous restaurant use. Staff and Commissioner Fragoso discussed the number of parking spaces.

In response to Chair Green, the Applicant confirmed they did not own another similar business.

Fred Divine, Project Architect, explained that the applicant needs a Use Permit because the proposed use does not quite fit the approved use criteria. Mr. Divine noted that the only difference is in the use of the exterior where there is proposed to be a permanent rack and some weight-lifting equipment. The equipment will be moved in and out, and Mr. Divine noted other similar businesses that use outdoor space.

In response to Chair Green, Jasha Faye, Applicant, discussed his affiliation with the Olympic Committee and the governing body for weight lifting in the USA.

Commissioner Gonzalez-Parber discussed her concerns about the prominence of the exterior rack and suggested moving it further to the rear. Mr. Divine noted that the patio is already approved and they would need to eliminate parking if they moved the patio to accommodate a different location for the rack. Mr. Jasha said the equipment is non-intrusive, which he discussed, and Mr. Moore clarified the area with the rack on the plans.

Mr. Divine noted there is no change to the exterior from the original approval and that a landscape plan was approved. Commissioner Gonzalez-Parber discussed her concerns regarding the rack and the lack of buffering between the rack and the public right-of-way. Mr. Divine used the plans to discuss the position of the rack in relation to the trellis and he said the narrow pipes should not be highly visible with the trellising. Mr. Moore discussed vegetation screening.

Chair Green discussed his concern that the public view will be of people lifting weights rather than eating.

Commissioner Ackerman said, over time, there should be more screening as the landscape grows, and Chair Green opened the public comment period.

Shane, a member of the public, noted that there are views of people dancing in one building along the front and another of people exercising in a different part of town. He questioned why weight lifting should be a concern.

Stephen Scoffoni, Novato resident, discussed his experience at the Fairfax Health Club and his involvement with Mr. Jasha. He said that that Mr. Jasha's business will benefit the Town and it would be a bonus for people to see others lifting weights.

One of Mr. Jasha's athletes said he builds strong people inside and out and she discussed the positive effects of the sport. She said that Mr. Jasha is a big name and it is an honor to have him in town.

Timothy Logan, Marin resident, discussed Mr. Jasha's program and said there are many great things to say about Mr. Jasha as a proprietor. He noted that there are bars down the street with their signs, and that a weight-lifting establishment promotes a message relating to health and activity. Mr. Logan discussed the benefits of weight lifting.

Heather Richardson, who said she is involved with West Marin Coalition for Healthy Kids and other youth programs, said that that the gym would offer an opportunity for youths to learn weight-lifting and would be a great place to bring people together. Ms. Richardson noted that there are enough places that serve alcohol and she discussed the admirable qualities of the people she knows who are involved with weight lifting.

Chris Murray, a supporter of the project, discussed his experience training with Mr. Jasha in high school and his belief that the training center will produce an Olympian.

Jason Alter, Marin County resident, noted that the town is known for its bars and restaurants and he would like to see additional activities for youths. He said weight-lifting had a profound impact on his life and that he believes the proposal would be a huge benefit to the town.

Deb Logan, said that she and her husband support the project and believe there is not a better use for the space. She said the addition of a gym in the downtown area will be fabulous for youths and the community.

Chair Green closed the public comment period.

Commissioner Fragoso discussed her familiarity with the Olympic Training Center Designation. She said she does not have a problem with the use at the location but she has some concerns about the rack system on the exterior of the property attracting nuisance activities, which she discussed. Commissioner Fragoso said she would prefer clear glass windows at the front and requested the addition of a drip irrigation system for the vegetation.

In response to Commissioner Gonzalez-Parber, Mr. Jasha explained the reasons why they need the exterior rack. He also discussed the use of the exterior area and confirmed the windows will be clear. Mr. Jasha discussed noise-reduction mechanisms they intend employing and said his business is a perfect fit for the town.

In response to Commissioner Gonzalez-Parber, Ms. Neal confirmed that the proposed exterior activities are part of the request for the Use Permit.

Commissioner Hamilton discussed the different businesses in the downtown area. She said the proposed gym will provide an interesting activity that will be a different and unique addition to the downtown.

Commissioner Ackerman says he supports the project wholeheartedly. He said he appreciates the letters, photos, education and the support shown for the project. Commissioner Ackerman said that he also believes it will be a perfect fit for Fairfax.

M/s, Fragoso/Hamilton, Motion to approve Application #02-39, a request for a Use Permit to operate a fitness facility with a retail component including an outdoor workout area along the Bolinas Road frontage from an existing developed commercial property at 31 Bolinas Road, Suites A & B:

AYES: Ackerman, Fragoso, Green, Hamilton, Newton
NOES: None
ABSTENSION: Gonzalez-Parber

Chair Green announced the appeal rights.

- 4. 31 Bolinas Road; Application #02-39:** Request for a modification of a previously approved Use Permit and Design Review Permit to make minor exterior changes to the approved plans and amend the permitted use categories for an existing mixed use commercially zoned property currently being remodeled/expanded. Assessor's Parcel No. 002-122-02, 24 and 37; Brad Schwan, Owner; Fred Divine, Architect; CEQA categorically exempt, § 15301(a).

Planning Director Moore presented the staff report. Mr. Moore provided background information on the property's previous uses, including the approved modifications to the Use Permit by the commissioners at their meeting on May 21, 2015. He explained that the applicant is now asking

for a Use Permit modification to allow broader types of uses. Mr. Moore discussed the Design Review request, which includes additional windows on various elevations that he discussed.

Mr. Moore discussed the relocation of the electric service panels and the gas meter. Mr. Moore also noted that there are 26 skylights in the roof. He confirmed that staff could support the exterior modifications they believe is in keeping with the design review approval in May 2015, with the exception of the backflow preventer.

Mr. Moore also discussed air-conditioning units that are visible from the street and noted that staff has suggested the units are screened with staff's approval.

In response to Commissioner Fragoso, Mr. Moore confirmed that two large storage units on the property will be removed and approval was granted by the commissioners in May to allow a third permanent unit to remain.

Mr. Moore discussed the main impact of the project that concerns the live/work space and the applicant's wish to have more flexibility in its use. He noted the commissioners had stipulated at the meeting in May that, if the applicant wanted another use, they might be subject to a traffic impact permit or demonstrate why it is not necessary. Mr. Moore noted that a report by a traffic consultant is included in the packet and has been peer-reviewed by the Town Engineer, who concurs with the analysis based on the assumptions.

Mr. Moore discussed the parking requirements, which he noted could not be met if the use of the live/work space changed. However, Mr. Moore noted that the commercial property is unusual in the downtown area in that it can provide parking, whereas other businesses require a variance for off-street parking. Mr. Moore noted that staff can support the project without the necessary parking requirements and for other reasons he discussed.

Mr. Moore noted that a letter of support has been received from a neighbor.

Commissioner Ackerman said he supports the proposed changes and suggested a urinal is added to the men's restroom, albeit he noted that the bathrooms are not part of the proposal.

Chair Green discussed the reasons he is not comfortable with allowing a light industrial use.

Fred Divine, Project Architect, discussed the application and their intention to increase the use classification for the live/work space. Mr. Divine discussed the traffic report in relation to the number of predicted trips, which he noted would be more if the patio is used as a restaurant.

Mr. Divine said the purpose of their request is to allow various uses for the property without the need to seek approval from the Town each time the use changes. He explained the reasons why they believe specialty retail and/or light industrial are suitable categories, which includes a restaurant.

Mr. Divine discussed the proposed new location for the electric meters. He also discussed the windows of the live/work space and the skylights. Mr. Divine said that his client feels the air

conditioning units are not offensive, but that some latticework would make them less noticeable, in addition to being painted a different color to blend more into the background.

Mr. Moore noted that buildings A and B can be used as a restaurant.

Brad Schwan, property owner, discussed the reasons why he believes a light industrial use would be suitable for the live/work space, which relates to the building being located at the back of the property.

Commissioner Hamilton discussed past issues with delivery vehicles, including turning radius and noise issues. She said that light industrial businesses are associated with deliveries. Mr. Schwan said there are a lot of deliveries that occur in the mornings on Mono and Bolinas.

Ms. Neal noted that if a business operating under a Use Permit is causing neighborhood issues, the issues can be brought before the Planning Commission for discussion.

Chair Green said that a definition for light industrial is needed unless the ordinance is revised. Otherwise, he suggested a light industrial use should not be permitted unless an application is made for an amendment to the Use Permit because he remains concerned about delivery problems and also parking issues.

Mr. Moore noted that building C allows light industrial use.

Commissioner Fragoso commended the applicant on the upgrades to the property and noted that they do not yet have a tenant. She also expressed concern that there might be delivery issues with allowing a light industrial business, which she said would be difficult to rectify. Commissioner Fragoso also discussed light industrial in relation to parking and traffic issues.

Commissioner Ackerman agrees that it is difficult to approve a light industrial use when a definition for such a use does not exist and they would not know what they are approving. However, he said he is more concerned about the installation of a urinal in the restroom and he noted that the proposed change from a live/work residence with its own restroom facilities to a different use might result in an increase in the use of the restrooms.

Mr. Divine said they could determine if a urinal can be added, but he does not believe there is space. Mr. Schwan noted that the restrooms and plumbing are complete.

Commissioner Fragoso asked the applicant to consider a rainwater catchment system and/or solar installation. In response to Commissioner Fragoso, Mr. Schwan said the space that will be vacated by the removal of the storage unit will be rented to "For Paws". He noted that the area is on a drip system and said that there may not be sufficient room to provide solar on the roof, but that the skylights will provide more light.

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

M/s, Fragoso/Gonzalez-Parber, Motion to approve Application #02-39, a request for a modification of a previously approved Use Permit and Design Review Permit to make minor exterior changes to the approved plans and amend the permitted use categories for an existing mixed use commercially zoned property currently being remodeled/expanded, excluding the change to the Light Industrial Use in space D, at 31 Bolinas Road:

AYES: Ackerman, Fragoso, Gonzalez-Parber, Green, Hamilton, Newton
NOES: None

Chair Green announced the appeal rights and Vice-Chair Kehrlein returned to the podium.

There was general consensus that the order should be changed and the Discussion Items precede the Minutes.

DISCUSSION ITEMS

Planning Director Moore explained the reasons why he had agendized the discussion items. He said that staff is seeking direction from the commissioners on the discussion items but that the commissioners should not deliberate on the Wall Project.

Mr. Moore commented on the change from Highway Commercial HC to Central Commercial CC zone, particularly relating to parking. He also commented on the Junior Second Units item and said it would be helpful if the commissioners could discuss a suitable maximum and minimum size for second units.

Mr. Moore discussed Airbnb, when he noted that the Council have asked the Planning Commission to review the issues and advise whether the Town should take any action on short-term rentals. He referred to a previous application at 15 Scenic, when the applicants had appealed a half-bathroom decision by the commissioners that had been granted by the Town Council but with a Deed Restriction restricting short-term rentals.

Mr. Moore noted that the last item relates to the order of the zoning code amendments and he commented on staff's expectations from the discussions.

- Follow-up discussion on the October 29, 2015, PC Workshop on the "Wall Property".

Chair Green said he has seen the video of the workshop meeting, on which he made comments with regard to open space. Mr. Moore reminded the commissioners that they must not hold any pre-conceived ideas about the project until the public hearings begin. He noted that the applicant, Mr. Rothman, is present to update the commissioners and members of the public since the workshop meeting.

Mr. Rothman, managing partner of the owners of the Wall property, said they are considering a clustered development within the current zoning. He said that there is unlikely to be a proposal for standalone rental units, but they are investigating a way of ensuring the public has access to, and use of, some of the property.

In response to Commissioner Gonzalez-Parber, Mr. Rothman said they have reviewed the Town's Ridgeline Ordinance and that they believe the proposed project will not violate the Ordinance and the dwellings will not be highly visible.

Commissioner Fragoso commented on there being a maximum of 10 dwellings, with which Mr. Rothman agreed.

In response to Commissioner Newton, Mr. Rothman discussed the reasons they believe it will not be possible to relocate the proposed dwellings to "cluster" them more than already proposed for reasons relating to the elevation of the property.

In response to Commissioner Hamilton, Mr. Moore discussed the way forward. He noted that Mr. Rothman will need to present his project to the Open Space Committee. Following discussion with staff, there was general agreement between staff, the commissioners and Mr. Rothman that another public workshop would be beneficial.

Mr. Rothman commented on the landslide areas that were discussed at the workshop meeting, which he said they are investigating.

In response to Commissioner Ackerman, Mr. Moore said that the UR-10 zone might not be consistent with clustering. He discussed the possible visual issues relating to the dwelling pads identified by the applicant in relation to the ridgeline and geotechnical problems. Mr. Moore noted that the commissioners will need to consider such issues. Mr. Rothman discussed ways of lessening the impact relating to vegetation.

Commissioner Newton commented on the recreational use of the property and her hope that the public will continue to have access to the trails. In response, Mr. Rothman said they are committed to providing access for people to enjoy.

Chair Green opened the public comment period.

A member of the public said that the use of vegetation screening should not be a reason to allow development on a ridgeline and she questioned the legality of such an option.

Commissioner Newton noted that exceptions could be made if there are no other suitable locations on the property. Mr. Moore confirmed that the Ridgeline Ordinance does not prohibit development on a ridgeline, which he discussed.

Mr. Rothman said he believes the location of the dwellings should not conflict with the Ridgeline Ordinance and will not be highly visible.

- Discuss regulating Airbnb short-term rentals within existing single-family residences and/or second units (ancillary or attached) within all residentially zoned areas within the Town limits.

Mr. Moore explained the issues on Airbnb that need discussion, including the rental of rooms in individual homes and/or whole dwellings, in relation to forthcoming State legislation. He also noted that decisions should take place on the appropriate process to employ, such as a Use Permit, and whether second units could be used and how staff could monitor compliance.

Chair Green discussed research he had undertaken and would be interested in knowing if the Town could collect a transient occupancy tax (TOT).

Principal Planner Neal explained that the Code should allow for the operation of Airbnb, for reasons she discussed, through a Use Permit.

Commissioner Fragoso said she would support a straight-forward process, such as a Use Permit suggested by staff, and that the Town should be able to collect TOT. She discussed a house-sitting scenario that did not involve advertising that she believes should not be included.

Commissioner Ackerman said he believes the main issue with Airbnb is that accommodation might be continually rented out to short-term renters, which becomes the main use. He noted that homeowners and long-term renters become part of the community, unlike transient occupants.

Commissioner Hamilton said that the Town should consider analysis or precedents from other jurisdictions if the Town moves forward with an ordinance. She suggested short-term rentals be limited to 30 days per year, for example, to ensure the residence is not used as a transient occupancy business. Commissioner Hamilton said she would favor allowing the main dwelling to be used, rather than displacing a second unit that could be used for a long-term rental.

In response to Commissioner Gonzalez-Parber, Ms. Neal noted that the Town has received 5 complaints about short-term rentals in the past year, of which one was a formal complaint regarding parking and strangers in the neighborhood.

Robert and Joanna Short, proponents of Airbnb, discussed the benefits of short-term rentals. Mr. Short said it helps them to make ends meet in their retirement and that the caliber of guests make them friends. He said that their guests enjoy the town and spend money. Mr. Short said that, as homeowners, they are self-regulating, but would understand the concern if homeowners were not on site.

Joanna Short discussed circumstances under which they needed to rent out their home for more than 30 days. Ms. Short said that complaints should be addressed but rental time should not be limited.

Commissioner Ackerman commented on the benefits of having guests, but he discussed his concerns about Airbnb contributing to the housing shortage and higher rents in the City because owners prefer such an arrangement to renting out their properties to long-term tenants. He asked the Shorts to comment more on their experience. In response, Ms. Shorts discussed how they choose renters and noted that the standard Airbnb model is for the homeowner to be on site and connect with the renters. Mr. Short noted that they have not had a bad experience in the 2.5 years they have used Airbnb.

Doug Martin, 25 year Fairfax resident, noted that Fairfax is not a worldwide destination, such as San Francisco, where the intensity of Airbnb is a problem. He noted that Fairfax has one hotel and, in his experience, the people using Airbnb are parents and grandparents visiting family who wish to remain in town. Mr. Martin said Airbnb is a different problem for different communities and Fairfax does not need regulating at this time.

Chair Green closed the public comment period, and he commented on the rates charged in Fairfax. He said that the Town should consider a TOT and a mechanism to collect the tax.

In response to Commissioner Newton, Mr. Moore noted that the Town would collect a business license fee and Commissioner Gonzalez-Parber commented on when the thresholds for income tax.

Chair Green reopened the public comment period and Ms. Short discussed their fees and taxes from short-term rentals. She noted that their fees are lower than hotel rates. In response to Commissioner Newton, who questioned the fairness of the Town not benefitting from short-term rentals, Mr. Short discussed the business their guests bring to the Town.

- Follow-up discussion on the October 29, 2015, TC Forum on amending the Town Code and the Zoning Map, rezoning all properties in the Highway Commercial CH zone district to Central Commercial CC zone district.

Mr. Moore asked the commissioners for feedback on the range of second floor unit sizes that staff has provided, and parking requirements. Commissioner Fragoso said that she favors a size range, which she discussed, and suggested that the Town's standard parking requirements remain unless the tenant does not have a vehicle. Mr. Moore noted that, as part of the Town Center Plan discussions, a parking assessment district will be considered, which he discussed.

Chair Green commented on the size range and he discussed the parking requirements with Mr. Moore.

Commissioner Ackerman noted that the second floor unit size is dictated by the space below and he acknowledged that the goal is to encourage smaller spaces. He agrees that people without vehicles should be encouraged to live in such units, since they are a solution for those without their own transportation and he commented on paid parking.

Vice-Chair Kehrlein discussed parking problems in town and the difficulty of restricting unit dwellers to those who do not own vehicles, which prompted discussion on parking and affordable housing.

Commissioner Hamilton commented on the information provided for the discussion on the Central Commercial Zone and she commented on using categories of uses, rather than specific uses.

Commissioner Newton and Mr. Moore discussed minimum size requirements for living units. Commissioner Newton discussed her concern regarding cleanup standards relating to the addition of second story units on commercial buildings.

- Discuss the parameters for amending the Town Code to allow and regulate Junior Second Units within existing single-family residences in all residentially zoned areas within the Town limits.

Chair Green explained the reasons he believes the model ordinance for Junior Second Units (JSUs) provided is too vague to form the basis of a Fairfax ordinance. Commissioner Hamilton led a discussion on the need to ensure the requirements of other agencies are not triggered when Fairfax drafts its own ordinance.

Commissioner Newton and Mr. Moore discussed JSUs in relation to expanded space. Mr. Moore noted there would be two separate planning processes, which he discussed.

The discussions were terminated due to the lateness of the hour.

PLANNING DIRECTOR'S REPORT

Mr. Moore discussed issues that will be brought before the Planning Commission in the next few months. Commissioner Ackerman commented on the need for subcommittees or additional meetings to provide sufficient review for Town policy items.

MINUTES

5. Minutes from the October 15, 2015 meeting and the October 22, 2015 Wall Property Workshop meeting.

M/s, Gonzalez-Parber/Newton, Motion to approve the minutes from the meeting of October 15, 2015, with the following corrections:

Page 4, "The commissioners were unanimous..... should not consider adopting an ordinance for solar energy systems that are greater than 10 kW", amended to read:

"The commissioners were unanimous.....should not consider adopting a streamlined ordinance for solar energy systems that are greater than 10 kW".

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

M/s, Gonzalez-Parber/Newton, Motion to approve the minutes from the meeting of October 22, 2015, with the following corrections:

Page 1, "Mr. Roth", amended to "Mr. Rothman".

Page 3, "Mr. Newton", amended to read "Mr. Rothman".

Page 3, “...the approximate lot area for the cluster design development is 1 – 1.5 acres. Mr. Moore confirmed that rezoning will be necessary”, amended to read:

“...the approximate lot area for the cluster design development is 1 – 1.5 acres. Mr. Moore confirmed that rezoning will be necessary under this approach”.

Page 5, “Commissioner Newman” amended to read “Commissioner Newton”.

“M/s, Kehrlein/Gonzalez-Parber, Motion to approve the agenda:”, amended to read:

“M/s, Newton/Fragoso, Motion to approve the agenda:”

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

ABSTAIN: Green

ADJOURNMENT

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

Respectfully submitted,

Joanne O’Hehir