

Fairfax Town Council Minutes
Special Meeting
Fairfax Women's Club
Saturday, September 27, 2008

Roll Call:

COUNCILMEMBERS PRESENT: Larry Bragman
Susan Brandborg
Mary Ann Maggiore
Lew Tremaine
David Weinsoff

STAFF MEMBERS PRESENT: Michael Rock, Town Manager
Ann Welsh, Planning Director
Larry Kennings, Planning Consultant
Judy Anderson, Town Clerk

Mayor Maggiore called the meeting to order at 9:10 a.m.

Approval of Agenda and Affidavit of Posting

M/S, Tremaine/Brandborg, Motion to approve the agenda and the affidavit of posting.

AYES: Bragman, Brandborg, Maggiore, Tremaine, Weinsoff

Discussion of Proposed Mixed Use Overlay Ordinance

Mayor Maggiore made introductory remarks about the purpose of the meeting and acknowledged all the work done by the Planning Commission to get the proposed ordinance drafted. She explained the format of the meeting with Round Table discussions on three aspects of the ordinance, namely: Traffic Mitigation, Design and Local Character, and an Overview of the Proposed Ordinance. She announced the facilitators for each discussion group; Councilmember Tremaine for Traffic Mitigation issues, Councilmember Bragman for Design and Local Character, Mayor Maggiore and Planning Director Welsh for two groups discussing an Overview of the proposed ordinance. Mayor Maggiore stated that Vice Mayor Weinsoff and Council Member Brandborg could choose their preferred Round Table discussion group.

The audience divided into four discussion groups according the colored papers handed to them upon entry.

At the conclusion of the discussion groups, Mayor Maggiore adjourned the meeting for a break from 10: 20 to 10:40 a.m.

Report from each Round Table Discussion

Councilmember Tremaine presented a summary of the discussion regarding Traffic Mitigation. He stated that the discussion presented lots of related issues with few specific answers; that the generation of any more traffic in Town was not wanted; that the area was already short on parking and that they didn't want to lose more parking;

that pedestrian traffic from Sir Francis Drake and from Center was a concern; that there were lots of questions to be answered and lots of work to do; and that there was a consensus to not make an already difficult traffic problem worse.

Councilmember Bragman reported on the discussion of potential environmental impacts and design guidelines. He stated that there was a need for an environmental impact report before the adoption of an ordinance establishing a mixed use overlay zone; that there had been discussion about retaining the Town character and quality of life; that the question had been posed as to whether the Town would be creating truly affordable housing and whether it was worth the cost of allowing a sizable development; that concern had been expressed about raising the height limit and the resulting imposing wall effect on gateway properties; and the potential negative impact on the view corridor.

Mayor Maggiore stated that the plan as proposed in the Mixed Use Overlay Zone Expanded Design Guidelines document had to protect the Town and that more study was needed.

Planning and Building Services Director Welsh stated that the zone could reduce greenhouse gas but that it would cause a reduction in parking; that perhaps a ballot initiative would be necessary to change the zoning; that the mixed use overlay zone was a zoning designation that was just being considered by the Town Council; that the design density would impact the Town character but the guidelines would help mitigate the potential impact; that there was a need for social gathering spaces; that there was strong opposition to the use of a third story; that perhaps second unit incentives could be used instead of the mixed use overlay zone; questioned whether or not the financing numbers would actually work for any proposed project; noted that 9 of the 11 Marin Cities had certified housing elements with Sausalito and Fairfax as the only two cities out of compliance; and reported that her group wanted to know why Fairfax was being asked to provide more affordable housing when the Town already had more affordable housing than other cities.

Councilmember Brandborg reported that she had gone from group to group and noted that some of the discussions sounded like advocacy groups and stated that the package provided of Design Guidelines for the proposed zone was very helpful.

Vice Mayor Weinsoff stated that any proposed project would have to go through the Design Review Board, the Planning Commission and the Town Council and would have lots of oversight; that any project built would have many Fairfax people crafting it; that if there was no affordable housing, Fairfax would become vanilla with no diversity; and that the challenge was to build affordable housing for the next generation but without traffic and density.

Mayor Maggiore opened the discussion to the public.

Barbara Coler, Open Space Committee member, expressed the significant concerns of the Committee about the ordinance and its conflict with the Open Space Element of the General Plan. She also stated that the Mitigated Negative Declaration was not adequate as a CEQA document and that an Environmental Impact Report (EIR) should be required.

Ray Bergarella, stated that the affordable housing requirements could be met if all the illegal second units in town were legalized.

Niccolo Caldararo, Frustuck Ave., stated that 56% of entities were out of compliance with the affordable housing mandates; that no suits regarding compliance were currently in the courts; that no grants had been denied to cities because of the lack of housing element; and that no housing had actually been produced as a result of housing elements.

Jane Richardson-Mack, Open Space Committee Member, artist and designer, stated that there shouldn't be anything as tall as what would be allowed by the new zone, especially at the entry to town, and that perhaps a Citizen's Committee could help develop another way.

Shelby LaMotte, Planning Commissioner, urged the Council to do their own homework on the issue and read the material and make their own decisions.

Pam Meigs, Planning Commission Chair, stated that she was happy to see so many people at the meeting; that the Planning Commission had been working on the issue for years; that they had worked hard to retain the character of the Town; that there was an opportunity to compromise; and that she was also against the height and density that would be allowed by the zone.

Peter Waring, Willow Ave., stated that the Town had an opportunity to make the town a model of green building and that a green building ordinance for all construction was needed in Fairfax.

Shelley Hamilton, Canyon Rd., Planning Commissioner, stated that clear consensus and overarching goals were needed; that the Town needed to decide whether or not to comply with the State Housing Department; that financing for any plan should be part of the process; and that consensus on goals should be the first step.

Cindy Ross, resident in the vicinity of Fair-Anselm suggested that there should be a way to separate the issues of affordable housing and density and asked if the mixed use overlay zone was really needed.

Lynn Corwin, Cascade Canyon, stated that she didn't think that anything needed to be changed, that there were water issues and evacuation issues, and that the matter should be put to the voters.

Alexander Binik, stated that the overlay zone was a bad idea; that the Council should focus on the smaller sites in Town; that the Citizen's Committee was a good idea; that water was a big issue; and that the Town shouldn't give up so much to get affordable housing.

Martha Ture, Canyon Rd., stated that a vision for downtown Fairfax had already been developed; that the development of the overlay zone was being driven by a plan that was out of date; and that no developer would be available in the current climate to build such a project.

Peter Lacques, Planning Commissioner, stated that the required percentage of affordable housing for any project should be from 50 to 100% and that the increased development shouldn't be allowed with such a low percentage of affordable housing.

Ryan O'Neil, Open Space Committee Member, stated that allowing a 35-foot height limit on a project at the former Albertson's site would block the scenic highway and scenic ridgelines designated on the Open Space Map.

Joel Segal, stated that the site of the former Mandarin Garden Chinese Restaurant would be a better site for an affordable housing project.

Jennifer Rings, Mountain View Road, expressed concern about the cumulative impact of projects; suggested that it be done in increments to observe the impacts; that there was a high rate of vacancies for rentals; and that the new streetlights on Center were way too high.

Terry Goyan, Planning Commissioner, stated that he wished that the Planning Commission drew as many people for their discussions and for input and that, if they had, the Council might be reviewing a different ordinance. He also suggested that the Council should decide whether or not it wanted to meet the State and ABAG housing requirements.

Nathan Johnson, a downtown resident, stated that the process was flawed; that the citizens didn't like to be dictated to; and that single family development had more impact than the development proposed by the mixed use overlay.

Tim Barrett, stated that he lived in Fairfax because of the quality of life and the style of the town and that he would like to see all of Albertson's fall down.

Deborah, Cascade Drive, asked where all the bicycles would park if the Albertson's site was developed.

Michael Hudd, asked why Marin Town and Country Club wasn't part of the discussion.

Victoria Allen, stated that she spoke for single people in the town who could live simply in small spaces and that she would like to own a little piece of Fairfax.

Suzanne Degroot, Cascade Drive, stated that people did not want what was proposed, that Albertson's was ugly, and suggested that the Town do something small.

Bill Myles, Frustuck Ave., stated that Fairfax was the most densely populated town in Marin and that no more development was necessary.

Town Council Comments

Town Council member Tremaine stated that "What are you thinking and why are you doing this?" was the comment he had heard the most. He described the background of the issue that started with the update of the General Plan ten years previous and the development of a Housing Element for the General Plan. He stated that allowing a project with only 20% affordable housing was not acceptable; that he didn't want to open up the downtown to developers; that Fairfax wasn't going to do it the State's way, but

was going to finish the process with 100% affordable housing; that a Redevelopment Agency should be established for the downtown area to help fund the creation of affordable housing in the downtown; that the Town was trying to create units with the least amount of impact; and that any project would get its due environmental review.

Councilmember Brandborg stated that she didn't think the meeting was for making speeches but was intended to disseminate information and she urged the audience to read the information that had been provided. She stated that she was an advocate for the creation of affordable housing and that the overlay zone was just a tool to allow such housing to be created.

Councilmember Bragman stated that the Town was expected to comply with the mandates from the State and that the process had been ongoing for many years; that the real input from the public didn't happen in the process; that there was an impetus to "get it done;" that staff recommended that the Town move forward with the mixed use overlay without an EIR, but that a full EIR was necessary; that once the ordinance was adopted, the Town would have created an entitlement; that the Town needed to go back to the State; that the Town needed to see what the real impacts would be; that the Council wanted to create affordable housing; and that Fairfax already had the most affordable housing in the County.

Mayor Maggiore stated that she knew how much effort had gone into the draft mixed use overlay zone documents before them; that the Council had decided to slow down the process and was willing to take the time to work through the issues; asked the question, "Do we design a Town according to the dictates from ABAG or do we develop our own?"; and agreed that the Council needed to decide the objectives first.

Upon motion duly made and carried, Mayor Maggiore adjourned the meeting at 12:20 p.m.

Respectfully submitted,

Judy Anderson, Town Clerk