



TOWN OF FAIRFAX STAFF REPORT December 17, 2020

TO: Planning Commission

FROM: Ben Berto, Director of Planning and Building Services

SUBJECT: Amendments to Ridgeline Scenic Corridors Boundaries and Ridgeline Development Maps

BACKGROUND

Staff continues to develop digitized and georeferenced baseline maps to depict the Town's Ridgeline Scenic Corridors (RSCs), as defined in Fairfax Municipal Code section 17.060.020. A RSC is currently defined as "areas defined as community and/or neighborhood separators and visual resources providing community and/or neighborhood identity, further defined as the area on either side of the ridgeline within 150 feet horizontal distance measured at right angles to the ridgeline or 100 feet vertically of the major ridge, whichever is a greater area as located on Visual Resources Map No. 9." Staff proposes to amend the definition and update the maps to clarify the RSC boundaries

This is the eighth Planning Commission meeting on this topic since June 2020, including a joint session with the Fairfax Open Space Committee.

At the November 19, 2020 Planning Commission meeting, there appeared to be general consensus on the following items:

- The Commission considers the "major ridges" in Town to be the 13 ridges shown with a RSC on the 1974 Visual Resources Map No. 9 / General Plan Visual Resources Map.
- RSC boundaries should terminate at the bottom of the ridge.
- Areas within each of the various RSC descriptions should be combined in a final "Ridgeline Scenic Corridor" diagram that shows the maximum cumulative area.

The Planning Commission felt that the cross-sectional diagrams assisted in clarifying how the horizontal and vertical distances for the RSCs are applied. The Commission had questions about how the bottom of the RSC was determined, and also how the RSC regulations would be applied to projects. The proposed amendments to Section 17.060.020 of the Fairfax Municipal Code would clarify the RSC boundaries.

DISCUSSION

100-Vertical Feet RSC

As discussed in the November 19, 2020 Planning Commission staff report, staff proposes the following clarifications on how to apply the 100 vertical foot distance measurement from the ridgeline. Diagrams of ridges where the following changes have been made to RSC's are shown in Attachments A1-A6, and have been incorporated into the cumulative RSC map in Attachment B:

- 1) The downhill end of the RSC should terminate at the bottom of the ridge slope if it would otherwise extend into the flatlands
- 2) The 100-vertical foot drop shall be measured perpendicular to the ridgeline
- 3) The outer boundary shall be set where an appreciable uphill slope is encountered
- 4) The 1974 Visual Resources Map No. 9 should be used as a rough reference for the Town's intended RSC area in evaluating RSC boundaries
- 5) The boundaries at the bottom of the RSCs on Fairfax Ridge and Bald Hill Ridge terminate at the lowest point where the 150-foot horizontal and 100-foot vertical RSC boundaries coincide.

Revised Zoning Ordinance Language

Staff proposes the following amendments to Section 17.060.020 of the Fairfax Municipal Code:

Those areas defined as community and/or neighborhood separators and visual resources providing community and/or neighborhood identity, further defined as the area on either side of the ridgeline within 150 feet horizontal distance measured at right angles to the ridgeline or 100 feet vertically of the major ridge, whichever is a greater area as located on Visual Resources Map No. 9 or 100 feet vertical distance from the designated ridgeline, as located on the following maps: Visual Resources Map No. 9/Visual Resources Map, Georeferenced Visual Resources Map, 150-Foot Horizontal Distances Map, and 100-Foot Vertical Distances Map. Said maps are added to this Chapter as Exhibits A1 – A4, and the cumulative area map is added to this Chapter as Exhibit B. Further information on the boundaries of the Ridgeline Scenic Corridor is added to this Chapter as Appendix A. Copies of Exhibits A1-A4, Exhibit B, and Appendix A are on file in the office of the Town Clerk.”

- 1) Add Appendix A to Chapter 17.060 of the Fairfax Municipal Code as follows:

Appendix A

- A. *The boundaries of any designated Ridgeline Scenic Corridor shall terminate at the bottom of the ridge slope if it would otherwise extend into the flatlands.*
- B. *The boundaries of the Ridgeline Scenic Corridor determined by a 100-foot vertical distance shall be based upon the following:*
 1. *The 100-foot vertical distance is measured perpendicular to the ridgeline.*
 2. *The outer Ridgeline Scenic Corridor boundary shall be located at the mid-point of the swale before an appreciable uphill slope begins.*
 3. *The 100-foot vertical distance on Fairfax Ridge and Bald Hill Ridge terminates at the lowest point where the 150-foot horizontal and 100-foot vertical Ridgeline Scenic Corridor boundaries coincide, as shown on the Cumulative Ridgeline Scenic Corridor map (see Exhibit B).*

Real-world examples

Under the Town's Municipal Code sections related to ridgeline development, there are limited instances in which building, accessory building, or structures may be constructed or modified within the RSCs. The Commission requested examples of real-world application of RSC regulations in which applications for building permits for the RSC were considered. Staff came up with two examples: 6 Fawn Ridge, and 169 Ridgeway Avenue. The former involved a second story addition and was approved by the Commission in December 2018. The latter is being reviewed by the Commission at tonight's meeting.

Miscellaneous Commission Questions/Comments

Commissioners had a number of questions and comments at the last meeting. Staff responds below:

) Highest ridgeline point in Fairfax: The top of Fairfax Ridge at approximately 900 feet in elevation.

) "Appreciable uphill slope" (from Appendix A 100 foot vertical RSC definition clarification): there isn't a set elevation gain. 10-15' is a typical rise in elevation from the center of the swale.

) Real world example of 150' horizontal versus 100' vertical RSC boundaries: done with Bald Hill Cross Section shown as Attachment F

) The maps are focusing on Town limits and not the Fairfax Planning Area: Staff is prioritizing GIS work at locations where the Town has jurisdiction projects.

) The Visual Resources Map includes Visually Significant Areas: Staff is prioritizing Ridgeline Scenic Corridors GIS work.

) How would a property belonging in an RSC an trigger HRD (Hill Area Residential Development) application: The height limits in the RSC may result in developments that feature more excavation to avoid exceeding the maximum height or locate a structure further off a ridge. The steeper the parcel slope, the lower the amount of excavation that triggers HRD review (for example, if a slope exceeds 30 percent, HRD review is triggered by 50 cubic yards of excavation.

) Edit zoning text amendments: Done, see above and ordinance.

) How is the bottom of the ridge/RSC determined? Is there a metric to establish the bottom: Fairfax is characterized by fairly level flatlands and steep hillsides and ridgelines, with the grade change at the junction of the two typically quite distinct. It would be difficult to use one elevation for an entire RSC base-of-slope, or pick a gradation difference (e.g., more than a 15 percent slope change in less than 50 feet). Staff believes it is fairly obvious where the bottom or a ridge is located by evaluating the contour diagrams – the bottom is where the closely-spaced contour lines (signifying steep ridgeline slopes) change to widely spaced flatlands contours.

) Map legends need to reflect what is shown on the maps: Done, see Attachments

Recommendations

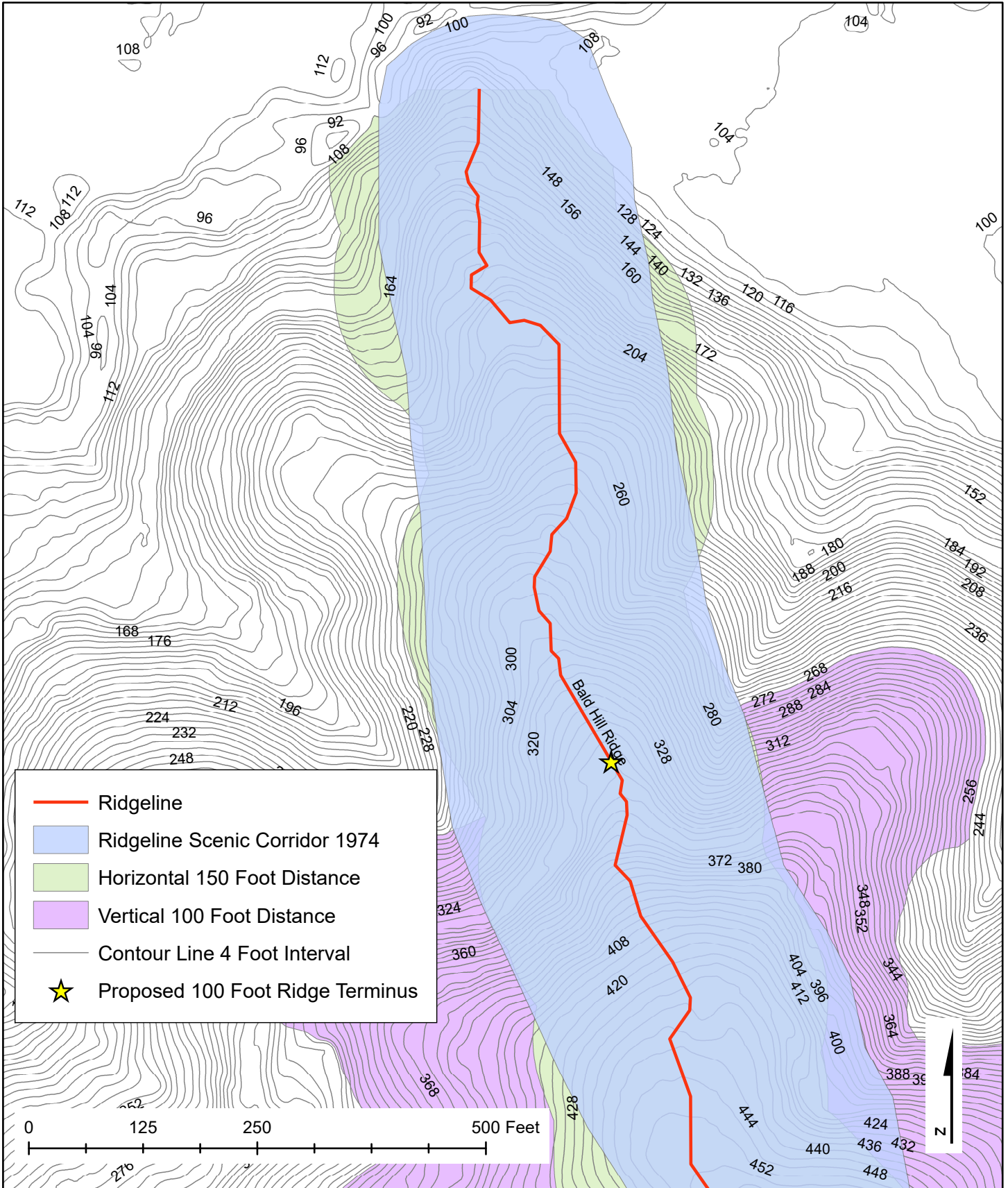
Direct staff on final edits to Code amendments, exhibits, and appendix, and vote on resolution recommending adoption to the Town Council.

ATTACHMENTS

- Attachment A1-6 Diagrams of the six circumscribed 100 feet vertical distance Ridgeline Scenic Corridors
- Attachment B Cumulative Ridgeline Scenic Corridor boundary map
- Attachment C Bald Hill cross-section comparing 100-foot vertical and 150-foot horizontal Ridgeline Scenic Corridor measurements
- Attachment D 1974 Visual Resources Map No. 9 / Map of Visual Resources
- Attachment E Resolution recommending amendments to Title 17 (Zoning) of the Fairfax Municipal Code, map exhibits, and an appendix to the Town Council for adoption

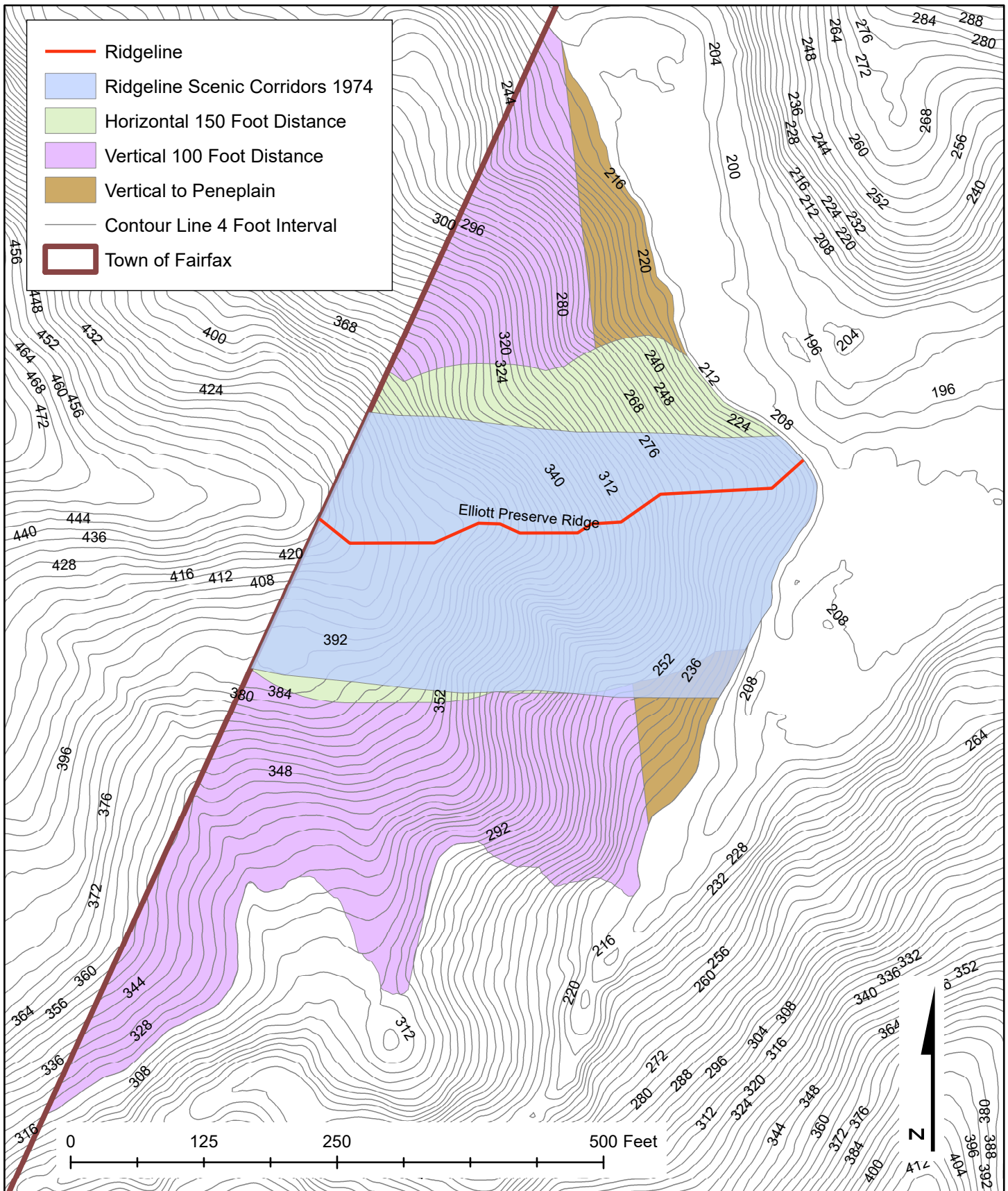
Bald Hill Ridge Cumulative Ridgeline Scenic Corridor

Draft 12/17/2020



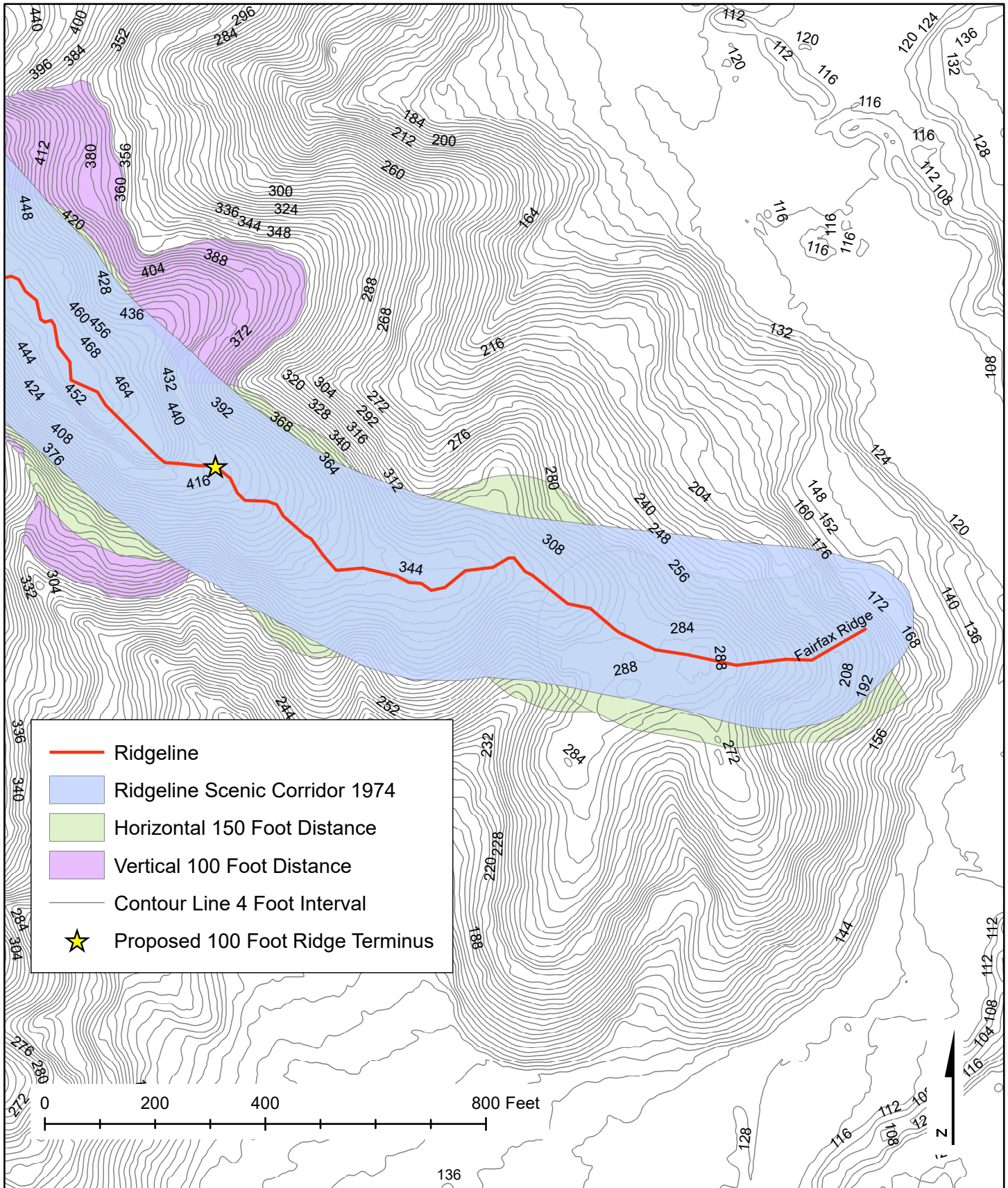
Elliott Preserve Ridge Cumulative Ridgeline Scenic Corridor

Draft 12/17/2020



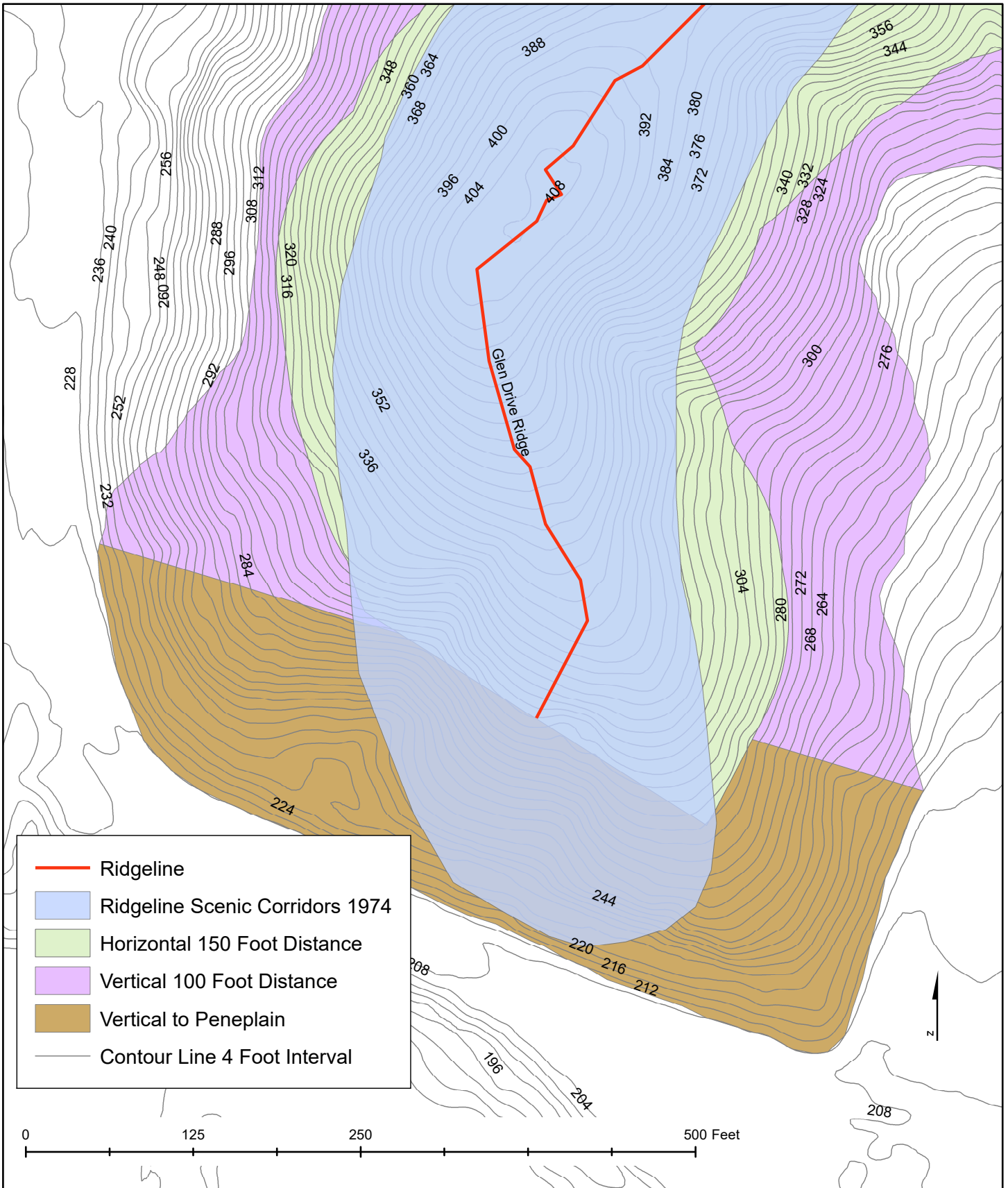
Fairfax Ridge Cumulative Ridgeline Scenic Corridor

Draft 12/17/2020



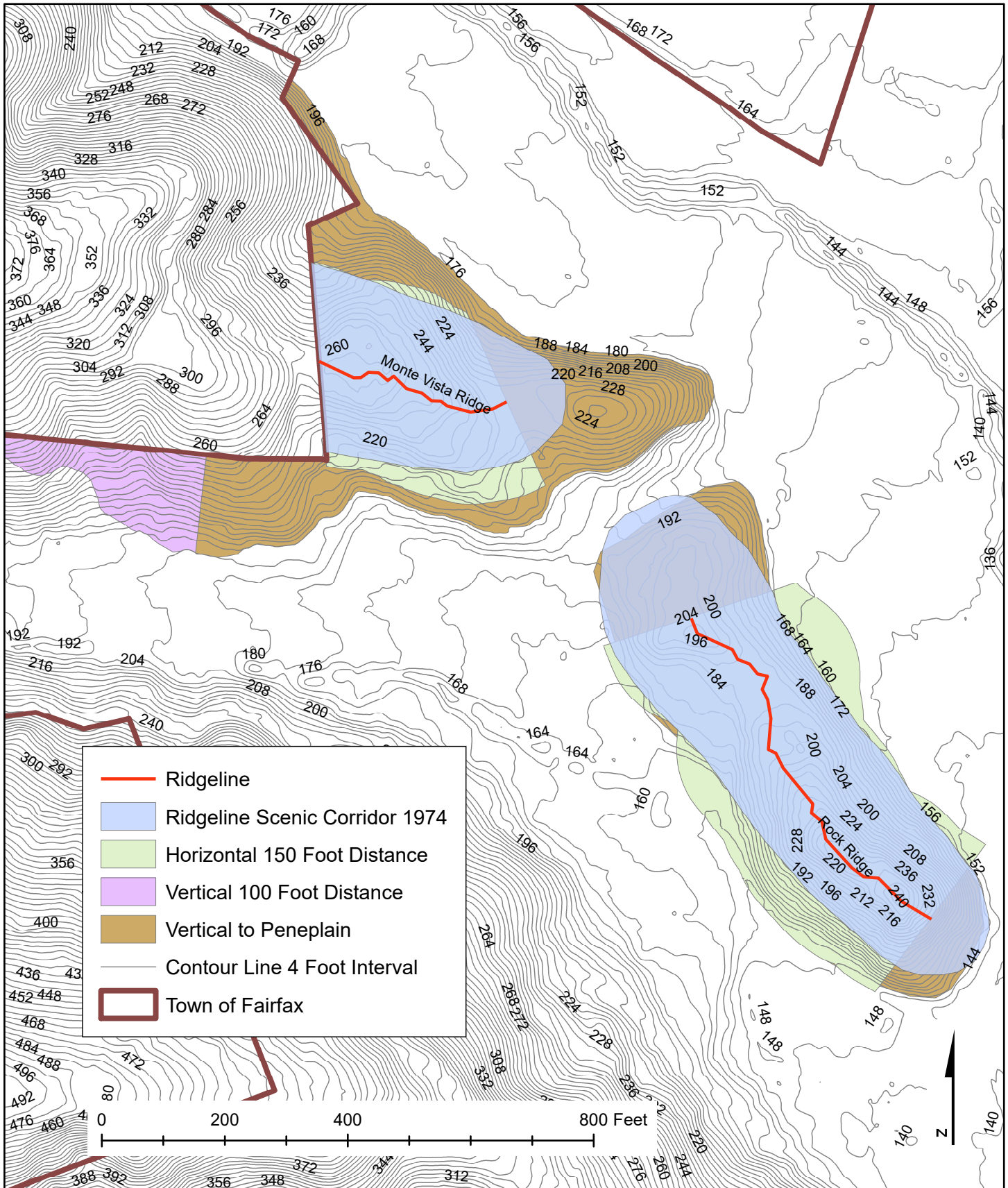
Glen Drive Ridge Closeup Cumulative Ridgeline Scenic Corridor

Draft 12/17/2020



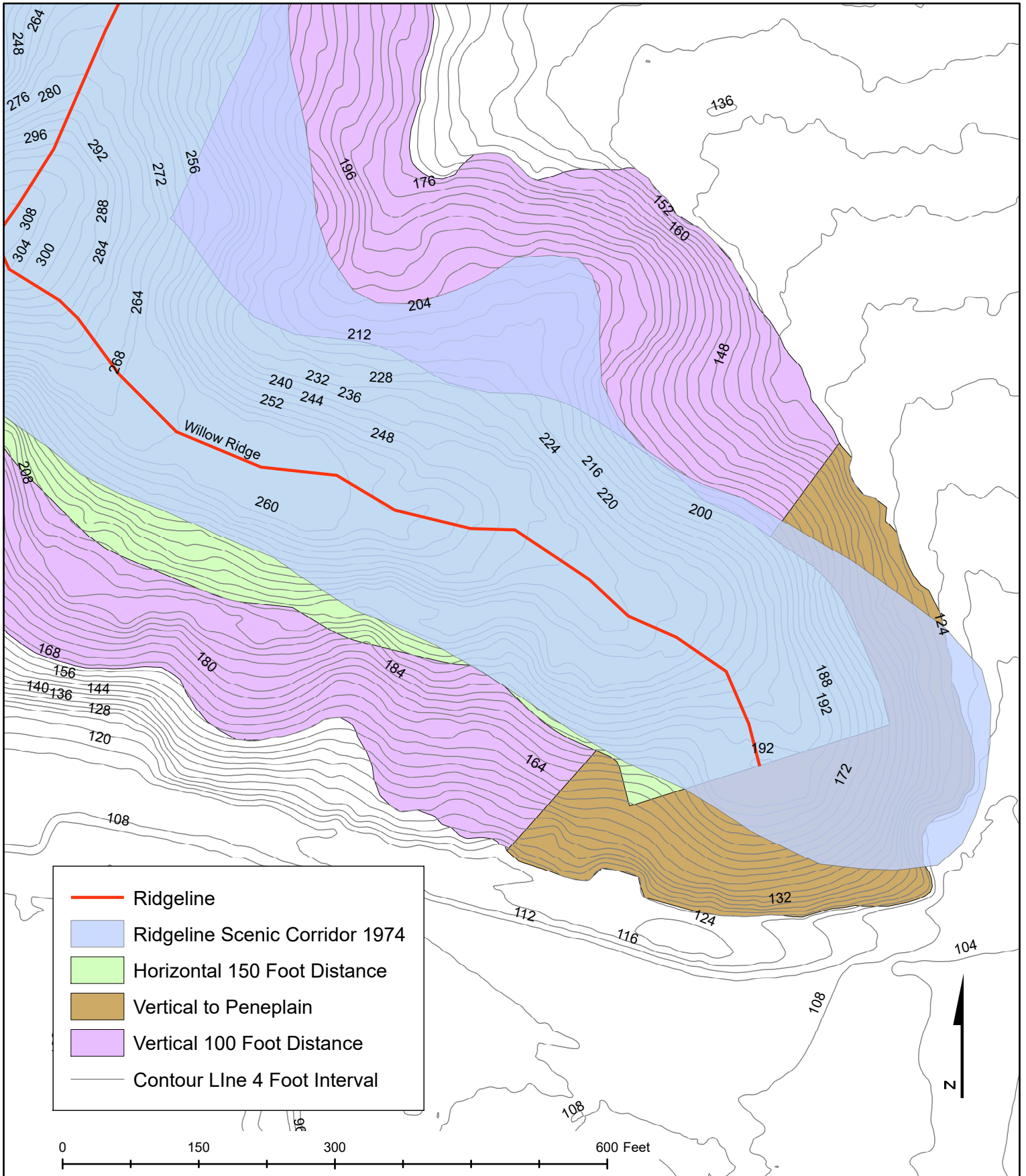
Monte Vista and Rockridge Ridges Cumulative Ridgeline Scenic Corridors

Draft 12/17/2020



Willow Ridge Cumulative Ridgeline Scenic Corridor

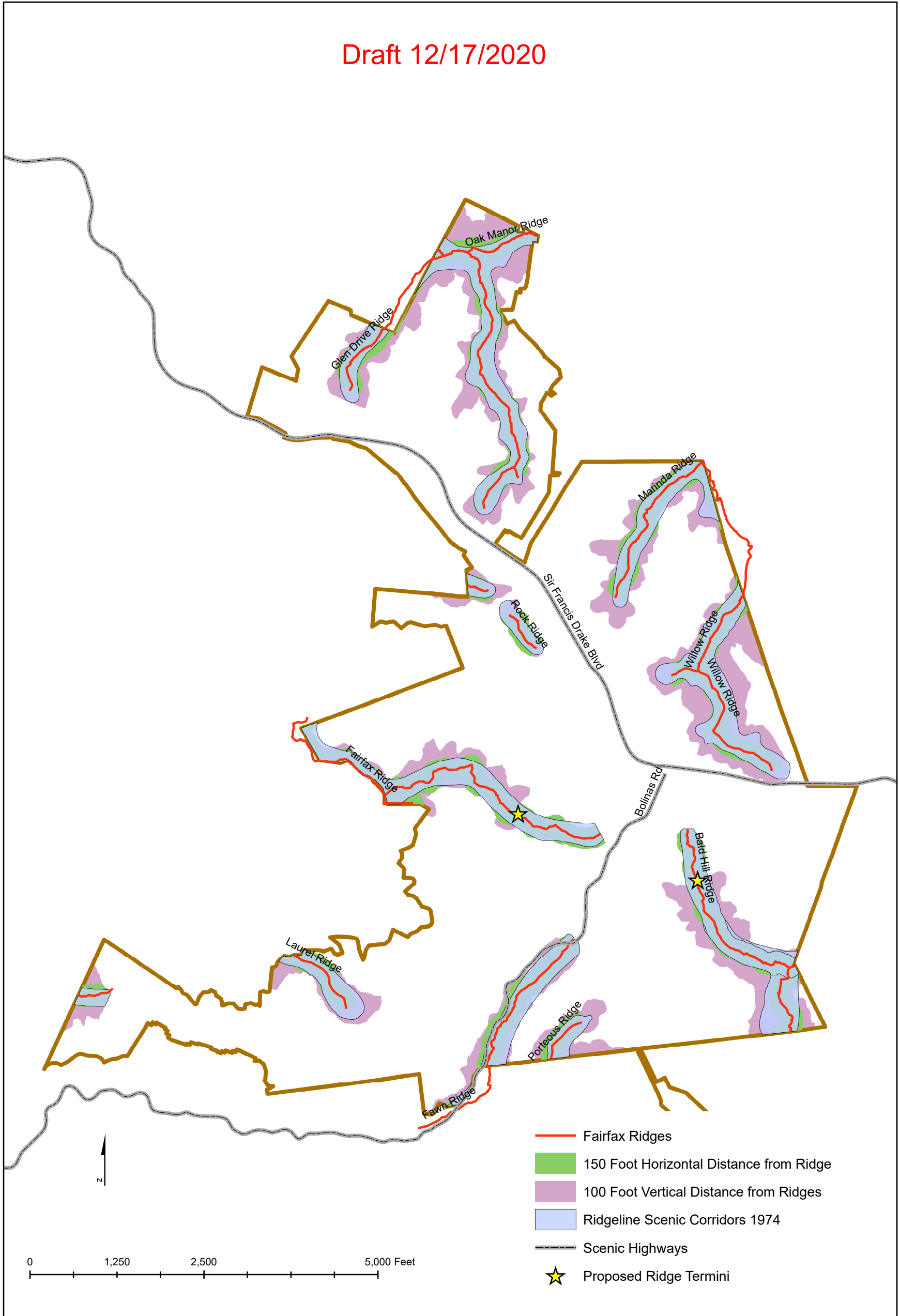
Draft 12/17/2020



Fairfax Ridges

150 Foot Horizontal Distance and 100 Foot Vertical Distance From Ridgelines, 1974 Ridgeline Scenic Corridors

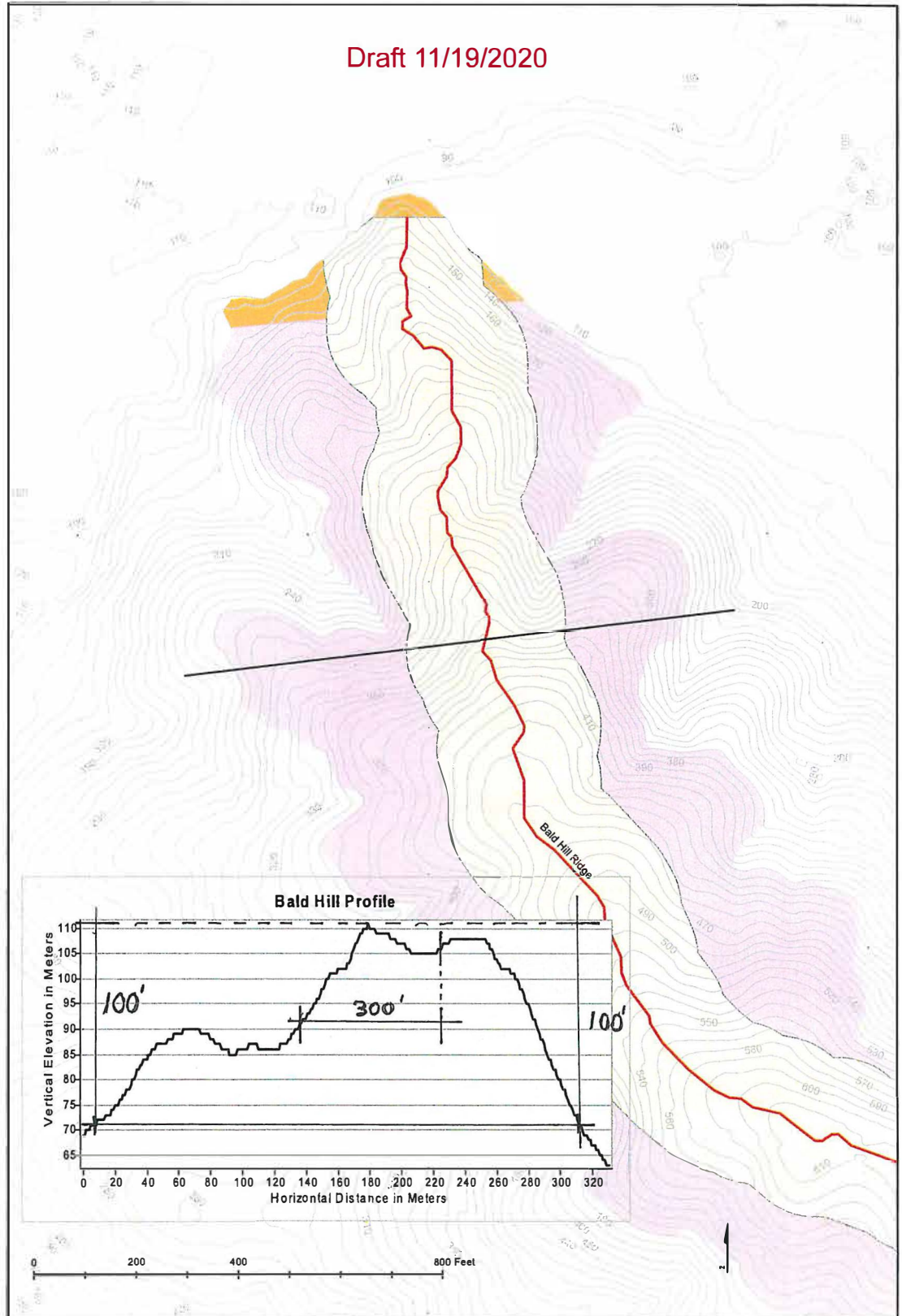
Draft 12/17/2020



Bald Hill Profile

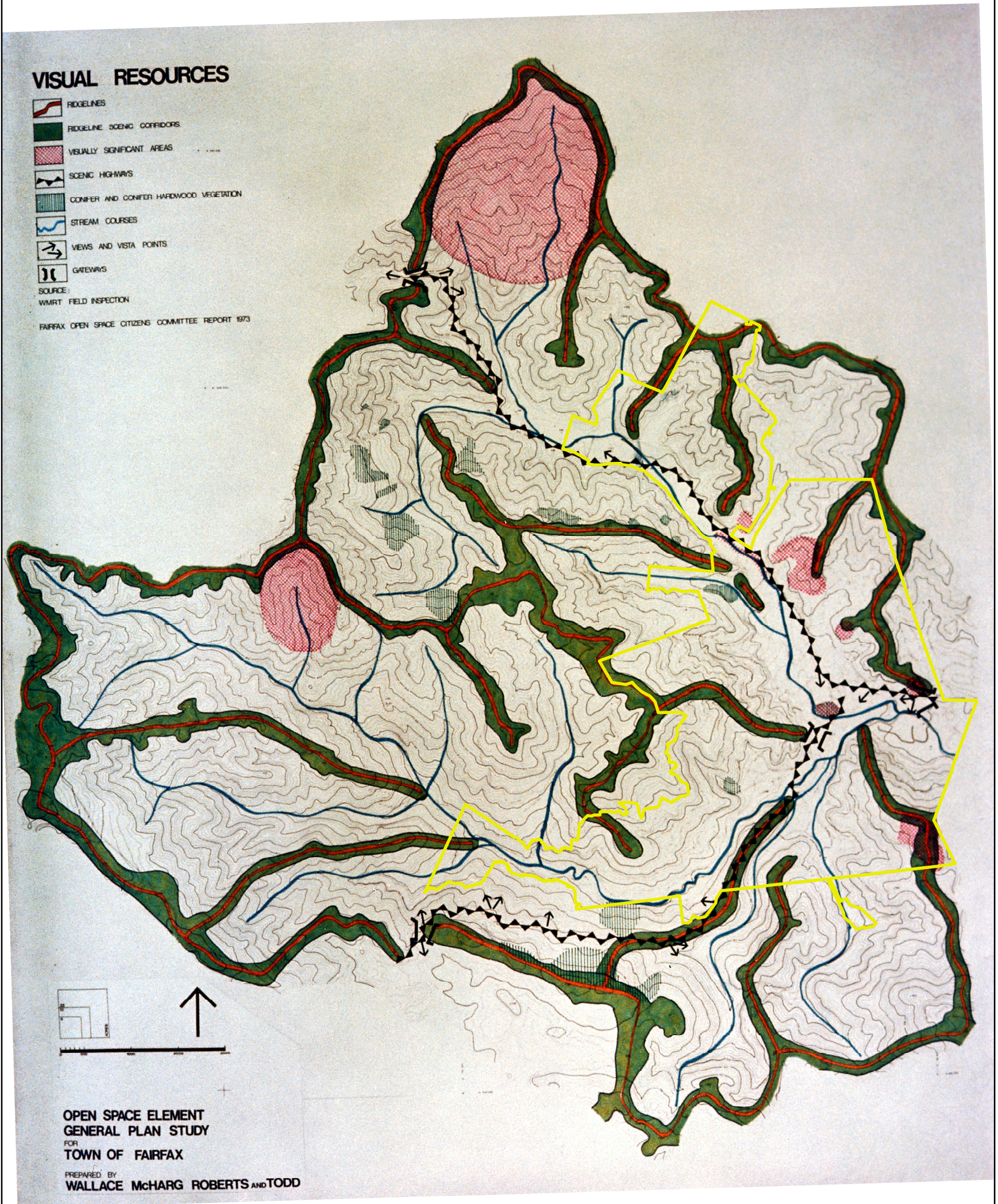
150 Foot Horizontal Distance and 100 Foot Vertical Distance From Ridgelines


Draft 11/19/2020



Visual Resources Map No 9

July 16, 2020



 Town of Fairfax

0 0.5 1 2 Miles



RESOLUTION NO. 2020-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF FAIRFAX
RECOMMENDING THE TOWN COUNCIL ADOPT ORDINANCE NO. ____ ENTITLED
“AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AMENDING SECTION 17.060.020 AND ADDING EXHIBITS A1-A4 and B, AND
APPENDIX A, TO CHAPTER 17.060 OF THE FAIRFAX MUNICIPAL CODE
RELATED TO RIDGELINE DEVELOPMENT ”**

WHEREAS, the Town of Fairfax processes various discretionary permit applications and subsequent entitlements; and

WHEREAS, the ability to accurately identify boundaries of a Ridgeline Scenic Corridor (“RSC”) is important to fulfill the purposes of Chapter 17.060 “Ridgeline Development” of the Fairfax Municipal Code, reduce inconsistency and uncertainty in applying regulations, and reduce inefficiency in application processing; and

WHEREAS, the Town wishes to clarify and update diagrams to explain the applicability of Chapter 17.060 to properties in Fairfax; and

WHEREAS, staff has prepared an ordinance, a true and correct copy of which is attached hereto as **Attachment 1** (the “proposed Ordinance”), which, if adopted, will amend the Town’s zoning ordinance within Title 17 of the Fairfax Municipal Code; and

WHEREAS, in accordance with the California Planning and Zoning Law, the Planning Commission is tasked with considering whether any proposed amendment to the Town’s zoning ordinance conforms with the terms of the Town’s General Plan, and the Planning Commission has determined that the proposed Ordinance would conform to the Town’s General Plan on the basis of the following:

This Ordinance is consistent with and will further the following Fairfax General Plan policies:

- Land Use Element Objective LU-1.2: Limit development on hillside and ridgeline parcels to preserve and enhance the scenic qualities of the Town;
- Open Space Element Program OS-3.2.1.2: Review the contents of the Visual Resources Map at least once every five years and update contents as appropriate;
- Open Space Element Policy OS-3.2.2: Discourage development of any manmade structure on the ridgelines and within the ridge zones within the Fairfax Planning Area; and,
- Open Space Element Program OS-3.2.2.1 Update Fairfax Municipal Code section 17.060 to clarify conditions surrounding development near ridgelines and encourage the County of Marin to align the Marin County Ridgeline Ordinance as it exists as of the date of approval of the General Plan with the Fairfax Municipal Code section 17.060

WHEREAS, The proposed Ordinance does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA) Guidelines because there is no potential that the regulations will result in a direct or reasonably foreseeable indirect physical change in the environment or will cause a significant effect on the environment. (State CEQA Guidelines, §§ 15060(c)(2), 15061(b)(3).) The Town’s adoption of the regulations do not constitute a “project” for purposes of the CEQA because, as clarifications of existing regulations, it does not have a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15378(a).) Moreover, the regulations are exempt from CEQA as a minor alteration in land use limitations. (State CEQA Guidelines, § 15305.)

WHEREAS, the Planning Commission has conducted a duly noticed public hearing to consider the draft ordinance, hear the presentation of a staff report, and receive public comment on the matter.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Fairfax as follows:

SECTION 1. The recitals set forth above are adopted as findings of the Planning Commission.

SECTION 2. The Planning Commission has reviewed the draft ordinance attached hereto as **Attachment 1** and finds that it is consistent with the Town’s General Plan, as set forth above.

SECTION 3. The Planning Commission hereby recommends that the Town Council amend Chapter 17.060 of the Fairfax Municipal Code as set forth in **Attachment 1** hereto to clarify the boundaries of the Ridgeline Scenic Corridor fulfill the purposes of Chapter 17.060 of the Fairfax Municipal Code related to “Ridgeline Development,” reduce inconsistency and uncertainty in applying regulations, and reduce inefficiency in processing applications.

The foregoing Resolution was duly passed and adopted at a regular meeting of the Planning Commission of the Town of Fairfax held in said Town on the 17th day of December 2020 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Phil Green, Chair

Attest:

Ben Berto, Secretary

ORDINANCE NO. ____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AMENDING SECTION 17.060.020 OF AND ADDING EXHIBITS A1-A4 AND B AND
APPENDIX A TO, CHAPTER 17.060 PF THE FAIRFAX MUNICIPAL CODE RELATED
TO RIDGELINE DEVELOPMENT**

WHEREAS, the Town of Fairfax processes various discretionary permit applications and subsequent entitlements; and

WHEREAS, the ability to accurately identify boundaries of a ridgeline scenic corridor (“RSC”) is important to fulfill the purposes of Chapter 17.060 of the Fairfax Municipal Code related to “Ridgeline Development,” reduce inconsistency and uncertainty in applying regulations, and reduce inefficiency in processing applications; and

WHEREAS, the Town wishes to clarify and update diagrams to explain the applicability of Chapter 17.060 to properties in Fairfax; and

WHEREAS, the Town Council has conducted a duly noticed public hearing to consider the draft ordinance, hear the presentation of a staff report, and receive public comment on the matter.

WHEREAS, in accordance with the State Planning and Zoning Law, the Planning Commission, who is tasked with considering whether any proposed amendment to the Town’s zoning ordinance would be in conformance with the terms of the Town’s General Plan, has determined that the proposed Ordinance would conform to the Town’s General Plan on the basis of the following:

- Land Use Element Objective LU-1.2: Limit development on hillside and ridgeline parcels to preserve and enhance the scenic qualities of the Town;
- Open Space Element Program OS-3.2.1.2: Review the contents of the Visual Resources Map at least once every five years and update contents as appropriate;
- Open Space Element Policy^[U1] OS-3.2.2: Discourage development of any manmade structure on the ridgelines and within the ridge zones within the Fairfax Planning Area; and,
- Open Space Element Program OS-3.2.2.1 Update Fairfax Municipal Code section 17.060 to clarify conditions surrounding development near ridgelines and encourage the County of Marin to align the Marin County Ridgeline Ordinance as it exists as of the date of approval of the General Plan with the Fairfax Municipal Code section 17.060^[U2].

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: Section 17.060.020 of the Fairfax Municipal Code is hereby amended in its entirety to read:

“§ 17.060.020 Definitions.

- 1) Those areas defined as community and/or neighborhood separators and visual resources providing community and/or neighborhood identity, further defined as the area on either side of the ridgeline within 150 feet horizontal distance or 100 feet vertical distance from the designated ridgeline, as located on the following maps: Visual Resources Map No. 9 / Visual Resources Map, Georeferenced Visual Resources Map, 150-Foot Horizontal Distances Map, and 100-Foot Vertical Distances Map. Said maps are added to this Chapter as Exhibits A1 – A4, and cumulatively combined and added to this Chapter as Exhibit B. Further information on Ridgeline Scenic Corridor boundaries is added to this Chapter as Appendix A. Copies of Exhibits A1-A4 and B, and Appendix A are on file in the office of the Town Clerk. ”

SECTION 2: Exhibits A1-A4 and B are hereby added to Chapter 17.060 of the Fairfax Municipal Code as follows:

“§ 17.060 EXHIBITS

- Exhibit A1: Visual Resources Map No. 9 / Visual Resources Map
- Exhibit A2: Georeferenced Visual Resources Map
- Exhibit A3: 150-Foot Horizontal Distances Map
- Exhibit A4: 100-Foot Vertical Distances Map
- Exhibit B: Cumulative Ridgeline Scenic Corridor Map

Copies of the exhibits are on file in the office of the Town Clerk.”

SECTION 3: Appendix A is hereby added to Chapter 17.060 of the Fairfax Municipal Code as follows:

“§ 17.060 APPENDIX A

- A. The boundaries of any designated Ridgeline Scenic Corridor shall terminate at the bottom of the ridge slope if it would otherwise extend into the flatlands.
- B. The boundaries of the Ridgeline Scenic Corridor determined by a 100-foot vertical distance shall be based upon the following:
 1. The 100-foot vertical distance is measured perpendicular to the ridgeline.
 2. The outer Ridgeline Scenic Corridor boundary shall be located at the mid-point of the swale before an appreciable uphill slope begins.
 3. The 100-foot vertical distance on Fairfax Ridge and Bald Hill Ridge terminates at the lowest point where the 150-foot horizontal and 100-

foot vertical Ridgeline Scenic Corridor boundaries coincide, as shown on the Cumulative Ridgeline Scenic Corridor map (see Exhibit B).”

SECTION 4. CEQA. The proposed Ordinance does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA) Guidelines because there is no potential that the regulations will result in a direct or reasonably foreseeable indirect physical change in the environment or will cause a significant effect on the environment. (State CEQA Guidelines, §§ 15060(c)(2), 15061(b)(3).) The Town’s adoption of the regulations do not constitute a “project” for purposes of the CEQA because, as clarifications of existing regulations, it does not have^[U3] a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15378(a).) Moreover, the regulations are exempt from CEQA as a minor alteration in land use limitations. (State CEQA Guidelines, § 15305.).

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The Town Council of the Town of Fairfax hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

SECTION 6. Effective Date and Posting. This Ordinance shall become effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax.

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Fairfax on the ___ day of _____ 2020, and duly adopted at the next regular meeting of the Town Council on the _ day of _____, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Renee Goddard, Mayor

ATTEST:

Michele Gardner, Deputy Town Clerk