

FAIRFAX PLANNING COMMISSION
SPECIAL MEETING MINUTES
VIA TELECONFERENCE DUE TO COVID-19
THURSDAY, JULY 29, 2021

Call to Order/Roll Call:

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

Commissioners Present: Norma Fragoso (arrived 7:05)
Esther Gonzalez-Parber
Philip Green
Robert Jansen
Brett Kelly
Mimi Newton (Chair)
Cindy Swift

Staff Present: Ben Berto, Planning Director
Linda Neal, Principal Planner

APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING

M/s, Green/Kelly, motion to approve the agenda and Affidavit of Posting.

AYES: Gonzalez-Parber, Green, Jansen, Kelly, Swift, Chair Newton

ABSENT: Fragoso

Regular Agenda

- 1. Continued consideration of the Objective Design Development Standards (ODDS) Toolkit for toolkit's applicability by the Town on multifamily development proposals, changes to be made to the toolkit, and any other comments on the draft and whether the Commission ODDS/historic subcommittee should be expanded to include a Commissioner with specific architectural knowledge to be applied to review of the draft toolkit**

Planning Director Berto presented a staff report.

Mr. Tony Perez discussed the four zones that are proposed including T3 Edge Neighborhood, T4 Suburban Neighborhood, T4 Suburban Neighborhood-Option, and T4 Main Street. He summarized the building types allowed in each zone.

Planning Director Berto noted there is a gradation in intensity as one moves from the T3 Edge Neighborhood to T4 Main Street. Mr. Perez agreed and stated there is also a gradation in the setback - those in the lower zones are bigger and those in the Main Street are smaller. These can be adjusted as a part of the customization process.

Commissioner Jansen referred to the overall map (Attachment B) and noted there were a lot of parcels that are blank. He asked why they are not regulated. Planning Director Berto stated he is referring to the RD 5.5-7 Zone and it is captured under the T3 Edge Neighborhood. Commissioner Jansen referred to the RS-6 parcels and asked if someone could develop a four-plex. Planning

Director Berto replied not currently but noted Senate Bill 9 is being touted as the “end of single-family residential zoning”. He discussed the criteria that could be considered for a four-plex.

Mr. Ed Yarborough stated the Historical Subcommittee met and talked at length about the importance of having a historical resource survey regarding the potential for an Historic District in the downtown core. The study area includes 192 buildings, which might be considered historical resources. Historical resources, similar to archeological sites, have a degree of protection under the California Environmental Quality Act (CEQA). He discussed Historical Districts and how they also provide protection. Some buildings on their own may not qualify for California registry protection, but may qualify collectively to be protected. He cautioned that he was not offering legal advice, but character defining features of a historical district could serve as an objective way to provide protection.

Commissioner Swift asked about the reference to “historical sites” in SB 330. Tonight’s effort is important and she was concerned that there were no members of the public in attendance. She was concerned the toolkit is not available to the community. She asked about the discrepancies in the zones in the staff report vs. the Toolkit Zone Map.

Commissioner Swift asked about the reasoning and criteria used in staff’s decisions about the zones and their applicability, such as affordable vs. market rate housing, multi-family units, etc.

Commissioner Swift noted the staff report claims that the draft reflects the Town’s current standards and she asked if the standards from Title 17 (fence height, etc.) have been included. She asked what was meant by “site improvement”. The toolkit breaks out parcels over 3 acres or 700’ long or deep, and she asked if these criteria are reference in any legislative language.

Mr. Perez stated the term “site improvement” is included in Chapter One and is a threshold item, beyond maintenance and repairs, that would trigger when a particular standard would apply to an existing project. Each jurisdiction needs to customize those thresholds in Chapter One.

Commissioner Fragoso had a question about the different versions of the document. She is a proponent of housing on the first floor of commercial zoned property, but did not want to leave it so wide open that it would allow for larger scale multi-family housing. She asked if photographs identifying historic character forms and types specific to Fairfax have been used. Planning Director Berto stated “yes”. Commissioner Fragoso asked if the recommendation is to deal with historic character under a CEQA review. Planning Director Berto stated the analysis provides potential protection under some CEQA provisions. Commissioner Fragoso wanted to know how historic review would get incorporated by the next meeting.

Commissioner Green noted Attachment B has been revised and he had originally thought the ODDS program only affected Sir Francis Drake Boulevard, Center Boulevard, and the downtown. Planning Director Berto agreed that the scope has expanded due to questions about development loopholes. They have broadened the scope into zoned areas where discretionary review has been lost.

Commissioner Jansen noted other jurisdictions are not creating a map at this point in time. Mr. Perez agreed and stated they are focusing on the standards and then doing the maps in the second phase.

Commissioner Kelly asked staff about the near term schedule, the nuances between the current Zoning Map and the delineation between the Central Commercial (CC) and Commercial Highway (CH) Zones, and the next steps. He asked Mr. Perez to give some examples of the thresholds discussed in Chapter One. Mr. Perez referred to the thresholds and stated the intent is to break it down by topic and inform an applicant where the standards would apply.

Planning Director Berto pointed to the T4 Suburban Neighborhood-Open Zone and the T3 Edge Neighborhood Zone and agreed there was a disconnect. He asked if the Commissions wants to apply any additional criterion for parcels located in the CH Zone that would continue to preclude residential on the ground floor, if allowing resident on the ground floor would result in a significantly taller building. The T4 Main Street Zone includes the CC Zones which is the most intensive toolkit zone. The standards have been already modified to reflect Fairfax standards.

Commissioner Gonzalez-Parber asked about the process for subdividing or combining lots and whether or not it is discretionary or ministerial. Planning Director Berto discussed minimum lot sizes, etc. SB 9 does talk about allowing any single-family lot to be divided into two parcels and to allow a duplex on each parcel. Subdivision review is currently discretionary and could require CEQA review. Mr. Perez stated Chapter 9 pertains to large site standards and he gave a quick summary.

Commissioner Gonzalez-Parber asked Mr. Perez to consider standards for Multiple-family structures on compound lots.

Commissioner Swift stated she could not give any guidance and recommendations tonight since the toolkit does not match the discussion. She asked how staff would identify an SB 35 (affordable) project and if the developer would necessarily tell staff it was an SB 35 project. Planning Director Berto stated "yes" - it would be a Building Permit process and would be ministerial. However, he thought local discretionary review could potentially be introduced at various stages of the project. The project, if it qualified, could trigger these standards.

Chair Newton referred to the maps and was concerned that it looked like zoning on a parcel-by-parcel basis. She was concerned about getting into the same complexities as the recent attempt to merge the CC and CH Zones. She asked why they would not identify different tools by lot size, etc. or just overlay the toolkit over the entire Town. She asked if this would be a morass of amendments to the Municipal Code. Planning Director Berto stated what is before the Commission would be a vast improvement over what currently exists when reviewing multi-family projects. Staff has attempted to match "Toolkit Zones" with "Zoning Ordinance Zones." He is not worried about "spot zoning".

Chair Newton opened the meeting to public comments.

There were no comments.

Chair Newton closed the meeting to public comments.

Chair Newton asked about the composition of the ODDS Subcommittee. Planning Director Berto stated it consisted of Commissioners Jansen, Fragoso, and Green along with local resident and archeologist Cassidy DeBaker, although she has not been active.

Commissioner Green stated the new version includes a small memo entitled "notes to jurisdiction" that seem to indicate important areas where choices can be made. They need more people on the subcommittee to go over the document in a reasonable time frame. It is important to put some time into the designs and building forms so they mimic Fairfax. He would like to have a coordinated chart showing the similarities and differences between this document and Title 17 Zoning. First floor living along Sir Francis Drake Boulevard is not a good idea and would take away from the shopping/retail experience.

Commissioner Swift was against housing on the first floor in the commercial district. It would negatively impact the business district. She referred to the questions in the staff report and stated she could not provide direction until the next meeting.

Commissioner Fragoso liked the toolkit and where it is going. However, the different types of information are scattered in different places and it is confusing, i.e. what is allowed in T3 vs. T4, etc. She would like a page regarding each zone with a list of what is allowed, the required standards, the existing code, and a map. The information should all be on one page. They are moving in a good direction. She could not answer the staff question about quadplexes without a better understanding of the document.

Commissioner Gonzalez-Parber is against residential on the ground level in the CH Zone. She has concerns about getting the word out to citizens with respect to improvements and legalization of unpermitted housing. She was not ready to make a lot of suggestions for criteria but noted that slope of the site, fire department access, slide zones, and road width should be considerations.

Commissioner Jansen agreed that residential on the first floor was not a good idea. He supports what is happening. The Commission needs more time to digest this document but he realized there was a sense of urgency.

Commissioner Green stated the question regarding the inclusion of quadplexes as a permitted use needs to be considered carefully in terms of aesthetics, ingress and egress, etc.

Commissioner Kelly stated the document represents a lot of good work. It will all come down to the details which will need to be defined. He would like to see environmental or energy use standards for all projects.

Mr. Perez noted this document defers some of these standards to the applicable entity such as the Fire Department, etc.

Chair Newton stated she would like to limit the use of the term "zone" to avoid confusion. She understood the need to move quickly but did not think they were going in the right direction. She feels that it is too complicated. She would prefer something that looks at size of lot, slope of lot, turnarounds, and whether or not is it two residences on the site, three residences on the site, or four or more residences on the site. This could be applied to the entire Town. Residential use on the ground floor on the CC and CH Zone should be allowed with a Use Permit.

Commissioner Fragoso stated a discussion about the Americans with Disabilities Act (ADA) has not been mentioned and may come up during the Housing Element Update.

Commissioner Green reiterated his concern about the lack of public participation. This document has to be simple and understandable to the public. Planning Director Berto stated staff is working on raising public awareness.

Chair Newton asked if they could add another Commissioner to the subcommittee. Planning Director Berto stated they were limited to a maximum of three or the subcommittee is subject to the Brown Act.

Planning Director Berto stated staff would work on some side by side comparisons of the zones and a review of the nuances of the existing and proposed zones. He would also work on better public outreach. He asked about the use of the term "districts" instead of "zones".

Mr. Perez clarified his understanding of the expectations and noted his firm would not come back with a modified document in September. The Commission needs to give more direction.

Commissioner Swift stated there were changes that need to be made to the document. The Commission needs more time for a better review.

Mr. Ed Yarborough discussed expectations in the degree of overlap with the historic resource survey and stylistically affecting the ODDS Toolkit. There is no budget to add an additional style. Getting this on the books is a primary goal.

Commissioner Jansen stated this process has nothing to do with zoning- it is a volumetric and quantitative way of keeping control of what has been lost due to recent Housing Legislation. They need to be careful how the information is explained and how they engage the community.

Char Newton suggested holding a public workshop and another Public Hearing before sending the document to the Town Council.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 9:05 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary