

**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission

DATE: September 21, 2023

FROM: Jeffrey Beiswenger, AICP, Planning & Building Director

ACTION: **Continued discussion / consideration for recommendation to the Town Council the following:** A resolution of the Fairfax Planning Commission recommending the Town Council adopt an ordinance amending the Fairfax Municipal Code to add or amend the following chapters: 17.010 (Rules of Measurement); 17.026 (Ministerial Approvals for Qualifying Housing Developments); 17.027 (Procedures for SB 330 Application for Housing Developments); 17.050 (Affordable Housing Density Bonus); 17.008 (Definitions); 17.020 (Design Review Regulations); 17.024 (Required Permits); 17.032 (Use Permits); 17.040 (General Zone Regulations); 17.044 (Exceptions, Modifications and Waivers); 17.048 (Residential and Accessory Dwelling Units and Junior Accessory Dwelling); 17.052 (Off-Street Parking and Loading Requirements); 17.056 (Traffic Impact Permit); 17.076 to 17.090 and 17.116 (Related to Residential Zones); 17.138 (Regulations Applying in Multiple Zone Districts), and 15.04 (Construction Codes).

CEQA STATUS: The adoption of the Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance Amendment will have a significant effect on the environment.

BACKGROUND

The Commission conducted a noticed public hearing at the September 14, 2023 meeting and initiated discussion of this item. The item was continued to this meeting to allow for additional time for review of the materials, discussion of the issues, and allow for further consideration of the staff recommendation.

DISCUSSION

At the September 14, 2023 meeting, the Planning Commission had the following comments and considerations:

- Supportive of the way that the Objective Design and Development Standards (ODDS) were incorporated into the code. The ODDS could benefit from additional graphics.

- Concern with losing the ability to consider color – particularly in the commercial zoning districts. Requested clarification. Is there a way to make “colors” an objective standard?
- Concerns with the consistency of definitions in the code. Need to ensure that definitions do not conflict.
- Concerns with Chapter 17.027.060 (Review Timeframes), due to the reference to 150 units which is larger than any development that is likely to occur in Fairfax. It was explained that this is taken directly from state law (Senate Bill 330). The Town has limited ability to change.
- Discussed fence height in Section 17.010.040 (C). The language should be expanded to include all steep slopes. The current reference to a retaining wall neglects the fact that fences on steep slopes would also be impacted. Figure 17.010 (E): Measuring Height of Fences and Walls is incorrect since it refers to an upslope measurement.
- A concern regarding the increase from 28.5 feet in height to 30 feet in height in many of the districts. Why not change this to 28 feet if an even number is desired?
- A concern regarding Section 17.088.060 (Height Regulations) in the RM zone. It is not clear how much height is allowed. Is the referenced height an additional height allowance or a maximum height? A graphic may be needed to explain this provision.

GENERAL PLAN CONSISTENCY

The proposed ordinance is consistent with the Fairfax General Plan. The proposed ordinance amendments are technical in nature and/or implement State law.

CEQA CONSISTENCY

The adoption of the Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance Amendment will have a significant effect on the environment.

RECOMMENDATION

Staff recommends the Planning Commission take the following action:

Move to Adopt Resolution 2023-27 recommending Town Council adopt an ordinance amending the Fairfax Municipal Code to add or amend the following chapters: 17.010 (Rules of Measurement); 17.026 (Ministerial Approvals for Qualifying Housing Developments); 17.027 (Procedures for SB 330 Application for Housing Developments); 17.050 (Affordable Housing Density Bonus); 17.008 (Definitions); 17.020 (Design Review Regulations); 17.024 (Required Permits); 17.032 (Use Permits); 17.040 (General Zone Regulations); 17.044 (Exceptions, Modifications and Waivers); 17.048 (Residential and Accessory Dwelling Units and Junior Accessory Dwelling); 17.052 (Off-Street Parking and Loading Requirements); 17.056 (Traffic Impact Permit); 17.076 to 17.090 and 17.116 (Related to Residential Zones); 17.138 (Regulations Applying in Multiple Zone Districts), and 15.04 (Construction Codes).

ATTACHMENT

None (all relevant materials provide for the September 14, 2023 hearing, <https://www.townoffairfax.org/meetings/special-planning-commission-september-14-2023/#/tab-agenda-packet>)