

FAIRFAX PLANNING COMMISSION MEETING MINUTES
WOMEN'S CLUB, 46 PARK ROAD
AND VIA TELECONFERENCE
THURSDAY, OCTOBER 12, 2023

Call to Order/Roll Call:

Chair Swift called the Special Meeting to order at 7:00 p.m.

Commissioners Present: John Bela
 Philip Feffer
 Robert Jansen
 Brett Kelly
 Mimi Newton (attending remotely)
 Cindy Swift (Chair)

Staff Present: Jeffrey Beiswenger, Planning Director
 Linda Neal, Principal Planner

APPROVAL OF AGENDA

M/s, Bela/Jansen, motion to approve the agenda.
AYES: Bela, Feffer, Jansen, Kelly, Newton, Chair Swift

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

There were no Public Hearing Items.

REGULAR ITEMS

1. Study Session: Zoning Amendments for Low Impact Clustering Residential Development

Planning Director Beiswenger presented the staff report. He, along with Mr. Andrew Hill from Dyett & Bhatia, answered questions from the Commission regarding Attachment C and if the new map (OS-1) would replace the 1974 map; the strikeout of Visual Resources Map #9 in the Ridgeline Development Ordinance; the timeline with respect to CEQA Certification and approval of the amendments; the version of OS-1 labeled Visual Resources Map #9; the criteria for site selection for the low impact clustered housing sites; the evaluation criteria for color and materials; density identified with the Planned Development Zone (PDD); application of the Objective Design and Development Standards (ODDS); the Lot Split Ordinance and SB 9 with respect to the UR-7 zone; if it is common among other comparable clustered housing zoning regulations to have 75 % of the site maintained as Open Space.

Chair Swift opened the Public Hearing.

Mr. Rick Hamer, Fairfax, made the following comments:

- He cited his “Wish List” with respect to the 75% maintenance of Open Space.
- Average slope should be based only on the clustered development use.

Mr. Michael Macintosh made the following comments:

- Clustering can be very good.
- The ordinance should be rewritten.
- No criteria have been provided with respect to the 75% figure- it is a subjective “taking”.
- This overlay zoning should be an option.
- Some of the sites are on landslide areas.

Ms. Jessica Green made the following comments:

- She lives in a wooded area near the Wall property.
- She has a problem with ridgeline building.
- She is concerned about evacuation.

Ms. Frank Egger, Meadow Way, made the following comments:

- Keeping the ridgelines free of development has been an on-going battle.
- He discussed the history of the Open Space Element and ridgeline protections.
- He discussed the history of some of the parcels on the list.

Ms. Dave Kidudow, Snowden Lane, made the following comments:

- He is a direct party to the 1991 Fairfax Hills Settlement Agreement. It is still in force and not null and void. The Town has misinterpreted the agreement.
- He was concerned about development on 615 Oak Manor Drive.

Mr. Mark Bell made the following comments:

- He thought changes had already been made to the Ridgeline Development Ordinance.
- He was concerned about adding more vehicles to the road during an evacuation from ADUs and JADUs.
- Ridgelines should remain untouched.

Mr. Kevin Curtis made the following comments:

- They cannot tell right now what will happen on a particular parcel.
- The sites list has not been sent to the State.
- The Marin Town and Country Club is the largest open and available parcel in Town.

Mr. Jack Judkins, speaking as an individual, made the following comments:

- This document has not been reviewed by the Open Space Committee.
- He supported the preservation of Open Space.
- Instead of the 75% figure he would prefer the following wording; “maximized the retention of Open Space”.

Ms. Debra (Dee Lee) Benson made the following comment:

- She agreed with the comments made by Mr. Egger.

Mr. Larry Bragman made the following comments:

- These ridgelines are really a “commons” and have been protected as such.
- He opposed opening up the ridge over Oak Manor. It will not provide affordable housing.

Chair Swift closed the Public Hearing.

The Commission made the following comments regarding Chapter 17.060, Ridgeline Development:

- Should be more specific.

- Questions about Section 17.060.050 (9),(10), A(3)
- Questions about Section 17.060.030 (A)
- Attachment “C” is hard to read.
- Color is not an objective review criteria and should be deleted.
- The subjective language would be difficult to enforce.
- What is considered a “neighboring property”?
- What is the definition of a “ridgeline”, “major ridge”, and “ridgeline scenic corridor”?
- The changes did not help with the previous ambiguities.
- The property specific issues raised by the public will need to be addressed.

The Commission made the following comments regarding Chapter 17.072, Hill Area Residential Development Overlay Zone:

- Concerns about clarity of applicability. They have to be careful where they apply ODDS.
- Concerns about the required Findings.
- Question about Section 17.072.010 (B)(1) and (6).
- Section 17.072.060(B)(3) should be deleted.
- Question about Section 17.072.090(H), possible contradictory objectives.
- Questions about Section 17.072.090(H)(10), the feasibility of implementation, who becomes the holder of the easement, and maintenance of the easement.
- Section 17.072.090(H)(14) and the desire for flexibility in terms of the location and configuration of parking.
- Section 17.072.090(H)(14)(a) and the opinion that three parking spots for a tiny house is too many.
- Section 17.072.090(H)(14)(b) and the suggestion that this should be one guest parking space.
- Section 17.072.090(H)(4) and the suggestion to limit it to 2,500 square feet and strike the 10% bonus.
- Question about Section 17.072.090(H)(3)(b) and what this is trying to achieve.
- Questions about Section 17.072.090(H)(9), and (9)(b) and a suggestion to strike the last sentence. Opposition to a zero lot line was expressed.
- Section 17.072.090(H)(10) should include a requirement for replacement of trees and tree coverage.
- Question about Section 17.072.090(H)(11) and if this is an exhaustive list.
- Question about Section 17.072.090(H)(13), why this is included, what are the requirements, and how it fits in with the total amount of building space.
- Question about Section 17.072.110(E) and the use of the word “harmonizes”. This should be rephrased.
- Question about Section 17.072.110(A) and what “objective subdivision standards” are.
- Section 17.072.080(C)(6), and (J) should reference the standards used in the Ridgeline Ordinance.
- Section 17.072.030 should include a reference to the Town Council.
- Alter or omit lot configurations referenced in Section 17.072.090(H)(3)(a).
- Section 17.072.090(H)(5) is unacceptable and puts a burden on the Fire Chief. There should be some criteria to support the decision.
- Section 17.072.090(H)(7)(a) should not designate the type of foundation system used.
- Section 17.072.090(H)(7)(b) is too prescriptive.
- Section 17.072.090(H)(3)(e) could be deleted.
- Section 17.072.090(H)(8) is desirable and should be applied universally.
- Concerns about impacts to traffic; an increase in the underlying density; evacuations and ingress/egress; if community amenities would be reasonable for some sites; the 75% dedicated Open Space; creating more units; parking, the streetscape, and the public good; flag parking; the term “lot” vs. “parcel”; if this would increase overall density; impacts to Planned Development

District (PDD) Zones; the code has historically been unfairly applied on occasion; color as an objective standard.

The Commission made the following comments regarding Chapter 17.124, UR Upland Residential Zone:

- Section 17.124.040(D), the word “or” should be deleted.
- Questions about this Chapter, the Map in Attachment C, and applicability.

The Commission made the following comments regarding Attachment C, the Map:

- Question about how the measurements were done and if existing data was used.
- Where the ridgelines terminate.

Planning Director Beiswenger thanked the Commission for the comments and stated staff and the consultants have some work to do and will return with a response.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10:15 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary