

Town of Fairfax Planning Commission Workshop Meeting Minutes on
The "Wall" Property
Fairfax Women's Club
Thursday, October 22, 2015

Call to Order/Roll Call

Vice-Chair Kehrlein called the meeting to order at 7:05 p.m.

TOWN COUNCILMEMBERS: Peter Lacques (Vice-Mayor)

COMMISSIONERS PRESENT: Bruce Ackerman
Esther Gonzalez-Parber
Laura Kehrlein (Vice-Chair)
Shelley Hamilton
Norma Fragoso
Mimi Newton

COMMISSIONERS ABSENT: Philip Green (Chair)

OPEN SPACE COMMITTEE MEMBERS:

TREE COMMITTEE MEMBERS: Laura Kehrlein

AFFORDABLE HOUSING COMMITTEE MEMBERS: David Smadbeck

STAFF PRESENT: Garrett Toy, Town Manager
Jim Moore, Planning Director
Linda Neal, Principal Planner
Joanne O'Hehir, Minutes Secretary

AGENDA

M/s, Newton/Fragoso, Motion to approve the agenda.

Ayes: all

Town Manager Toy confirmed that this is a Planning Commission Workshop meeting and added that Town committee members and councilmember are present, who were asked to identify themselves.

Vice-Chair Kehrlein assumed the Chair and made an announcement regarding the meeting's television and Webstream broadcast.

Planning Director Moore made a short presentation. He noted that Mr. Rothman has been invited to discuss his plans for the development of his property and to receive feedback from the residents and staff. Mr. Moore noted that staff would explain the planning process and he noted that a formal application has not been submitted.

Mr. Moore provided an overview of the evening's discussions. He said that staff would begin with an explanation of the entitlement process, the location and size of the property, and the current zoning and General Plan policies in relation to the site. Mr. Moore explained that the applicant would then discuss his proposed project before the Chair opened the public comment period. Mr. Moore noted that the Planning Commission would then provide feedback to the applicant.

Mr. Moore used a slide presentation to discuss the Wall property, which he said is approximately 99 acres. He discussed the zoning designation, which is mainly in the UR10 district with a small piece of land that is zoned RS7.5.

Mr. Moore discussed the Town's General Plan policy on open space, which he said is to encourage the creation of open space through clustered development on parcels. He said that the undeveloped portion of the property would create the open space, which he discussed in relation to a Development Agreement.

Mr. Moore discussed a document providing an overview of the entitlement process and he noted that the parcels are not necessarily legal lots. Mr. Moore said that Mr. Rothman has made requests to the Town to determine if the lots are legally created, which he discussed, including the process to create legal parcels.

Mr. Moore discussed the subdivision and CEQA processes. He noted that if there are any impacts identified as a result of the environmental analysis that cannot be mitigated, an Environmental Impact Report will be necessary.

Mr. Moore discussed an informational memo with regard to additional discretionary permits that might be necessary and the timeframe for accomplishing the actions. Mr. Moore also discussed the laws and codes with which Mr. Rothman would need to comply, which he noted are also explained in the memo.

Mr. Moore went on to discuss the current site conditions, including road access and he identified the areas that might be suitable for clustering the development.

Marshal Rothman, managing partner of investment group and property developer, said that any proposal will comply with the Green Point Rating System, which he discussed. He explained that the property has been enjoyed by the neighborhood as open space area and that they hope their design will maintain some of this open space.

Mr. Rothman discussed the difficulties of maintaining the site, and the costs involved with the project. He said they will develop a complete proposal and that they must consider the resulting values of their project.

Mr. Rothman discussed the parcels and the property. He said their goal is to preserve as much of the property as possible and cause minimum intrusion. Mr. Rothman said they hoped to utilize the existing paths and roads to reduce environmental impacts and costs. He discussed deed restrictions on the parcels and the donation of land for public access.

Mr. Rothman used the slide presentation to discuss the clustered map design. He said they hope to build 9 houses and leave the 10th lot as open space for reasons he discussed, including the use of the empty lot for public trails to the ridgeline. Mr. Rothman explained that the design would allow the parcels to retain their value and they want to keep the density low with a home on each of the 9 lots. He discussed the infrastructure that will be necessary and noted there will be 80 acres that will remain as parkland.

Mr. Rothman said they have identified the most logical sites for the homes; that the pads would be on denuded areas and the sites would allow the greatest value once developed so they can offset the price of the project.

Mr. Rothman said the homes should not have a large impact on the community and that they will undertake a reflective window study and will develop the homes as close to net zero energy as much as possible.

Mr. Rothman noted that the proposed homes will be a maximum size of 2,500 sq. ft. with 800 sq. ft. in-law units and that each parcel will comprise of 10 acres.

In response to Commissioner Fragoso, Mr. Rothman discussed features he intends using to build net zero energy homes, including water recycling measures and the installation of solar panels.

Commissioner Newton asked staff to provide Mr. Rothman with the Town's Ridgeline Ordinance map and the Visual Resources Map. Mr. Rothman said he felt comfortable that they can mitigate visual impacts.

In response to Commissioner Gonzalez-Parber, Mr. Newton discussed their involvement with the community regarding past cluster developments.

In response to Vice-Chair Kehrlein, Mr. Rothman said the approximate lot area for the cluster design development is 1 – 1.5 acres. Mr. Moore confirmed that rezoning will be necessary under this approach.

In response to Commissioner Fragoso, who expressed concern that the natural flow of water from the ridgelines might be impacted, Mr. Rothman said they would provide hydrological studies.

Vice-Chair Kehrlein opened the public comment period.

Frank Egger, 13 Meadow Way, discussed his concerns regarding past issuance of Certificates of Compliance and subdivision of parcels. He noted that the Town is not required to approve Certificates of Compliance. He urged the Town to reject the proposal.

Jan Hegland, 84 San Gabriel Drive, discussed her concern that the schools have reached saturation (so further development should not be approved) and that cars, most likely a minimum of 2 per house, will be left on Sir Francis Drake Blvd as a result of the development.

A speaker discussed his concern about fire safety and homeless people using gas burners on the property. He asked that the applicant works with the Police and Fire Departments to ensure safety until the property is developed.

Philip Henson, 121 San Gabriel Drive, discussed his concern about mudslides that might result if houses are built on the ridgeline. He discussed soil instability and a mudslide that occurred 10 – 15 years ago that affected his property.

George Scott, 57 San Gabriel Drive, discussed his concern about a collapsed lot. He also discussed his concern about the negative impacts the development will have on the kid-friendly quiet neighborhood road.

A speaker commented on the additional traffic problems and the problems caused by drivers who make a wrong turn into the street. He also expressed concern that the new housing would cause a landslide.

Bill Appleton, 125 Ridgeway, discussed three parcels of land adjacent to Ridgeway and his concern that a road might have to be accommodated. Mr. Appleton said he hopes the Planning Commission will take into consideration the fact that residents do not want homes to be built on the site. He said that it is not a public service if the developer has bought the property to make a profit and the priority is to maintain the Town's quality and environment. Mr. Appleton said he does not favor the development.

Susan Beran, representing residents in Oak Manor, discussed her traffic concerns. She said that properties with two units would have a significant impact on traffic on Miranda Oaks. She also expressed concern about Mr. Rothman's past and she said that the land is a living space, not a hardscape, and that it is already being impacted with building materials, roads and concrete, which she discussed.

Mallory Geitheim, Willow Avenue, discussed a mudslide problem on her property caused by a swimming pool project above her, and she noted that her home is built on bedrock. Ms. Geitheim said she is a member of the Affordable housing Committee and that it would be better to build smaller homes in smaller clusters that are affordable. She said that no one who can afford the proposed homes would need to rent out the in-law unit, and the Town does not need to bring more people on to a piece of land that is pristine and magnificent.

James of Oak Knoll, San Anselmo, said he calculated that each of the homes and second units will yield 3,300 sq. ft. of space and huge profits.

Scott Hochstrasser, 141 Bolinas Road, environmental planning consultant, asked if a tighter development, or homes of a similar size as those in the neighborhood, or affordable housing has been considered. He said the cluster design could be improved and savings made on the infrastructure.

Chair Kehrlein closed the public comment period.

In response to Commissioner Hamilton, Mr. Moore said that traffic impacts would be part of the initial study, which would be peer-reviewed by the Town and will need to be approved by the Planning Commission and Town Council. Commissioner Hamilton and Mr. Moore discussed traffic mitigation measures used for the Good Earth project that could be considered for this project.

Commissioner Newton noted that the current trail is well-used and asked Mr. Rothman to discuss alternate trail locations that they have considered. In response, Mr. Rothman said they have identified a possible trail that would be a more picturesque way for hikers to walk to the top of the ridge.

Mr. Rothman noted that their profits would not be anywhere near the figure suggested during the public comment period and he noted that they are complying with the General Plan by providing in-law units. He said they would be happy to consider alternative plans.

In response to Commissioner Gonzalez-Parber, Mr. Rothman said they do not have updated soils reports, although there are reports available. He said they are confident they can choose stable sites and that further studies will need to be undertaken.

In response to Commissioner Fragoso, Mr. Moore said that an Environmental Impact Report would most likely be necessary following the Initial Study.

Chair Kehrlein closed the workshop at 8:40 p.m.