

RESOLUTION 14-40

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX ADOPTING AN AMENDMENT TO THE GENERAL PLAN TO (1) FORMALLY CORRECT TYPOGRAPHICAL ERRORS ON TABLES AND MAPS, (2) MAKE MINOR NARRATIVE REVISIONS TO CORRECT NUMERICAL INCONSISTENCIES AND PROVIDE ADDITIONAL CLARITY REGARDING THE PDD ZONING FOR OPPORTUNITY SITES, AND (3) CORRECT THE LISTING OF THE GENERAL PLAN DESIGNATION FOR ASSESSOR'S PARCEL NO. 174-070-50 (COMMONLY KNOWN AS 2600 SIR FRANCIS DRAKE BOULEVARD, SITE OF THE JEHOVAH'S WITNESS KINGDOM HALL), FROM PLANNED DEVELOPMENT DISTRICT (PDD) TO UPLAND RESIDENTIAL 7-10 (UR-7)

WHEREAS, on August 6, 2014, the Fairfax Town Council adopted Ordinance No. 780, thereby repealing Ordinance No. 778 which, among other things, rezoned Highway Commercial (CH) zoned properties to Central Commercial (CC), rezoned four properties Planned Development District (PDD), and rezoned certain properties to Public Domain (PD); and

WHEREAS, the Town Council of the Town of Fairfax supports the goals, objectives, policies, and programs contained in the General Plan it adopted in April 2012 and the Certified Housing Element it adopted in October 2013 and repealed Ordinance No. 778 to facilitate the correction of errors, omissions, and inconsistencies within and between the General Plan and Town Code; and

WHEREAS, the Town Council intends to expeditiously move forward with appropriate rezoning acts that will move toward aligning the Town Code with the General Plan once errors, omissions, and inconsistencies have been corrected; and

WHEREAS, this proposed General Plan Amendment will correct certain errors, omissions, and inconsistencies in the Housing Element and Land Use Element and represents the first step in aligning the General Plan and Town Code; and

WHEREAS, since the adoption of this General Plan Amendment simply corrects certain errors, omissions, and inconsistencies within and between the General Plan and the Town Code, it can be seen with certainty that this action will have no significant effect on the environment and is thus exempt from further review under the California Environmental Quality Act ('CEQA,' as codified at Public Resources Code § 21000, and as further governed by the CEQA Guidelines, found at 14 C.C.R. § 15000), per 14 C.C.R. § 15061(b)(3); and

WHEREAS, pursuant to the State Planning and Zoning Law (California Government Code Section 65000 *et seq.*), any amendments to the General Plan must first be considered by the Planning Commission for its recommendation on the same to the Town Council; and

WHEREAS, on Thursday, August 21, 2014, at a duly-noticed public hearing of the Planning Commission of the Town of Fairfax, the Planning Commission did consider that certain proposed General Plan Amendment, heard a report on the same from staff, took and considered public comment on the matter, made findings, and recommended approval to the Town Council; and

WHEREAS, on Wednesday, September 3, 2014, at a duly-noticed public hearing of the Town Council of the Town of Fairfax, the Town Council did consider that certain proposed General Plan Amendment a true and correct copy of which is attached hereto and incorporated herein as Exhibit A, heard a report on the same from staff, took and considered public comment on the matter, provided staff direction on revisions to the Amendment, and continued the matter to September 17, 2014; and

WHEREAS, on Wednesday, September 17, 2014, at a duly-noticed public meeting of the Town Council of the Town of Fairfax, the Town Council did consider that certain proposed General Plan Amendment a true and correct copy of which is attached hereto and incorporated herein as Exhibit A, heard a report on the same from staff, took and considered public comment on the matter, and made findings.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Town Council finds this proposed General Plan Amendment will correct certain errors, omissions, and inconsistencies in the Housing Element and Land Use Element and represents the first step in aligning the General Plan and Town Code. Moreover, the Town Council specifically finds that these corrections are necessary to achieve consistency between and amongst the corrected sections and other, related sections of the General Plan and are not substantive in nature.

Section 2. The Town Council further finds that the General Plan Amendment attached hereto will not adversely affect the public health, safety, or welfare, insomuch as it will provide for the orderly and consistent development of the Town.

Section 3. On the basis of the foregoing, the Town Council adopts the amendment to the General Plan as shown in the attached Exhibit A, which (1) formally corrects typographical errors on tables and maps, (2) makes minor narrative revisions to correct numerical inconsistencies and provide additional clarity regarding the PDD zoning for opportunity sites, and (3) corrects the listing of the General Plan designation for Assessor's Parcel No. 174-070-50 (commonly known as 2600 Sir Francis Drake Boulevard, site of the Jehovah's Witness Kingdom Hall), from Planned Development District (PDD) to Upland Residential 7-10 (UR-7) on the Town of Fairfax 2010-30 General Plan Map (Figure LU-1) and Zoning Map (Figure LU-2).

The foregoing Resolution was duly passed and adopted at a Regular Meeting of the Town Council of the Town of Fairfax held in said Town on the 17th day of September 2014, by the following vote, to wit:

AYES:
NOES:
ABSENT:

DAVID WEINSOFF, Mayor

Attest:

Michele Gardner, Town Clerk

RESOLUTION 14-40

EXHIBIT A

Figure LU-1

Figure LU-2

Table H-3

Table H-4

Table H-5

Table H-12

Opportunity Site Master List

TOWN OF FAIRFAX 2010-30 General Plan Map

General Plan Designations

COMMERCIAL

- Central Commercial
- Highway Commercial
- Light Commercial
- Service Commercial
- Recreational Commercial

RESIDENTIAL

- Residential .25 du/acre
- Residential 1 - 6 du/acre
- Residential 7 - 12 du/acre
- UR - 7 UR - 10 acres/du*
- PDD

*Building site area as per Residential .25 du/acre

PUBLIC AND QUASI PUBLIC

- Town Government Offices
- Public Domain
- Public Schools
- Fairfax Town Parks
- Town Owned Properties
- Public / Private Open Space (OSP)

OTHER

- Municipal Boundaries
- Parcel Boundaries
- Scenic Roads
- Creeks

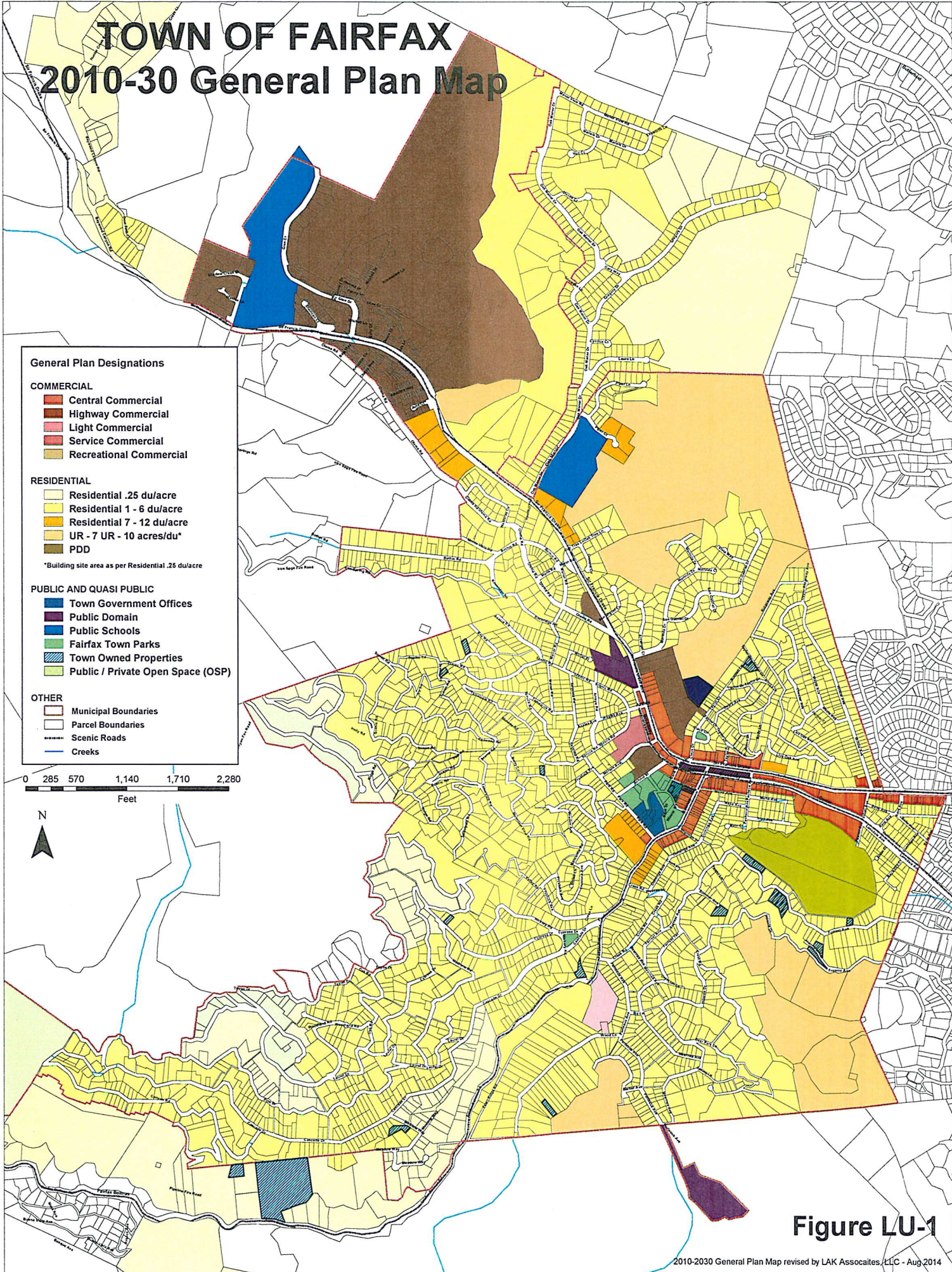
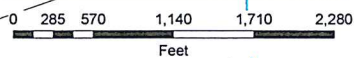


Figure LU-1

TOWN OF FAIRFAX Zoning Map



TOWN OF FAIRFAX
142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

ZONING DISTRICTS

PUBLIC ZONES
PD - Public Domain

COMMERCIAL ZONES
CC - Central Commercial
CL - Light Commercial
CS - Service Commercial
CR - Recreational Commercial

RESIDENTIAL ZONES
RD - 5.5 - 7 - Residential
RS - 6 - Single Family Residential
RS - 7.5 - Single Family Residential
RM - Multi-Family Residential
PDD - Planned Development District
UR - 7 - Upland Residential (7ac/du)
UR - 10 - Upland Residential (10ac/du)

*RS - 6 - zoning determined by arrowwood settlement agreement recorded 5/28/91

OPEN AREA ZONE
O-A - Open Space

(Consult Fairfax Zoning Ordinance for detailed Zone descriptions)

OTHER
 Municipal Boundaries
 Fairfax Parcels Boundaries
 Creeks

Summary of Amendments

Date	Ordinance Number	Description/Summary
3/13/83	333	Established signed use zones, official zoning ordinance
3/6/85	433	Amend zoning to RM district from RD 5.5-7 along SFOD
3/1/88	533	PDD zone for Bennett House (APNs 1-143-06, 1-143-01, RL, 1-211-06)
9/1/87	358	Repeal portion of Alacra Rd from RD 5.5-7 to RS-6
9/1/88	344	Establish OA Zone - Over Park Square
12/9/81	407	Established Upland Residential Zones UR-10 & UR-7
9/13/84	522	PDD pre-zone Shafter Creek Subdivision

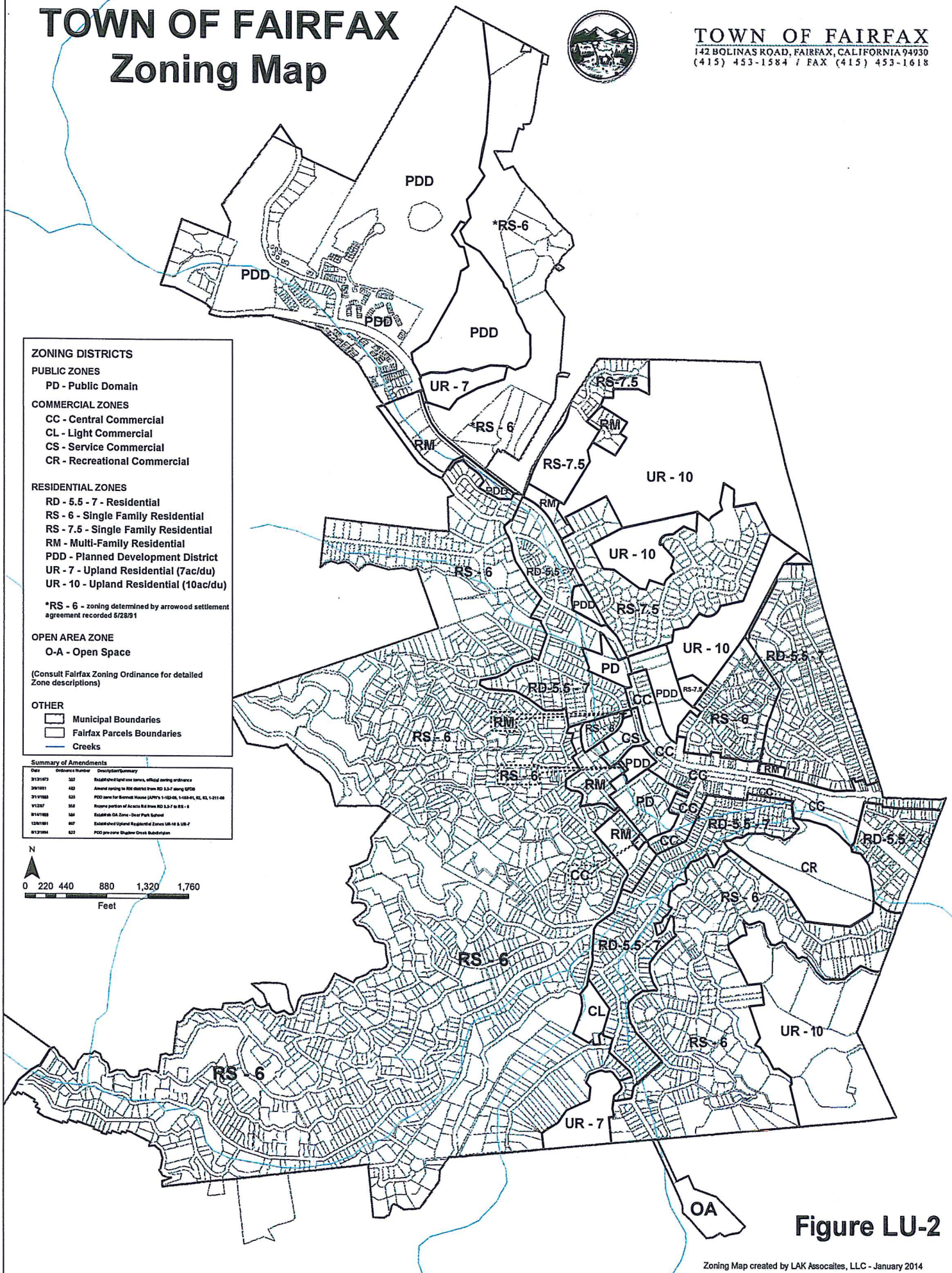
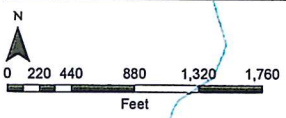


Figure LU-2

Zoning Map created by LAK Associates, LLC - January 2014

TABLE H-3. GENERAL PLAN LAND USE CATEGORIES PERMITTING RESIDENTIAL USE

General Plan Land Use Category	Zoning District(s)	Maximum Density (Units per Acre)	Typical Housing Type(s)
Central Commercial	CC	No maximum	Mixed-Use Development & emergency shelters
Limited Commercial	CL	No maximum	Residential units require conditional use permit (CUP)
Recreational Commercial	CR	No maximum	see Town Code Chapter 17.108
Residential .25 du/acre	FPA*	.25 du/acre	n/a
Residential 1-6 du/acre	RS-6,RS-7.5	1-6 du/acre	Single family dwelling
Residential 7-12 du/acre	RM, RD 5.5-7	7-12 du/acre	Multi-family units
UR-7	UR-7	.14 du/acre	Single-family dwelling
UR-10	UR-10	.1 du/acre	Single-family dwelling
Planned Development District	PDD	No maximum	Multi-family units
Public Domain	PD	n/a	The only residential use allowed is for emergency shelters

Source: Town of Fairfax Land Use Element, 2012; Town of Fairfax 2013.

*Fairfax Planning Area(FPA)- Pre-zoned parcels within the Fairfax Planning Area that should be annexed to the Town (LU-6.1.1)

As part of the recent General Plan update the Town rezoned all of the CH properties to CC, which allows residential units on the second floor “by-right” – rather than by Conditional Use Permit only, as is the case under CH.

Zoning Ordinance

Fairfax's land use designations, as identified in the Zoning Ordinance, have been relatively stable for many years. The predominant designations are residential RS-6 and RD5.5-7 allowing single-family residences and duplexes. In fact, because most of the lots in Fairfax are legal, "non-conforming" due to exceptionally small size, the density in many areas of the community far exceeds the zoning designation. Due to steep slopes and related narrow roads, as well as a general lack of undeveloped land, increasing density beyond the current maximums in established residential areas would not result in an appreciable increase in the supply of housing. Duplexes are allowed in both primary residential zones and second dwelling units are permitted by right on conforming residential lots. A full listing of the types of dwelling units allowed within each zoning designation is provided in Table H-4.

TABLE H-4 ZONES PERMITTING RESIDENTIAL USES

RESIDENTIAL USE	ZONE										
	RS-7.5	RS-6	RD 5.5-7	RM	CL	CC	PDD	RMP	UR	O-A	
SF-Detached	P	P	P	-	-	-	C	P	P	-	
SF-Attached	-	-	P	P	-	-	C	-	-	-	
2-4 DU	-	-	-	P	C	P*	C	-	-	-	
5+ DU	-	-	-	P	C	P*	C	-	-	-	
Residential Care < 6P***	-	-	C	-	-	-	-	-	-	-	
Residential Care > 6P***	-	-	-	-	-	-	-	-	-	-	
Emergency Shelter	-	-	-	-	-	-	-	-	-	-	
Single-Room Occupancy	-	-	-	-	-	-	-	-	-	-	
Manufactured Homes	-	-	-	-	-	-	-	-	-	-	
Mobile-Homes	-	-	-	-	-	-	-	-	-	-	
Employee Housing	C	C	C	-	-	-	-	C**	C	C	
Second Unit	-	-	C	C	-	-	-	C**	C	-	
P=Permitted C=Conditional Use											
* when not on the first floor											
** in coordination with planned district approval											
***Transitional and supportive housing uses are currently allowed in the same manner as small and large residential care facilities. These uses are not specifically defined in the Zoning Ordinance.											

TABLE H-5 RESIDENTIAL DEVELOPMENT STANDARDS

Zoning Designation	RS-6	RS -7.5	RD 5.5-7	UR-7	UR-10	RM	SF-RMP	PDD	O-A	CL	CC
Max. Density (du/ac)	7	5	12	0.14	0.10	10	Determined during MP	Determined during MP	NA	No Maximum	No Maximum
Min. Lot Size (sq. ft.) (10% slope or less)	6,000 sq ft	7,500 sq ft	5,500 sq ft (single-family) 7,000 sq ft (duplex)	7 acres	10 acres	7,500 sq ft	Determined during MP	5 acres See note 3	5 acres	20,000 sf	No Minimum
Min. Lot Size (sq. ft.) (10%–15% slope)	+300 sq ft per 1% slope increase	+300 sq ft per 1% slope increase	+300 sq ft per 1% slope increase	7 acres	10 acres	+600 sq ft per 1% slope increase	Determined during MP	5 acres See note 3	5 acres	20,000 sf	No Minimum
Min. Lot Size (sq. ft.) (15% slope or more)	+1,000 sq ft per 1% slope increase	+1,200 sq ft per 1% slope increase	+1,000 sq ft per 1% slope increase	7 acres	10 acres	10,500 sq ft	Determined during MP	5 acres see note 3	5 acres	20,000 sf	No Minimum
Minimum Lot Width (ft.)	60 ft	75 ft	60 ft	60 ft	60 ft	60 ft	Determined during MP	See Note 3	100 ft	75 ft	No Minimum
Min. Lot Width (10%-15%) (ft)	60+ ft	75+ ft	60+ ft	60+ ft	60+ ft	+8 ft for each 600 sq ft	Determined during MP	See Note 3	100 ft	75 ft	No Minimum
Min. Lot Width (15% slope or more) (ft)	60+ ft	75+ ft	60+ ft	60+ ft	60+ ft	100 ft	Determined during MP	See Note 3	100 ft	75 ft	No Minimum
Front Yard (ft.) (10% slope or less)	6 ft	10 ft	6 ft	6 ft	6 ft	10 ft ¹	Determined during MP	See Note 3	6 ft ⁴	0 ft	0 ft
Front Yard (ft.) (10% slope or more)	6 ft	6 ft	6 ft	6 ft	6 ft	10 ft ¹	Determined during MP	See Note 3	6 ft ⁵	0 ft	0 ft
Side Yard (ft.) (10% slope or less)	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft ²	Determined during MP	See Note 3	5 ft ⁶	0 ft	0 ft

Zoning Designation	RS-6	RS -7.5	RD 5.5-7	UR-7	UR-10	RM	SF-RMP	PDD	O-A	CL	CC
Side Yard (ft.) (10% slope or more)	5 ft	10 ft	5 ft	5 ft	5 ft	10 ft ²	Determined during MP	See Note 3	5 ft ⁷	0 ft	0 ft
Rear Yard (ft.) (10% slope or less)	6 ft	10 ft	6 ft	6 ft	6 ft	10 ft ¹	Determined during MP	See Note 3	6 ft ⁴	0 ft	0 ft
Rear Yard (ft.) (10% slope or more)	12 ft	15 ft	10 ft	12ft	12ft	10 ft ¹	Determined during MP	See Note 3	12 ft ⁵	0 ft	0 ft
Building Coverage (%)	35%	35%	35%	5000 sf max	5000 sf max	35%	Determined during MP	See Note 3		No Maximum	No Maximum
Max. Bldg. Height (ft.) (10% slope or less)	28.5 ft above natural grade and 2 stories						35 ft	See Note 3	35 ft	28.5 ft above natural grade and 2 stories	
Max. Bldg. Height (ft.) (10% slope or more and uphill)	28.5 ft above natural grade and 3 stories						35 ft	See Note 3	35 ft	28.5 ft above natural grade and 3 stories	
Max. Bldg. Height (ft.) 10% slope or more and downhill)	35 ft above natural grade and 3 stories						35 ft	See Note 3	35 ft	35 ft above natural grade and 3 stories	
Parking (spaces/unit) – Studio								See Note 3	See 17.048 of Town Code	1 space	
Parking (spaces/unit)–1 bedroom or more	2 spaces and 1 guest space if legal on-street parking is not available along the immediate frontage of the property.							See Note 3	See 17.040 of Town Code	2 spaces and 1 guest space if legal on-street parking is not available along the immediate frontage of the property.	

MP = Master Plan

Notes:

1. Front and rear yard will have a combined depth of not less than 40 feet, with neither yard having a depth of less than 10 feet.
2. Side yards will have a combined width of not less than 25 feet, with neither yard having a depth of less than 10 feet.
3. The Planning Commission and Town Council may designate a property less than 5 acres PDD, if deemed suitable. Standards for area, coverage, light and air orientation, site planning, density, yard requirements, open spaces, parking and screening shall be governed by the standards of the residential, or commercial zoning district(s) most similar in nature and function to

function to the proposed planned development district (PDD) use(s), or by standards that the Planning Commission shall by resolution from time to time adopt.

4. Front and rear yard will have a combined depth of not less than 25 feet, with neither yard having a depth of less than 6 feet.
 5. Front and rear yard will have a combined depth of not less than 35 feet, with the front yard having a depth of not less than six feet and the rear yard of not less than 12 feet;
 6. Side yards will have a combined width of not less than 15 feet, with neither yard having a depth of less than 5 feet.
 7. Side yards will have a combined width of not less than 20 feet, with neither yard having a depth of less than 5 feet.
-

In addition to the development standards listed in Table H-5 above, the development standards for projects in the Planned Development District (PDD) Zone, the location and design will be determined in a manner that is consistent with the General Plan land use for the site. The Town requires lot coverage of 35 percent or less in residential zones. None of these zones are proposed to accommodate lower-income units in the Town's RHNA. The PDD and CC zone districts do not have limitations on lot coverage that would constrain development of high density housing. In addition, parking standards are being evaluated to make sure they do not pose a constraint to development of higher density housing in the CC zone district. For zone district requiring a maximum of 35 percent building coverage with vacant parcels included in the land inventory in Table H-12, the parcels allow one primary residential unit per parcel. Nearly all the vacant parcels included are greater than one acre in size and should easily accommodate one residential unit.

The Town has placed the municipal code on the Town web site and intends to develop additional materials to facilitate electronic inquiry into regulatory and design review policies, to inform applicants of local standards and preferences. Please note that all of the Town's building requirements are consistent with the Uniform Building Code (UBC) that is updated periodically.

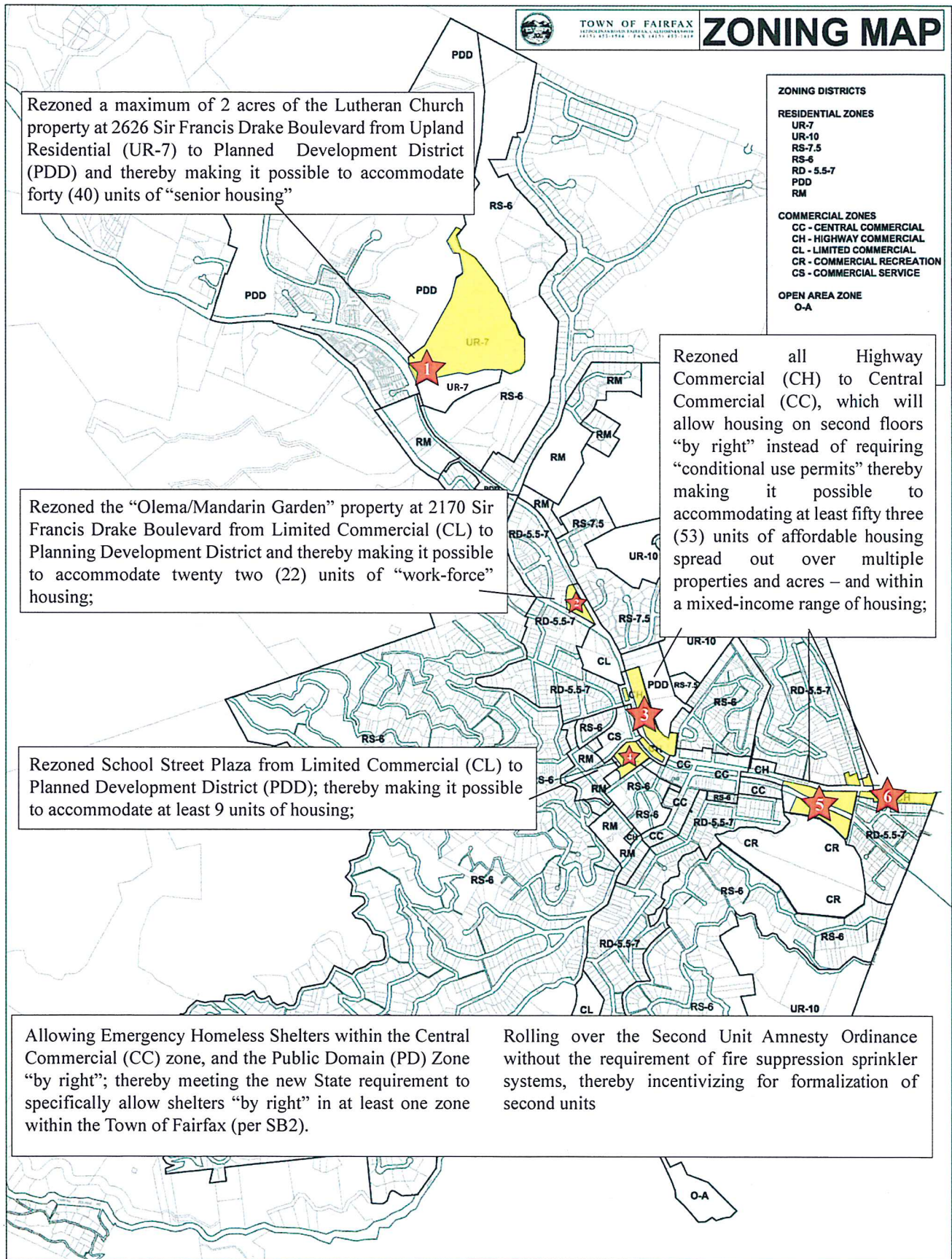
Permit Approval Process

Like all local jurisdictions, the Town of Fairfax has a number of procedures and regulations it requires any developer to follow. A project proposed in Fairfax is involved in some combination of the following review processes: zoning, subdivision, design review,

TABLE H-12 INVENTORY OF SITES WITH POTENTIAL FOR RESIDENTIAL DEVELOPMENT

Site Name	APN	Acre- age	Zon- ing	GP Land Use	Allowed Density	Proposed Capacity	Current Use
Vacant Sites							
001-150-12		68.05	UR-10	UR-10	.10 du/acre	6 above moderate units	Vacant
001-160-09		18.45	UR-10	UR-10	.10 du/acre	2 above moderate units	Vacant
001-251-31		11.5	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
002-071-01		9.04	UR-7	UR-7	.14 du/acre	1 above moderate unit	Vacant
002-181-03		4.78	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
002-181-04		4.58	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
002-181-12		11.21	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
002-181-20		6.79	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
002-181-21		11	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
002-181-22		.74	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
174-290-01		2.11	RS-6	Residen- tial 1-6 du/acre	1-6 du/acre	1 above moderate unit	Vacant

Opportunity Site Master List - 6 Total Sites



Objective H-1.1: Create conditions that will foster the development of at least a total of 124 units for persons with a variety of incomes by 2014.

Policy H-1.1.1: *Local Government Leadership.* Establish affordable housing as an important priority for the Town, with the Planning Commission providing a leadership role working with community groups, other jurisdictions and agencies, and the building and real estate industry to implement the Housing Element programs.

Program H-1.1.1.1: *Work with Housing Advocates.* The Planning Commission will coordinate with local businesses, housing advocacy groups, and the Chamber of Commerce, and participate in the Marin Consortium for Workforce Housing, to increase community understanding and support for workforce and special needs housing for lower-income households. Work to date has included noticing and facilitating meetings, issuing Requests for Qualifications (RFQs), Requests for Proposals (RFPs), and selecting a developer for the Christ Lutheran Church opportunity site. In addition, the Town sought and received funding from the local County Supervisor for pre-development environmental studies that have been completed for the 10 Olema Road site.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Initiated in 2012 and Ongoing

Program H-1.1.1.2: *Prepare Public Information Material.* The Planning Commission will prepare community information material to improve awareness of housing needs, issues and programs.

Responsibility: Planning Commission, Planning and Building Services

Schedule: 2014

Program H-1.1.1.3: *Conduct Community Outreach.* The Planning Commission will develop and implement a program providing public information and

Recommendations will be made based on the review and action taken on the recommendations.

Responsibility: Planning Commission, Planning and Building Services

Schedule: 2014

Program H-4.1.1.6

Amend the Planned Development District (PDD) Zone Standards For Specified Opportunity Sites. Amend Chapter 17.112 of the Fairfax Town Code to:

- Reduce the minimum acreage for a PDD from five acres to one acre for the specified Opportunity Sites (i.e., Lutheran Church and 10 Olema Road).
- Specify that a maximum of 2 acres on the Christ Lutheran Church Opportunity Site and the 10 Olema Road Opportunity Site shall be reserved for residential development only at a minimum of 20 units per acre.
- This change may also require revisions to other sections of Chapter 17.112 including the purpose and residential density policy sections.

Responsibility: Planning Commission, Planning and Building Services

Schedule: By January 31, 2015 (end of the 2006–2014 ABAG Planning Period)

Program H-4.1.1.7

Land Monitoring Program to Meet the RHNA. The Town will implement a land monitoring program to ensure that the Town has enough land to meet its RHNA, throughout the planning period. The Town has identified sites to meet their current and previous planning period lower-income RHNA numbers and the PDD Zone district standards will be amended to require a minimum of 20 dwelling units per acre. This program will ensure that the proposed sites are rezoned to appropriate minimum densities and identify additional sites to be rezoned if any of the proposed sites cannot be rezoned.

All rezoned sites will permit owner-occupied and rental multi-family developments by right and will not require a conditional use permit or any other discretionary review for allowing the housing units (e.g., Design Review and Development Standards will still be reviewed). All sites will accommodate a minimum of 20 units per acre and at least 16 units per site, per state law requirements. In addition, the City will ensure that at least 50% of its lower-income RHNA shortfall is accommodated on sites designated for exclusively residential uses.

Responsibility: Planning and Building Services
Schedule: 2014 and ongoing

Policy H-4.1.2: *Density Bonuses and Other Incentives for Lower-income Housing Developments.* Support and expand the use of density bonuses, and other incentives, to help achieve housing goals while ensuring that potential impacts are considered and mitigated. Provide the following incentive options for developments containing a significant percentage of extremely low-, very low- or low-income units on-site:

- ***State Bonus Law.*** Offer density bonuses consistent with the State Density Bonus Law (GC Section 65915, et. seq.).
- ***Parking.*** Sites within 962.5 feet (300 meters) of a transit stop may be permitted a reduction in parking required by current code, and tandem parking or off-site parking alternatives will also be considered.
- ***Relationship of Density to Floor Area and Lot Coverage.*** Provide flexibility in applying development standards (e.g., parking, floor area and setback), subject to the type of housing, size, and unit mix, location and overall design. Additional density, beyond the maximum permitted, may be appropriate where units are significantly smaller and would have less impact than the market norm. For example, if the norm is 1,200 square feet of overall space for a two-bedroom unit, two units, 600 square feet each, may be permitted.
- ***Reduced Fees.*** Waive or reduce fees on a sliding scale related to the levels of affordability, such as a rebate of all planning and building fees for lower-income units based on the proportion of such units in the project.