



TOWN OF FAIRFAX

STAFF REPORT

August 15, 2019

TO: Planning Commission

FROM: Ben Berto, Director of Planning and Building Services
Linda Neal, Principal Planner

SUBJECT: Discussion/consideration of possible Ordinance Amendments to include Hill Area Residential Development permit requirements for proposed projects in the Planned Development (PDD), Upland Residential (UR) , and the Single-family Residential Master Plan (SF-RMP) zoning districts

BACKGROUND

The Town Council has asked the Planning Commission to consider including the Hill Area Residential Development Permit process as a requirement in the residential development districts that current zoning regulations do not subject to the HRD permit process. The zoning districts that currently do not include the HRD permit requirements are the Planned Development (PDD) District (Town Code Chapter 17.112), the Single-Family Residential Master Plan (SF-RMP) District (Town Code Chapter 17.116) and the Upland Residential (UR) District (Town Code Chapter 17.124).

DISCUSSION

The purpose of the Hill Area Residential Development Permit process is as follows:

- (A) It is the purpose of the hill area residential development overlay zone to provide review of and standards for development proposed for undeveloped land in hill areas.
- (B) It is the intent of this chapter to accomplish the following:
- (1) Encourage maximum retention of natural topographic features such as drainage ways, streams, slopes, ridgelines, rock outcroppings, vistas, natural plant formation and trees;
 - (2) Minimize grading of hillside areas;
 - (3) Provide a safe means of ingress and egress for vehicular and pedestrian traffic to and within hillside areas;
 - (4) Minimize water runoff and soil erosion problems during and after construction;
 - (5) Prevent loss of life, reduce injuries and property damage and minimize economic dislocations from geologic hazards; and
 - (6) Ensure that infill development on hillside lots is of a size and scale appropriate to the property and is consistent with other properties in the vicinity under the same zone classification.

Most of the remaining undeveloped properties in Town are in hillside areas and are entirely or partially within landslide hazard zones and Wildland Urban Interface (WUI) Zones, and also serve as watershed areas.

The Hill Area Residential Development (HRD) permit is a procedural tool used by the applicant, staff, and the Planning Commission to ensure safe development projects that minimize environmental effects and are compatible with properties in the vicinity. In depth geotechnical surveys (soils reports), hydrology surveys and reports, preliminary drainage plans, and tree removal and protection plans may not otherwise be required until later phases of a project. The State's recent legislation (Housing Accountability Act, Senate Bill 35) has in many ways severely limited jurisdiction's ability to require such studies and information until the building permit phase, unless they are cast as objective development standards and required up front as part of the submittal process.

Fairfax's hillsides are steeply sloped, often unstable, and often abut public open spaces where there is limited ability for hazards and disaster response. The slopes are typically heavily vegetated, with mature native tree stands, and act as water sheds for the main San Anselmo and Fairfax creeks.

Due to the inherent features of the hillsides, the types of information and reports set forth in the HRD requirements are necessary in project planning and for staff and the Planning Commission to adequately evaluate, and if necessary, require project redesigns in the hillsides.

The draft zoning amendments attached to this report are for discussion purposes only, but serve to show how relatively straightforward zoning language changes would apply an HRD permit review to the above-described zoning districts.

CONCLUSION

Requiring a Hill Area Residential Development permit for projects located within the hillside areas of the Planned Development (PDD) District (Town Code Chapter 17.112), the Single-Family Residential Master Plan (SF-RMP) District (Town Code Chapter 17.116) and the Upland Residential (UR) District (Town Code Chapter 17.124) will provide staff and the Planning Commission with the tools they need as part of the project review process to, ensure safe and environmentally friendly, and compatible development.

RECOMMENDATION

Discuss the ordinance proposal and direct staff to notice and complete a draft ordinance for the September 19, 2019 Planning Commission meeting.

ATTACHMENTS

Attachment A –potential zoning amendment language incorporating the HRD permit process into the PDD, SF-RMP and UR Zone District regulations for hillside projects

[HILL AREA RESIDENTIAL DEVELOPMENT OVERLAY ZONE, Chapter 17.072]

§ 17.072.020 APPLICABILITY.

Properties zoned RS-6, RS-7.5, RD 5.5-7, RM, PDD, UR, or SF-RMP fall into the HRD overlay zone if they have any of the following characteristics:

Deleted:

(A) The slope of the property is in one of the following categories as shown on Exhibit A of the Open Space Element, General Plan Maps, and development of the lot requires movement of more than the corresponding amount of excavation and/or fill or replacement of earth with foundation materials:

- (1) Zero to five percent slope: 200 cubic yards.
- (2) Five to 15 percent slope: 200 cubic yards.
- (3) Fifteen to 30 percent slope: 100 cubic yards.
- (4) Thirty-one percent slope: 50 cubic yards.

(B) The property falls within a landslide hazard zone as shown on Exhibit 3, Open Space Element of the Fairfax General Plan;

(C) Access to the property is via a private or public undeveloped roadway; and (An undeveloped roadway is an unpaved or paper road which must be improved.)

(D) The property does not meet the minimum building site requirements defined in Chapters 17.076 through 17.088 of this code.

[PDD PLANNED DEVELOPMENT DISTRICT ZONE, Chapter 17.112]

17.112.020 GENERAL REQUIREMENTS FOR A PLANNED DEVELOPMENT.

(A) Five acres or more may be considered a planned development for purposes of this chapter, provided the property is owned, or its development controlled, by a single individual or legally constituted corporation or partnership.

(B) In the case of property in various ownerships, all parties owning and controlling property in the area to be developed shall become parties to a legal agreement binding them to abide by the planned development plan, as approved, with the agreement to run with the land as a condition of future use, sale or lease.

(C) The development shall be initiated and completed by the applicant, or joint applicants, as the case may be.

(D) (1) Unless otherwise provided in the approval of the Planning Commission, the developer may divide and transfer units of the development.

(2) The transferee shall complete the development and shall use and maintain it, in strict accordance with the development plan as approved by the Planning Commission and Town Council.

(E) (1) All the provisions of this title are supplementary to all subdivision regulations of the town.

(2) An application for approval of a tentative subdivision map of lands zoned PDD shall not be accepted, except in conjunction with the concurrent filing of a precise development plan under § 17.112.120.

(3) No tentative subdivision map shall be approved prior to the approval of a precise development plan for the property covered by the tentative map. The tentative map and precise development plan applications shall be processed concurrently.

(F) Any project proposed on a property zoned PDD or proposed for rezoning to PDD, where any portion of the project site meets one or more of the categories contained in the Hill Area Residential Development Overlay Zone applicability Town Code Section § 17.072.020, (A)(1) through (4), (B) and (C), shall also be subject to obtaining a Hill Area residential Development Permit from the Planning Commission. The Hill Area Residential Development Permit application shall be processed concurrently with the Planned Development District application and any associated applications. Required HRD development permit application submittal information shall be provided at the time of the initial PDD application submittal.

[UR UPLAND RESIDENTIAL ZONE, Chapter 17.124]

§ 17.124.010 GENERALLY.

(A) Each UR upland residential zoning district established shall also include a numerical factor indicating required minimum parcel size in acres. Thus, UR 10 means Upland Residential, ten-acre minimum parcel size.

(B) No premises in the UR upland residential zone may be used for any purpose or in any manner, except as set forth in this chapter.

(C) All structures, physical improvements and exterior physical modification of a building are subject to design review.

(D) All structures, physical improvements and modifications involving soil or drainage modifications that fall into any of the categories listed in Town Code 17.072.020 are subject to the Hill Area Residential Development permit requirements.

[SF-RMP SINGLE-FAMILY RESIDENTIAL MASTER PLANNED DISTRICT, Chapter 17.116]

17.116.020 GENERALLY.

(A) No real property zoned SF-RMP shall be divided so as to create a parcel of less than ten contiguous acres unless and until the subdivision is permitted under a planned development which has been approved pursuant to this chapter.

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(B) All structures, physical improvements and modifications involving soil or drainage modifications that fall into any of the categories listed in Town Code 17.072.020 are subject to the Hill Area Residential Development permit requirements.