



TOWN OF FAIRFAX

STAFF REPORT

October 17, 2019

TO: Planning Commission

FROM: Ben Berto, Director of Planning and Building Services

SUBJECT: Consideration and possible recommendation to the Town Council for adoption of an ordinance incorporating the Requirement for a Hill Area Residential Development Overlay Zone Permit into the Multiple-family Residential-Senior-Residential (RM-S) Zone (Town Code Chapter 17.090), the Planned Development District (PDD) Zone (Town Code Chapter 17.112), the Upland Residential UR-7 and UR-10 Zones (Town Code Chapter 17.124) and the Single-Family Residential Master Plan District (SF-RMP) Zone (Town Code Chapter 17.116), and amending the Hill Area Residential Development Overlay Zone (Town Code Chapter 17.072).

BACKGROUND

The Town Council asked the Planning Commission to consider including the Hill Area Residential Development Permit (HRD) process in the Planned Development District (PDD) (Town Code Chapter 17.112). In investigating other potentially applicable residential zoning districts, staff determined that 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) were not currently potentially subject to HRD requirements. The Commission discussed this subject at their August 15 and September 19, 2019 meetings and requested that staff conduct additional research and provide supplemental information for further consideration, including adding the Multiple-family Residential Senior-Residential (RM-S) District (Town Code Chapter 17.090) for HRD consideration. This report and the attached documents address those requests.

DISCUSSION

The Planning Commission supported including the Hill Area Residential Development Permit process for the PDD District, the SF-RMP District, and the UR-7 and UR-10 Districts. In response to questions, staff is also recommending adding the RM-S as applicable to HRD provisions, and splitting out the UR-7 and UR-10 Districts as independently subject to the HRD provisions, since they are separate designations on the General Plan Map and the map sets the minimum parcel size for both the UR-7 and UR-10 zoning districts. Staff's recommended draft regulations (Attachments B and C) and resolution (Attachment A) reflect these changes.

Commissioners made several comments and recommendations at the September 19 meeting, which are discussed further below.

Criteria for HRD Overlay Applicability

As noted in the staff report for the last meeting, the requirement for both a slope versus grading amount and be included in a landslide hazard zone as shown on Exhibit 3, Open Space Element of the Fairfax General Plan created a problem because Exhibit 3 does not exist in the current General Plan. Staff instead recommended that the reference to the maps from the previous General Plan be omitted from Sections 17.072.020(A) and (B) and replaced by a reference to the Salem-Howes Slope Stability map.

Commissioner Newton did some further research and proposed that Figure S-3: Areas Susceptible to Landslides from the current General Plan Safety Element: Hazard Maps serves as the functional equivalent to Exhibit 3 from the former General Plan. Commissioner Newton served on the General Plan Implementation Committee and has her own set of thematic planning maps from that period. Thus, she is a qualified reference on the applicability of those documents. Staff therefore recommends substituting Figure S-3 Areas Susceptible to Landslides from the General Plan Safety Element in HRD Sections 17.072.929 (A) and (B) for the current text referencing Figure 3 from the former General Plan, as well as including the reference to the Salem-Howes slope stability map, i.e., Interpretation of the Relative Stability of Upland Slopes in the Upper Ross Valley and the Western Part of San Rafael Area Marin County, California, by Theodore C. Smith, Salem J. Rice and Rudolph G. Strand, 1976.

Staff included a copy of Figure 5.3 for the Commission's consideration. If your Commission agrees that this is the best reference for inclusion in the HRD section, staff will have its GIS consultant produce a digitized and geo-referenced version of Figure 5.3 to better incorporate it into the Town's review procedures.

Staff recommends taking Section 17.072.020(D) out of the code; refer to Attachment B. This is because the purpose of the HRD overlay zone is essentially to minimize the environmental effects of development on the hillsides, as stated in Section 17.020.010. Therefore, properties that are residentially zoned and are essentially flat, not on hillsides, and do not require extensive grading will not be subject to the requirements of the HRD permitting process if they do not meet the minimum building site requirements. In practical terms, the Town adequately addresses development on these types of properties through the Conditional Use Permit process. Removing Section 17.072.020(D) would eliminate an inconsistency and help streamline and clarify the code.

Refer to Attachment B for the entire redlined Hill Area Residential Development ordinance changes.

Consistent HRD triggers in all zoning districts

In response to a question from Commission Chair Swift, staff reviewed the zoning code residential zone chapters potentially subject to HRD provisions. Some residential chapters contain HRD applicability provisions, others contain no reference to HRD.

Changing the language in each residential zoning chapter to contain consistent HRD applicability provisions would be a much more in-depth undertaking than the original quick zoning amendments envisioned. For example, in residential zoning district chapters that currently contain no HRD reference, the entire chapter would have to be renumbered to include an applicability clause at the beginning of the chapter. Staff will do so if the Commission directs. Otherwise, staff recommends adding the consistency provisions to the list of zoning amendments that would occur once more urgent work program priorities have been addressed.

CONCLUSION

Staff is satisfied that the proposed Zoning Ordinance amendments satisfy the intent to include applying HRD provisions in every residential zoning district chapter, particularly the PDD zone.

RECOMMENDATION

Staff therefore recommends that the Commission adopt the attached resolution recommending to the Town Council Zoning Ordinance amendments to the HRD overlay, PDD, SF-RMP, RM-S and UR-7 and UR-10 zones. An affirmative vote of five of the Commission's members is required to do so.

ATTACHMENTS

- Attachment A – Resolution to Town Council recommending Zoning Ordinance amendments to the HRD overlay, PDD, SF-RMP, RM-S and UR-7 and UR-10 zones
- Attachment B – Entire redlined Hill Area Residential Development ordinance changes
- Attachment C – Clean copy of Hill Area Residential Development ordinance changes
- Attachment D - General Plan Safety Element Figure S-3 Areas Susceptible to Landslides

RESOLUTION NO. 2019-19

A RESOLUTION OF THE PLANNING COMMISSION
OF THE TOWN OF FAIRFAX RECOMMENDING THE TOWN COUNCIL
ADOPT ORDINANCE NO. ____ ENTITLED “AN ORDINANCE OF THE
TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING AND REVISING
CHAPTER 17.072 (“HILL AREA RESIDENTIAL DEVELOPMENT OVERLAY ZONE”),
CHAPTER 17.090 (“RM-S MULTIPLE-FAMILY RESIDENTIAL ZONE – SENIOR –
RESIDENTIAL ZONE”), CHAPTER 17.112 (“PDD PLANNED DEVELOPMENT
DISTRICT ZONE”), CHAPTER 17.116 (“SF-RMP SINGLE-FAMILY RESIDENTIAL
MASTER PLANNED DISTRICT”) AND CHAPTER 17.124 (“UR UPLAND
RESIDENTIAL ZONE”).

WHEREAS, the Town of Fairfax contains numerous heavily vegetated, steeply sloped hillside areas that are entirely or partially within landslide hazard zones and Wildland Urban Interface (WUI) Zones, and serve as watershed areas; and

WHEREAS, the Hill Area Residential Development (HRD) Permit is a procedural tool used by the Town to ensure that potential environmental effects associated with residential development in the hillsides are addressed early in the planning phase by requiring in depth geotechnical surveys and soils reports, hydrology surveys and reports, preliminary drainage plans, and tree removal and protection plans that otherwise may be required during later phases of a project; and

WHEREAS, the HRD Permit process is not a requirement in all residential zoning districts in Town; and

WHEREAS, Senate Bill 35 (the Housing Accountability Act), limits the Town’s ability to require in depth technical studies and information until the building permit phase; and

WHEREAS, incorporating the HRD Permit process into all residential zoning districts in the Town would ensure that all residential development projects in the hillside areas are subject to the same requirements, which are necessary in the planning phase for the Town to adequately evaluate residential hillside development and ensure that it is safe, compatible with other hillside development, and minimizes potential environmental effects; and

WHEREAS, staff has prepared such an ordinance, a true and correct copy of which is attached hereto as **Attachment A** (the “proposed Ordinance”), which, if adopted, will amend the Town’s zoning ordinance, found at Title 17 of the Town Code; and

WHEREAS, in accordance with the State Planning and Zoning Law, the Planning Commission is tasked with considering whether any proposed amendment to the Town’s zoning ordinance would be in conformance with the terms of the Town’s General Plan, and the Planning Commission has determined that the proposed Ordinance would, in fact, conform to the Town’s General Plan on the basis of the following:

The proposed Ordinance will incorporate the HRD Permit process into all residential zoning districts in the Town, thereby ensuring that all residential development projects in the hillside areas are subject to the same requirements. This Ordinance is consistent with and will further the following Fairfax General Plan goals, objectives, policies, and programs: Land Use Element Goal LU-1: Preserve scenic and natural resources; Land Use Element Objective LU-1.2: Limit development on hillside and ridgeline parcels to preserve and enhance the scenic qualities of the Town; Land Use Element Policy LU-1.2.2: New or renewed development in Visually Significant Areas shall be designed and sited to have the least visual impact as seen from the majority of the Town; Land Use Element Policy LU-4.1.4: New and renewed development shall be designed to minimize runoff in a manner that does not cause undue hardship on neighboring properties; Land Use Element Goal LU-5: Manage future growth while preserving the area's natural resources; Land Use Goal LU-7: Preserve community and neighborhood character; Land Use Objective LU-7.1: Preserve and enhance the community's small-town scale and character; Land Use Element Policy LU-7.1.6: New and renewed residential development outside of the Town Center Area should be compatible with, and subordinate to, the topography, wildlife corridors and habitat, natural vegetation pattern, hydrology, and geotechnical characteristics of the area; Land Use Element Objective LU-7.2: Preserve, maintain, and enhance in a sustainable manner, the existing character, scale, and quality of life in Fairfax's residential neighborhoods; Land Use Element Policy LU-7.2.1: New and renewed development shall be compatible with the general character and scale of structures in the vicinity; Land Use Element Policy LU-7.2.2: To the extent feasible natural features including the existing grade, mature trees, and vegetation shall be preserved for new and renewed development; Open Space Element Objective: OS-3.2 Preserve the visual appeal of the natural landscape in the Fairfax Planning Area; Open Space Policy OS-3.2.2: Discourage development of any man-made structure on the ridgelines and within the ridge zones within the Fairfax Planning Area; Open Space Element Policy OS-3.2.3: Prevent development from blocking or impairing existing views of Visually Significant Areas identified in Figure OS-1; Open Space Element Program OS-3.2.3.1: Review development applications to ensure that views of Visually Significant Areas are not negatively impacted; Conservation Element Objective CON-5.1: Conserve soils and minimize erosion; Safety Element Goal S-1: Minimize risks due to geologic hazards; Safety Element Objective S-1.1: Protect life and property from risks associated with seismic activity and geologic conditions; Safety Element Policy S-1.1.1: Development and land use decisions will be made using the best available geotechnical information; Safety Element Program S-1.1.1.1: Require geotechnical analyses for all new development and substantial improvement proposals; Safety Element Policy S-2.1.1: Development and land use decisions will be made using the best available hydrological and flood hazard information; Safety Element Policy S-2.1.4: Ensure that new developments or substantial improvements are designed to reduce or eliminate future flood damage; and, Safety Element

Program S-2.1.4.1: Require that lots and rights-of-way are laid out for the provision of approved sewer and drainage facilities, providing on-site detention facilities whenever practicable. Design criteria for hillside development should be calculated based on saturated soils.

WHEREAS, Adoption of the proposed Ordinance is exempt from the California Environmental Quality Act (“CEQA”). Adoption of this Ordinance will enact only minor changes in land use regulations, and the proposed Ordinance does not constitute a “project” within the meaning of the California Environmental Quality Act of 1970 (CEQA) Guidelines Section 15060(c)(2) and 15061(b)(3) because there is no potential that the regulations result in a direct or reasonably foreseeable indirect physical change in the environment, and CEQA Guidelines Section 15378 because they have no potential for either a direct physical change on the environment, or a reasonably foreseeable indirect physical change in the environment.

WHEREAS, the Planning Commission has conducted duly-noticed public hearings to consider the draft ordinance on August 15, 2019 and September 19, 2019, hear the presentation of staff reports, and receive public comment on the matter.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Fairfax as follows:

SECTION 1. The recitals set forth above are adopted as further findings of the Planning Commission.

SECTION 2. The Planning Commission has reviewed the draft ordinance attached hereto as **Attachment A** and finds that it is consistent with the Town General Plan, as set forth above.

SECTION 3. The Planning Commission hereby recommends that the Town Council amend Title 17 of the Fairfax Town Code as set forth in **Attachment A** hereto to incorporate the HRD Permit process into all residential zoning districts in the Town to ensure that all residential development projects in the hillside areas are subject to the same requirements, which are necessary in the planning phase for the Town to adequately evaluate residential hillside development and ensure that it is safe, compatible with other hillside development, and minimizes potential environmental effects.

The forgoing Resolution was duly passed and adopted at a regular meeting of the Planning Commission of the Town of Fairfax held in said Town on the 17th day of October 2019 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Cindy Swift, Chair

Attest:

Ben Berto, Planning Director

ORDINANCE NO. ____

AN ORDINANCE OF THE
TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING AND REVISING
CHAPTER 17.072 (“HILL AREA RESIDENTIAL DEVELOPMENT OVERLAY ZONE”),
CHAPTER 17.090 (“RM-S MULTIPLE-FAMILY RESIDENTIAL ZONE – SENIOR –
RESIDENTIAL ZONE”), CHAPTER 17.112 (“PDD PLANNED DEVELOPMENT
DISTRICT ZONE”), CHAPTER 17.116 (“SF-RMP SINGLE-FAMILY RESIDENTIAL
MASTER PLANNED DISTRICT”), AND CHAPTER 17.124 (“UR UPLAND
RESIDENTIAL ZONE”).

WHEREAS, the Town of Fairfax contains numerous heavily vegetated, steeply sloped hillside areas that are entirely or partially within landslide hazard zones and Wildland Urban Interface (WUI) Zones, and serve as watershed areas; and,

WHEREAS, the Hill Area Residential Development (HRD) Permit is a procedural tool used by the Town to ensure that potential environmental effects associated with residential development in the hillsides are addressed early in the planning phase by requiring in depth geotechnical surveys and soils reports, hydrology surveys and reports, preliminary drainage plans, and tree removal and protection plans that otherwise may be required during later phases of a project; and,

WHEREAS, the HRD Permit process is not a requirement in all residential zoning districts in Town; and,

WHEREAS, incorporating the HRD Permit process into all residential zoning districts in the Town would ensure that all residential development projects in the hillside areas are subject to the same requirements, which are necessary in the planning phase for the Town to adequately evaluate residential hillside development and ensure that it is safe, compatible with other hillside development, and minimizes potential environmental effects; and,

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: Section 17.072.020 (“APPLICABILITY”) of the Fairfax Municipal Code, Chapter 17.072 (“Hill Area Residential Development Overlay Zone”) is revised to read as follows:

“§ 17.072.020. APPLICABILITY.

Properties zoned RS-6, RS-7.5, RD 5.5-7, RM, RM-S, PDD, SF-RMP, UR-7, UR-10, or SF-RMP fall into the HRD overlay zone if they have any of the following characteristics:

(A) The slope of the property is in one of the following categories as shown on the General Plan Safety Element Figure S-3: Areas Susceptible to Landslides and/or the California Division of Mines and Geology Map, “Interpretation of the Relative Stability of

Upland Slopes in the Upper Ross Valley and the Western Part of San Rafael Area Marin County, California," Rice, Salem J., Smith, Theodore C. and Strand, Rudolph G., 1976 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 the General Plan Safety Element Figure S-3: Areas Susceptible to Landslides and/or the California Division of Mines and Geology Map, "Interpretation of the Relative Stability of Upland Slopes in the Upper Ross Valley and the Western Part of San Rafael Area Marin County, California," Rice, Salem J., Smith, Theodore C. and Strand, Rudolph G., 1976;

(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.)"

SECTION 2: Section 17.090.010 ("Generally") of Chapter 17.090 ("RM-S Multiple-family Residential – Senior – Residential Zone") of the Fairfax Municipal Code is revised as follows:

"§ 17.090.010 GENERALLY.

- (A) The RM-S residential zone is intended to create use and development standards for senior residential housing in a way that preserves and enhances its surroundings; recognizes the requirements of state and federal housing laws (including the Federal Fair Housing Act [42 U.S.C. §§ 3601-3631], the California Fair Employment and Housing Act [Cal. Gov't Code §§ 12900-12995], and the California Unruh Civil Rights Act [Cal. Civil Code §§ 51-53]); and to encourage the development of senior housing. No premises in the RM-S senior residential zone may be used for any purpose or in any manner, except as set forth in this chapter.
- (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."

SECTION 3: The following shall be inserted in Chapter 17.112 ("PDD Planned Development District Zone") of the Fairfax Municipal Code at the end Section 17.112.020 ("General Requirements for a Planned Development") as follows:

"(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.”

SECTION 4: Section 17.116.020 (“Division of Property”) of Chapter 17.116 (“SF-RMP Single-family Residential Master Planned District”) of the Fairfax Municipal Code is revised as follows:

“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.

(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.”

SECTION 5: The following shall be inserted in Chapter 17.124 (“UR Upland Residential Zone”) of the Fairfax Municipal Code at the end Section 17.124.010 (“Generally”) as follows:

“17.124.010 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.

(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.

(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.”

SECTION 6. CEQA. Adoption of the proposed Ordinance is exempt from the California Environmental Quality Act (“CEQA”). Adoption of this Ordinance will enact only minor changes in land use regulations, and the proposed Ordinance does not constitute a “project” within the meaning of the California Environmental Quality Act of 1970 (CEQA)

Guidelines Section 15060(c)(2) and 15061(b)(3) because there is no potential that the regulations result in a direct or reasonably foreseeable indirect physical change in the environment, and CEQA Guidelines Section 15378 because they have no potential for either a direct physical change on the environment, or a reasonably foreseeable indirect physical change in the environment; and

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The Town Council of the Town of Fairfax hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation; and

SECTION 8. Effective Date and Posting. This Ordinance shall become effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Fairfax on the ___ day of _____, 2019, and duly adopted at the next regular meeting of the Town Council on the __ day of _____, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

BARBARA COLER, Mayor

ATTEST:

Hannah Politzer, Deputy Town Clerk

[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, ~~RM-S, PDD, SF-RMP, UR-7, UR-10, or SF-RMP~~ fall into the HRD overlay zone if they have any of the following characteristics:

(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,~~ as shown on the General Plan Safety Element Figure S-3: Areas Susceptible to Landslides and/or the California Division of Mines and Geology Map, "Interpretation of the Relative Stability of Upland Slopes in the Upper Ross Valley and the Western Part of San Rafael Area Marin County, California," Rice, Salem J., Smith, Theodore C. and Strand, Rudolph G., 1976, which is incorporated herein by reference 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~~ the General Plan Safety Element Figure S-3: Areas Susceptible to Landslides and/or the California Division of Mines and Geology Map, "Interpretation of the Relative Stability of Upland Slopes in the Upper Ross Valley and the Western Part of San Rafael Area Marin County, California," Rice, Salem J., Smith, Theodore C. and Strand, Rudolph G., 1976;

(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.~~

[RM-S MULTIPLE-FAMILY RESIDENTIAL – SENIOR – RESIDENTIAL ZONE, Chapter 17.090]

§ 17.090.010 GENERALLY.

(A) The RM-S residential zone is intended to create use and development standards for senior residential housing in a way that preserves and enhances its surroundings; recognizes the requirements of state and federal housing laws (including the Federal Fair Housing Act [42 U.S.C. §§ 3601-3631], the California Fair Employment and Housing Act [Cal. Gov't Code §§ 12900-12995], and the California Unruh Civil Rights Act [Cal. Civil Code §§ 51-53]); and to encourage the development of senior housing. No premises in the RM-S senior residential zone may be used for any purpose or in any manner, except as set forth in this chapter.

(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.

[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, or limited liability corporation.

(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.

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

§ 17.090.010 GENERALLY.

- (A) The RM-S residential zone is intended to create use and development standards for senior residential housing in a way that preserves and enhances its surroundings; recognizes the requirements of state and federal housing laws (including the Federal Fair Housing Act [42 U.S.C. §§ 3601-3631], the California Fair Employment and Housing Act [Cal. Gov't Code §§ 12900-12995], and the California Unruh Civil Rights Act [Cal. Civil Code §§ 51-53]); and to encourage the development of senior housing. No premises in the RM-S senior residential zone may be used for any purpose or in any manner, except as set forth in this chapter.
- (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."

[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.

[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, RM-S, PDD, SF-RMP, UR-7, UR-10, or SF-RMP fall into the HRD overlay zone if they have any of the following characteristics:

(A) The slope of the property is in one of the following categories as shown on the General Plan Safety Element Figure S-3: Areas Susceptible to Landslides and/or the California Division of Mines and Geology Map, "Interpretation of the Relative Stability of Upland Slopes in the Upper Ross Valley and the Western Part of San Rafael Area Marin County, California," Rice, Salem J., Smith, Theodore C. and Strand, Rudolph G., 1976, which is incorporated herein by reference 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 the General Plan Safety Element Figure S-3: Areas Susceptible to Landslides and/or the California Division of Mines and Geology Map, "Interpretation of the Relative Stability of Upland Slopes in the Upper Ross Valley and the Western Part of San Rafael Area Marin County, California," Rice, Salem J., Smith, Theodore C. and Strand, Rudolph G., 1976;

(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.)

[RM-S MULTIPLE-FAMILY RESIDENTIAL – SENIOR – RESIDENTIAL ZONE, Chapter 17.090]

§ 17.090.010 GENERALLY.

(A) The RM-S residential zone is intended to create use and development standards for senior residential housing in a way that preserves and enhances its surroundings; recognizes the requirements of state and federal housing laws (including the Federal Fair Housing Act [42 U.S.C. §§ 3601-3631], the California Fair Employment and Housing Act [Cal. Gov't Code §§ 12900-12995], and the California Unruh Civil Rights Act [Cal. Civil Code §§ 51-53]); and to encourage the development of senior housing. No premises in the RM-S senior residential zone may be used for any purpose or in any manner, except as set forth in this chapter.

(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."

[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, partnership, or limited liability corporation.

(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.

[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.

(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.

[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.

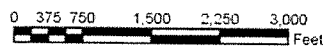
(D) All structures, physical improvements and modifications involving soil or drainage modifications that fall into any of the categories listed in Town Code 17.072.020 are subject to the Hill Area Residential Development permit requirements.

TOWN OF FAIRFAX SAFETY ELEMENT: HAZARD MAPS



Areas Susceptible to Landslides

-  Mostly Landslides
-  Many Landslides
-  Surficial Deposits



Base Map





-  City Boundary
-  Major Roads
-  Stream
-  Fairfax Parcels

Figure S-3 Areas Susceptible to Landslides