



# TOWN OF FAIRFAX

## STAFF REPORT

### November 6, 2019

**TO:** Mayor and Town Council

**FROM:** Ben Berto, Director of Planning and Building Services *GB*

**SUBJECT:** Receive update on the Planning Commission's recommended zoning amendment to incorporate the Requirement for a Hill Area Residential Development (HRD) permit into residential zoning districts

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#### **RECOMMENDATION**

Receive update.

#### **BACKGROUND**

The Town Council asked the Planning Commission to consider including the Hill Area Residential Development Permit (HRD) requirements to the Planned Development District (PDD) zoning district. The Planning Commission discussed HRD-related zoning amendments at their August 15, September 19, and October 17, 2019 meetings. At the conclusion of their October hearing, the Commission voted to recommend a revised ordinance to the Town Council.

The HRD is an overlay zoning district. Rather than apply to a particular area in Town, it potentially applies to developments in any residential zoning district that is listed in the HRD chapter's "Applicability" section. HRD provisions require additional submittal information (for example, a civil engineer's report) and contains standards oriented towards minimizing adverse impacts from developments in hillside areas.

The Planning Commission is recommending the Town prepare an updated base map to use as the reference for applying HRD provisions. Staff is working on digital versions of the base map for Council review when the proposed zoning amendments are considered at a future Council meeting.

#### **DISCUSSION**

In addition to Town Councilmembers' recommended applicability of HRD provisions to the PDD zoning district, the Planning Commission determined that it would be beneficial to apply HRD provisions to several other residential zoning districts in which HRD provisions currently do not apply, as follows: SF-RMP (Single-Family Residential Master Plan) District, the UR-7 (Upland Residential 7-acre minimum) District, the UR-10 (Upland Residential 10-acre minimum) District, and the RM-S (Multiple-Family Residential Senior Residential) District.

The current HRD zone applicability provisions, in Section 17.072.020, contains a dual trigger: 1) slope and grading ratios and 2) parcel must be shown in "Exhibit 3", Open Space Element of the Fairfax General Plan. Another applicability trigger is if a site falls within a landslide hazard area shown in Exhibit 3 map. This creates a problem because among other things the Exhibit

3 map does not exist in the current General Plan. Staff researched the Open Space Element of the prior General Plan and was unable to find an Exhibit 3 map. The HRD zoning chapter referring to Exhibit 3 has not been amended since 1973. Staff believes we have the map "Suitability for Open Space" that is meant to be Exhibit 3, but it is difficult to ascertain specific property locations/boundaries.

The Open Space Element of Fairfax's prior General Plan contains several references to geology reports work done by authors Theodore C. Smith, Salem J. Rice and Rudolph G. Strand who subsequently produced a map entitled "Interpretation of the Relative Stability of Upland Slopes in the Upper Ross Valley and the Western Part of San Rafael Area Marin County, California" 1976 ("Salem Rice" map). The Salem Rice map continues to be in widespread use by planning departments throughout Marin. The Planning Commission recommends that the Salem Rice map be used as a baseline map for HRD requirement purposes along with the "Exhibit 3" map. Staff agrees that the Salem Rice map is more accurate. Staff is in the process of overlaying the Salem Rice map onto the existing Marin Maps/GIS data for Fairfax.

Staff will provide a more detailed analysis of the maps and data when the recommended zoning amendment is considered at a future Town Council meeting.

**FISCAL IMPACT**

None at this time