

Backgrounder and Attachments for Fairfax Open Space Committee Meeting  
10/26/21  
Councilmember Chance Cutrano  
Town of Fairfax

## **BACKGROUND**

Since 2018, the Fairfax Open Space Committee (FOSC) has been aware that there are Town owned parcels (used as open space) currently zoned residential (*see Attachment 1*). Members of the public have attended FOSC meetings to discuss this issue. Further, members of the public have expressed that they would like to clean up the zoning since these parcels are used as parks.

Under SB 330 the Town cannot rezone the parcels from residential to open space without concurrently changing other parcels so that there is no net loss in residential capacity. The fact that the parcels are zoned as residential makes them part of the Town's "residential capacity," and per the opinion of the Town attorney's team, there is no exception that the Town would not use the parcels as residential because they are used for open space. It is possible, as part of the Housing Element Amendment, to rezone other parcels with sufficient density to result in no net loss in residential capacity when the Town parcels are rezoned open space.

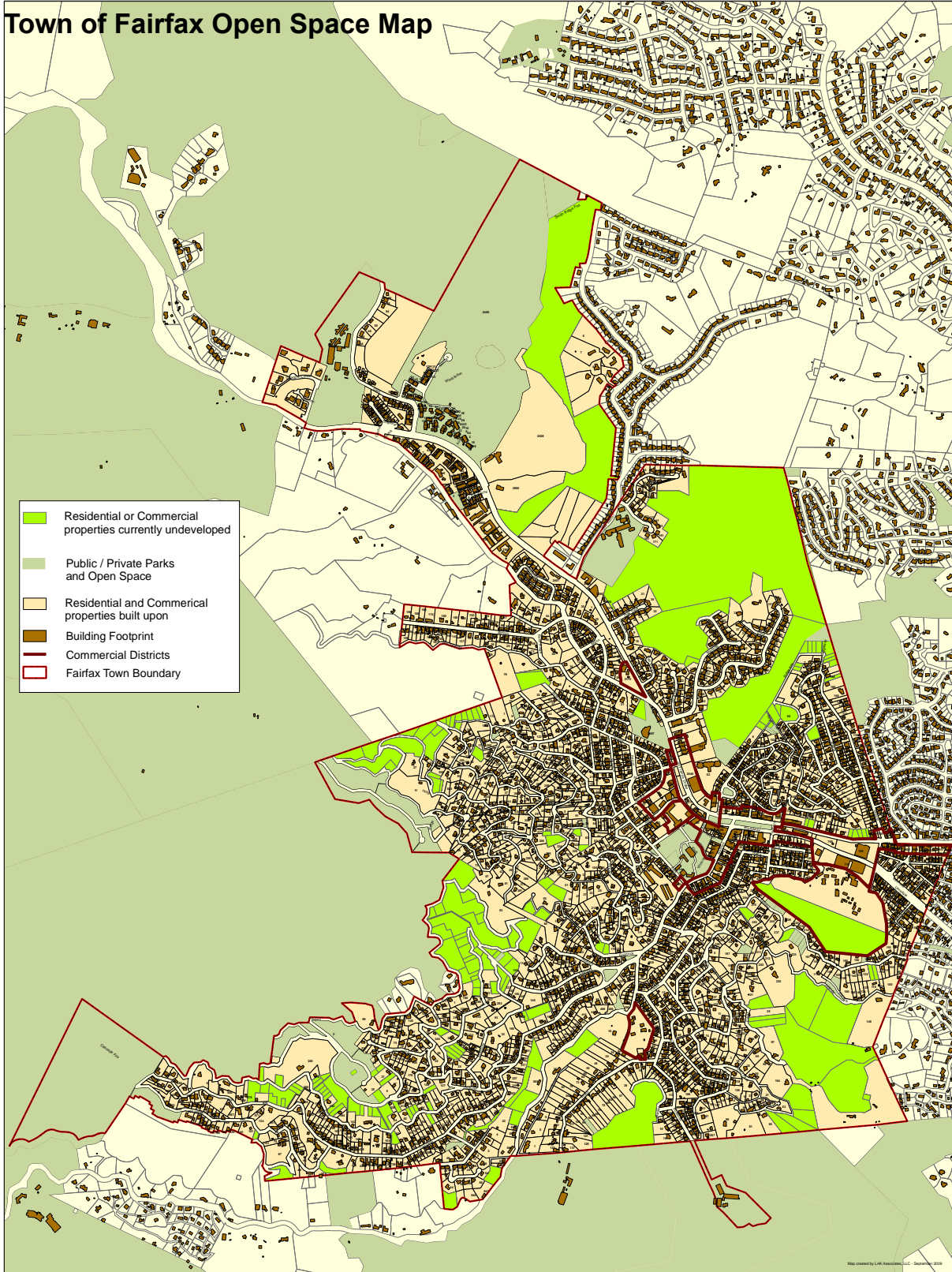
When the topic first arose, then-Town Manager Garrett Toy had instructed FOSC to confirm a complete list of parcels that FOSC requested to be rezoned so that the Town didn't have to go through the process multiple times. Town Manager Toy reiterated the legal interpretation from the Town attorney's team, that while SB330 prohibited "down-zoning" parcels without "up-zoning" other parcels until SB330 expired on January 1, 2025, this process may be possible during the Housing Element discussion (i.e., as we develop a plan for re-zoning parcels in Fairfax).

As previously discussed at the July 28, 2020 Fairfax Open Space Committee, then-Committee member, Chance Cutrano, presented an update on the inventory of town owned parcels/parks that are presently zoned Residential (RS-6). The inventory of Town owned parcels (*see Attachment 2*) identified the mis-zoned Town-owned parks (**RED**), the parcels that fall within the Priority Conservation Areas that the Fairfax Open Space Committee was responsible for identifying in the General Plan (**GREEN**), as well a series of Town-owned parcels that were donated or acquired by the Town (which are contiguous or abut open space) but needed further research (**YELLOW**) (*see Attachment 3*).

## **POSSIBLE ACTION**

Now that the Housing Element process is underway, FOSC may revisit this issue. FOSC could take an action to formally recommend that the rezoning of these town-owned parcels take place during the Housing Element.

# Attachment 1 – Town of Fairfax Open Space Map



## Attachment 2 – Town Owned Parcel Inventory

Town of Fairfax - Town Owned Parcels - 9/19/19 per Linda Neal						
#	Parcel #	General Plan Designation	Zoning	Notes:	Match on PCA list	In PCAs 1, 2, or 3?
1	001-022-04	1-6 du/acre	RS-6	Scenic Trail (off Scenic Rd/Redwood)	14	TRUE
2	001-042-15	1-6 du/acre	RS-6	Summit Crt - Path to Pam's Blue Ridge	#N/A	FALSE
3	001-053-06	1-6 du/acre	RS-6	Berry Trail Lot	#N/A	FALSE
4	001-042-15	1-6 du/acre	RS-6	Duplicate of #2?	#N/A	FALSE
5	001-111-05	1-6 du/acre	RS-6	Bay Rd Lot	#N/A	FALSE
6	001-121-68	1-6 du/acre	RS-6	Scenic Rd Lot (near Fir Tr)	#N/A	FALSE
7	001-160-05	Open Space	RS-7.5	Behind Bennett House	157	TRUE
8	001-212-16	1-6 du/acre	RS-6	Parker Lane / Burdett Lane	180	TRUE
9	001-224-01	Town Park	RS-6	Frank Lawrence Park - Claus Dr	#N/A	FALSE
10	001-227-01	Service Commercial	RS-6	SFD / Broadway / Pacheco	#N/A	FALSE
11	001-227-02	Service Commercial	RS-6	SFD / Broadway / Pacheco	#N/A	FALSE
12	002-012-11	7-12 du/acre	RM	Park Rd	#N/A	FALSE
13	002-031-03	1-6 du/acre	RS-6	Frustruck / Bolinas Ave (Triangle Park)	#N/A	FALSE
14	002-102-01	Town Park	PD	Winnie Ln / Bolinas / Park	#N/A	FALSE
15	002-102-02	Town Park	PD	Winnie Ln / Bolinas / Park	#N/A	FALSE
16	002-102-03	Town Park	PD	Winnie Ln / Bolinas / Park	#N/A	FALSE
17	002-102-06	Town Park	PD	Elise Lane	#N/A	FALSE
18	002-102-11	Town Park	PD	Elise Ln / Winnie Ln	#N/A	FALSE
19	002-102-12	Town Park	PD	Elise Ln / Park Rd	#N/A	FALSE
20	002-103-01	Town Park	PD	Bolinas Ave	#N/A	FALSE
21	002-103-02	Town Park	PD	Elise Ln / Winnie Ln	#N/A	FALSE
22	002-103-03	Town Park	PD	Elise Ln / Winnie Ln	#N/A	FALSE
23	002-113-04	Town Park	PD	Winnie Lane	#N/A	FALSE
24	002-113-05	Town Park	PD	Winnie Ln / Bank St	#N/A	FALSE
25	002-113-06	Town Park	PD	Winnie Ln	#N/A	FALSE
26	002-114-01	Town Park	PD	Winnie Ln / Elise Ln / School St	#N/A	FALSE
27	002-114-02	Town Park	PD	Elise Ln / Park Rd	#N/A	FALSE
28	002-114-03	Town Park	PD	Park Rd	#N/A	FALSE
29	002-114-04	Town Park	PD	Park Rd / School St	#N/A	FALSE
30	002-114-05	Town Park	PD	School St	#N/A	FALSE
31	002-115-11	Service Commercial	PD	Bolinas Ave	#N/A	FALSE
32	002-115-12	Service Commercial	PD	Bolinas Ave	#N/A	FALSE
33	002-115-18	Town Park	PD	Elise Ln / Bank St	#N/A	FALSE
34	002-115-19	Town Park	PD	Elise Ln / Bank St	#N/A	FALSE
35	002-117-01	Service Commercial	CC	SFD/ Broadway (small parking lot)	#N/A	FALSE
36	002-123-17	1-6 du/acre	RS-6	Fomest Ave	#N/A	FALSE
37	002-141-67	1-6 du/acre	RS-6	Summer Ave	#N/A	FALSE
38	002-143-12	1-6 du/acre	RS-6	Fomest Ave	#N/A	FALSE
39	002-143-13	1-6 du/acre	RS-6	Fomest Ave	#N/A	FALSE
40	002-143-14	1-6 du/acre	RS-6	Fomest Ave	#N/A	FALSE
41	002-143-15	1-6 du/acre	RS-6	Fomest Ave	#N/A	FALSE
42	002-143-16	1-6 du/acre	RS-6	Fomest Ave	#N/A	FALSE
43	002-144-01	1-6 du/acre	RS-6	Fomest Ave	#N/A	FALSE
44	002-172-12	1-6 du/acre	RS-6	Spring Lane	#N/A	FALSE
45	002-191-13	1-6 du/acre	RS-6	Fomest Ave	#N/A	FALSE
46	002-192-33	1-6 du/acre	RS-6	Fomest Ave	#N/A	FALSE
47	002-192-37	1-6 du/acre	RS-6	Fomest Ave	#N/A	FALSE
48	003-102-18	1-6 du/acre	RS-6	Fomest Ave / Francis Ave - walkway	#N/A	FALSE
49	003-163-02	1-6 du/acre	RS-6	Cypress Drive	67	TRUE
50	003-204-23	1-6 du/acre	RS-6	Open Space Acquisition (?)	#N/A	FALSE
51	003-205-01	Town Park	RS-6	Doc Egger Park	#N/A	FALSE
52	174-220-15	PDD	PDD	Olema Rd - behind June Ct	#N/A	FALSE
53	197-070-05	.25 du/acre	N/A outside	outside of Town (?)	#N/A	FALSE
County Owned Parcels						
1	001-011-01	1-6 du/acre	RS-6	Summit Rd	#N/A	FALSE
2	001-012-01	1-6 du/acre	RS-6	Summit Rd	#N/A	FALSE
3	001-041-02	1-6 du/acre	RS-6	Ridge Rd	#N/A	FALSE
4	001-041-03	1-6 du/acre	RS-6	Summit Rd	38	TRUE
5	001-042-01	1-6 du/acre	RS-6	Summit Rd	#N/A	FALSE
6	001-042-02	1-6 du/acre	RS-6	Summit Rd / Summit Crt	#N/A	FALSE
7	002-181-24	UR 10	UR-10	Crest Rd (Exclusive Ridgeway Easement)	#N/A	FALSE
8	003-014-10	1-6 du/acre	RS-6	Canyon Rd	#N/A	FALSE

Key:	
	= Within the FOSC PCAs
	= Town parks mis-zoned
	= Unsure

**Note:** The inventory of Town owned parcels (see Attachment 2) identified the mis-zoned Town-owned parks (RED), the parcels that fall within the Priority Conservation Areas that the Fairfax Open Space Committee was responsible for identifying in the General Plan (GREEN), as well a series of Town-owned parcels that were donated or acquired by the Town (which are contiguous or abut open space) but needed further research (YELLOW)

Attachment 3 – Map of Town Owned Parcels Highlighted in Inventory in Attachment 2

