

Town of Fairfax Zoning Code Amendments

Town Council
October 18, 2023



Recommended Actions

1. Conduct a public hearing
2. Waive first reading and introduce an ordinance amending Title 17 (Zoning) and Title 15 (Buildings and Construction), adding or amending various chapters.

Background / Approach

Purpose and Need

- Focus on administrative code updates:
 - Bring code in alignment with State law
 - Implement existing housing policy
 - Streamline the development approval process
 - Create a more user-friendly development code
- State housing law compliance concerns:
 - Ministerial approval requirements
 - Timelines for processing of projects with affordable components
 - Development standards for certain housing types (e.g. Transitional Housing)
 - Density Bonus
 - ADUs and JADUs
 - Reasonable accommodations

Overview



Exhibit A Overview

- Incorporates “rules for measurement” to clarify how zoning is implemented
- Adds new chapters required under State law:
 - Procedures for SB35 projects
 - Procedures for SB330 projects
 - Provisions for an affordable housing density bonus program
- Ministerial review of qualifying projects to objective standards to ensure strict time limits in State law will be met

FIGURE 17.010 (B): MEASURING BUILDING HEIGHT

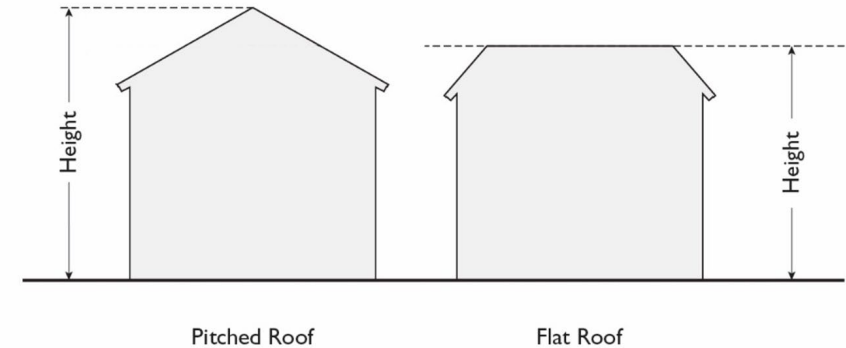


FIGURE 17.010 (G): GRADE PLANE

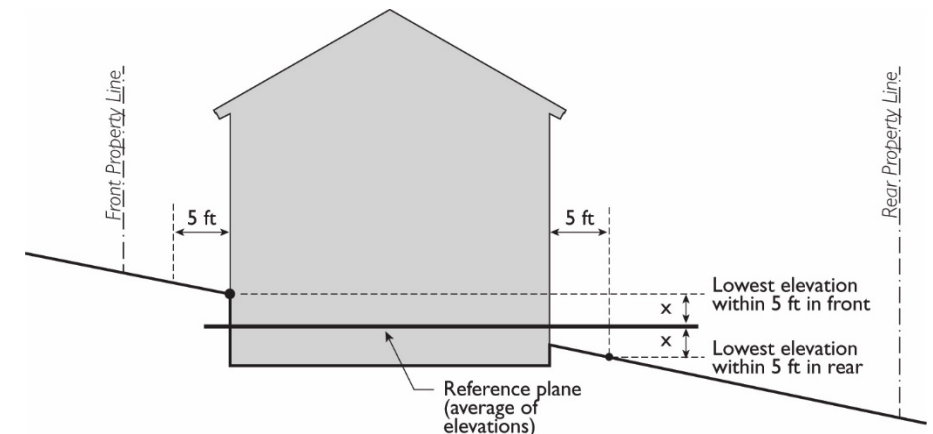


Exhibit B Overview

- Adds definitions to Chapter 17.006 for compliance with State law
- Only the new definitions or modifications to existing definitions are shown in the ordinance

Family. (1) An individual, or two or more persons related by blood, marriage or adoption living together as a single household unit; or

(2) ~~A group of persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit.~~ One or more individuals living together where the residents are a close group with social, economic and psychological commitments to each other and living together as a relatively permanent household.

Family Day Care, Large. A day-care facility licensed by the State of California that is located in a dwelling unit where a resident of the dwelling provides care and supervision for seven to 14 children under the age of 18 for periods of less than 24 hours a day, including children who reside at the home and are under the age of 10.

Family Day Care, Small. A day-care facility licensed by the State of California that is located in a dwelling unit where a resident of the dwelling provides care for up to six children or eight children including children who reside at the home and are under the age of 10.

Exhibit C Overview

Incorporates technical amendments, such as:

1. Objective standards for design review, zoning permits, CUPs, etc.
2. Amendments to general regulations and exceptions and authority for granting waivers
3. Amendments to exempt affordable housing from a traffic impact fee (required by State law)
4. Rules for granting reasonable accommodations for persons with disabilities and for religious institutions

Exhibit D Overview

Updates ADU / JADU Provisions

1. Matches recent updates to state law
2. Allows for larger ADUs (consistent with state law)
3. Two ADUs may be permitted, but only on large lots (>10,000 sf).

Exhibit E Overview

- Includes amendments to the regulations for the individual zones for residential development
- In supplemental regulations in Chapter 17.138, adds provisions for residential care, supportive housing, and transitional housing and design standards for multi-family development which will apply in the RM zones

Exhibit F Overview

Includes amendments to Title 15 to add Appendix Q (Tiny Housing) from the International Residential Code to the list of construction codes adopted



Special Topics

Discussion – Planning Commission Concerns

- Objective Design Standards (ODDS) needs more graphics
- Should color be included as an objective design standard?
- Code should include dark sky provisions

- Follow-up Actions:
 - Add graphics to informational materials (not in code)
 - Color be considered for ODDS is desired by Council
 - Dark sky could be a code update in 2024

Discussion – Wildland Urban Interface (WUI)

- Vegetation management plan required as part of Design Review.
- Article VI (Sections 17.138.600 through 17.138.620) references and work in conjunction with:
 - Municipal Code 8.60 (Wildland Urban Interface Code); and
 - Cal. Gov't Code § 51182.1
- Included
 - Robust set of defensible space requirements
 - Chapter 8.60 requires a fire protection plan
 - Five foot “ember resistant zone” required around all structures (allowing for fire-resistant landscaping (succulents, etc.) and other non-flammable materials)
 - Review by Ross Valley Fire required

Discussion – Parking Requirements

17.052.030 REQUIRED PARKING SPACES.

Off-street parking spaces shall be provided according to the following schedule, and where a parcel includes two or more uses, the parking requirements shall be the aggregate of the requirement for the various uses:

- (A) (1) Dwellings, including one-family and two-family dwellings, apartments and mobile homes:
 - (a) Studio units without separate bedrooms: one space.
 - (b) One-bedroom units: two spaces.
 - (c) Two-bedroom units: two spaces.
 - (d) Units with three or more bedrooms: two spaces
- (2) One guest parking space is required when a legal on-street parking space is not available along the immediate frontage of the property.

Discussion – Parking Requirements

- Parking requirement change for a one-bedroom unit
 - 1 ½ parking spaces from 2 parking spaces
 - Comes from Housing Element and HCD comments
 - 2 spaces for a one-bedroom apartment can be considered excessive and an impediment to development
 - Clarification that this is a per unit value, examples:
 - 3 one-bedroom units = $3 \times 1.5 = 4.5$, rounded to 5.0 parking spaces
 - 4 one-bedroom units = $4 \times 1.5 = 6$ parking spaces
 - 2 spaces are still required for a single family – one-bedroom house

Next Steps

- Town Council Hearing (first reading) October 18
- Town Council, second reading of ordinance November 1
- Effective 30 days after adoption December 1

Questions and Discussion

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Discussion – Objective Design and Development Standards (ODDS)

- Applies primarily to multi-family projects and primarily in RM Zone
- Graphics
 - Could be useful to explain provisions
 - Time-consuming to get it right
 - Do not recommend for code, but as hand-outs for developers
 - Staff could work with Commission to develop
- Colors – Planning Commission opted to not include color in the ODDS. A list of pre-approved colors could be considered “objective” (see next slide)

Discussion – Color

Blue Earth Tones: Earthy blues include muted or desaturated blues that resemble natural elements like the sky, water, or certain types of rocks. These colors can range from soft, dusty blues to deeper, more subdued navy tones and include Indian teal, blue bell, ink blue, heritage blue, blue sapphire and similar colors

Green Earth Tones: Earthy greens include hunter green.... They demonstrate a connection to the natural environment in Fairfax.

Grey Earth Tones: Earthy greys resemble weathered stone....

Black Earth Tones: While black is not traditionally thought of as an earth tone, it can be incorporated in earthy color schemes when it represents the darkness of rich soil or the depths of the natural world...

Warm White Tones. Warm white tones can complement earth tones and be compatible with adjacent buildings; they are appropriate for standalone residential buildings and for mixed use development. These tones include white alyssum....

Discussion – Dark Sky

- Planning Commission discussed adding dark sky provisions, such as light temperature limits
- The currently does not have a full complement of dark sky provisions
 - Only requires “fully shielded light fixture”
 - Dark sky code would have reference to light temperature to avoid lights in the blue or white temperature to avoid competing with starlight
 - Color temperature of 1000 or below
 - Complicated by use of LED lights which tend to be high color spectrum
- Recommend a separate code update project due to complexity

