

Town of Fairfax

Zoning Code Amendments for Housing Element Implementation

Planning Commission Hearing
September 14, 2023



Recommended Actions

- Receive a presentation summarizing municipal code amendments;
- Conduct a public hearing on the proposed amendments; and
- Recommend adoption by the Town Council.

Presentation Outline:

1. Approach to Zoning Amendments
2. Overview of Module 1: Technical and Administrative Amendments
3. Next steps



Background / Approach

Purpose and Need

- The Town is out of compliance with State housing law and the zoning ordinance is out of date
- Zoning amendments will be needed to implement the Housing Element Update
- In advance, some administrative code updates can be made to:
 - Bring code in alignment with State law
 - Implement existing housing policy
 - Streamline the development approval process
 - Create a more user-friendly development code

Zoning Amendments

Zoning amendments will be processed in 3 separate modules:

1. Technical/Administrative Amendments
2. Clustered Low Impact Residential Standards
3. Workforce Housing Overlay



Objectives for Module 1

- Organize amendments in logical, user-friendly manner
- Ensure consistency (internally and with General Plan and applicable federal and State law)
- Provide density bonus to qualifying projects, consistent with State law
- Add objective design standards
- Avoid needless nonconformities
- Clarify design review and decision-making responsibilities
- Streamline review and approval procedures for certain affordable housing projects
- Allow for "tiny homes"

Module 1 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

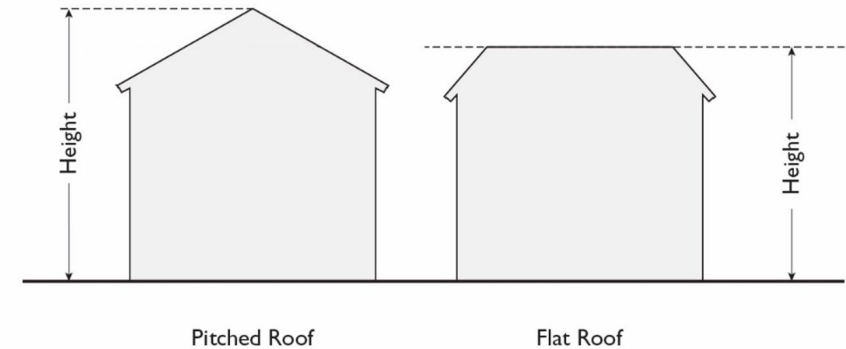


FIGURE 17.010 (G): GRADE PLANE

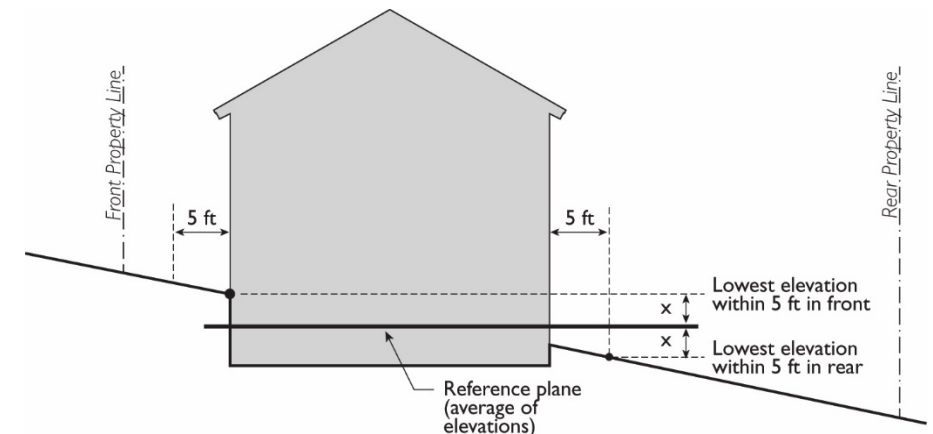


Exhibit B Overview

- 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 provisions for general regulations and exceptions and modifications to introduce authority for granting waivers, subject to strict limits and findings
 3. Amendments to exempt affordable housing from a traffic impact fee as required by State law
 4. Rules for granting reasonable accommodations for persons with disabilities and for religious institutions

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



Next Steps

CEQA

- Adoption of these Ordinances do not constitute “projects” under CEQA
- Amendments make no changes to land uses, development intensities, or the rate at which development is expected to occur and therefore will have no significant environmental effect

Recommended Actions

- Conduct a public hearing on the proposed amendments
- Consider adopting Planning Commission Resolution No. 2023-27
- Include the errata and any other changes identified by the Commission

Next Steps

- Required Public Hearing Notice September 22
- Town Council Hearing on Module 1 (first reading) October 4
- Town Council, second reading of ordinance November 1