



TOWN OF FAIRFAX

STAFF REPORT

April 2, 2014

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*
Jim Moore, Director of Planning and Building Services

SUBJECT: Reconsider adoption of Ordinance No. 778 which, among other things, rezoned properties from CH (Highway Commercial) to CC (Central Commercial), added new PDD (Planned Development District) zoned properties, and rezoned properties PD (Public Domain) and take the following actions:

Second Reading by Title Only and Adoption of Ordinance No. 778 Amending Town Code Chapters 5.52, 17.012, 17.020, 17.092, 17.096, and 17.104, and Adding Chapter 17.130 to Rezone All Parcels Currently Zoned Highway Commercial (CH) to Central Commercial (CC) Zone, Rezone APN 002-112-13 and 001-104-012 From Limited Commercial (CL) to Planned Development District (PDD); Rezone APN's 174-070-17 and 174-070-50 From UR-7 to PDD, Add a Public Domain (PD) Zone, Rezone Selected Parcels PD, Provide for the Supremacy of the Zoning Map over the Text in Event of Discrepancy, Correct Existing Typographical Errors, and Update the Town Zoning Map to Reflect Zoning Changes. CEQA review conducted via addendum to Mitigated Negative Declaration, as adopted by Fairfax Town Council Resolution 14-11

Or,

First Reading by Title Only and of Ordinance No. 780 Amending Town Code Chapters 5.52, 17.012, 17.020, 17.092, 17.096, and 17.104, and Adding Chapter 17.130 to Rezone All Parcels Currently Zoned Highway Commercial (CH) to Central Commercial (CC) Zone, Add a Public Domain (PD) Zone, Rezone Selected Parcels PD, Correct Existing Typographical Errors, and Update the Town Zoning Map to Reflect Zoning Changes; and Adoption of Resolution 14-___, adopting addendum to Mitigated Declaration and Mitigation and Monitoring Reporting Plan prepared for the Fairfax General Plan

Or,

Continue This Item to a Date Certain

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AGENDA ITEM # 18

RECOMMENDATION

- 1) Make a motion to reconsider the second reading of Ordinance No. 778; if approved, the Council could take one of the following actions:
 - a. Waive second reading of and adopt by title only Ordinance No. 778, Amending Town Code Title 5 (Business Taxes, Licensed, and Regulations), Section 5.52.080(A), and Title 17 (Zoning), Sections 17.012.010, 17.012.030, 17.12.040, 17.012.050, 17.12.080, 17.012.090, 17.012.100, 17.012.110, 17.012.140, 17.012.160, 17.092.010, 17.104.010, and Chapters 17.096 and 17.104; and Adding Section 17.012.170 and Chapter 17.130; or
 - b. Introduce First Reading by Title Only and of Ordinance No. 780 Amending Town Code Chapters 5.52, 17.012, 17.020, 17.092, 17.096, and 17.104, and Adding Chapter 17.130 to Rezone All Parcels Currently Zoned Highway Commercial (CH) to Central Commercial (CC) Zone, Add a Public Domain (PD) Zone, Rezone Selected Parcels PD, Correct Existing Typographical Errors, and Update the Town Zoning Map to Reflect Zoning Changes; and Adoption of Resolution 14-___, adopting addendum to Mitigated Declaration and Mitigation and Monitoring Reporting Plan prepared for the Fairfax General Plan and; and direct staff to bring the rezoning action for the PDD properties through the approval process along with the existing PDD language to address concerns related to establishing minimum density levels in the PDD zoned properties; or
 - c. Continue the second reading of Ordinance No. 778 to a date certain and direct staff to begin the process to revise the existing PDD language to address concerns related to the establishment of density levels in the PDD zoned properties; or
- 2) If the motion to reconsider is not approved, direct staff to begin the process to revise the existing PDD language to address concerns related to the establishment of density levels in the PDD zoned properties as addressed in this staff report.

DISCUSSION

At its meeting on March 5, 2014, the Town Council heard the second reading of and adopted Ordinance No. 778. This ordinance brought the Zoning Ordinance into conformance with certain changes required by the 2010-2030 General Plan (including the adoption of the revised Zoning Map that was included as part of the General Plan document), as well as the updated Housing Element, adopted in October 2013. Specifically, the ordinance rezoned CH zoned properties to CC, and rezoned three properties PDD. It likewise (a) deleted language appearing in other sections of the Town Code referring to the now-defunct CH district, (b) set forth a rule whereby discrepancies between the zoning text and zoning map would be resolved in favor of the map, (c) adopted as to the Town's official zoning map the map included in the General Plan as Figure LU-2, (d) established a Public Domain (PD) zoning district, and (e) rezoned certain properties to the new PD zoning district.

During the course of Council's consideration of the second reading, the Council directed staff to report back on the questions regarding the impacts to existing PDD zoned sites. In response to the Council's direction, staff has prepared the attached "fact sheet." Staff did take the liberty of including additional information in response to the questions received by Council and staff since the March 5th Council meeting. This fact sheet was distributed to the community prior to the Council meeting.

It should be noted that the Council's rezoning action did NOT impact the properties previously zoned PDD in that the existing PDD language governing densities was not modified. There are no minimum or maximum densities in the current PDD zoning language and that continues to be the case. The Council action also did NOT amend any of the existing development processes or standards for PDD zoned properties. It simply added three new sites to the list of parcels included within the PDD zoning district. Staff is still conducting its research on the restrictions applicable to the existing PDD properties and will report our finding at the Council meeting. In any event, the new PDD zoned properties, as well as the previously zoned properties, are all subject to the existing PDD language.

Since the Council meeting, *Councilmember Reed, who voted with the majority on the second reading, has requested that the Council reconsider the matter.*

The following is a brief analysis of each of the possible options:

1) *Make a motion to reconsider the second reading of Ordinance No. 778.*

Councilmember Reed, who voted with the majority on the second reading, has requested that the Council reconsider the matter. If approved, the Council has the following options:

a. *Waive second reading of and adopt by title only Ordinance No. 778.*

Analysis: This is the same action Council took on March 5th which was to hear the second reading of and adopt Ordinance No. 778. The Ordinance would take effect in 30 days. In essence, this adds another 30 days to the effective date. The moratorium on CH zoned properties would remain in effect until the effective date. Staff would begin, as planned, the process to revise the existing PDD language to address concerns related to the establishment of density levels in the PDD zoned properties (see option 2 below for details).

b. *Introduce and waive First Reading by Title Only and of Ordinance No. 780, adopt Resolution 14-__ to meet CEQA requirements, and direct staff to bring the rezoning action for the PDD properties back through the approval process along with the existing PDD language to address concerns related to establishing minimum density levels in the PDD zoned properties.*

Analysis: This would remove the portion of the ordinance implementing the rezoning of PDD properties. Under this option, the Council would be conducting the first reading of

the Ordinance No. 780. The second reading would occur in May and take effect in 30 days. The moratorium would remain in effect until Ordinance No. 780 is in effect.

Under this option, the three properties identified to be rezoned to PDD (2626 Sir Francis Drake Boulevard [Christ Lutheran Church], 10 Olema, and the School Street Plaza) would not be rezoned at this time. However, the properties previously zoned PDD would continue to be zoned PDD and be subject to the PDD language in the code. This approach would address the concern that the rezoning of the three properties to PDD should be in conjunction with any revisions to the PDD language. Staff would combine the rezone with the text changes to the PDD language (see Option 2 for details) and take it to the Planning Commission and Council for approval. This ordinance would also remove the language resolving discrepancies between the zoning text and zoning map in favor of the map, and would remove the language adopting the zoning map included as General Plan Figure LU-2 as the Town's official zoning map.

As the Planning Commission and Town Council only meet once a month, the approval process, most likely, would take a several months to complete.

- c. *Continue the second reading of Ordinance No. 778 to a date certain and direct staff to begin the process to revise the existing PDD language to address concerns related to the establishment of density levels in the PDD zoned properties.*

Analysis: This action provides 30 days or more for staff to answer questions raised by the Community. The second reading of Ordinance No. 778 could occur as early as May. The moratorium on CH zoned properties would remain in place until Ordinance No. 778 becomes effective or until early February 2015, whichever occurs first. Staff would begin the process to revise the existing PDD language to address concerns related to the establishment of density levels in the PDD zoned properties (see Option 2 below for details)

- 2) *If the motion to reconsider is not approved, direct staff to begin, as planned, the process to revise the existing PDD language to address concerns related to the establishment of density levels in the PDD zoned properties as addressed in this staff report.*

Analysis: This action is the next step in the rezoning process to bring the properties into compliance with the General Plan and Housing Element. Staff is exploring the best way to revise our land use processes to facilitate the development of housing on the Christ Lutheran Church, 10 Olema, and School Street sites in accordance with the General Plan and Housing Element; while maintaining the existing development processes and requirements for the remainder of the properties in the PDD zone. Staff is still conducting its research on the restrictions applicable to the existing PDD properties and will report our finding at the Council meeting.

With regard to the Christ Lutheran Church, the Housing Element proposed a minimum 20 units/acre on a 2 acre portion of the site and was silent on the remaining 18 acres, other than

to state it was primarily a wooded area that would be difficult to develop. It was never the Town's intention to impose a minimum density of 20 units/acre on the entirety of that site. Staff recommends these 18 acres be subject to the existing PDD language.

It will take a few months to complete this amendment process.

Under all the options, staff would quickly proceed to revise the PDD zoning language to address concerns for the newly zoned PDD areas as well as previously zoned properties. The revisions would make clear that the current PDD language would continue to apply to the previously zoned PDD properties.

FISCAL IMPACT

All the options require additional staff and Town Attorney resources to complete.

ATTACHMENTS

PDD Fact Sheet

Ordinance No. 778

Ordinance No. 780 (to be distributed as supplemental materials prior the meeting)

Resolution 14-__ (to be distributed as supplemental materials prior the meeting)

Rezoning and the General Plan:

How Recent Changes to the Zoning Ordinance Implement Fairfax's Existing Land Use Commitments

On March 5th, the Council adopted Ordinance No. 778 which rezoned selected properties in compliance with the Town's adopted General Plan, including its updated Housing Element. Specifically, the Town rezoned properties from CH (Highway Commercial) to CC (Central Commercial), rezoned **three (3)** properties to PDD (Planned District Development), and rezoned publicly owned properties to PD (Public Domain).

Since the Council meeting, questions have arisen regarding the rezoning of certain properties, particularly the rezoning of properties to PDD: 10 Olema, the Lutheran Church, and the School Street Plaza sites. The Town has prepared this informational document to address these questions and explain how rezoning these properties fulfill commitments we have previously made as a community.

What We've Done So Far

As explained below, the Town of Fairfax has made certain commitments regarding the way in which we will accommodate housing needs at all income levels in our community, per state requirements. Those commitments may be found in two sections of our General Plan: the Land Use Element and the Housing Element, each of which identify our intentions in this regard. Recognizing the need to implement the various policies we have adopted in our Land Use Element and Housing Element, we have started that process by rezoning 10 Olema, the Lutheran Church, and the School Street Plaza sites to PDD. The Land Use and Housing Element are available on the Town's website at www.townoffairfax.org.

However, we still have not taken the next steps of revising the PDD zoning ordinance language to reflect the new minimum densities applicable solely to these sites, or their particular development approval process. To meet our timing obligations under the law, those actions will come shortly within the next few months.

What We Haven't Done

Perhaps most important is **what we haven't done**: we haven't set new minimum densities for the sites in Town that were zoned PDD prior to this latest zoning amendment, nor does the Town intend to do so. The policies in the General Plan and Housing Element do not imply such changes should be made to existing PDD zoned sites. We haven't done away with the existing PDD development regulations for those sites, either. The Council's recent rezoning action did NOT impact those sites that were already zoned PDD. In other words, the existing PDD language in the Town's Municipal Code did NOT change with the Council's recent action. The existing language applies to all the PDD sites which do not currently set a minimum or maximum density. Any issues that pre-existed with the current language for PDD sites remain the same and were not affected by this rezoning action.

As additional clarification, the Council action did NOT include nor affect any zoning on the “Wall Property.” It continues to be zoned UR-10 with a General Plan designation of UR-10.¹

The Council’s rezoning action also did not impact the Town Center Plan or Bolinas Road. The development of the Town Center Plan is a completely separate action from the rezoning actions. The Council plans to begin the process to develop the Town Center Plan beginning with a Community Workshop in May. We anticipate the process to develop the Town Center Plan will include a lively discussion regarding the future design and use of Bolinas Road. No decisions have been made regarding Bolinas Road or the Town Center Plan.

Where These Commitments Are Found and When They Were Made

So where and when were these commitments made? It starts with our General Plan Update. Like all towns and cities in California, Fairfax has adopted a general plan, which is a comprehensive, long-term plan for the physical development of the Town. The most recent general plan update was adopted in April 2012 and represented the culmination of 12 years of work.

As required by law, the general plan contains numerous “elements,” or sections. Two of these bear on the recent rezoning in Town: the Land Use Element and the Housing Element. While both are part of the general plan, the Housing Element is independently updated on a schedule set by law. Our Housing Element was last updated in October 2013.

The Town enjoys considerable leeway in how we fashion our Land Use Element, which establishes our development policies and framework. In contrast, state law *requires* that the Housing Element contain certain provisions, including an assessment of our existing and projected housing needs. This must take into account our “fair share” of regional housing needs. It must also identify and remove governmental constraints to the development of housing for all income levels.

The regional fair share for Fairfax is 172 units over a 15 year period (1999-2014). Of the 172 units, 48 units have either been permitted or approved or are currently allowed within existing zoning, so no action is needed. That leaves a balance of 124 units that must be planned for. The three rezoned PDD “opportunity sites” can accommodate 71 units. The balance of the units (53) would be allowed in the CC zones in second stories throughout downtown. It should be noted that the units do not necessarily need to be built, only allowed for “by right” in zoning (i.e., no use permit required, but units are subject to design review).

If, as in our case, the inventory of existing sites that are zoned to allow for residential development does not identify sufficient sites to accommodate housing for all income levels, the town’s Housing Element must identify “opportunity sites” that can be rezoned to achieve that goal. Fairfax met that statutory requirement by identifying three such opportunity sites within both its Land Use and Housing Elements: 10 Olema, 2626 Sir Francis Drake Blvd (the Lutheran Church), and the School Street Plaza. However, only the 10 Olema and 2626 Sir Francis Drake sites contemplate a 20 unit/acre density.

¹ It appears that Table H-12 in the Housing Element **incorrectly** identifies the allowed density at .25 units/acre, but the General Plan and Zoning designation are listed correctly as UR-10. The density for UR-10 is .10 units/acre.

Commitments in the General Plan

So what exactly did the Town pledge to do? The Town, in its General Plan and Housing Element, made commitments to identify and rezone key housing opportunity sites. Specifically, the following sites were affected with the PDD rezoning:

- **10 Olema.** The zoning designation for 10 Olema (the former Mandarin Gardens restaurant site) converted from CL to PDD. (Program LU-8.1.1.3). The site will have a 20 unit/acre density, thereby making it possible to accommodate 22 units of workforce housing.
- **Lutheran Church.** The zoning designation for 2626 Sir Francis Drake (Christ Lutheran Church) converted from Residential UR-7 to PDD. (Program LU-8.1.1.4) The HE is proposing that only 2 acres of the site have a 20 unit/acre designation which would result in a minimum total of 40 units of affordable senior housing. Staff would recommend that the remaining 18 acres would fall under the existing PDD standards.
- **School Street Plaza.** The zoning designation for the School Street Plaza area converted from CL to PDD, thereby making it possible to accommodate at least nine residential units..

Please remember this is the first step of the process, as the Council has yet to amend to PDD language to allow for the above type of development.

Rezoning to Implement the Land Use Element and Housing Element

By making the commitments identified above, the Town took the first step in meeting its obligations under state law. General plans – and their constituent elements – are not self-executing, however. They are put into action by, among other things, amending zoning ordinances to actually implement the goals, policies, and programs set out in the general plan.

This implementation step is especially important in the context of pledges made in the Housing Element. Under the State Planning and Zoning Law, the Town has only a limited time to complete the promised rezoning. A failure to do that can substantially limit the Town’s ability to, for example, disapprove a housing development project or to require a discretionary permit for such a project. Thus, our recent rezoning, which represents the start of fulfilling the pledges made in this regard over the past two years. There’s still work to do – the PDD ordinance language addressing the opportunity sites must be amended to reflect the treatment of these parcels that have been rezoned – but we’re on our way.

Staff will be recommending to the Council that any revisions to the PDD ordinance include clarification that the minimum density of 20 units/acre only applies to specified sites identified in the Housing Element and would not apply to existing PDD sites. The old PDD language would continue to apply to parcels previously zoned PDD.

Staff anticipates it will take a few months to amend the PDD language as it must be a duly noticed public hearing at the Planning Commission and then two Council meetings to adopt amendments to the ordinance.

Overall Policy Objective

Two of the new PDD zoned sites (10 Olema and 2626 Sir Francis Drake) help to achieve “HE Policy H-2.1.1: *Senior and Workforce Housing*. The Town Council will appropriately rezone properties suitable for ‘senior and workforce housing’ on a case-by-case basis and seek to accommodate the growing number of seniors as identified in the needs analysis within the Fairfax community.” The other new PDD site, School Street Plaza, is meant to help with linking housing with jobs (HE Policy H-4.1.1). In essence, the PDD zoned sites are planning for housing for seniors or those residents who are aging in place and would like an alternate form of housing in Town, as well as for workers who can’t afford to pay market rate rents.

More importantly, the policies in the GP and HE were developed after receiving comments from numerous residents and hundreds of hours of work by the dedicated volunteers on the General Plan Advisory Committee, Planning Commission, Affordable Housing Committee, and Town Council. The GP and HE are home-grown documents tailored to the need of Fairfax residents. The next step in the process will be to revise the PDD language to implement the GP and HE policies.

More Information

If you’d like more information, please feel free to contact Town Manager Garrett Toy at (415) 458-2345.

ORDINANCE NO. 778

AMENDING TOWN CODE TITLE 5 (BUSINESS TAXES, LICENSES, AND REGULATIONS), SECTION 5.52.080(A), AND TITLE 17 (ZONING), SECTIONS 17.012.010, 17.012.030, 17.12.040, 17.012.050, 17.12.080, 17.012.090, 17.012.100, 17.012.110, 17.012.140, 16.012.160, 17.092.010, 17.104.010, AND CHAPTERS 17.096 AND 17.104; AND ADDING SECTION 17.012.170 AND CHAPTER 17.130

WHEREAS, all towns and cities within the State of California are required by law to adopt a general plan; and

WHEREAS, in 2012, the Town of Fairfax completed its first revision of its general plan in over 35 years; and

WHEREAS, the potential impacts to the environment associated with the proposed update to the general plan were studied in accordance with the California Environmental Quality Act ("CEQA," as codified at Public Resources Code §§ 21000 *et seq.*, and as further governed by the CEQA Guidelines, 14 Cal.Code of Regs. §§ 15000 *et seq.*), and a Mitigated Negative Declaration and Mitigation and Monitoring Plan were prepared for the proposed Fairfax 2010-2030 General Plan (the "General Plan");

WHEREAS, on April 4, 2012, the Town Council of the Town of Fairfax adopted the Mitigated Negative Declaration and Mitigation and Monitoring Plan prepared for the General Plan, and subsequently adopted the General Plan; and

WHEREAS, the General Plan includes Figure LU-1 ('Fairfax General Plan Map') and Figure LU-2 ('Fairfax Zoning'), both of which include Public Domain (PD) and Central Commercial (CC) zones, and neither of which include a Highway Commercial (CH) zone; and

WHEREAS, General Plan Land Use Program LU-7.1.1.2 Plan directed that all properties within the Town zoned as Commercial Highway (CH) be rezoned to Central Commercial (CC); and

WHEREAS, General Plan Land Use Element Program LU-8.1.1.3 and Housing Element Program H-2.1.1.2 directed that the real property commonly known as 10 Olema (Assessor's Parcel Number 001-104-012) be rezoned to Planned Development District (PDD); and

WHEREAS, General Plan Land Use Element Program LU-8.1.1.14 and Housing Element Program H-2.1.1.1 directed that the real property commonly known as 2626 and 2600 Sir Francis Drake Boulevard (Assessor's Parcel Numbers 174-070-050 and 174-070-017) be rezoned to Planned Development District (PDD); and

WHEREAS, General Plan Land Use Element Program LU-8.1.1.5 and Housing Element Program H-4.1.1.1 directed that the real property commonly known as the School Street

Plaza (Assessor's Parcel Number 002-112-13) be rezoned to Planned Development District (PDD); and

WHEREAS, California Government Code § 65860(C) requires towns and cities to amend their zoning ordinances to conform to their respective general plans; and

WHEREAS, the Planning Department has prepared this proposed amendment to the Zoning Ordinance of the Fairfax Town Code in order to implement General Plan dictates set forth above.

The Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: Fairfax Town Code, Title 5 ('Business Taxes, Licenses, and Regulations'), Division II ('Specific Business Regulations'), Chapter 5.52 ('Medical Marijuana Dispensaries'), Section 5.52.080 ('Limitation on Location of Dispensary'), Subsection A is hereby amended to read as follows:

- (A) A dispensary shall be located only within a Central Commercial CC or Light Commercial CL area, as designated in the General Plan and zoning map.

SECTION 2: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.010 ('Established') is amended to read as follows:

In order to classify, regulate, restrict and segregate the uses of land and building; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; to regulate the percentage of a lot which may be occupied by a building or structure, and to otherwise regulate the use or development of land and premises, the following land use zones are established to be known and designated as:

- (A) RS-7.5 single-family residential zone;
- (B) RS-6 single-family residential zone;
- (C) RD 5.5-7 residential zone;
- (D) RM multiple-family residential zone;
- (E) CL limited commercial zone;
- (F) Reserved;
- (G) CC central commercial zone;
- (H) CS service commercial zone;
- (I) CR commercial recreation zone;
- (J) PDD planned development district;
- (K) SF-RMP single-family residential master plan zone;
- (L) O-A open area zone;
- (M) UR upland residential zone; and
- (N) PD public domain

SECTION 3: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.030 ('Discrepancies'), is hereby amended to read as follows:

In case of any discrepancy between the designation of land on the 'zoning map' as lying within a particular zone and the designation of land in §§ 17.012.040 through 17.012.170 as being within the same zone, the zoning map shall control.

SECTION 4: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.040 ('Boundaries; Generally), is hereby amended to read as follows:

Each of the zones designated in §§ 17.012.050 through 17.012.170 shall have included within it the land area specified.

SECTION 5: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.050 ('Boundaries; RS-7.5 Zone') is hereby amended to read as follows:

There is included within the RS-7.5 zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	15, 0	03, 12
1	16, 0	05, 09
1	17, 1	All parcels
1	17, 2	All parcels
1	17, 3	All parcels
1	24, 1	All parcels
1	25, 1	All parcels, except 01 and 02
1	26, 1	All parcels
1	26, 2	All parcels

SECTION 6: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.080 ('Boundaries; RM Zone') is hereby amended to read as follows:

There is included within the RM zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	14, 4	02, 03, 04, 11, 12
1	14, 8	01, 02, 03, 04, 10

1	15, 0	19 through 27, inclusive, and 28, 29, 30, 31
1	25, 1	01, 02
2	01, 2	03 through 06, inclusive, and 10, 11, 13
2	02, 3	14, 15, 16, 22, 25, 26, 27, 28, 29, 31
2	10, 1	03 through 09, inclusive, and 15, 19
2	10, 4	16
2	11, 1	04, 05, 09, 09
2	11, 2	02, 03, 08, 09, 10, 12
174	05, 0	20, 30, 31, 36, 57

SECTION 7: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.090 ('Boundaries; CL Zone') is hereby amended to read as follows:

There is included within the CL zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
2	04, 1	34, 36

SECTION 8: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.100 ('Boundaries; CH Zone') is hereby amended to read as follows:

§ 17.012.100 RESERVED.

SECTION 9: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.110 ('Boundaries; CC Zone') is hereby amended to read as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	18, 1	01
1	22, 7	01, 02
1	22, 1	12
1	23, 5	08, 10, 11
1	22, 3	09 through 12, inclusive, and 19
1	18, 3	04, 08, 10, 12 through 17, inclusive
1	23, 6	53 through 56, inclusive
1	22, 6	29, 32, 34, 35, 40, 41, 48, 49
2	11, 7	01
2	12, 7	01, 02
2	11, 3	08
2	21, 1	01 through 07, inclusive and 15
2	10, 1	13

2	11, 6	04, 06, 07
2	21, 3	03 through 11, inclusive and 23
2	10, 4	03 through 08, inclusive, and 18, 19
2	12, 1	03 through 07, inclusive, and 10, 11, 18 through 21, inclusive
2	13, 1	07, 09, 12, 13, 14, 15
2	12, 2	01, 02, 25 through 34, inclusive, and 37
2	11, 5	01 through 07, inclusive, and 09, 10, 13, 14, 15, 16, 17, 20
2	12, 3	66 through 75, inclusive

SECTION 10: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.140 ('Boundaries; PDD Zone'), is hereby amended to read as follows:

There is included within the PDD zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and as updated from time to time, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	10, 4	12
1	16, 0	01, 02, 03
1	18, 3	19
1	27, 1	14, 16
2	11, 2	13
174	05, 0	60
174	21, 0	1 through 11, inclusive
174	07, 0	17, 50
174	11, 1	All parcels
174	17, 0	All parcels

SECTION 11: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.160 ('Boundaries; UR Zone'), is hereby amended to read as follows:

There is included within the UR zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on July 1, 1991, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>	<i>Zone</i>
174	07, 0	17	UR 7
1	15, 0	12	UR 10
1	16, 0	09	UR 10
1	25, 1	31	UR 10
2	18, 1	03	UR 10

2	18, 1	04	UR 10
2	18, 1	05	UR 10
2	18, 1	06	UR 10
2	18, 1	12	UR 10
2	18, 1	15	UR 10
2	18, 1	17	UR 10
2	18, 1	20	UR 10
2	18, 1	21	UR 10
2	07, 1	01	UR 7
2	07, 1	03	UR 7
2	07, 1	04	UR 7

SECTION 12: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established') is amended to add a new Section 17.012.170 ('Boundaries; PD Zone') to read as follows:

§ 17.012.170 BOUNDARIES; PD ZONE.

There is included within the PD zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	13, 1	09, 47
2	11, 2	07
2	11, 4	01 through 05, inclusive
2	11, 3	04, 05, 06
2	11, 5	11, 12, 18, 19
2	10, 2	01, 02, 03, 06, 11, 12
2	10, 3	01, 02, 03

SECTION 13: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.020 ('Design Review Regulations'), Section 17.020.030 ('Applicability'), Subsection B, is hereby amended to read as follows:

(B) New construction in Central Commercial, Limited Commercial, Service Commercial, Multiple Residential, Planned Development District, Single Family-Residential Master Plan zones, duplexes in RD 5.5-7 zones and structures in the Ridgeline Scenic Corridor, as required in Chapter 17.060, and residences which have a distance of more than ten feet from the ground to the lowest point of complete enclosure.

SECTION 14: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.092 ('CL Limited Commercial Zone'), Section 17.092.010 ('Purpose'), Subsection A is hereby amended to read as follows:

(A) The CL limited commercial zone provides a location for uses which may be incompatible with the high density characteristics of the central commercial zone.

SECTION 15: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.096 ('CH Highway Commercial Zone') is hereby amended to read as follows:

§ 17.096 RESERVED.

SECTION 16: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.104 ('CS Central Commercial Zone') is hereby amended to read as follows:

CHAPTER 17.104: CS SERVICE COMMERCIAL ZONE

SECTION 17: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.104 ('CS Service Commercial Zone'), Section 17.104.010 ('Generally') is hereby amended to read as follows:

No premises in the CS service commercial zone may be used for any purpose or in any manner, except as set forth in this chapter.

SECTION 18: Fairfax Town Code, Title 17 ('Zoning') is amended to add a new Chapter 17.130 ('PD Public Domain Zone') to read as follows:

CHAPTER 17.130 PD Public Domain Zone

- 17.130.010 Generally
- 17.130.020 Principal permitted uses and structures
- 17.130.030 Conditional uses and structures
- 17.130.035 Procedure for Planning Director Use Determination
- 17.130.040 Uses prohibited
- 17.130.050 Building site requirements
- 17.130.060 Height regulations
- 17.130.070 Yards
- 17.130.080 Signs
- 17.130.090 Off-street parking
- 17.130.100 Traffic impact permit

§ 17.130.010 GENERALLY.

(A) No premises in the PD open area zone may be used for any purpose or in any manner except as set forth in this chapter.

(B) All structures, physical improvements and exterior physical modification of building are subject to design review.

§ 17.130.020 PRINCIPAL PERMITTED USES AND STRUCTURES.

Uses within the PD zone are restricted to the following:

- (A) Public or civic buildings, including maintenance or corporation yards;
- (B) Public parking areas;
- (C) Public schools and preschools;
- (D) Public parks, playgrounds and recreation areas;
- (E) Post offices and related facilities;
- (F) Fire stations and related facilities;
- (G) Public utility or public service uses;
- (H) Museums, libraries, and cultural institutions; and
- (I) Hospitals.

§ 17.130.030 CONDITIONAL USES AND STRUCTURES.

The following uses are permitted upon the securing of a use permit in each case, which use permit if granted shall prescribe conditions as are necessary to assure the public health, safety, and welfare are preserved:

- (A) Other uses determined by the Planning Commission as equivalent to those listed in § 17.130.020, but requiring regulation of location, extent or operation because of some unique characteristic; and
- (B) Private schools, day care centers or nurseries.

§ 17.130.035 PROCEDURE FOR PLANNING DIRECTOR USE DETERMINATION.

(A) Uses not specifically listed in §§ 17.130.020 and 17.130.030 are specifically prohibited unless a use determination by the Planning Director is made which finds the use not specifically listed is similar to another use permitted or conditionally permitted within the Public Domain zone.

(B) The criteria utilized by the Planning Director to determine if a proposed use is sufficiently similar to a permitted use as described in § 17.130.020 or 17.130.030, and can be processed as such is as follows:

- (1) The proposed use must be consistent with the General Plan; and
- (2) The proposed use must serve a public function and closely approximate a use described in § 17.130.020 or § 17.130.030 relative to the type of service provided;

§ 17.130.040 ACCESSORY USES AND STRUCTURES

Accessory uses and structures allowed in the PD zone shall consist of those activities which are characteristic of and usually found in connection with a principal use on the same premises and which are subordinate to, dependent on and economically and operationally integrated into the principal use, including but not limited to the following:

- (A) Parking garages and lots;
- (B) Storage for principal uses;
- (C) Offices for principal uses; and
- (D) Signs.

§ 17.130.050 USES PROHIBITED.

All uses of land unless set forth in §§ 17.130.020, 17.130.030, or 17.130.040 are specifically prohibited.

§ 17.130.060 BUILDING SITE REQUIREMENTS.

No building site requirements apply in the PD zone.

§ 17.130.070 HEIGHT REGULATIONS.

Height regulations in the PD zone are as follows: Except as otherwise permitted by variance, no structure shall be higher than 28.5 feet above natural grade, nor contain more than two stories.

§ 17.130.080 YARDS.

No yard requirements apply in the PD zone, except that if a parcel within the PD zone is immediately adjacent to a parcel bearing a zoning designation allowing residential dwelling units as a permitted use, such parcel within the PD zone shall be deemed to have a setback along the shared property line identical to the setback required by such adjacent zone.

§ 17.130.090 SIGNS.

No signs shall be established or maintained in the PD zone except as authorized or allowed under the provisions of Chapter 17.064 of this title.

§ 17.130.100 OFF-STREET PARKING.

(A) Off-street parking spaces and facilities shall be provided in the PD zone as required or allowed by the provision of Chapter 17.048 of this title.

(B) Off-street parking requirements for uses allowed in the PD zone but not listed in Chapter 17.048 of this code shall be determined on a case-by-case basis utilizing the information provided in the traffic study required by Chapter 17.056 of this code.

§ 17.130.110 TRAFFIC IMPACT PERMIT.

The provisions of the traffic impact permit, Chapter 17.056 of this title, are applicable to properties in the PD Zone.

SECTION 19: The Zoning Map depicted in Figure LU-2 of the Fairfax 2010-2030 General Plan, a true and correct copy of which is incorporated herein and attached hereto as Attachment 1, is hereby adopted as the official zoning map referenced in Town Code § 17.012.020, which may be amended from time to time.

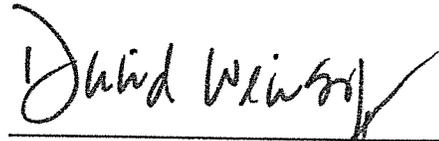
SECTION 20: This ordinance shall be in full force and effect thirty days from and after its final passage and adoption.

SECTION 21: Copies of the foregoing ordinance shall, within fifteen days after its final passage and adoption, be posted in three public places in the Town of Fairfax, which places are designated for that purpose:

1. Bulletin Board, Town Hall offices, located at 142 Bolinas Road, Fairfax;
2. Bulletin Board, Fairfax Post Office, located at 773 Center Boulevard, Fairfax; and
3. Bulletin Board, Fairfax Women's Club building, located at 46 Park Road, Fairfax;

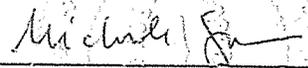
The foregoing ordinance was duly and regularly introduced at a special meeting of the Fairfax Town Council, held in said Town on the 13th day of February 2014, and thereafter adopted at a regular meeting of the Town Council, held in said Town on the 5th day of March 2014, by the following vote:

AYES: Goddard, Reed, Weinsoff
NOES: Bragman
ABSTAIN: None
ABSENT: Coler



DAVID WEINSOFF, Mayor

Attest:



Michele Gardner, Town Clerk