



TOWN OF FAIRFAX

STAFF REPORT

September 3, 2014

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*
Jim Moore, Planning Director

SUBJECT: Adoption of a resolution adopting an Amendment to the General Plan to (1) formally correct typographical errors on tables and maps, (2) make minor narrative revisions to correct numerical inconsistencies and provide additional clarity regarding the PDD zoning for Opportunity Sites, (3) correct the listing of the General Plan designation for Assessor's Parcel No. 174-070-50 (commonly known as 2600 Sir Francis Drake Boulevard, site of the Jehovah's Kingdom Hall), from Planned Development District (PDD) To Upland Residential 7-10 (UR-7), and (4) clarify that figures contained in Housing Element tables are for illustrative purposes only; Exempt from CEQA per 14 C.C.R §15061(b)(3)

RECOMMENDATION

Adopt Resolution adopting an Amendment to the General Plan to (1) formally correct typographical errors on tables and maps, (2) make minor narrative revisions to correct numerical inconsistencies and provide additional clarity regarding the PDD zoning for Opportunity Sites, (3) correct the listing of the General Plan designation for Assessor's Parcel No. 174-070-50 (commonly known as 2600 Sir Francis Drake Boulevard, site of the Jehovah's Kingdom Hall), from Planned Development District (PDD) To Upland Residential 7-10 (UR-7), and (4) clarify that figures contained in Housing Element tables are for illustrative purposes only.

BACKGROUND

On August 6, 2014, the Town Council, after numerous public meetings to consider the matter, unanimously adopted Ordinance No. 780 which repealed Ordinance No. 778. Ordinance No. 778, among other things, rezoned Highway Commercial (CH) zoned properties to Central Commercial (CC), rezoned four properties Planned Development District (PDD), and rezoned certain properties to Public Domain (PD).

As part of the discussion to repeal Ordinance No. 778, the Council indicated it wanted to have a "fresh start" for the rezoning process to implement General Plan policies including those found in the Housing Element. This "fresh start" would allow the Planning Commission and Council to address concerns raised during the initial approval process of Ordinance No. 778.

The Council approved the series of steps to address these concerns at the July 16th Council meeting. The proposed steps were also presented by staff to the community at the Forum on the General Plan held on Saturday, July 12th.

DISCUSSION

This General Plan Amendment represents the first step in the “fresh start” process. At the July 16th meeting, the Council directed staff to proceed with the recommended actions to remove the Jehovah Witness property from the PDD land use designation and make corrections to tables in the Housing Element to eliminate any uncertainty as to the density of specific zoning designations. The Planning Commission approved the proposed revisions with a few additional amendments at its August 21, 2014 meeting. These included (1) adding a paragraph at the beginning of the Element stating that the tables and charts are for illustrative purposes, (2) adding a similar note below each table and/or chart, (3) capitalizing “Opportunity Sites” everywhere in the document where specific opportunity sites are referenced. In addition, subsequent to the Planning Commission meeting, staff added a statement to HE Program H-4.1.1.7 to provide clarity that the proposed rezoning for Opportunity Sites would allow residential units by right, but still require such approvals as design review.

Land Use Element Revisions-Jehovah Witness Parcel

The General Plan Map (Figure LU-1 in the Land Use Element) inadvertently included the Jehovah Witness property under the new PDD land use designation. The General Plan, including the Housing Element, never envisioned the zoning for the property to be changed from Upland Residential 7 (UR-7) to PDD. This amendment correctly reflects the site’s actual General Plan Land Use designation of UR 7-10 and makes it consistent with the property’s existing zoning designation of UR-7.

Please note: Based on a comment received at the Planning Commission meeting, staff has also included a revision to the Proposed Zoning Map (Figure LU-2 Proposed Fairfax Zoning) shown in the General Plan indicating the property has a zoning designation of UR-7. This has no impact on the current adopted Zoning Map which already shows a land use designation of UR-7.

Housing Element Revisions

While the proposed revisions to the Housing Element can be considered errata or minor statements of clarification, the Council wanted to include these revisions in a General Plan amendment to eliminate any uncertainty as to zoning densities. Specifically, Tables H-3, H-5, and H-12 in the Housing Element incorrectly listed a density of .25 units/acre for UR-7 and UR-10 zoning designations. The revisions include the correct density of .14 units/acre for UR-7 and .10 units/acre for UR-10 (see Tables H-5 and H-12).

The following are the Housing Element revisions recommended by the Planning Commission and staff:

- 1) Added residential zoning districts (e.g., RM, RS-7.5) not initially included on Table H-3;
- 2) Provided more clarity as to the typical housing types (e.g., multi-family) within the zoning districts on Table H-3;
- 3) Added a note to Table H-5;
- 4) Eliminated reference to the Service Commercial zoning district which does not allow residential uses and the SF-RMP district since there are no parcels in Town with that zoning designation on Table H-3;
- 5) Added a paragraph at the beginning of the Element stating that the tables and charts are for illustrative purposes;
- 6) Added a similar note (i.e., “for illustrative purposes”) below each table and/or chart;

- 7) Capitalized "Opportunity Sites" everywhere in the document where specific opportunity sites are referenced;
- 8) Revised Tables H-3, H-5, and H-12 in the Housing Element to correct the density of .14 units/acre for UR-7 and .10 units/acre for UR-10;
- 9) Revised HE Objective H-1.1 to correct a numerical inconsistencies (i.e., 124 units and not 108). Note: It is derived from the total regional housing needs determination (from 1999-2014) of 172 units less the 48 units that have either been approved, built, or allowed by right during that same 15 year period;
- 10) Corrected the reference to UR-7 zoning on the "Opportunity Site Master List" map;
- 11) Revised HE Program H-4.1.1.6 to provide clarity that revisions in the PDD zoning only apply only to certain Opportunity Sites;
- 12) Revised HE Program H-4.1.1.7 to provide clarity that the proposed rezoning for Opportunity Sites would allow residential units by right, but still require such approvals as design review.

Attached are red-lines of the proposed revisions by page number in the Housing Element as well as the corrected "Town of Fairfax 2010-30 General Plan Map & Zoning Map." The entire Housing Element is available on the Town's website at www.townoffairfax.org.

FISCAL IMPACT

n/a

ATTACHMENTS

Proposed Town Council Resolution
Corrected General Plan Map & Zoning Map
Redlines of tables and narratives
Adopted Planning Commission Resolution

RESOLUTION NO. 14-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX ADOPTING AN AMENDMENT TO THE GENERAL PLAN TO (1) FORMALLY CORRECT TYPOGRAPHICAL ERRORS ON TABLES AND MAPS, (2) MAKE MINOR NARRATIVE REVISIONS TO CORRECT NUMERICAL INCONSISTENCIES AND PROVIDE ADDITIONAL CLARITY REGARDING THE PDD ZONING FOR OPPORTUNITY SITES, (3) CORRECT THE LISTING OF THE GENERAL PLAN DESIGNATION FOR ASSESSOR'S PARCEL NO. 174-070-50 (COMMONLY KNOWN AS 2600 SIR FRANCIS DRAKE BOULEVARD, SITE OF THE JEHOVAH'S KINGDOM HALL), FROM PLANNED DEVELOPMENT DISTRICT (PDD) TO UPLAND RESIDENTIAL 7-10 (UR-7), AND (4) CLARIFY THAT FIGURES CONTAINED IN HOUSING ELEMENT TABLES ARE FOR ILLUSTRATIVE PURPOSES ONLY

WHEREAS, on August 6, 2014, the Fairfax Town Council adopted Ordinance No. 780, thereby repealing Ordinance No. 778 which, among other things, rezoned Highway Commercial (CH) zoned properties to Central Commercial (CC), rezoned four properties Planned Development District (PDD), and rezoned certain properties to Public Domain (PD); and

WHEREAS, the Town Council of the Town of Fairfax supports the goals, objectives, policies, and programs contained in the General Plan it adopted in April 2012 and the Certified Housing Element it adopted in October 2013 and repealed Ordinance No. 778 to facilitate the correction of errors, omissions, and inconsistencies within and between the General Plan and Town Code; and

WHEREAS, the Town Council intends to expeditiously move forward with appropriate rezoning acts that will move toward aligning the Town Code with the General Plan once errors, omissions, and inconsistencies have been corrected; and

WHEREAS, this proposed General Plan Amendment will correct certain errors, omissions, and inconsistencies in the Housing Element and Land Use Element and represents the first step in aligning the General Plan and Town Code; and

WHEREAS, since the adoption of this General Plan Amendment simply corrects certain errors, omissions, and inconsistencies within and between the General Plan and the Town Code, it can be seen with certainty that this action will have no significant effect on the environment and is thus exempt from further review under the California Environmental Quality Act ('CEQA,' as codified at Public Resources Code § 21000, and as further governed by the CEQA Guidelines, found at 14 C.C.R. § 15000), per 14 C.C.R. § 15061(b)(3); and

WHEREAS, pursuant to the State Planning and Zoning Law (California Government Code Section 65000, et seq.), any amendments to the General Plan must first be considered by the Planning Commission for its recommendation on the same to the Town Council; and

WHEREAS, on Thursday, August 21, 2014, at a duly-noticed public hearing of the Planning Commission of the Town of Fairfax, the Planning Commission did consider that certain proposed General Plan Amendment, heard a report on the same from staff, took and

considered public comment on the matter, made findings, and recommended approval to the Town Council; and

WHEREAS, on Wednesday, September 3, 2014, at a duly-noticed public hearing of the Town Council of the Town of Fairfax, the Town Council did consider that certain proposed General Plan Amendment a true and correct copy of which is attached hereto and incorporated herein as Exhibit A, heard a report on the same from staff, took and considered public comment on the matter, and made findings.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Town Council finds this proposed General Plan Amendment will correct certain errors, omissions, and inconsistencies in the Housing Element and Land Use Element and represents the first step in aligning the General Plan and Town Code. Moreover, the Town Council specifically finds that these corrections are necessary to achieve consistency between and amongst the corrected sections and other, related sections of the General Plan and are not substantive in nature.

Section 2. The Town Council further finds that the General Plan Amendment attached hereto will not adversely affect the public health, safety, or welfare, inasmuch as it will provide for the orderly and consistent development of the Town.

Section 3. On the basis of the foregoing, the Town Council adopts the amendment to the General Plan as shown in the attached Exhibit A, which (1) formally corrects typographical errors on tables and maps, (2) makes minor narrative revisions to correct numerical inconsistencies and provide additional clarity regarding the PDD zoning for opportunity sites, (3) corrects the listing of the General Plan designation for Assessor's Parcel No. 174-070-50 (commonly known as 2600 Sir Francis Drake Boulevard, site of the Jehovah's Kingdom Hall), from Planned Development District (PDD) to Upland Residential 7-10 (UR-7) on the Town of Fairfax 2010-30 General Plan Map (Figure LU-1) and Zoning Map (Figure LU-2), and (4) clarifies that information in Housing Element tables is for illustrative purposes only.

The foregoing Resolution was duly passed and adopted at a Regular Meeting of the Town Council of the Town of Fairfax held in said Town on the 3rd day of September 2014, by the following vote, to wit:

AYES:
NOES:
ABSENT:

DAVID WEINSOFF, Mayor

Attest:

Michele Gardner, Town Clerk

EXHIBIT A

TOWN OF FAIRFAX 2010-30 General Plan Map

General Plan Designations

COMMERCIAL

- Central Commercial
- Highway Commercial
- Light Commercial
- Service Commercial
- Recreational Commercial

RESIDENTIAL

- Residential .25 du/acre
- Residential 1 - 6 du/acre
- Residential 7 - 12 du/acre
- UR - 7 UR - 10 acres/du*
- PDD

*Building site area as per Residential .25 du/acre

PUBLIC AND QUASI PUBLIC

- Town Government Offices
- Public Domain
- Public Schools
- Fairfax Town Parks
- Town Owned Properties
- Public / Private Open Space (OSP)

OTHER

- Municipal Boundaries
- Parcel Boundaries
- Scenic Roads
- Creeks

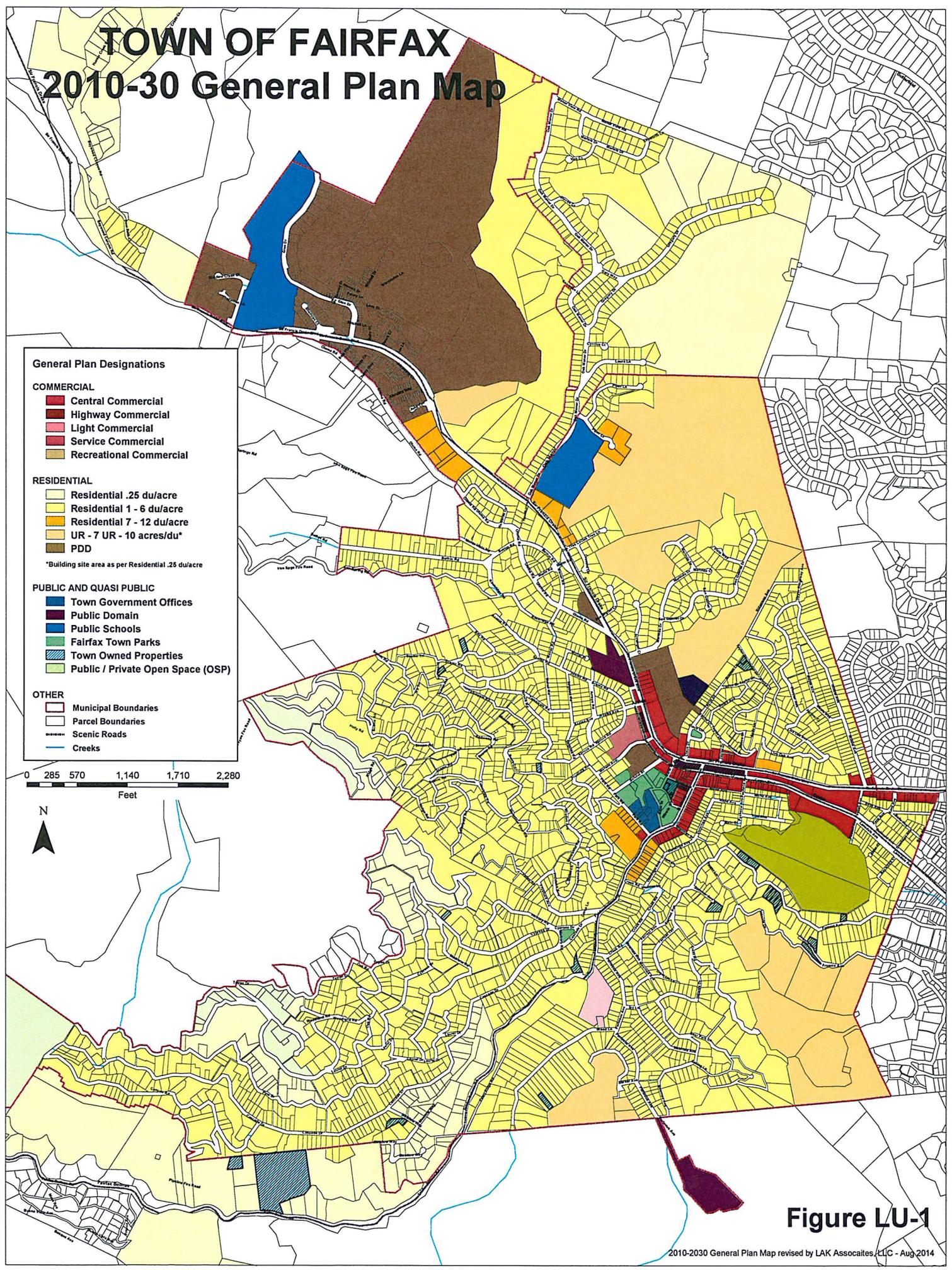


Figure LU-1

TOWN OF FAIRFAX Zoning Map



TOWN OF FAIRFAX
142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

ZONING DISTRICTS

PUBLIC ZONES

PD - Public Domain

COMMERCIAL ZONES

CC - Central Commercial
CL - Light Commercial
CS - Service Commercial
CR - Recreational Commercial

RESIDENTIAL ZONES

RD - 5.5 - 7 - Residential
RS - 6 - Single Family Residential
RS - 7.5 - Single Family Residential
RM - Multi-Family Residential
PDD - Planned Development District
UR - 7 - Upland Residential (7ac/du)
UR - 10 - Upland Residential (10ac/du)

*RS - 6 - zoning determined by arrowwood settlement agreement recorded 5/28/91

OPEN AREA ZONE

O-A - Open Space

(Consult Fairfax Zoning Ordinance for detailed Zone descriptions)

OTHER

▭ Municipal Boundaries
▭ Fairfax Parcels Boundaries
— Creeks

Summary of Amendments

Date	Ordinance Number	Description/Summary
3/13/1973	302	Established land use zones, official zoning ordinance
2/6/1991	482	Amended zoning to 10 ac district from RD 5.5-7 along 970th
3/1/1993	535	PDD zone for Sunset House (APNs 1-103-01, 1-103-01, 02, 03, 1-111-01)
9/19/97	568	Rezone portion of Alacra Rd from RD 5.5-7 to RS-6
8/14/1999	594	Establish OA Zone - Deer Park School
12/9/1991	607	Established Upland Residential of Zones UR-10 & UR-7
8/13/1994	622	PDD preclose Shadow Creek Subdivision

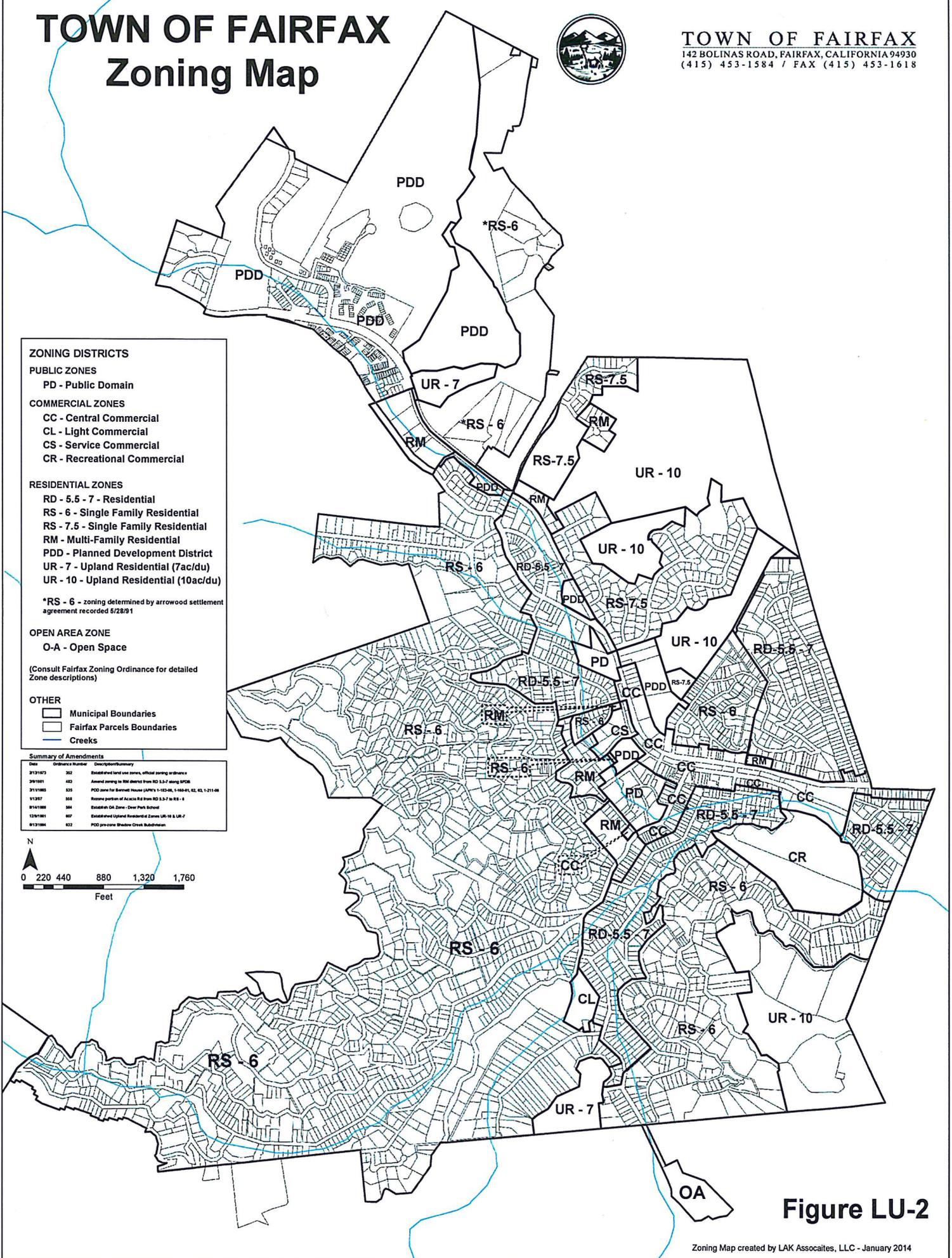
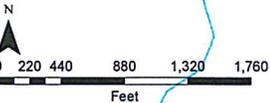


Figure LU-2



One of three site capacity drawings for workforce housing at 10 Olema Road.

INTRODUCTION

Purpose of the Housing Element

Every jurisdiction in California must have a General Plan, and every General Plan must include a Housing Element as one of the seven Mandatory Elements. The Housing Element, as required by Government Code (GC) Section 65300, must be updated every five years. GC Section 65583 defines the contents of a Housing Element.

As defined by the law, the Housing Element presents a statement of the Town's housing goals, objectives, and policies that serve to provide a framework for decision-making. The Housing Element also includes a program of action items that are intended to resolve specific housing problems and needs.

Tables and charts found throughout the Housing Element are to assist the reader in understanding the intent of the text. They are for illustrative purposes only and where they conflict with the intent of the text, the Housing Element text's intent shall prevail.

Needs Determination 2007–2014 (ABAG 2010). Table H-2 summarizes the housing needs determination for all of the jurisdictions in Marin County.

Households and Housing Characteristics

The 2010 Housing Element analysis must consider current and projected household characteristics, the condition of the housing stock, and the potential impact on future housing needs. Extensive County data for household and housing characteristics and specific statistical information pertaining to the Town of Fairfax has been analyzed and information relative to the items outlined below is fully described in Appendix H-B.

This analysis must include:

- Housing conditions; number of units needing rehabilitation/replacement.
- Overcrowded households.
- Housing costs.

TABLE H-1 REGIONAL HOUSING NEEDS DETERMINATION 1999–2006

	Extremely Low <30%	Very Low 30%–50%	Low <80%	Mod <120%	Above Mod	Total
Fairfax	6	6	7	19	26	64

Source: ABAG, 2006.

Note: Table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.

TABLE H-2 REGIONAL HOUSING NEEDS DETERMINATION 2007–2014 (ABAG 2010)

	Extremely Low <30%	Very Low 30%–50%	Low <80%	Mod <120%	Above Mod	Total
Belvedere	2	3	4	4	4	17
Corte Madera	34	34	38	46	92	244
Fairfax	11	12	12	19	54	108
Larkspur	45	45	55	75	162	382
Mill Valley	37	37	54	68	96	292

Novato	137	138	171	221	574	1241
Ross	4	4	6	5	8	27
San Anselmo	13	13	19	21	47	113
San Rafael	131	131	207	288	646	1403
Sausalito	22	43	30	34	56	165
Tiburon	18	18	21	27	33	117
Unincorporated	91	92	137	169	284	773
Marin County	547	548	754	977	2,056	4,882

Source: ABAG, 2009.

Note: Table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.

- Housing unit by type.
- Vacancy rates.

Housing Inventory

An inventory of the existing number of housing units by type and size along with a comparison to household size must be part of the 2010 Housing Element. Information pertaining to the items outlined below is described in Appendix H-B

Number of existing households

- Total households overpaying for housing.
- Lower income households overpaying.
- Total number of extremely low-income households.
- Total number of projected extremely low-income households.

Special Housing Needs

An inventory and analysis of people with special needs is also required as part of the 2010 Housing Element. Included in Appendix H-B is information for the special needs populations listed below:

- Persons with disabilities (including developmental disabilities).

TABLE H-3. GENERAL PLAN LAND USE CATEGORIES PERMITTING RESIDENTIAL USE

General Plan Land Use Category	Zoning District(s)	Maximum Density (Units per Acre)	Typical Housing Type(s)
Central Commercial	CC	No maximum	Mixed-Use Development
Light Commercial	CL	No maximum	Residential units require conditional use permit (CUP)
Recreational Commercial	CR	No maximum	Residential units allowed with CUP, but must be determined to be accessory and incidental (e.g., service employees) to principal recreation use
Residential .25 du/acre	FPA*	.25 du/acre	n/a
Residential 1-6 du/acre	RS-6,RS-7.5	1-6 du/acre	Single family dwelling
Residential 7-12 du/acre	RM, RD 5.5-7	7-12 du/acre	Multi-family units
UR-7	UR-7	.14 du/acre	Single-family dwelling
UR-10	UR-10	.1 du/acre	Single-family dwelling
Planned Development District	PDD	No maximum	Multi-family units
Public Domain	PD	n/a	The only residential use allowed is for emergency shelters

Source: Town of Fairfax Land Use Element, 2012; Town of Fairfax 2013.

*Fairfax Planning Area(FPA)- Pre-zoned parcels within the Fairfax Planning Area that should be annexed to the Town (LU-6.1.1)

Note: Table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.

As part of the recent General Plan update the Town rezoned all of the CH properties to CC, which allows residential units on the second floor “by-right” – rather than by Conditional Use Permit only, as is the case under CH.

Zoning Ordinance

Fairfax’s land use designations, as identified in the Zoning Ordinance, have been relatively stable for many years. The predominant designations are residential RS-6 and RD5.5-7 allowing single-family residences and duplexes. In fact, because most of the lots in Fairfax are legal, “non-conforming” due to exceptionally small size, the density in many areas of the community far exceeds the zoning designation. Due to steep slopes and related narrow roads, as well as a general lack of undeveloped land, increasing density beyond the current maximums in established residential areas would not result in an appreciable increase in the supply of housing. Duplexes are allowed in both primary residential zones and second dwelling units are permitted by right on conforming residential lots. A full listing of the types of dwelling units allowed within each zoning designation is provided in Table H-4.

TABLE H-4 ZONES PERMITTING RESIDENTIAL USES

RESIDENTIAL USE	ZONE										
	RS-7.5	RS-6	RD 5.5-7	RM	CL	CC	PDD	SF- RMP	UR	O-A	
SF-Detached	P	P	P	-	-	-	C	P	P	-	
SF-Attached	-	-	P	P	-	-	C	-	-	-	
2-4 DU	-	-	-	P	C	P*	C	-	-	-	
5+ DU	-	-	-	P	C	P*	C	-	-	-	
Residential Care < 6P***	-	-	C	-	-	-	-	-	-	-	
Residential Care > 6P***	-	-	-	-	-	-	-	-	-	-	
Emergency Shelter	-	-	-	-	-	-	-	-	-	-	
Single-Room Occupancy	-	-	-	-	-	-	-	-	-	-	
Manufactured Homes	-	-	-	-	-	-	-	-	-	-	
Mobile-Homes	-	-	-	-	-	-	-	-	-	-	
Employee Housing	C	C	C	-	-	-	-	C**	C	C	
Second Unit	-	-	C	C	-	-	-	C**	C	-	
P=Permitted CUP=Conditional Use											

* when not on the first floor

** in coordination with planned district approval

***Transitional and supportive housing uses are currently allowed in the same manner as small and large residential care facilities. These uses are not specifically defined in the Zoning Ordinance.

Note: Table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.

TABLE H-5 RESIDENTIAL DEVELOPMENT STANDARDS

Zoning Designation	RS-6	RS -7.5	RD 5.5-7	UR-7	UR-10	RM	SF-RMP	PDD	O-A	CL	CC
Max. Density (du/ac)	6	5	12	0.14	0..10	10	Determined during MP		See Note 3	No Maximum	No Maximum
Min. Lot Size (sq. ft.) (10% slope or less)	6,000 sq ft	7,500 sq ft	5,500 sq ft (single-family) 7,000 sq ft (duplex)	7	10	7,500 sq ft	Determined during MP	5 acres See note 3	5 acres	20,000 sf	No Minimum
Min. Lot Size (sq. ft.) (10%-15% slope)	+300 sq ft per 1% slope increase	+300 sq ft per 1% slope increase	+300 sq ft per 1% slope increase	7	10	+600 sq ft per 1% slope increase	Determined during MP	5 acres See note 3	5 acres	20,000 sf	No Minimum
Min. Lot Size (sq. ft.) (15% slope or more)	+1,000 sq ft per 1% slope increase	+1,200 sq ft per 1% slope increase	+1,000 sq ft per 1% slope increase	7	10	10,500 sq ft	Determined during MP	5 acres see note 3	5 acres	20,000 sf	No Minimum
Minimum Lot Width (ft.)	60 ft	75 ft	60 ft	60 ft	60 ft	60 ft	Determined during MP	See Note 3	100 ft	75 ft	No Minimum
Min. Lot Width (10%-15%) (ft)	60 ft	75 ft	60 ft	60 ft	60 ft	+8 ft for each 600 sq ft	Determined during MP	See Note 3	100 ft	75 ft	No Minimum
Min. Lot Width (15% slope or more) (ft)	60 ft	75 ft	60 ft	60 ft	60 ft	100 ft	Determined during MP	See Note 3	100 ft	75 ft	No Minimum
Front Yard (ft.) (10% slope or less)	6 ft	10 ft	6 ft	6 ft	6 ft	10 ft ¹	Determined during MP	See Note 3	6 ft ⁴	0 ft	0 ft
Front Yard (ft.) (10% slope or more)	6 ft	6 ft	6 ft	6 ft	6 ft	10 ft ¹	Determined during MP	See Note 3	6 ft ⁵	0 ft	0 ft
Side Yard (ft.) (10% slope or less)	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft ²	Determined during MP	See Note 3	5 ft ⁶	0 ft	0 ft

Zoning Designation	RS-6	RS -7.5	RD 5.5-7	UR-7	UR-10	RM	SF-RMP	PDD	O-A	CL	CC
Side Yard (ft.) (10% slope or more)	5 ft	10 ft	5 ft	5 ft	5 ft	10 ft ²	Determined during MP	See Note 3	5 ft ⁷	0 ft	0 ft
Rear Yard (ft.) (10% slope or less)	6 ft	10 ft	6 ft	6 ft	6 ft	10 ft ¹	Determined during MP	See Note 3	6 ft ⁴	0 ft	0 ft
Rear Yard (ft.) (10% slope or more)	12 ft	15 ft	10 ft	10 ft	10 ft	10 ft ¹	Determined during MP	See Note 3	12 ft ⁵	0 ft	0 ft
Building Coverage (%)	35%	35%	35%	35%	35%	35%	Determined during MP	See Note 3		No Maximum	No Maximum
Max. Bldg. Height (ft.) (10% slope or less)	28.5 ft above natural grade and 2 stories						35 ft	See Note 3	35 ft	28.5 ft above natural grade and 2 stories	
Max. Bldg. Height (ft.) (10% slope or more and uphill)	28.5 ft above natural grade and 3 stories						35 ft	See Note 3	35 ft	28.5 ft above natural grade and 3 stories	
Max. Bldg. Height (ft.) 10% slope or more and downhill)	35 ft above natural grade and 3 stories						35 ft	See Note 3	35 ft	35 ft above natural grade and 3 stories	
Parking (spaces/unit) – Studio	1 space							See Note 3	See 17.048 of Town Code	1 space	
Parking (spaces/unit)–1 bedroom or more	2 spaces and 1 guest space if legal on-street parking is not available along the immediate frontage of the property.							See Note 3	See 17.040 of Town Code	2 spaces and 1 guest space if legal on-street parking is not available along the immediate frontage of the property.	

MP = Master Plan

Notes:

1. Front and rear yard will have a combined depth of not less than 40 feet, with neither yard having a depth of less than 10 feet.
2. Side yards will have a combined width of not less than 25 feet, with neither yard having a depth of less than 10 feet.
3. The Planning Commission and Town Council may designate a property less than 5 acres PDD, if deemed suitable. Standards for area, coverage, light and air orientation, site planning, density, yard requirements, open spaces, parking and screening shall be governed by the standards of the residential, commercial or industrial zoning district(s) most similar in nature and

Zoning Designation	RS-6	RS -7.5	RD 5.5-7	UR-7	UR-10	RM	SF-RMP	PDD	O-A	CL	CC
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function to the proposed planned development district (PDD) use(s), or by standards that the Planning Commission shall by resolution from time to time adopt.

4. Front and rear yard will have a combined depth of not less than 25 feet, with neither yard having a depth of less than 6 feet.
5. Front and rear yard will have a combined depth of not less than 35 feet, with the front yard having a depth of not less than six feet and the rear yard of not less than 12 feet;
6. Side yards will have a combined width of not less than 15 feet, with neither yard having a depth of less than 5 feet.
7. Side yards will have a combined width of not less than 20 feet, with neither yard having a depth of less than 5 feet.

Note: Table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.

In addition to the development standards listed in Table H-5 above, the development standards for projects in the Planned Development District (PDD) Zone, the location and design will be determined in a manner that is consistent with the General Plan land use for the site. The Town requires lot coverage of 35 percent or less in residential zones. None of these zones are proposed to accommodate lower-income units in the Town’s RHNA. The PDD and CC zone districts do not have limitations on lot coverage that would constrain development of high density housing. In addition, parking standards are being evaluated to make sure they do not pose a constraint to development of higher density housing in the CC zone district. For zone district requiring a maximum of 35 percent building coverage with vacant parcels included in the land inventory in Table H-12, the parcels allow one primary residential unit per parcel. Nearly all the vacant parcels included are greater than one acre in size and should easily accommodate one residential unit.

The Town has placed the municipal code on the Town web site and intends to develop additional materials to facilitate electronic inquiry into regulatory and design review policies, to inform applicants of local standards and preferences. Please note that all of the Town’s building requirements are consistent with the Uniform Building Code (UBC) that is updated periodically.

TABLE H- 6 - LOCAL DEVELOPMENT PROCESSING TIMELINES

Item	Approximate Length of Time from Submittal to Public Hearing
Conditional Use Permit	3–4 months
Zoning Clearance	1–2 days
Minor Development Review	3–4 months
Major Development Review	6–12 months
Specific Plan	6–12 months
Tentative Tract Map/Parcel Map/Subdivision	6–12 months
Variance	3–4 months
Zone Change	3–6 months
General Plan Amendment	3–6 months
Environmental Documentation (EIR)	6–12 months

Note: Table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.

Typical processing procedures by project type are described in Table H-7. On average, applications for single-family custom homes without any site constraints can be deemed complete in four weeks. When proposed single-family developments are not subject to special environmental constraints and are in conformity with existing zoning, it is possible to process the required building permits in approximately three to four months. Multi-family projects require environmental review, public hearings and design review. In practice, environmental impact reports (EIRs) are required for most multi-family developments. Such studies add 6 to 12 months to a project's approval. If an EIR is not required, Town permit processing could be accomplished in three to four months, which is not out of the normal amount of time required for permit processing. The Town's typical processing procedures and time frames do not pose constraints to the ability of project applicants to develop lower-income housing projects.

TABLE H-7 - TYPICAL PROCESSING PROCEDURES BY PROJECT TYPE

	Single-Family Unit	Multi-family (< 10 units)	Multi-family (> 10 units)
	Hill Area Residential Development Zone (HRD) requirements	CEQA Initial Study; Neg. Dec.	CEQA Initial Study; Neg. Dec.
List Typical Approval Requirements	Design Review	Design Review	Design Review
	Excavation Permit	Trans. Impact Study/Permit	Trans. Impact Study/Permit
	Encroachment Permit	Misc.	Misc.
Est. Total Processing Time	4 months	6–12 months	6–12 months

Note: Table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.

Local Permit Fees

Permit fees can vary substantially from site to site depending on site conditions, location and the type and design of development. While information on fees can give a general indication of permit expenses, the “minimum” cost associated does not take into account that much of the remaining land in Fairfax is subject to environmental constraints, such as steep slopes, access and drainage problems. Careful soils engineering and design studies and associated permits are required depending on the site’s characteristics. Tables H-8 and H-9 present development and impact fees imposed during the development process in Fairfax. Minimum permit fees in Fairfax are generally less than similar fees charged by other cities in the County.

TABLE H-8 PERMIT PROCESSING FEES

Type of Application	Fee Amount
Conditional Use Permit	\$813
Variances	\$1,125
Hill Area Residential Development	\$4,448
Planned Development District	\$2,500*
Tentative Tract Map	\$2,500
Environmental Review	\$2,500*
General Plan Text Amendment	\$2,500 + graphics at cost
General Plan Map Amendment	\$2,500 + graphics at cost
Rezoning and Pre-Zoning	\$3,000 + graphics at cost

* All deposits are submitted at the minimum listed above. When the balance reaches \$500, additional deposit funds will be requested to continue the project. All costs are consultant costs plus 30%.

Source: Town of Fairfax, 2012.

Note: Table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.

TABLE H-9 FAIRFAX DEVELOPMENT IMPACT FEES

Type of Fee	Fee Amount
General Plan Maintenance Fee	5% of building permit fee
Technology Improvement Fee	5% of building permit fee
Infrastructure Fee	5% of building permit fee
Road Impact Fee	1% of building valuation over \$5,000

Source: Town of Fairfax, 2012.

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Based on the fee schedules above and estimated construction costs for Fairfax, Table H-10 presents typical fees and costs for single and multi-family housing development in the Town. When compared to the cost of construction and land, the total fees for both multi-family and single-family units are five percent and two percent, respectively, and do not pose a constraint to residential development in the Town.

TABLE H-10 TYPICAL PERMIT AND IMPACT FEES

Total Processing and Impact Fees for Single- and Multi- Family Units.			
Housing Type	Total Fees	Estimated Development Cost per Unit	Estimated Proportion of Fees to Development Costs per Unit
Single-family unit	\$14,281	\$767,200	2%
Multi-family unit	\$14,033	\$295,800	5%

Source: Town of Fairfax, 2013.

Note: Table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.

Regulatory Measures Analysis

The following a list of the regulatory controls faced by projects in Town:

Land Use Controls

- *The opportunity for a range of housing types.* The Town's housing stock reflects a wide diversity of unit types and sizes. The available undeveloped and underdeveloped sites, including infill opportunities, would allow a range of housing types to be constructed. However, land availability, land costs, construction costs and developer interest directly affect the potential development.
- *Land use and density categories match with the local need for housing.* The CC zoning designation allows mixed-use development with second-floor residential allowed as a permitted use. Program H-4.1.1.6 is proposed to amend the zoning district requirements for the PDD Zone to allow the use of the PDD zoning on sites of one acre or greater and to residential development only at a minimum of 20 units per acre.
- *Growth limitations restrict housing development.* The Town of Fairfax does not have an Urban Growth Boundary or a growth management ordinance. There are a very limited number of undeveloped or underdeveloped parcels within the Town Limits and the SOI, most being very steeply sloped. The Town is surrounded by steep hillsides and permanent open space that restricts housing development opportunities.

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>Goal 12: Create an Efficient Procedure for Monitoring Housing Needs Achievements <i>Purpose: To establish standardized methods for the effective and efficient management of housing data among jurisdictions in Marin.</i> Housing Policies</p>		
<p>H 12.1: Housing Data Standards.</p>		
<p>The Planning Commission will establish methods to enable the effective and efficient management of housing data relevant to Fairfax.</p>		
<p>H 12.A: Conduct an Annual Housing Element Review. The Planning Commission will review the Town’s Housing Element annually, with opportunities for public participation, in conjunction with the State requirement for a written review by July 1 of each year. (GC Section 65583(3)).</p>	<p>Ongoing effort</p>	<p>Continue as Program H-7.1.1.1</p>
<p>H 12.B: Update Housing Element. The Planning Commission will update the Housing Element, as required by State law.</p>	<p>Ongoing effort</p>	<p>Continue as Program H-7.1.1.2</p>

Note: Table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.

TABLE H-12 INVENTORY OF SITES WITH POTENTIAL FOR RESIDENTIAL DEVELOPMENT

Site Name	APN	Acre- age	Zon- ing	GP Land Use	Allowed Density	Proposed Capacity	Current Use
Vacant Sites							
001-150-12		68.05	UR-10	UR-10	.10 du/acre	6 above moderate units	Vacant
001-160-09		18.45	UR-10	UR-10	.10 du/acre	2 above moderate units	Vacant
001-251-31		11.5	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
002-071-01		9.04	UR-7	UR-7	.14 du/acre	1 above moderate unit	Vacant
002-181-03		4.78	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
002-181-04		4.58	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
002-181-12		11.21	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
002-181-20		6.79	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
002-181-21		11	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
002-181-22		.74	UR-10	UR-10	.10 du/acre	1 above moderate unit	Vacant
174-290-01		2.11	RS-6	Residen- tial 1-6 du/acre	1-6 du/acre	1 above moderate unit	Vacant

Site Name	APN	Acre- age	Zon- ing	GP Land Use	Allowed Density	Proposed Capacity	Current Use
40 lower-income senior units;							
22 lower-income workforce units;							
17 second units or live/work units;							
45 above moderate-income units on opportunity sites							

Source: Town of Fairfax, 2013

Note: Table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.

The following illustrative pages of housing opportunity sites document the key parcels and/or sites that have been identified as potential lower-income housing infill development sites. In considering these available sites, the Town determined the size, location, and current status of each site. The ideal sites should have good access and infrastructure availability, be centrally located or along transit routes and promote the principals of Transit Oriented Development (TOD) or TND as outlined in the 2010 Land Use Element.

The following sites are zoned to accommodate a variety of housing types. Some of the sites have developments pending that will provide housing for low-income households and special needs groups. Three of the sites have been rezoned to PDD. The remainder of the sites were rezoned to CC. Residential uses are permitted on the second floor in the CC zone “by-right,” whereas they are only allowed by Conditional Use Permit in the CL zone. Depending on the size of the parcel and building configuration on sites in the CC zone, one second unit or more than one unit can be accommodated on second floors in this zone. Design review is required in the CC zone.

- **Site #1 – Christ Lutheran Church Site.** The parcel housing Christ Lutheran Church site was rezoned from UR-7 to PDD in the General Plan update, completed in April 2012. A development concept has been prepared for this site. The application is in the final stages of environmental review. If approved, the existing 20-acre parcel will be subdivided into two parcels of approximately two acres and 18 acres. Forty units of lower-income senior housing are proposed for the 2-acre parcel adjacent to Sir Francis Drake Boulevard on the western edge of the existing site. Unit capacity was calculated based on the proposed development concept for the site. The proposed redevelopment of the 18-acre site would include retaining the existing church and expansion of the existing school from 50 to 150 students. The lot is wooded and much of it would be left undeveloped. Program H-4.1.1.6 is proposed to amend the PDD Zone

TABLE H-13 PROGRESS TOWARD MEETING RNHA

	Extremely Low In- come Units	Very Low In- come Units	Low In- come Units	Moderate Income Units	Above- Moderate Income Units	Total Units
1999-2006 RHNA	6	6	7	19	26	64
2007-2014 RHNA	11	12	12	19	54	108
Total RHNA from both Planning Periods	17	18	19	38	80	172
1999-2006 Units Permitted and Approved	0	0	1	0	17	18
2007-2014 units Permitted and Approved	0	0	0	0	6	6
Remaining Unaccommo- dated RHNA	17	18	18	38	57	148
Land Inventory	17	18	17	36	57	145
New Second Unit Potential	0	0	1	2	0	3
Remaining RHNA after Land Inventory and Second Unit Potential	0	0	0	0	0	0

Note: Table/figure is illustrative only and if any discrepancies exist between the table/figure and the text of the General Plan, the text prevails.

A FRAMEWORK FOR ACTION

Responsibilities – “The Who”

If the Housing Element is to be “actionable,” responsibilities must be assigned. The Planning Commission, or a subcommittee of the Planning Commission, shall be responsible for implementing the “programs” or action items defined in this Housing Element.

In addition to implementing the programs included in this section of the Housing Element, the action group will:

- Post notices for on-going activities and efforts in easily accessible locations, such as the Public Library or on the Town’s website. Examples of useful information might