



**Town of Fairfax
MEMORANDUM**

Date: June 28, 2013
To: Interested Parties
From: James M. Moore, Director of Planning & Building Services
Subject: Development of the “Wall” property

Below is a brief overview of the current land use “entitlements” and the permit application process necessary to develop the four parcels, totaling 99 acres, locally know as the “Wall” property.

General Plan

The General Plan densities for the four parcels that comprise the “Wall” property are UR – 10 & RS -7.5: which allow for one residential unit for every 10 acres (on the three larger parcels) and one residential unit for every 7,500 square foot lot (e.g., one residence on the one small lot/parcel). The four parcels comprising the Wall property total approximately 99 acres. Therefore approximately nine to ten (9-10) single family residential units would potentially be entitled on the land should it be successfully subdivided.

Applicants should consider that, the Town of Fairfax 2010-2030 General Plan (GP) - Open Space Element recommends that residential dwelling units on this property should be clustered (OS-1.4.2): ideally away from environmentally or geographically sensitive areas such water courses, stands of mature trees and/or scenic ridgelines. One suggested approach to accommodate this GP policy is through the use of a “development agreement” with the Town.

Existing Parcels and Zoning Ordinance Designation

The Wall Property is currently subdivided into four (4) parcels, Assessor’s Parcel Numbers 001-171-51 (.33 acre), 001-150-12 (68.05 acres), 001-251-31 (11.5 acres) and 001-160-09 (18.45 acres). The three larger parcels are zoned Upland Residential UR-10 which allow one (1) dwelling unit for every ten (10) acres of land. The smaller parcel is zoned Single Residential

RS-7.5 and is zoned for one (1) single family residence. The parcels as they are currently divided allow for the application to construct four (4) homes.

Subdividing for Residential Use & Environmental Review

The first step toward developing this property for residential use would be to file a tentative subdivision map that complies with the State Subdivision Map Act (SSMA) and the Town's tentative parcel map requirements (See Town Code Chapter 16.08 and the State of California Subdivision Map Act).

In addition to an application submittal of a tentative map, a California Environmental Quality Act (CEQA) Initial Study application would need to be filed. An Initial Study is an assessment of the potential impacts of a project and could result in the inclusion of "mitigation measures" to mitigate any potential environmental impacts to "less than significant": resulting in what is called a "Mitigated Negative Declaration" (MND).

Should the Initial Study reveal that there are potential environmental impacts that cannot be mitigated to less than significant, then a more thorough (and costly) Environmental Impact Report (EIR) would be required by State law. Further, there are CEQA mandates for publishing either an Initial Study (with or without a MND) or an EIR and for specified public review periods.

Once submitted, the tentative parcel map(s) and environmental documents (e.g., either an Initial Study or EIR) would be reviewed by staff for compliance with the SSMA & CEQA. Then the tentative parcel map and environmental documents must be approved by both the Planning Commission and Town Council after each body holds noticed public hearings on the project.

Residential Use Permits and Design Review

Should the property be approved for subdivision, each individual parcel would then be required to obtain additional discretionary permits from the Planning Commission for residential development which could include, but is not limited to, Hill Area Residential Development Permits, Excavations Permits, Use Permits, Design Review, Variances, etc. Please note that any decisions by the Planning Commission are subject to appeal before the Town Council.

Projects proposing uses that are not in compliance with the 2010-2030 General Plan (GP) and the UR 10 or RS 7.5 Zoning will require the application, review and approval of a GP Amendment and/or Zoning Amendment prior to the submittal of any subdivision or other project proposals.

Estimated Time Frame of Major Actions

While it is impossible to estimate in its entirety the time frame for developing the Wall property, specific steps for project permit processing are estimated as follows:

- CEQA Review (preparation of an Initial Study and/or an EIR): 6 to 12 months
- General Plan and/or Zoning Ordinance Amendments: 6 to 12 months
- Traffic Impact Permit (if necessary): 4 to 6 months
- Entitlements (e.g., use permit, design review and/or variances): 3 to 6 months
- Building Permits (e.g., plan check): 1 to 4 months

Some of the above tasks may be processed concurrently upon request of the applicant. However, the applicant would assume any risk associated with concurrent processing.

Documents and Ordinances Governing the Use of the Wall Property (Available on-line)

- ✓ Town of Fairfax 2010 - 2030 General Plan (GP)
- ✓ State of California Subdivision Map Act (SSMA)
- ✓ California Environmental Quality Act (CEQA)
- ✓ Fairfax Subdivision Ordinance, Town Code Chapter 16
- ✓ Upland Residential Zone District, Town Code Chapter 17.124
- ✓ Ridgeline Development Ordinance, Town Code Chapter 17.060
- ✓ Hill Area Residential Development Overlay Zone, Town Code Chapter 17.072
- ✓ Design Review, Town Code Chapter 17.020
- ✓ Excavation, Town Code Chapter 12.20
- ✓ Parking, Town Code Chapter 17.052

Please note: information and advice given by staff in this memo is preliminary and only represents staff's good faith interpretation of how applicable codes would apply to the facts as we understand them at this point in time. Such information should not be relied upon as a final determination from the Town, which can be obtained only after submission of a complete project application and its consideration by the appropriate reviewing body (e.g., Planning Commission, Design Review Board and/or Town Council) and/or officials (e.g., Planning Director, Building Official or Town Engineer) as is required by the Town Code for a particular permit being sought.