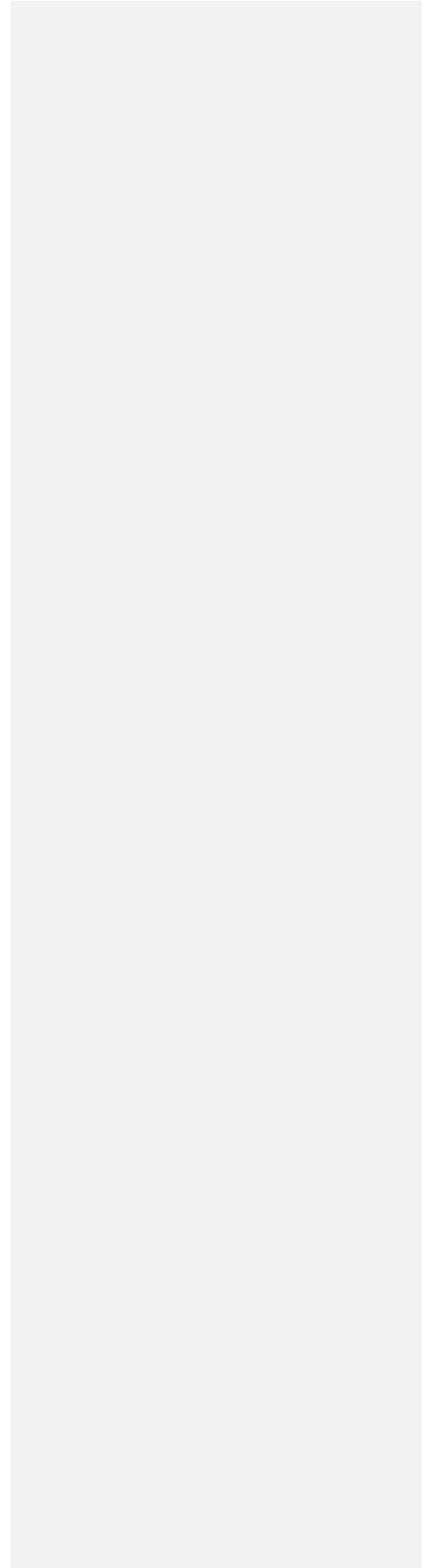
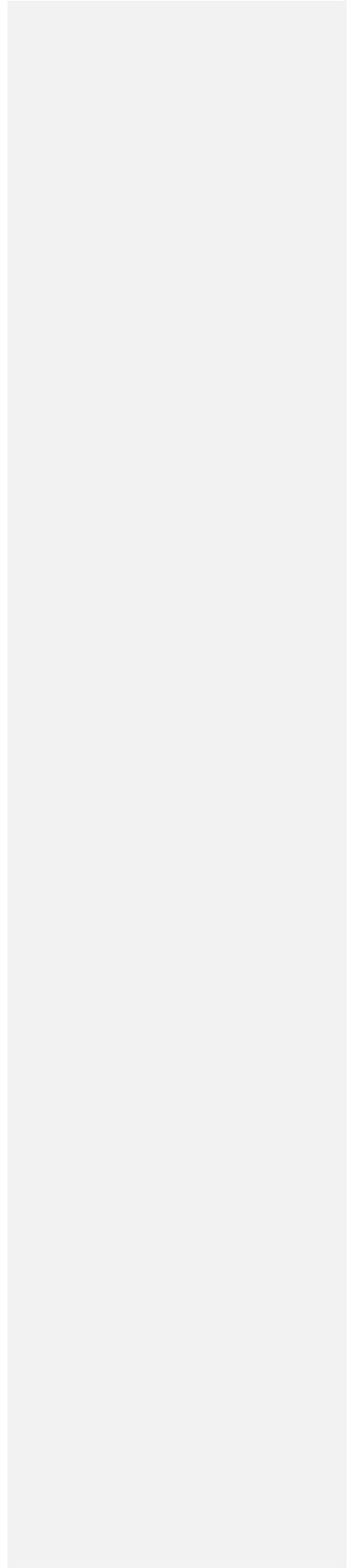


HOUSING ELEMENT







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.

Governmental Requirements

The GC identifies three required components of the Housing Element as being:

- An assessment of housing needs and an inventory of resources and constraints relative to meeting these needs (see GC Section 65583 (a)),

- A statement of the community’s goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing (see GC Section 65583 (b)), and
- A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provisions of regulatory concessions and incentives, and the utilization of appropriate federal and State funding and subsidy programs when available (see GC Section 65583(c)).

State law also requires that every updated Housing Element be submitted to the State of California’s Department of Housing and Community Development (HCD) to ensure compliance with the State’s minimum requirements. This certification process is unique among the General Plan elements, as none of the other six mandatory elements require State certification.

State law requires that “the general plan and elements and parts thereof comprise an integrated, internally consistent, and compatible statement of policies.” Internal consistency is required to avoid policy conflict and provide a clear policy guide for the future maintenance, improvement, and development of housing in the town. The Town adopted a new General Plan in April 2012. The Town updated all elements of the General Plan concurrently, and all elements have been reviewed for consistency with the Housing Element. The Town will continue to maintain General Plan consistency.

Assembly Bill (AB) 162 requires amendment of the safety and conservation elements of the general plan to include analysis and policies regarding flood hazard and management information. As this Housing Element has been updated in coordination with a larger General Plan effort, the Town has ensured compliance with this new requirement.

The Town has made significant progress revising the Zoning Ordinance to be consistent with the updated 2010 General Plan, including the 2010 Housing Element, and will continue with amendments as detailed in the programs included in this document.

Regional Cooperation

The 2010 Housing Element is based on a regional planning effort that involved the eleven towns and cities in the County, and the County of Marin, which resulted in the *Marin County Housing Element Workbook 2009*. The Workbook identified the housing needs in the County, and established an array of “best practices” to achieve commonly understood goals.

The *Marin County Housing Element Workbook 2009* provided a framework that was used to prepare this Housing Element for consideration by the community, the Planning Commission, the General Plan Advisory Committee (GPAC), the Affordable Housing Committee and ultimately, the Town Council. Some of the material included in the *Workbook* was deemed not appropriate for the needs or traditions of Fairfax, and in those cases the Affordable Housing Committee and GPAC developed strategies that were specific to the Town (particularly with regards to policies of “Tradition Neighborhood Design (TND) and “Transit-Oriented Development” (TOD) as articulated in the 2010 Land Use Element).

In addition, the Association of Bay Area Governments (ABAG) housing needs determination was analyzed based on information about recent housing construction trends in Fairfax and updated information about available housing sites. New information on housing conditions, needs and constraints to development were compiled where possible.

Public Process

Countywide

Public outreach utilized to develop the 2010 Housing Element follows the extensive community outreach effort utilized to complete the *2009 Marin Housing Workbook*. The development of the *Workbook* included an open, inclusive participatory process, involving numerous mailings, public meetings and forums. The mailing list developed during the preparation of the *Workbook* included 4,000 persons and organizations. All of the housing-related non-profits in Main County and individuals included on the Marin Housing Authority were included in the outreach program.

Local

Public involvement is an essential component of the traditional fabric of the Fairfax community going back several generations. In keeping with that tradition, the Town Council created a far-reaching framework for public participation when approximately 15 years ago it appointed a General Plan Advisory Committee (GPAC) to represent the community in the planning process that would result in an updated 2010 General Plan.

Importantly, the production of a draft Housing Element was given the highest priority at that time and resulted in the Town Adopted 2006 Housing Element that was not certified by the State. The 2010 Housing Element responds to State concerns with new specific strategies while capitalizing on the thorough public outreach process that has been conducted throughout the entire General Plan update process over the last decade.

The 2010 Housing Element establishes a framework of action items that responds to the current housing needs, as well as the future housing needs in the next five-years. Therefore, the 2010 Housing Element identifies the Town's commitment to address the local housing needs.

The Affordable Housing Committee was established by Town Resolution in 2008 "to advise the Town Council on matters relating to affordable housing in Fairfax." The committee is made up of three community members and two members of the Town Council. Several of the community members bring expertise to the committee on non-profit affordable housing development. The committee meetings are publicly noticed and open to the public. The chair of the committee is the Town's representative to the Marin County Affordable Housing Task Force. The Affordable Housing Committee's accomplishments include leading the site capacity studies on the Christ Lutheran and 10 Olema Road opportunity sites. The committee was also integral in pursuing the rezoning of the CH zone to CC during the recent General Plan Update.

The Town held numerous public hearings at GPAC, Affordable Housing Committee, Planning Commission, Town Council meetings, and staff meetings where people and/or organizations representing low- and moderate-income households and/or groups were invited. The invitees included:

- Marin Workforce Housing Trust
- Non-Profit Housing Association of Northern California
- Fair Housing of Marin

- EAH Housing
- Greenbelt Alliance
- Marin Community Foundation
- Marin Environmental Housing Collaborative
- East Bay Asian Local Development Corporation
- NCP Senior Ventures, LLC
- City Centric
- Resources for Community Development

The Town has not received any formal public comments on the draft.

General Plan Advisory Committee 2000 - 2010

From the outset, the GPAC adopted a monthly meeting schedule, all of which were noticed public hearings, with opportunity for community comment as a scheduled item on every meeting agenda. Likewise, the GPAC conducted site visits, [some with HCD staff](#), to the few undeveloped, and underdeveloped, parcels within the Town Limits, including sites with reuse potential, infill and mixed-use opportunities, as well as transit-oriented sites in the Downtown Area.

Subsequent to the 2006 Housing Element rejection by the State, and in order to address State concerns over the adequacy thereof, the Town's Affordable Housing Committee conducted "site capacity studies" on two primary opportunity sites for senior housing and workforce housing and, likewise, worked in concert with the GPAC in its efforts to develop the Land Use Element that expands the Central Commercial (CC) Zone allowing housing on the second floor "by-right" and promotes TOD and Traditional Neighborhood Design (TND). The CC zone eliminates the requirement for a Conditional Use Permit for residential uses on the second floor.

Specifically identified needs in the community now include housing opportunities for extremely low, very low, low, and moderate income households, family housing, housing for special need groups (disabled, elderly, work force housing, and households headed by women) and the rehabilitation of existing housing, without displacing existing residents.

Public Outreach 2013

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In early 2013 the Town began revisions to the Housing Element to address HCD comments received in December 2012. Two meetings were held in the summer of 2013 to receive comments and input from the public and Town decision making bodies.

A meeting with the Town’s Affordable Housing Committee was held on July 2, 2013. The public meeting was attended by the members of the committee, and Town staff. No members of the public were present. Discussion items included:

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- An update on the proposed narrative amendments to the 2010 Housing Element in order to gain Housing Element certification from the state;
- Reviewing and receiving comments on the strategy that staff developed to address the remaining RHNA for the last two planning cycles.

Input received:

- The committee supported staff’s recommendations going forward.

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A joint meeting between the Affordable Housing Committee, General Plan Implementation Committee, the Town Council and Planning Commission was held on August 27, 2013. The meeting was publicly noticed at the library, post office, bulletin board at Town Hall and on the Town’s website. The Town does not have a local newspaper. The meeting was attended by members of the three appointed bodies, the Town Council, representatives of the consultant team, and several members of the public. The purpose of the meeting was to review and agree on proposed changes to the 2010 Housing Element and to propose that the Revised Draft Housing Element be recommended for submittal to HCD for review. Town staff prepared an agenda and staff report on the Revised Draft Housing Element. During the meeting the group in attendance reviewed each staff and consultant proposed revision, discussed and decided whether to make the change in the document. In addition to discussion of the proposed changes input included:

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- It was noted that state requirements related to fire sprinklers could become stricter in 2015, which may affect the Town’s fire sprinkler requirements for second units.
- There was a discussion of care facilities in Fairfax to include that information in the document.
- Several comments were made regarding demographic data in the Housing Element Appendix and checking the accuracy of some numbers in that section.

Following input the decision making bodies voted to forward the Revised Draft Housing Element to HCD for review.

Workforce Housing

The Town has conducted research on the definition of workforce housing. While the definition varies in different jurisdictions and in the programs of different housing providers, there are some general commonalities. Those defined as workforce include those who work in the area, in this case, the Town of Fairfax. It includes employees who reside both in the Town and commute in from outside the Town.

The range of incomes considered as “workforce” is between 60 percent and 180 percent of area median income (AMI). The state defines low income as between 50 and 80 percent of AMI so the 60 to 80 percent portion is considered low income. The state defines 80 to 120 percent as moderate income. Above 120 percent is defined as above-moderate income by the state. Based on the state’s 2013 income limits, a four-person household making between 60 and 180 percent of AMI in Marin County would fall into the income range of \$61,800 and \$185,400.

The Town has worked with the Marin Workforce Housing Trust, a local nonprofit that provides funding and assistance for the development of workforce housing in the County. The Trust has given a \$30,000 loan/grant for the project pending at the Christ Lutheran Church site and the Marin County Board of Supervisors has provided a \$10,000 loan/grant for the workforce housing site at 10 Olema Road. The Town believes prioritizing funding and assistance for workforce housing serves the needs of many of Fairfax’s residents and will continue to pursue and take advantage of opportunities to facilitate workforce housing.

Basic Principles

Initially, the GPAC addressed several questions, the answers to which resulted in the “action items” presented in the “Framework for Action” section of this Element. Those questions included:

- How can the new 2010 Housing Element be a realistic plan for action, and an improvement over the 1990 and the 2006 document?
- Who in the Town needs special housing opportunities?

- Where can additional housing be located?
- Who is going to be responsible for implementing the policies and programs included in the Housing Element?

That section specifically includes the policies and action-based programs that reflect the Town's commitment to provide housing opportunities to all members of the community – including, and importantly people with special needs. One of the common components of the other housing elements prepared by the towns and cities in Marin County is the data on which the action oriented policies and programs are based.

The data that are relevant to Fairfax are found in Appendix H-B and serve as the background analysis for the following section on housing needs determination. Please note: Appendix H-A includes the relevant definitions that are commonly used in the Housing Element.

HOUSING NEEDS DETERMINATION

Housing Needs, Resources, and Constraints

State law requires the assessment of existing and projected housing needs and an inventory of resources and constraints relevant to meeting those needs, as outlined in GC Section 65583.

There are eight categories that apply to Fairfax that must be analyzed:

- Population and employment trends and existing and projected housing needs, including extremely low-income housing needs (GC Section 65583(a)(1)).
- Household and housing characteristics, including ability to pay (GC Section 65583(a)(2)).
- Land suitable for development, including zoning, public facilities and services (GC Section 65583(a)(3)).
- A zone or zones where emergency shelters are allowed as a permitted use (GC Section 65583(a)(4)).
- Potential and actual governmental constraints and efforts to remove them (GC Section 65583(a)(5)).

- Potential and actual nongovernmental constraints (GC Section 65583(a)(6)).
- Special housing needs (GC Section 65583(a)(7)).
- Opportunities for energy conservation (GC Section 65583(a)(8)).

Regional Housing Needs Allocation: ABAG

An important aspect of State Housing Element law is the idea of “regional fair share.” Every town, city, and county in the State of California has a legal obligation to address needs of the entire region. State law recognizes the regional nature of the housing market, and requires every town, city and county to plan for its fair share of the region’s housing needs.

For Fairfax and other Bay Area jurisdictions, the regional housing needs allocation (RHNA) is determined by ABAG, based upon an overall regional housing need number established by the State. ABAG’s allocations are based on analysis of:

- Household growth (45 percent)
- Existing employment (22.5 percent)
- Employment growth (22.5 percent)
- Household growth near transit (5 percent)
- Employment growth near transit (5 percent)

Because Fairfax did not adopt a Housing Element during the previous planning period, the Town must identify adequate sites to meet the current and previous RHNA allocations. Fairfax’s share of the regional housing need for the seven-year period from 1999 to 2006 was 64 units, and is an additional 108 units for the period from 2007 to 2014. The housing need is divided into the five income categories of housing affordability. The allocation of units by income category for Fairfax for the 1999–2006 planning period is shown in **Table H-1 Regional Housing Needs Determination 1999–2006**. The allocation for the 2007–2014 planning period is described in **Table H-2, Regional Housing 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.

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.

- 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).
- Elderly.
- Large households.
- Farm workers.

- Female headed households.
- Homeless.

Land Inventory, Zoning, and Public Facilities

A critical component of the 2010 Housing Element is the required analysis that must be conducted to determine what housing types and how many units could be developed under the current zoning. Land inventory should include not only vacant parcels but also parcels that currently have non-residential zoning but that are suitable for housing.

Providing new housing in Fairfax will require creativity. There are few opportunities within the existing Town Limits, in terms of undeveloped land; and only a couple of realistic infill development opportunities within the Town Limits, or the Sphere of Influence (SOI). Much of the undeveloped or underdeveloped land is generally very steep, constrained by potential hazardous or environmentally sensitive conditions, such as unstable soils or flooding, or lacking in safe access. However, there are a few sites that exhibit development potential and have become feasible candidates for lower-income housing opportunities; these are described in the Housing Opportunities section.

Establishing Criteria for Identifying Housing Sites

When establishing criteria for identifying housing sites the following issues must be considered:

- General Plan designation
- Zoning designation
- Access
- Slope and topography
- Availability of public utilities and services
- Environmental factors, including cultural

Site Inventory Information Required

- Parcel identification (Assessor's Parcel Number, address)
- General plan and zoning designations
- Parcel size
- Location map
- Existing uses
- Environmental constraints
- Availability of utilities
- Estimated number of units possible (current or revised zoning)

Calculate Residential Development Potential

The calculations for Fairfax are based on:

- Applicable land-use controls and site improvement requirements.
- Existing development trends.
- Cumulative impact of development standards, including minimum lot coverage, height, setbacks, and parking requirements.

Compare Development Potential to Regional Housing Needs Allocation

According to the Regional Housing Needs Allocation (RHNA) prepared by ABAG, Fairfax's allocation for the seven-year period of 2007-2014 is 108. The Town is also responsible for addressing the RHNA from the previous planning period (1999–2006) totaling 64 units. The complete Marin County release is shown in Table H-1.

Alternative Methods of Identifying Sites

HCD is authorized by State housing law (Section 65583.1) to allow identification of sites by a variety of means including the following:

- Redevelopment, Rezoning and Annexation
- Rehabilitation, Acquisition, or Subsidy

HOUSING CONSTRAINTS

Government Policies and Procedures

Government policies and procedures regulating development affect the availability and cost of new housing. Land use controls have the greatest direct impact, but development approval procedures, permit fees and building code requirements also affect housing costs. This section addresses the relationship of present policies to the Town's ability to address unmet housing need.

In general, Fairfax's development requirements (review procedures and development standards) are similar to those of other jurisdictions in the County. The town's fees for discretionary permits are generally lower than those in other Marin County communities. It should be noted that, with few exceptions, almost all of the remaining land in Town has severe environmental and access constraints, which require specialized treatment under the Town's Hill Area Residential Development permit process (HRD). (The exceptions to above include the Christ Lutheran Church site, at 10 Olema Road, the School Street Plaza, and the areas that include the Fairfax/Good Earth Market areas, and Fair-Anselm Plaza.)

One significant constraint to development is the time required for project approval. To reduce this problem, Town staff routinely advises project applicants to meet with neighborhood residents, including the Open Space Committee (as required by the Open Space Element), as part of the development process.

Land Use Controls

General Plan

The specific land use policies of the Town of Fairfax are designed to encourage infill development and limit new construction in steeply sloped and wooded areas. Review of individual development applications includes consideration and mitigation of environmental, design, traffic and other impacts. In the past, the Town has helped facilitate the construction of lower-income housing in a number of ways, which include allowing planned

unit developments (PUDs) and clustered housing. Table H-3 displays land use categories that allow residential development in Fairfax and their corresponding zones.

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	--
Service Commercial	CS	No maximum	--
Recreational Commercial	CR	No maximum	Second unit
Residential .25 du/acre	R-2, R-3, PUD	.25 du/acre	
Residential 1-6 du/acre	R-6	1-6 du/acre	
Residential 7-12 du/acre	SF-RMP	7-12 du/acre	
UR-7/UR-10	UR-7/UR-10	.25 du/acre	Single-family dwelling
Planned Development District	PDD	No maximum	
Public Domain	PD	No maximum	

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

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 at densities of 8 to 14 units per acre. 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 resi-

dential 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.

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Program H-2.1.6.1 is proposed to amend the Zoning Ordinance to comply with state law (Senate Bill 2) to allow emergency shelters by right in the Central Commercial (CC) and Public Domain (PD) zones. Amendments to comply with this law will also be made to allow transitional and supportive housing as residential uses in all residential zones (see Program H-2.1.6.2). Program H-2.1.6.5 has been included to allow single-room occupancy units without a Conditional Use Permit in the CC zone to increase housing opportunities for seniors and extremely low-income persons. Mobile homes and mobile home parks are not specifically defined and addressed in the Town's Zoning Ordinance. State law requires that mobile homes (or manufactured homes) on permanent foundations be permitted by right in residential zones, subject to the same development standards and processes as single-family homes. State law also requires that mobile home parks be allowed in all residential zones. Program H-2.1.6.6 is proposed to allow mobile homes by right in all residential zones and to allow mobile home parks with a Conditional Use Permit in all residential zones.

Design Review

Fairfax traditionally encourages developers to submit proposals based upon architectural concepts that complement the Town's natural environment and development history. To this end, the Town has established a Design Review Board to evaluate all new residences and 50 percent remodels (as per Town Code Section 17.016.040B). The Design Review Board is combined with the Planning Commission. This [eliminates the need for duplicate meetings and](#) streamlines the process in terms of time and different review focus areas. The procedures outlined below will help to ensure the quality development of the Town's few remaining large parcels:

After an application with a project description and scaled project plans are submitted, the materials are sent out to all relevant internal departments and/or outside agencies for review. The departments/agencies will review the application material within 30 days and either (a) ask for additional information, (b) comment, (c) place conditions on the plan, or (d) ask for a redesign.

Once the Town hears back from all departments and/or outside agencies that no additional information is required, the application is deemed "complete" and placed on the next available Planning Commission agenda and, by law, must be acted upon within six months.

The Town does not have any specific design guidelines at this point in time, though there is an adopted set of design review criteria (Town Code 17.020.040) used to evaluate proposed projects. The design review criteria that apply to residential development are as follows:

- The proposed development shall create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.
- Only elements of design which have significant relationship to exterior appearance of structures and facilities shall be considered; these elements may include height, arrangement on the site, texture, material, color, signs, landscaping and appurtenances.
- The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
- The proposed development shall conform with all requirements for landscaping, screening, usable open space and the design of parking and off-street loading areas set forth in the Town Code.
- Where the proposed development is located in an area where a neighborhood plan or precise plan has been adopted by the town, the design of the development shall conform in all significant respects with the plans.
- There shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance.
- The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance.
- The extent to which the structure conforms to the general character of other structures in the vicinity insofar as the character can be ascertained and is found to be architecturally desirable.
- The extent to which ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used.

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- The extent to which natural features, including trees, shrubs, creeks and rocks and the natural grade of the site are to be retained.
- The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets.
- The reservation of landscaping areas for the purpose of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, separating or screening parking lots from the street and adjoining building sites and separating building areas from paved areas to provide access from buildings to open space areas.

The Town makes efforts to work with developers of lower-income housing projects to mitigate any challenging design review issues. The design review process does not pose unreasonable constraints to the provision of lower-income housing.

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Second Units

Fairfax allows residential second units (second units) with a conditional use permit in the RD 5.5-7, RM, SF-RMP, and UR zones (see Town Code Chapter 17.048). In order to comply with AB 1866 the Town has proposed Program H-6.1.2.1 and H-6.1.2.2 to allow second units by right (with design review) in all residential zones allowing detached single-family dwelling units.

The Town enacted a second unit amnesty program, which to date has been underutilized by the community. Only two units have been processed as of April 2013 due largely to the costly requirement for fire suppression sprinkler systems and/or parking requirements. The application processing and approval time for the amnesty program varies from approximately three weeks for units that are physically in compliance but need an inspection to receive the Town's approval as a permitted second unit, to approximately four months for units in need of upgrades to attain compliance. Second units in need of upgrades to comply must also obtain a building permit to perform the upgrade work. In the spring of 2010, the Town Council extended the Second Unit Amnesty Ordinance for another year and eliminated the sprinkler requirement (while still enforcing the other code and other fire safety measures). Program H-6.1.1.1 proposes to extend the amnesty program.

Housing for Persons with Disabilities

The Town strives to provide housing opportunities for disabled persons through the provision of affordable, barrier-free housing. The requirements for accessibility in the California Building Code and the proposed adoption of a reasonable accommodation ordinance (see Program H-2.1.3.1) will ensure reasonable accommodation and compliance with accessibility requirements and are provided in all projects within Fairfax. As required by state law, residential care facilities (group homes) for six or fewer residents are permitted in all residential zoning districts by the Town but the Zoning Ordinance needs updating to reflect this permitted use. Program H-2.1.6.3 proposes zoning amendments to amend the Zoning Ordinance to comply with state law. Program H-2.1.5.1 addresses the development of group homes for seven or more residents and proposes to allow these facilities for seven or more residents with a conditional permit in all residential zones.

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The Town does not restrict occupancy of unrelated individuals in group homes and the Town's definition of family meets the requirements of the state and includes unrelated persons. The Town permits housing for special needs groups, including for individuals with disabilities, without regard to distances between such uses or the number of uses in any part of the Town. Currently, Fairfax has three group homes with a total capacity of 50 persons. In addition, 3 residential facilities in the Town offer housing for up to approximately 18 developmentally disabled persons.

The Town's site planning requirements and assistance programs reduce housing constraints for persons with disabilities by providing necessary regulations for a variety of disabilities and housing conditions. The Town does not impose special permit procedures or requirements that could impede the retrofitting of homes for accessibility.

Compliance with these development standards ensures reasonable accommodation is provided for all new projects. The Town will continue to implement the existing requirements as well as implement the proposed programs discussed above to facilitate housing opportunities for those with disabilities.

Development Standards

Fairfax has adopted standards increasing the required width for roads to serve new development—that, although necessary to provide fire protection to homes in remote hillside locations, increased the cost of development in outlying areas. Consistent with the Marin County standards, the Town has adopted the following on- and off-site street improvement standards:

- Sidewalks: four-foot min, with max two percent slope
- Curbs, gutters and streets,: Same as Marin County standards and/or Fire Code.
- Limited Residential Roads 20 feet with shoulders, 24 feet with curbs
- Minor Residential Roads 28 feet
- Residential Roads 36 feet
- Collector Roads 40 feet
- Curbs and gutters required by Town
- Driveways 12 feet wide /1 DU; 16 feet wide /2-6 DUs
- Driveways 20 feet long
- Sidewalks on both sides of road for projects greater than four DUs

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	0.25	0.25	<u>10</u>	<u>Determined during MP</u>		<u>See Note 3</u>	<u>No Maximum</u>	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 acres	10 acres	<u>7,500 sq ft</u>	<u>Determined during MP</u>	<u>5 acres</u>	<u>5 acres</u>	<u>20,000 sf</u>	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 acres	10 acres	<u>+600 sq ft per 1% slope increase</u>	<u>Determined during MP</u>	<u>5 acres</u>	<u>5 acres</u>	<u>20,000 sf</u>	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 acres	10 acres	<u>10,500 sq ft</u>	<u>Determined during MP</u>	<u>5 acres</u>	<u>5 acres</u>	<u>20,000 sf</u>	No Minimum
Minimum Lot Width (ft.)	60 ft	75 ft	60 ft	60 ft	60 ft	<u>60 ft</u>	<u>Determined during MP</u>	<u>See Note 3</u>	<u>100 ft</u>	<u>75 ft</u>	No Minimum
<u>Min. Lot Width (10%-15%) (ft)</u>	<u>60 ft</u>	<u>75 ft</u>	<u>60 ft</u>	<u>60 ft</u>	<u>60 ft</u>	<u>+8 ft for each 600 sq ft</u>	<u>Determined during MP</u>	<u>See Note 3</u>	<u>100 ft</u>	<u>75 ft</u>	<u>No Minimum</u>
<u>Min. Lot Width (15% slope or more) (ft)</u>	<u>60 ft</u>	<u>75 ft</u>	<u>60 ft</u>	<u>60 ft</u>	<u>60 ft</u>	<u>100 ft</u>	<u>Determined during MP</u>	<u>See Note 3</u>	<u>100 ft</u>	<u>75 ft</u>	<u>No Minimum</u>
Front Yard (ft.) (10% slope or less)	6 ft	10 ft	6 ft	6 ft	6 ft	<u>10 ft¹</u>	<u>Determined during MP</u>	<u>See Note 3</u>	Formatted: Font: 9 pt, Superscript		
Front Yard (ft.) (10% slope or more)	6 ft	6 ft	6 ft	6 ft	6 ft	<u>10 ft¹</u>	<u>Determined during MP</u>	<u>See Note 3</u>	Formatted: Font: 9 pt, Superscript		
Side Yard (ft.) (10% slope or less)	5 ft	5 ft	5 ft	5 ft	5 ft	<u>10 ft²</u>	<u>Determined during MP</u>	<u>See Note 3</u>	Formatted: Font: 9 pt, Superscript		
Side Yard (ft.) (10% slope or more)	5 ft	10 ft	5 ft	5 ft	5 ft	<u>10 ft²</u>	<u>Determined during MP</u>	<u>See Note 3</u>	Formatted: Font: 9 pt, Superscript		
Rear Yard (ft.) (10% slope or less)	6 ft	10 ft	6 ft	6 ft	6 ft	<u>10 ft¹</u>	<u>Determined during MP</u>	<u>See Note 3</u>	Formatted: Font: 9 pt, Superscript		
Rear Yard (ft.) (10% slope or more)	12 ft	15 ft	10 ft	10 ft	10 ft	<u>10 ft¹</u>	<u>Determined during MP</u>	<u>See Note 3</u>	Formatted: Font: 9 pt, Superscript		
Building Coverage (%)	35%	35%	35%	35%	35%	<u>35%</u>	<u>Determined during MP</u>	<u>See Note 3</u>		<u>No Maximum</u>	No Maximum
Max. Bldg. Height (ft.) (10% slope or less)	28.5 ft above natural grade and 2 stories						<u>35 ft</u>	<u>See Note 3</u>	<u>35 ft</u>	<u>28.5 ft above natural grade and 2 stories</u>	
Max. Bldg. Height (ft.) (10% slope or more and uphill)	28.5 ft above natural grade and 3 stories						<u>35 ft</u>	<u>See Note 3</u>	<u>35 ft</u>	<u>28.5 ft above natural grade and 3 stories</u>	
Max. Bldg. Height (ft.) (10% slope or more and downhill)	35 ft above natural grade and 3 stories						<u>35 ft</u>	<u>See Note 3</u>	<u>35 ft</u>	<u>35 ft above natural grade and 3 stories</u>	

Zoning Designation	RS-6	RS -7.5	RD 5.5-7	UR-7	UR-10	RM	SF-RMP	PDD	O-A	CL	CC
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. Standards for area, coverage, light and air orientation, site planning, density, yard requirements, open spaces, parking and screening residential, commercial or industrial zoning district(s) most similar in nature and function to the proposed planned development 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.
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.

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

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Town's building requirements are consistent with the Uniform Building Code (UBC) that is updated periodically.

Permit Approval Process

Like all local jurisdictions, the Town of Fairfax has a number of procedures and regulations it requires any developer to follow. A project proposed in Fairfax is involved in some combination of the following review processes: zoning, subdivision, design review, use permits and building permits. Undue delays in processing project applications increase a developer's costs. In Fairfax, nearly all permits are processed concurrently at the decision of the applicant and the Town.

For projects to be processed in a timely manner, several factors need to be addressed by the applicant: (1) the provision of complete applications and information on the project, (2) submittal of information or fees requested as soon as possible, (3) responding to Town policies and standards in project design, and (4) minimizing public controversy by meeting with neighborhood residents. Also, Town staff encourages pre-application conferences. The General Plan Open Space Element requires applicants to meet with the Open Space Committee. Table H-6 provides a summary of the typical project application requests and an approximate length of time required to approve each type of application.

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

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. Multiple-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

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.

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.

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.

Regulatory Measures Analysis

The following is 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.

Project Mitigations that Do Not Affect the Site Capacity of Housing

- *Open space requirements are compatible with housing standards.* The undeveloped and underdeveloped parcels in the Town are not constrained by open space requirements.
- *Parking requirements standards affect housing developments.* The parking requirements for dwelling units in the Town, including single-family and multi-family dwellings, and apartments are based on the number of bedrooms. Studio units, without a separate bedroom, are required to have one parking space. Units with one, or more, bedrooms are required to have two parking spaces. One parking space for guests is required when a legal on-street parking space is not available. These standards are minimal but do affect housing development by restricting useable land area. Site topography and the narrow streets in the Town can also have an effect on the useable land area (and require enforcement of the parking standards). For the parcels to be rezoned as CC or PDD, there will be an emphasis on pedestrian and bicycle transportation modes, and being centrally located next to services - and thereby, allowing for possibility of reduced parking requirements for lower-income housing development.
- *There are no zoning and land use requirements that violate fair housing or other applicable laws.* Upon certification of the Housing Element the Town will adopt amendments to the zoning ordinance that address group homes, and requests for reasonable accommodations. These revisions will ensure that the Town policies do not pose illegal barriers to any population.

Building Codes and Enforcement

- *The maximum density can be achieved with current building standards.* The current building standards allow a development density that would meet the Town's housing needs and are consistent with the intent and purpose of the General Plan.
- There are no special seismic issues or requirements or roofing requirements that exist for fire safety.
- The Town codes allow for alternate building designs and materials.
- The Town codes incorporate universal adaptive design features to the extent such features are allowed by the UBC.

- The Town adopted a second unit amnesty program that will allow for second units applying for the amnesty program to comply with the less restrictive Housing Code, e.g., room size, or overall unit size, rather than the UBC; and under subsequent annual extension in 2010 eliminated the fire sprinkler requirement. The program has expired; however, Program H-6.1.1.1 in this update proposes to reopen the amnesty program.
- Rehabilitation is allowed using materials and methods as of the date of original construction, consistent with State Housing Law, unless a health or safety hazard would result to the extent allowed by the UBC.

On- and Off-Site Improvement Requirements

- *Reduced street widths, rights-of-way, and sidewalks are possible.* The Town Code establishes minimum standards for sidewalks and private streets. The Town uses the Marin County Standards for streets, curbs, gutters and sidewalks. The Town Council can approve alternative standards.
- *Higher density housing is proposed in areas where adequate infrastructure capacity currently exists.* The existing infrastructure either has adequate capacity or can be upgraded to serve developed, underdeveloped and infill sites that are identified in the Housing Opportunities section of this Element.
- *Off-site improvements are cost effective.* The Town's fee structure is based on a cost-recovery basis.
- *Non-profit and for-profit housing developers give input in reviewing minimum development standards.* The Town approves any new requirements in a public hearing and the development community is typically a primary contributor to the dialogue at such public hearings. In addition the Town maintains an e-mail list that notices numerous affordable housing advocates about upcoming Planning Commission agendas. The Housing Opportunities section of this Element includes strategies, policies and implementation programs for including housing providers in the planning and development process for affordable housing.

There are other potential funding sources for infrastructure so that impact fees for lower-income housing developments can be reduced or eliminated. The Town is actively pursuing funds for both infrastructure and lower-income housing projects. The Town has re-

ceived grants to upgrade various elements of the infrastructure systems, and is currently implementing a number of improvement projects.

Fees and Exactions

- The Town's current fee schedule is less than that indicated by the HCD chart. The Town's fee schedule is the most affordable of Marin's cities and towns. (Fees updated 2012.)
- *There are no fee waivers or other incentives that currently exist for lower-income housing.* However, upon certification of the 2010 Housing Element by HCD, the Town proposes to allow a waiver of Planning and Building Staff fees (not consultant fees) if no variances are requested for mixed-use and residential projects that contain minimum of 20 percent of lower-income housing units.
- There are no fees that are paid upon certificate of occupancy. The fees are required for planning and approval purposes.
- *There is a periodic review process for fees and exactions.* The Town reviewed its fee structure in 2009 and determined that no upward adjustments were necessary at that time.

Processing and Permit Procedures

- *There is currently no expedited permit process for desirable developments.* However, upon certification of the Housing Element by HCD, lower-income housing projects shall be eligible for fast-track processing to reduce financing costs and reduce the time to provide the needed units.
- Conditional use permits are not required for multi-family developments within the Multiple-Family Residential (RM) Zone. The Town does require a CUP for multi-family projects in other zones. Multiple dwellings and apartments at a density of not more than one living unit for each 4,356 square feet of land area are permitted in the RM Multiple-Family Residential Zone.
- Allowances are provided for the combined processing of certain applications. The Town typically processes all entitlements simultaneously.
- Design review requirements are not excessive.

- *Design guidelines are explicit and clear.* The Town has recently completed informational materials to assist Design Review applicants.
- *Planned Unit Developments (PUDs) are not required.* Sites in the Town designated for lower-income units will be rezoned either CC or Planned Development District (PDD).
- *Developers are encouraged and assisted to meet with neighborhood residents.* Town staff encourages not only developers, but also homeowners seeking to implement an extensive remodel to meet with the neighbors. Project applicants are required to have early contact with the Open Space Committee, per the Open Space Element.

Urban Growth Boundaries and Growth Management

The Housing Element looks at the relationship between all jurisdiction policies and what effects they have in achieving a jurisdiction's housing needs. Town staff met frequently with the adjacent jurisdictions and the County during the preparation of the Marin County Housing Element Workbook 2009 during the preparation of the Housing Element.

There are complementary policies to encourage and/or facilitate lower-income housing development inside the SOI or infill areas. The Housing Element contains complimentary policies. The Town's zoning code encourages mixed-use development in the CC by Conditional Use Permit.

- As part of adoption and certification of the 2010 Housing Element the CH was rezoned to CC; allowing residential units on the second floor "by-right."
- *The Town does not have an Urban Growth Boundary.* The Town does not have an Urban Growth Boundary per se; however, the edges of the Town do contain very steep, environmentally sensitive parcels that are zoned for one unit per eight acres and one unit per 10 acres.
- The overall strategies are presented in a way that clarifies how housing needs will be achieved with the growth management system.

Land costs, construction costs, availability of parcels, and environmental constraints have the greatest constraining impact on the supply and affordability of housing opportunities. The land use controls and development standards contained in the Town Code, as well as

other ordinances, policies and practices, do not affect the supply or affordability of housing opportunities in a negative way.

Non-Governmental Constraints

The high cost of land will continue to be a critical factor limiting the development of lower-income housing in Fairfax. Land costs include the raw land purchase price, land financing costs and project approval costs. Total developable lot costs vary in relation to location, amenities and allowable lot size.

Land costs per square foot increase as allowable densities increase. However, the increase in land costs is rarely proportional to the greater density permitted. For this reason, land costs per unit tend to be lower for multi-family residential construction than for single-family homes.

Land Costs

The cost of land in Marin County is a severe constraint to the development of lower-income housing without extraordinary support or subsidy programs, regardless of location. While the prices differ from parcel to parcel, the difference between residential and non-residential land is not significant.

Building and Financing Housing

The price of housing has risen since the late seventies at a much faster rate than household income. Contributing factors are the costs of land, materials, labor, financing, fees and associated development requirements, sales commissions, and profits. Another factor has been the increasing perception of housing as a commodity for speculation – until just recently.

Rental construction has become increasingly costly due to the same factors as single-family houses. For these reasons, many developers prefer to use scarce land to build units for sale in order to realize an early profit and minimize risk. Units for sale also are easier to finance during construction.

The fact that most developers are not in the business of property management, further reduces the likelihood of rental property development. Some lower-income rental housing funding sources add additional burdens of reporting and data collection require labor that is more costly; and often provoke neighborhood opposition, which adds additional

costs and time to the development, and developer fees are restricted by the funding sources creating more disincentives.

Below is a summary of the costs associated with both a market rate and lower-income housing project:

- *Land Cost:* Recent sales information for Marin County in general reveals that the land costs for a relatively level site can be above \$1,000,000 per acre. In March 2010 the average lot price in Fairfax was \$425,500.
- *Utility Connections and Improvements:* Includes municipal fees, hookup charges, off-site street improvements, bringing utilities to site.
- *On-Site Preparation:* Includes site stabilization and special drainage control, grading, special landscaping or tree preservation considerations, and all pre-building construction requirements.
- *Special Foundations:* Includes unique footing solutions, special parking solutions such as underground or “tuck” under parking garages, retaining walls or stepped foundations for hillsides.
- *Hard Construction Cost:* All labor and materials required over and above special foundation systems, includes decks, special roofing, heating, and electrical, but does not include “soft” costs.
- *Consultant Fees:* Includes architecture and engineering, civil and soils, land economics, environmental assessments and processing for special approvals or funding.
- *Construction Overhead and Margin:* Overhead can amount to about five percent and a contingency of at least 10 percent is also necessary for a private builder contractor, totaling 15 percent of total costs.
- *Total Hard and Soft Construction Costs:* Includes developer overhead and project contingency (15 percent), and consultants.
- *Builders Profit:* Comprises about seven percent. When added to the five percent overhead, it totals 12 percent. Traditionally, this 12 percent cost under negotiated bid can be reduced to between seven percent and 10 percent total. Can be as high as 20 percent for small projects.

- *Financing Costs:* Financing costs: are composed of three elements of cost: Construction loan points; the short-term construction loan interest; take out mortgage commitment fee; and, the long-term take out mortgage.
- *Sales and Marketing Expenses:* Includes Real Estate Sales Commission (four to six percent) plus marketing, advertising, cost of qualifying and eligibility screening of potential residents (three percent).

Financing for above moderate or market rate housing is not restrained for those who can qualify. For example, the income required for a \$297,500 mortgage (\$350,000 condominium with 15 percent, or \$52,500, down) at five percent interest is about \$98, 000, and requires a monthly payment of \$2,300.

Opportunities for Residential Energy Conservation

The Town of Fairfax recognizes the importance of developing a community that is both resource and energy efficient and that housing can be made more affordable through reducing energy costs. As such, the Town provides opportunities to directly affect energy and resource use within its jurisdiction by enforcing energy efficiency requirements of applicable building codes, encouraging residents to participate in energy efficiency programs offered by the local utility, and identifying land use patterns that encourage people to live within close proximity to transit and other local services.

The Town requires all new residential development to comply with California's Energy Efficiency and Green Building standards. Additionally, the Town of Fairfax plans to adopt a green building ordinance that would further the town's energy efficiency goals and standards for new residential development. Program H-5.1.1.1 proposed the adoption of the green building ordinance along with dissemination of information about energy conservation and green building.

Evaluation of Previous Housing Element

State law requires the assessment of the following:

- Appropriateness of Goals, Objectives, and Policies (Section 65588(a)(1))
- Effectiveness of the Element (Section 65588(a)(2))
- Progress in Implementation (Section 65588(a)(3))

The 2006 Fairfax Housing Element has unsatisfactory evaluations in these categories; we seek to change that with the adoption and State Certification of the 2010 Housing Element.

Town staff prepared an assessment of the progress with implementation and effectiveness of the policies and programs contained in the 2006 Housing Element; and considered the State recommendations in order to eventually be certified. Table H-11 provides an evaluation of each implementing action. It is evident that the Town of Fairfax has not been successful in implementing policies and programs from the 2006 Housing Element in order to accommodate our current needs. In short, many of the old policies and objectives proved unattainable. As a result, the 2010 Housing Element update must take into account the shortcomings of the 2006 Housing Element to ensure that the Town of Fairfax does not face fines and penalties from State and federal agencies, or challenges from housing advocacy groups.

The policy and program implemented were Policy H 8.5: Legalization of Existing Second Units and Program H 8.B: Establish an Amnesty Program for Unpermitted Second Units. However, due to stringent fire sprinkler requirements and/or parking requirements, the Amnesty Ordinance was not successful. In spring of 2010 Town Council amended the Second Unit Amnesty Ordinance, eliminating the need for fire sprinkler systems in order to bring units in to compliance. The program has since lapsed. However, Program H-6.1.1.1 proposes to reopen the amnesty program.

TABLE H-11 REVIEW OF PREVIOUS HOUSING ELEMENT ACHIEVEMENTS

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
Strategy 1: Work Together within the current boundaries of the Town to Achieve Housing Goals		
<i>Goal H 1: Create a Sense of Community to Provide Housing Opportunities in Fairfax.</i>		
<i>Purpose: To enhance our sense of community responsibility to effectively respond to the housing needs in Fairfax.</i>		
<i>Housing Policies</i>		
H 1.1: Local Government Leadership. Establish affordable housing as an important priority for the Town, with the Planning Commission providing a leadership role working with community groups, other jurisdictions and agencies, and the building and real estate industry to implement the Housing Element action programs.		
H 1.2: Neighborhood Meetings. Require developers of any major project (more than four units) to conduct neighborhood meetings with the community residents early in the process to understand local issues and concerns, and to facilitate a more efficient project review.		
H 1.3: Equal Housing Opportunities. The Town will ensure that no one seeking housing in Fairfax will experience discrimination because of race, color, religion, marital status, disability, age, sex, sexual orientation, family status, national origin, political party, or other arbitrary factors, consistent with the Fair Housing Act and State of California law.		
H 1.A: Work with Housing Advocates. The Planning Commission will coordinate with local businesses, housing advocacy groups, and the Chamber of Commerce, and participate in the Marin Consortium for Workforce Housing, to increase community understanding and support for workforce and special needs affordable housing.	Ongoing effort	Continue as Program H-1.1.1.1
H 1.B: Establish Neighborhood Meeting Procedures. The Planning Commission will establish Neighborhood Meeting Procedures that encourage developers to conduct neighborhood meetings with the residents early in the project approval process as a requirement of major residential development applications.	Program not completed	Delete
H 1.C: Prepare Public Information Material. The Planning Commission will prepare community information material to improve awareness of housing needs, issues and programs.	Program not completed	Continue as Program H-1.1.1.2

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>H 1. D: Conduct Community Outreach. The Planning Commission will develop and implement a program providing public information and outreach to increase citizen awareness, including establishing a forum for discussion of housing issues. Specific actions include:</p> <p>Providing information pamphlets on housing issues and programs at public locations, and in community mailings.</p> <p>Distributing material to neighborhood groups and associations.</p> <p>Providing information to the community through articles in the newspapers.</p> <p>Working with unions, churches, businesses, new housing providers and other groups that might be mobilized to help support affordable and special needs housing developments.</p>	Program not completed	Continue as Program H-1.1.1.3
<p>H 1.E: Adopt an Anti-Discrimination Ordinance. The Planning Commission will prepare, and the Council will adopt an Anti-Discrimination Ordinance.</p>	Program not completed	Continue as Program H-1.1.3.1
<p>H 1.F: Respond to Complaints. The Council will appoint an Equal Opportunity Coordinator with the responsibility to investigate discrimination complaints and report to the Council. The Town will refer such complaints to the appropriate authority.</p>	Program not completed	Continue as Program H-1.1.3.2
<p>H 1.G: Develop a Program to Broadly Disseminate Information on Fair Housing. The Planning Commission will develop a program for distributing and displaying fair housing information. Display areas will include the traditional locations in the Town including the Town Hall, Post Office, Library, and the Women’s Club, and will consider other locations, such as the Golden Gate transit vehicles, the markets, churches, community service centers, real estate and rental offices, and restaurants, cafes and coffee houses.</p>	Program not completed	Continue as Program H-1.1.3.3

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>Goal H 2: <i>Share Responsibilities, Successful Partnerships and Commitments to Implement an Inter-Jurisdictional Strategic Action Plan for Housing within the current Town boundaries</i></p>		
<p><i>Purpose: To identify shared responsibilities from all sectors within the Fairfax community (government, business, neighborhoods, and non-profits) and to implement an on-going, multi-jurisdictional action plan to effectively address housing needs.</i></p>		
<p>Housing Policies</p>		
<p>H 2.1: Shared Responsibilities. The Planning Commission will establish partnerships and identify shared responsibilities with all sectors of the community, including the Town government, businesses, community groups, environmental organizations, the building and real estate industry, non-profit housing sponsors, the school district, faith-based organizations, and health and human services, to implement the Housing Element.</p>		
<p>H 2.2: Town Responsibilities. The Planning Commission will seek ways to provide some additional housing, including accessory dwelling units, in the neighborhoods in Fairfax.</p>		
<p>H 2.A: Create Partnership Program. The Planning Commission will create a list of community stakeholders with housing interests. The Planning Commission will develop a dialogue with these interested parties, through a series of workshops, to identify methodologies for implementing the Housing Element.</p>	<p>Ongoing effort</p>	<p>Modify as Program H-1.1.1.4</p>
<p>H 2.B: Identify Housing Programs and Funding Sources. The Planning Commission will explore available housing programs and funding sources that are applicable to Fairfax.</p>	<p>Initiated following General Plan Adoption in Spring 2012. Will be continued.</p>	<p>Modify as Program H-1.1.3.4</p>
<p>Strategy 2: Implement Sustainable Development Principles</p>		
<p>Goal H 3: Create High Quality, Well-Designed and Sustainable Housing</p>		
<p><i>Purpose: To ensure that new housing is well designed, and enhances the existing character of the neighborhoods.</i></p>		
<p>Housing Policies</p>		
<p>H 3.1: Resource Conservation. The Planning Commission will promote development and construction standards that provide resource conservation by encouraging housing types and designs that use cost-effective energy conservation measures and fewer resources (water, electricity) and therefore cost less to operate over time, supporting long-term housing affordability.</p>		
<p>H 3.2: Renewable Energy Technologies. The Planning Commission will promote the use of renewable energy technologies, such as solar and wind, in new and rehabilitated housing when possible.</p>		

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>H 3.A: Prepare Recommendations and Guidelines. The Planning Commission will prepare informational materials, to be distributed to developers, architects and builders, listing and describing development and construction standards for energy conservation.</p>	<p>Program not completed</p>	<p>Continue as Program H-5.1.1.1</p>
<p>Strategy 3: Use Our Land Efficiently to Meet Housing Needs</p>		
<p>Goal H 4: Establish a Closer Link between Housing and Jobs <i>Purpose: To promote closer linkages between housing and jobs, by creating housing close to where people work and by establishing commercial, office and other non-residential use contributions for affordable “workforce” housing.</i></p>		
<p>Housing Policies</p>		
<p>H 4.1: Revised Town Zoning Ordinance. New housing will conform to the revised Zoning Ordinance.</p>		
<p>H 4.A: Revise the Town’s Zoning Ordinance. Town staff will review, and if necessary, prepare a revised Zoning Ordinance for the entire Town, for consideration and action by the Planning Commission and the Town Council, to include:</p> <p>A zoning designation allowing Live/Work residential units in the commercial areas, including the Town Center.</p> <p>Opportunities for in-fill housing.</p> <p>Waiving penalties for legalizing existing ADUs by bringing them up to code.</p> <p>Trading ADU use permit approval for contract to maintain such units for low-income residents for a specific amount of time.</p> <p>Create an Inclusionary Zoning Ordinance applying a fee to new development including single family residences and 50% remodels to create an affordable housing fund.</p> <p>Develop a mixed use overlay zone in the CH District to encourage development of affordable housing units.</p>	<p>Some amendments completed during current planning period. Some have yet to be completed.</p>	<p>Modify as Program H-4.1.1.2</p>

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>H 4.B: Live/Work Developments. Town staff will prepare, for consideration and approval by the Planning Commission and the Town Council, flexible standards that provide opportunities for live/work developments, where housing can be provided for workers on-site or caretaker or other types of housing can be provided.</p>	<p>Completed during current planning period</p>	<p>Continue as Program H-4.1.1.3</p>
<p>H 4.C: Amend Commercial Highway Zoning Regulations. Town staff will prepare, for consideration and approval by the Planning Commission and the Town Council, revised residential standards and procedures to enable infill and affordable housing sites to be developed in the Limited Commercial and Commercial Highway zones, and to be competitive for funding. Such revisions include: Amending the Zoning Ordinance to allow residential uses on Second Floors in the Commercial Highway Zones.</p>	<p>Completed during current planning period</p>	<p>Modify as Program H-3.1.1.1</p>
<p>H 4.D: Enact Density Bonus Zoning and Other Incentives. Town staff will prepare amendments to the Zoning Ordinance, for review and possible approval by the Planning Commission and Town Council that will promote an increase in the supply of housing for very low, low and moderate income households. Staff will consider the State's density bonus law (Government Code Section 65915, et. seq.) when preparing amendments to the Town's Ordinance. Evaluate the following: Implementing a density bonus program, including establishing simplified density bonus provisions, such as offering one bonus unit for each low income (ownership) or very low income (rental). Possible financially equivalent incentives, such as use of trust fund resources, expedited processing in every department, and waived or reduced fees.</p>	<p>Program not completed</p>	<p>Modify as Program H-4.1.2.1</p>

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>Update fee schedules to reduce and/or defer fees, to the extent possible, for affordable housing.</p> <p>Establish streamlined processing procedures, and other mechanisms to fit with funding requirements and to facilitate desirable affordable projects that have a significant portion of their total floor area committed to housing.</p>		
<p>H 4.E: Facilitate Development at Key Housing Opportunity Sites.</p> <p>Town staff will prepare revisions to the Zoning Ordinance, for review and possible approval by the Planning Commission and the Town Council, to facilitate the provision of affordable housing to make best efforts to meet the Town’s “fair share” of the regional housing need for lower income households. Facilitate the development of affordable housing by using potential non-municipal funding sources to assist in any other on- and off-site mitigation that may be required.</p>	<p>Initiated during current planning period. Will be continued.</p>	<p>Modify as Program H-4.1.1.6</p>
<p>H 4.F: Review and Update Parking Standards.</p> <p>Town staff will review and consider updating parking standards, for review and possible approval by the Planning Commission to allow for more flexible parking requirements to help facilitate in-fill, transit-oriented and mixed use development.</p>	<p>Program not completed</p>	<p>Continue as Program H-4.1.1.5</p>
<p>H 4.G: Identify Sites Where Emergency Shelters and Transitional Housing will be Allowed.</p> <p>The Planning Commission will establish zoning for emergency shelters and transitional housing facilities and will define “emergency shelters” and “transitional housing facilities” in the Zoning Ordinance. The Planning Commission will establish procedures to encourage and facilitate the creation of emergency shelters and transitional housing.</p>	<p>Program not completed</p>	<p>Modify as Program H-2.1.6.1</p>

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>H 4.H: Modify Residential Care Facility Zoning.</p> <p>Town staff will prepare recommendations, for review and possible approval by the Planning Commission and the Town Council to modify the Zoning Ordinance to establish care facilities as a residential use as compared to a commercial use. Apply inclusionary requirements to all licensed facilities. The Zoning Ordinance shall be amended to permit group residential uses in appropriate areas, in compliance with the General Plan, and with a review of the parking standards, as well as other applicable standards.</p>	<p>Program not completed</p>	<p>Continue as Program H-2.1.6.3</p>
<p>Goal H 5: Encourage a Variety in the Supply of Housing and Efficiency in Its Use</p> <p><i>Purpose: To maintain a diverse population by providing a variety of choices in the type, size, cost and location of new housing or more efficient use of existing housing.</i></p>		
<p>Housing Policies</p>		
<p>H 5.1: Innovative and “Non-Traditional” Forms of Housing. Provide opportunities and facilitate innovative approaches in financing, design, construction and types of housing to increase the supply of low and moderate-income housing. Examples include: Co-housing, eco-housing, and other “non-traditional” forms of housing; manufactured housing; new construction or rehabilitation self-help, or “sweat equity” housing for first time low or moderate income homeowners; and cooperatives or joint ventures between home owners, and non-profit groups in the provision of affordable housing.</p>		
<p>H 5.A: Create Homesharing and Tenant Matching Opportunities.</p> <p>The Planning Commission will work with non-profit groups to implement a homesharing/matching program for single-family dwelling owners with excess space and potential renters as a means of efficiently using existing housing stock. This effort will include:</p> <p>Analyzing the need for single parent shared housing to determine whether there are constraints that could be removed without adversely affecting single-family neighborhoods,</p>	<p>Program not completed</p>	<p>Continue as Program H-5.1.2.1</p>

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>Identifying potential owners, such as seniors who prefer to remain in their homes, or new buyers who could afford single-family homes with extra income potential,</p> <p>Identifying potential renters, such as tenants that do not have vehicles matched at locations that have limited parking facilities, and</p> <p>Revising the Zoning Ordinance to encourage “shared housing” by allowing a small meal preparation area in addition to a kitchen, particularly in large, underutilized dwelling units that are occupied by only one or two people.</p>		
<p>Goal 6: Develop Transit Oriented Housing in the Town</p> <p><i>Purpose: To encourage development within a convenient distance from transit access points, where reduced automobile usage and parking requirements are possible.</i></p> <p>Housing Policies</p> <p>H 6.1: Transit-Oriented Development Density Bonus.</p> <p>The Planning Commission will establish land use arrangements and densities that facilitate energy-efficient public transit systems. Provide the following incentives for developments convenient to transit: (1) A density bonus, up to 25% above allowable; (2) parking standards to be established on a case-by-case basis, depending upon the location and characteristics of the development. The following criteria shall be met for a TOD:</p> <p>The site is within 300 feet of a transit route and services (i.e., the Town Center and the Parkade).</p> <p>Potential impacts are mitigated.</p> <p>Required inclusionary units are provided.</p> <p>The development provides design character that is compatible with the surrounding neighborhood.</p> <p>The development allows for provision of transit improvements, or services, as appropriate and if feasible.</p>		
<p>H 6.A: Identify and Designate Transit-Oriented Development Sites.</p> <p>The Planning Commission will identify potential TOD sites. Such sites will be designated during the update of the Town General Plan and included in the Land Use and Circulation Elements. If necessary, the Zoning Ordinance will be revised to accommodate the TOD sites.</p>	<p>Completed during current planning period</p>	<p>Continue as Program H-3.1.2.1</p>

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>Goal H.7: Meet the ABAG Housing Needs Determination Objectives</p>		
<p><i>Purpose: To make available sites and incentives for the development of long-term affordable housing.</i></p>		
<p>Housing Policies</p>		
<p>H 7.1: Density Bonuses and Other Incentives for Affordable Housing Developments.</p>		
<p>Support and expand the use of density bonuses, and other incentives, to help achieve housing goals while ensuring that potential impacts are considered and mitigated. Provide the following possible incentives for developments containing a significant percentage of very low or low-income units on-site:</p>		
<p>State Bonus Law. Offer density bonuses of at least 25%, and, at least, one other incentive consistent with the State Density Bonus Law (GC Section 65915, et. seq.), for developments that include, as a minimum, (a) 20% of the units for lower-income households; or (b) 10% of the units for very low income households; or (c) 50% of the units for senior citizens.</p>		
<p>Parking. Sites within 300 feet of a transit stop may be permitted a reduction in parking required by current code, and tandem parking or off-site parking alternatives will also be considered.</p>		
<p>Relationship of Density to Floor Area, Height and Lot Coverage. Provide flexibility in applying development standards (e.g., parking, floor area, setback, height restrictions), subject to the type of housing, size, and unit mix, location and overall design. Additional density, beyond the maximum permitted, may be appropriate where units are significantly smaller and would have less impact than the market norm. For example, if the norm is 1,200 square feet of overall space for a two-bedroom unit, two units, 600 square feet each, may be permitted.</p>		
<p>Reduced Fees. Waive, or reduce, fees on a sliding scale related to the levels of affordability, such as a rebate of all planning and building fees for affordable units based on the proportion of such units in the project.</p>		
<p>Coordination with Other Agencies. Coordinate with service providers and other agencies, as necessary, to create opportunities for the development to be built.</p>		
<p>Use of Housing Trusts. Use housing trust funds, as appropriate, to achieve greater affordability.</p>		

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>H 7.A: Enact Density Bonus Zoning and Other Incentives.</p> <p>The Planning Commission will amend the Zoning Ordinance to encourage an increase in the supply of well-designed housing for very low, low and moderate-income households. The Planning Commission will evaluate the following:</p> <p>Implementation of a density bonus program, including establishing simplified density bonus provisions, such as offering two bonus units for each unit affordable to low income (ownership) or very low (rental), and</p> <p>Inclusion of financially equivalent incentives, such as use of trust fund resources, expedited processing by Planning and Building Services, and waived or reduced fees to the extent possible for affordable housing.</p>	<p>Program not completed</p>	<p>Modify as Program H-4.1.2.1 (combined with Program H4.D, above)</p>
<p>Goal 8: Create Opportunities for the Development and legalization of existing Accessory Dwelling Units (ADUs).</p> <p><i>Purpose: To encourage well designed, legal Accessory Dwelling (second) units in all residential neighborhoods applying reasonable parking and street capacity.</i></p> <p>Housing Policies</p> <p>H 8.1: New Accessory Dwelling Unit Approach.</p> <p>Permit construction of well-designed ADUs in both new and existing residential neighborhoods, consistent with parking and street capacity.</p> <p>H 8.2: Accessory Dwelling Unit Standards and Permit Process.</p> <p>Utilize the following approach for ADU development standards and processing:</p> <p>Limit the size of ADUs to maintain affordability.</p> <p>To the effect that state law prohibits discretionary review, the Town shall create guidelines and standards for applications for ADUs, to be reviewed at the ministerial level. Such guidelines and standards shall be consistent with AB 1866, amending the Government Code at Sections 65852.2, 65583.1, and 65915.</p> <p>Provide for a low cost design review process for units that meet required standards and guidelines that will enable approval of ADU applications, with proper noticing, at the staff level.</p> <p>Reduce per unit fees in recognition of the small size and low impacts of ADUs.</p> <p>Allow for well-designed and sited detached ADUs.</p>		

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
H 8.3: ADUs in New Development.	Require some ADUs and/or duplexes as part of new single-family subdivision development where four or more new units are proposed.	
H 8.4: ADU Affordability.	When local funding is used to assist in the construction of an ADU, require use agreements as a condition of approval to ensure that ADU rents for 100% of the units are affordable to lower income households.	
H 8.5: Legalization of Existing ADUs.	The Planning Commission will establish an amnesty program for illegal ADUs that provides a period of time for owners of un-permitted units to register their units and make them legal. In order to be eligible for this program, the unit must meet the standards of the California Building Code and the Fairfax Town Code, and the owner must provide assurances of the continued affordability of the unit.	
H 8.6: ADU Incentives.	The Town will create guidelines and incentives to ensure affordability of ADU's.	
H8.7: ADU Rent Control.	The Town will consider policies and ordinances to ensure the long-term affordability of ADU's including a rent control provision.	

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>H 8.A: Modify Accessory Unit Development Standards and Permit Process.</p> <p>Modify the ADU development requirements to:</p> <p>Establish ADUs as a permitted “use by right” when the single family lot, primary structure and ADU meet all the established zoning and building development and density standards, and adequate traffic safety and parking are available. Attached ADUs approved by right should be limited in size to a maximum of 700 square feet in floor area.</p> <p>Establish procedures for ADU applications that require review for ADUs that meet performance standards and design guidelines, and allow processing of the application at the staff level with appropriate public notice.</p> <p>Enact an ordinance that provides for the creation of ADUs related to single-family residences. The ordinance, as specified by Section 65852.2 Of the Government Code, shall do any of the following:</p> <p>Designate areas within the Town where ADUs may be permitted.</p> <p>Impose standards on ADUs that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum unit size, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.</p> <p>Provide that ADUs do not exceed the allowable density for the lot upon which the ADU is located, and that the ADUs are a residential use that is consistent with the Town’s General Plan and zoning designation for the lot.</p> <p>Provide for the granting of a variance or special use permit for the creation of ADUs if said unit complies with all of the following:</p> <p>The ADU is not intended for sale and may be rented.</p> <p>The lot is zoned for single-family or multifamily use.</p>	<p>Program not completed</p>	<p>Modify as Program H-6.1.2.1</p>

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>The lot contains an existing single-family or multifamily dwelling.</p> <p>The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.</p> <p>The increased floor area of an attached ADU shall not exceed 30 percent of the existing living area.</p> <p>The total area of floor space for a detached ADU shall not exceed 700 square feet.</p> <p>Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.</p> <p>Local building code requirements that apply to detached dwellings, as appropriate.</p> <p>All applicable subsections and subdivisions of Government Code Section 65852.2 shall be included by reference.</p> <p>The owner of the property with an accessory unit must live in one of the units.</p>		
<p>H 8.B: Establish an Amnesty Program for Un-Permitted ADUs.</p> <p>Establish an amnesty and increased enforcement program for un-permitted ADUs in order to increase the legal housing stock while assurances are made of continued affordability of the unit as low-income housing. Provide a period of time when owners of illegal units that meet the requirements of the Fairfax Town Code and the Uniform Building Code, can register their units as being legal without incurring fines, along with assurances of long-term affordability of the unit. The Planning Commission will establish guidelines that will provide incentives for those property owners who can provide adequate assurances they will maintain the affordability of the unit.</p>	<p>The Town approved 1 new second unit during the previous planning period</p>	<p>Modify as Program H-6.1.1.1</p>

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
Strategy 4: Provide Housing for Special needs Populations		
Goal 9: Address the Shelter Requirements for Special Needs Individuals and Families		
Purpose: To provide housing for population groups who require special assistance.		
Housing Policies		
H 9.1: Density Bonuses for Special Needs Housing.		
Use density bonuses to assist in meeting the housing needs of special needs population groups, including lower income elderly and disabled, consistent with roadway capacity and considering parking needs and neighborhood scale.		
H 9.A: Emergency Housing Assistance. Participate and allocate funds, as appropriate, for County and non-profit programs providing emergency shelter and related counseling services.	Program not completed	Delete
H 9.B: Assure Good Neighborhood Relations Involving Emergency Shelters and Residential Care Facilities. Encourage positive relations between neighborhoods and providers of emergency shelters and residential care facilities. Providers or sponsors of emergency shelters, transitional housing programs and community care facilities shall be encouraged to establish outreach programs with their neighborhoods.	Program not completed	Continue as Program H-2.1.3.2
H 9.C: Require Market Rate Special Housing Analysis. Require a market analysis when new market rate projects for six or more are proposed to identify the ability of these projects to meet local area special needs.	This analysis has occurred for some projects during the planning period but will not be made a requirement. Program will not be continued.	Delete
H 9.D: Town Employee Housing. Identify opportunities for the Town’s employees to attain housing in the community.	Program not completed	Delete

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>Goal 10: Support Programs for Special Needs Populations</p>		
<p><i>Purpose: To provide housing opportunities for the Town’s residents with special needs.</i></p>		
<p>Housing Policies</p>		
<p>H 10.1: Rental Assistance Programs.</p>		
<p>The Planning Commission will identify and publicize opportunities for using available rental assistance programs, such as the project-based and tenant-based Section 8 certificates programs, in coordination with the Marin Housing Authority, and pursue funding from the Marin Community Foundation, and continue to participate in the Rebate for Marin Renters program.</p>		
<p>H 10.2: Process for Requests for Reasonable Accommodation.</p>		
<p>It is the policy of the Town of Fairfax to provide reasonable accommodation for persons with disabilities seeking fair access to housing in the application of its zoning laws, policies, and processes. A person with disabilities is someone who has a “physical or mental impairment which substantially limits one or more of such person’s major life activities.” Laws, which protect persons with disabilities against discrimination, include within their protection, persons who are recovering from addictions to alcohol or narcotics so long as they are not currently using the substances.</p>		
<p>H 10.3: Group Homes.</p>		
<p>A group home is a dwelling operated under state regulations that provides room and board for more than six individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. All group home facilities shall be regulated by the State of California. Additional requirements may be imposed by the applicable Building Code. The municipal code Section 17.04 shall be revised to include the following definition.</p>		

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>H 10.A: Assist in the Effective Use of Rental Assistance Programs. Develop and implement measures to make full use of available rental assistance programs. Actions include:</p> <p>Encourage owners of new apartment units to accept Section 8 certificates,</p> <p>Maintain descriptions of current programs at the Town Hall to distribute to interested individuals,</p> <p>Post notification of information regarding current programs at the usual places in the Town,</p> <p>Provide funding support, as possible and appropriate, and</p> <p>Coordinate with the Marin Housing Authority on rental assistance programs, including Shelter Plus Care, AB 2034, HOPWA, the Rental Assist line, Rental Deposit Program, and Welfare to Work Program.</p>	<p>Program not completed</p>	<p>Continue as Program H-2.1.2.1</p>
<p>H 10.B: Engage in a Countywide Effort to Address Homelessness related Needs.</p> <p>Systematically work with other Marin County jurisdictions to provide housing options for the homeless in the Town.</p>	<p>Ongoing effort</p>	<p>Modify as Program H-2.1.6.8</p>
<p>H 10C: Enforce the Town's Condominium Conversion Ordinance (Town Code § 17.22.090).</p>	<p>Not needed as a Housing Element program. Program will not be continued.</p>	<p>Delete</p>

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>H10.D: Reasonable Accommodation</p> <p>If no other land use permit is required, an applicant may submit a “Request for Reasonable Accommodation” directly to the Planning Counter at, Town Hall, 142 Bolinas Road, Fairfax, 94930. Staff can FAX a copy of the application by calling the Planning Department at 415-453-1618. If a land use permit is also required, then the “Request for Reasonable Accommodation” should be submitted concurrently with the land use permit (e.g., Conditional Use Permit). When submitted concurrently, the procedure will be the same as for the land use permit and applicants should refer to the zoning ordinance for the appropriate procedures, including noticing and hearing.</p>	<p>Program not completed</p>	<p>Continue as Program H-2.1.3.1</p>
<p>H.10.E Amend Zoning Code to Comply with State Law Regarding Group Homes. Revisions shall be made to the Zoning Code as described below:</p> <p><u>Definition.</u> Add new definition of Group Home to Zoning Code Definitions:</p> <p><i>Group Home.</i> A group home is a dwelling operated under state regulations that provides room and board for more than six individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. All group home facilities shall be regulated by the State of California. Additional requirements may be imposed by the applicable Building Code.</p> <p><u>Conditional Use</u></p> <p>Group homes shall be added as a Conditional Use to all residential zoning districts.</p> <p>Conditional Use permits require a public hearing/approval by the Planning Commission.</p>	<p>Program not completed</p>	<p>Continue as Program H-2.1.5.1</p>

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<u>Supplementary Requirements</u>		
When allowed, group homes shall be subject to the following additional requirements:		
The home shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to adjacent properties as a result of traffic, noise, refuse, parking or other activities.		
The home shall maintain a residential appearance which is compatible with the neighborhood.		
The home shall meet all state requirements, and all applicable housing and building code requirements.		
Strategy 5: Build Local Government Institutional Capacity and Monitor Accomplishments to Respond to Housing Needs Effectively During the 2002-2007 Time Period		
Goal 11: Identify and Obtain Housing Opportunity Funding		
<i>Purpose: To be aggressive and creative in finding ways to increase on-going funding resources for lower income special needs housing.</i>		
Housing Policies		
H 11.1: Funding for Affordable Housing.		
The Planning Commission will identify and utilize federal, state and local housing assistance programs to the fullest extent possible to achieve the goals included in this Housing Element.		
<p>H 11.A: Funding for Affordable Housing.</p> <p>As possible, Town staff will identify potential funding sources, and develop the necessary requests and applications.</p> <p>Fairfax will establish an affordable housing fee. The Affordable Housing Fee shall be used to encourage affordable housing units within the Town of Fairfax, in order to meet the Town’s Affordable Housing obligation as determined by the State.</p>	<p>Duplicative of earlier program. Program will not be continued.</p>	<p>Delete</p>

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 H 12.1: Housing Data Standards. 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>

HOUSING ACHIEVEMENTS AND OPPORTUNITIES

Since 1999, new development in Fairfax has been limited. The Town has processed and approved permits for 21 single-family detached housing units, one single-family attached duplex (two units), and one new second unit.

Fairfax is situated in a highly desirable setting, largely related to the forested hillsides that surround the community. Despite its natural beauty, however, the Town is in fact very densely developed. With over 3,500 residents per square mile, and with most of the existing residences built on very small lots, there are few opportunities to provide additional housing through infill development within the Town's residential areas except through the use of "informal" second units that have traditionally provided very low income housing—though not officially recognized as such.

Fairfax is surrounded on three sides by vast areas of spectacular open space, providing the community with scenic vistas, as well as a rural ambience, despite the Town's location in one of the nation's largest metropolitan areas. Within the existing town boundaries, Fairfax is very limited in terms of developable land. The Town is nearly built out with all remaining undeveloped land being either very steeply sloped or constrained from development for other reasons. Of the relatively large candidate sites located within the Town's SOI, most are on steep hillsides or exhibit environmental constraints.

Future land considerations need to account for limitations due to the topography of the Fairfax area. Projections, predictions, and actual build-out numbers often reflect disparity; future Housing Element policies and programs need to realistically identify parcels suitable for development.

Table H-12 lists the inventory of vacant and underutilized opportunity sites with potential for residential development in Fairfax. There are a limited number of potential housing sites in Fairfax that can accommodate the Town's identified need for lower-income housing units. The Town of Fairfax has identified several sites that could be realistically targeted as potential sites for such housing. Further descriptions of the existing conditions and development potential for each site are included below the table.

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

Site Name	APN	Acreage	Zoning	GP Land Use	Allowed Density	Proposed Capacity	Current Use
Vacant Sites							
001-150-12		68.05	UR-10	UR-10	.25 du/acre	6 above moderate units	Vacant
001-160-09		18.45	UR-10	UR-10	.25 du/acre	2 above moderate units	Vacant
001-251-31		11.5	UR-10	UR-10	.25 du/acre	1 above moderate unit	Vacant
002-071-01		0.04	UR-7	UR-7	.25 du/acre	1 above moderate unit	Vacant
002-181-03		4.78	UR-10	UR-10	.25 du/acre	1 above moderate unit	Vacant
002-181-04		4.58	UR-10	UR-10	.25 du/acre	1 above moderate unit	Vacant
002-181-12		11.21	UR-10	UR-10	.25 du/acre	1 above moderate unit	Vacant
002-181-20		6.79	UR-10	UR-10	.25 du/acre	1 above moderate unit	Vacant
002-181-21		11	UR-10	UR-10	.25 du/acre	1 above moderate unit	Vacant
002-181-22		.74	UR-10	UR-10	.25 du/acre	1 above moderate unit	Vacant
174-290-01		2.11	RS-6	Residential 1-6 du/acre	1-6 du/acre	1 above moderate unit	Vacant
174-290-03		1.69	RS-6	Residential 1-6 du/acre	1-6 du/acre	1 above moderate unit	Vacant

Site Name	APN	Acreage	Zoning	GP Land Use	Allowed Density	Proposed Capacity	Current Use
174-290-05		2.21	RS-6	Residential 1-6 du/acre	1-6 du/acre	1 above moderate unit	Vacant
174-290-06		2.15	RS-6	Residential 1-6 du/acre	1-6 du/acre	1 above moderate unit	Vacant
Underutilized Opportunity Sites							
#1. Christ Lutheran Church Site	174-070-017	20.00	PDD	PDD	Project specific – no maximum	40 lower income senior housing units	School and church
#2. 10 Olema Rd.	001-104-012	1.24 (1.04 acres net due to creek setback)	PDD	PDD	Project specific – no maximum	22 lower-income housing units	Artist studio
#3. Westside Commercial	001-018-01	0.16	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	Overall site concept: 17 second floor second units or ground floor two story live/work units; existing use: parking lot
	001-183-04	.92	CC	CC	Project specific – no maximum	2 moderate or above-moderate units	
	001-183-08	.17	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	
	001-183-12	.17	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	
	001-183-13	.16	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	
	001-183-14	.17	CC	CC	Project specific – no maximum	1 moderate or above-	

Site Name	APN	Acreage	Zoning	GP Land Use	Allowed Density	Proposed Capacity	Current Use
						moderate unit	
	001-183-15	.17	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	
	001-183-16	.73	CC	CC	Project specific – no maximum	1 moderate or above-moderate units	
	001-183-17	.42	CC	CC	Project specific – no maximum	2 moderate or above-moderate units	
	001-221-12	.50	CC	CC	Project specific – no maximum	2 moderate or above-moderate units	
	002-116-4	.17	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	
	002-116-6	.17	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	
	002-116-7	.14	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	
#4. School Street Plaza	002-112-13	1.80	PDD	PDD	Project specific – no maximum	9 moderate or above moderate units	Commercial
#5. Fair Anselm Plaza	002-127-01	.28	CC	CC	Project specific – no maximum	2 moderate or above-moderate units	Overall site concept: 22 units; existing use: commercial
	002-127-02	.35	CC	CC	Project specific – no maximum	2 moderate or above-moderate	

Site Name	APN	Acreage	Zoning	GP Land Use	Allowed Density	Proposed Capacity	Current Use
						units	
	002-131-07	.02	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	
	002-131-09	.01	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	
	002-131-12	2.12	CC	CC	Project specific – no maximum	6 moderate or above-moderate units	
	002-131-13	.12	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	
	002-131-14	2.69	CC	CC	Project specific – no maximum	6 moderate or above-moderate units	
	002-131-15	.59	CC	CC	Project specific – no maximum	3 moderate or above-moderate units	
	002-211-02	.06	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	Overall site concept: 14 units; existing use: mixed use, residential
#6 Eastside Commercial	002-211-03	.06	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	Mixed use, residential
	002-211-04	.09	CC	CC	Project specific – no maximum	1 moderate or above-moderate unit	Mixed use, residential (tutors)
	002-211-05	.11	CC	CC	Project specific	1 moderate or above-	Mixed use, residential

Site Name	APN	Acreage	Zoning	GP Land Use	Allowed Density	Proposed Capacity	Current Use
					- no maximum	moderate unit	(nails)
	002-211-20	.22	CC	CC	Project specific - no maximum	1 moderate or above-moderate unit	Pizzeria, dry cleaners
	002-211-21	.26	CC	CC	Project specific - no maximum	1 moderate or above-moderate unit	Restaurant
	002-213-27	.24	CC	CC	Project specific - no maximum	1 moderate or above-moderate unit	Commercial, art studios
	002-213-04	.09	CC	CC	Project specific - no maximum	1 moderate or above-moderate unit	Consignment
	002-213-05	.06	CC	CC	Project specific - no maximum	1 moderate or above-moderate unit	Liquor store
	002-213-06	.11	CC	CC	Project specific - no maximum	1 moderate or above-moderate unit	Furniture store, commercial
	002-213-07	.08	CC	CC	Project specific - no maximum	1 moderate or above-moderate unit	Flooring
	002-213-25	.27	CC	CC	Project specific - no maximum	1 moderate or above-moderate unit	Car wash
	002-213-10	.19	CC	CC	Project specific - no maximum	1 moderate or above-moderate unit	Beauty salon
	002-213-26	.24	CC	CC	Project specific - no maximum	1 moderate or above-moderate	Mixed-use, residential

Site Name	APN	Acreage	Zoning	GP Land Use	Allowed Density	Proposed Capacity	Current Use
							unit
Totals							
21 above-moderate units on vacant land;							
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

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 requirements to allow residential development only in the PDD zone at a minimum of 20 units per acre.

- **Site #2 – 10 Olema Road.** The 10 Olema [Road](#)-Mandarin Gardens site was rezoned from CL to PDD in the General Plan update to provide greater site planning flexibility. There is a former restaurant on this site currently being used as an artist’s studio. The site also houses a Victorian home, which is divided into two housing units. The Town has performed site capacity studies on this site and an application is pending to develop 22 units of workforce housing on this site. [In Fairfax workforce housing includes households making less than 80 percent of AMI. Unit capacity was calculated based on the proposed development concept for the site. The site capacity studies and resulting number of housing units assume that the existing Victorian home would remain and new structures would be designed to be compatible with the existing uses onsite.](#) The proposed unit type is cottages. The Town has worked with the developer to perform some technical studies and waiver or reduction of fees. Program H-4.1.1.6 is proposed to amend the PDD Zone requirements to allow residential development only in the PDD Zone at a minimum of 20 units per acre.
- **Site #3 – Westside Commercial.** The Fairfax Market site, the open parcel next to it including the strip shopping center to the west, and Good Earth market site were rezoned from CH to CC in the General Plan update. As part of the General Plan update technical studies the Town estimated 17 units could be accommodated on the parcels that make up this site, either as second-floor second units or ground-floor two-story live/work units.
- **Site #4 – School Street Plaza.** School Street Plaza was rezoned from CL to PDD in the General Plan update. As part of the General Plan update technical studies the Town estimated nine residential units could be accommodated on this site.
- **Site #5 – Fair-Anselm Plaza.** The Fair-Anselm shopping complex and the Center Oaks apartment building site were rezoned from CH to CC in the General Plan update to allow residential units on the second floor by right. This site consists of eight total parcels. The Town estimates that 22 new residential units could be accommodated on this site’s parcels.
- **Site #6 – Eastside Commercial.** The east side commercial area on Sir Francis Drake Boulevard was rezoned from CH to CC in the General Plan update to allow residen-

tial units on the second floor by right. The 21 parcels on this site are composed of a combination of old homes, apartments, and commercial and office uses. The Town has estimated that 14 new residential units could be accommodated on the parcels that make up this site.

Most other major sites in the community that are undeveloped or under-developed are steeply sloped and environmentally sensitive. These sites not only contribute to the rural nature of Fairfax but would also be extremely difficult to develop due to their site characteristics.

Given the high land costs and the difficulty for development, there have been no long term trends or changes in market conditions, nor are there any incentives or policies, that would facilitate redevelopment or reuse of existing buildings for residential purposes. However, the market has recently seen a rapid drop in the value of residential and commercial properties – facilitating a “buyers” market – and perhaps a greater opportunity for non-profit housing providers.

The Marin Municipal Water District (MMWD) provides water to the Town. Sanitary District #1 is the service provider for wastewater. Both agencies have adequate capacity to serve the sites identified in this section of the 2010 Housing Element. With the adoption of a “green building ordinances” – as called for in the 2010 Conservation Element (that promotes gray-water and water-efficient technologies) – the need for such energy intensive facilities will be reduced and/or eliminated.

This 2010 Housing Element also recommends the incorporation of green building technologies; reduced minimum unit size requirements (that allow for efficiency-sized apartments, and the reuse of small parcels); and urban “location-efficiency” placement through the use of historic TOD and TND – principals of sustainable urban design patterns as described in the 2010 Land Use Element.

Second Units

The Town estimates that three second units can be accommodated through the end of the planning period based on the one new second unit approved and work done to bring two existing second units up to code during the previous planning period (see Table H-13). In addition, the upswing in the economy and the associated increase in housing prices and building activity led to the estimate that three second units may be permitted during the remainder of the planning period. Second units in Fairfax are estimated as affordable to

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low-income households or higher based on a current rental rates web search. Per the HCD 2013 income limits, a very low income household could afford a monthly rent of just under \$1,000. A low-income household can afford up to \$1,500 that is within the lower end of the range of rental prices for studio and one-bedroom apartments in Fairfax.

PROGRESS TOWARD MEETING THE RHNA

Table H-13 details units permitted or approved since 1999 as well as the Town's ability to accommodate the remaining RHNA numbers from the 1999–2006 and 2007–2014 planning periods.

TABLE H-13 PROGRESS TOWARD MEETING RHNA

	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

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:

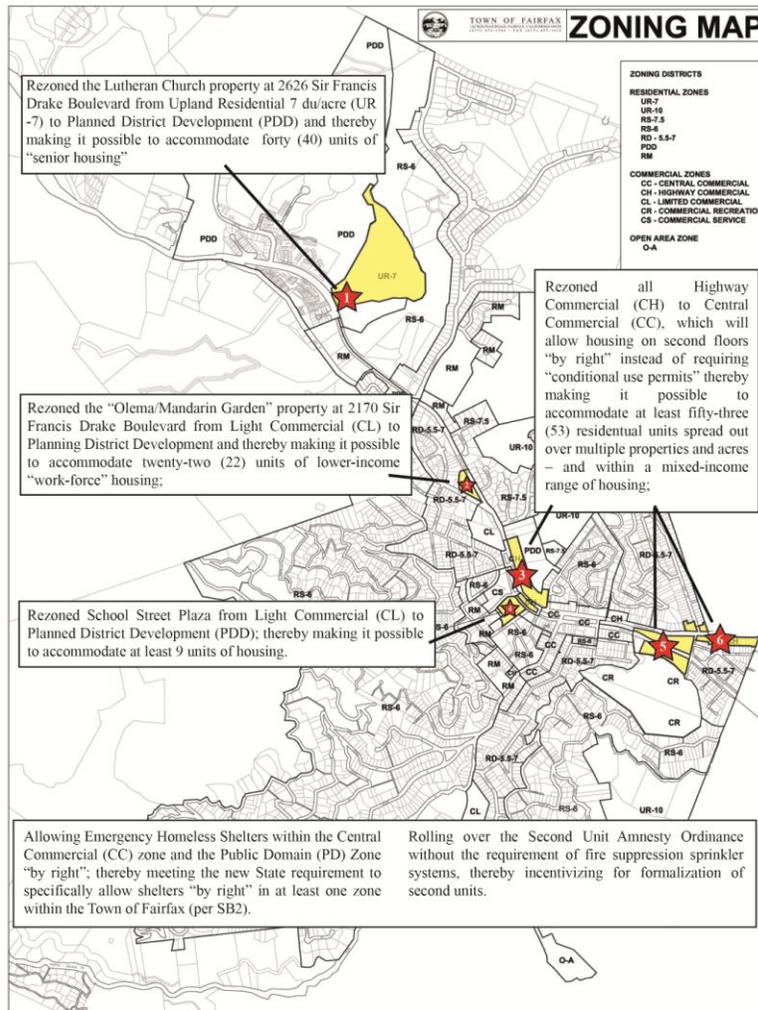
- Post notices for on-going activities and efforts in easily accessible locations, such as the Public Library or on the Town’s website. Examples of useful information might include a calendar of events/meetings related to housing and land use planning issues, meeting minutes, outlines of currently active initiatives, and solicitations for public participation (Information Dissemination).

- Identify and maintain a publicly available list of locations that have been deemed possible, or likely, candidates for housing related development
- Organize, promote and hold two public housing information events per year. The goal of these events is to provide information relevant to the initiatives outlined in this

Opportunity Sites

Section Three: Housing Opportunity Sites

Opportunity Site Master List - 6 Total Sites



Section Three: Housing Opportunity Sites

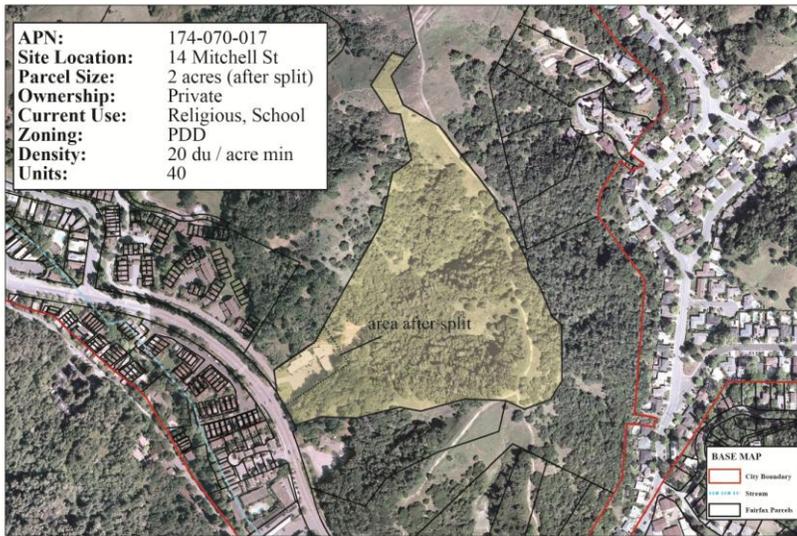
Site #1: Lutheran Church Site



Locator Map



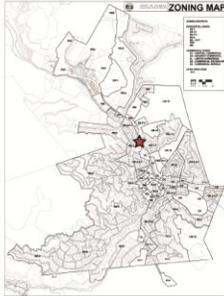
Site Photo



Site Description:
The church, school and parking area occupy the lower portion of the site. Upslope of the church is the outdoor play area for the school. The remainder of the site is oak woodland open space. The lower portion of the site, including the area occupied by the buildings could be redeveloped to include new facilities for the church and school and up to 40 two-bedroom elderly residential units.

Section Three: Housing Opportunity Sites

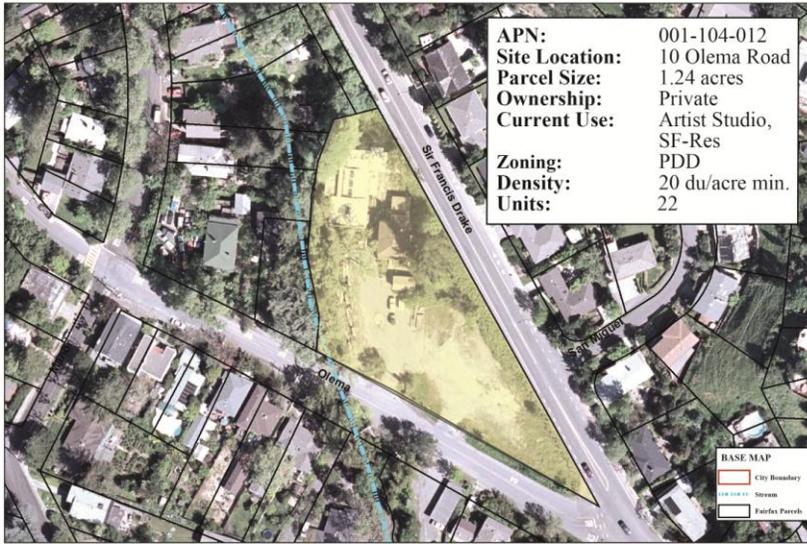
Site #2: 10 Olema Road



Locator Map



Site Photo

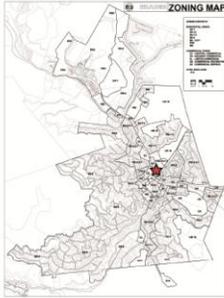


Site Description:

The former restaurant is being used by the property owner as an artist's studio. The residence is a rental unit, occupied by one family and configured as a duplex, with a second living space on the ground floor. This building is one of the oldest homes in Fairfax.

Section Three: Housing Opportunity Sites

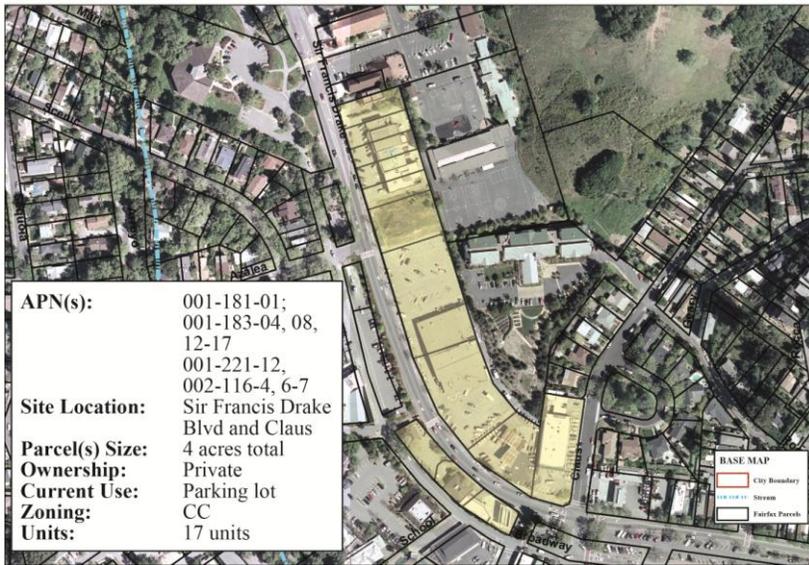
Site #3: Westside Commercial (13 total parcels)



Locator Map



Site Photo

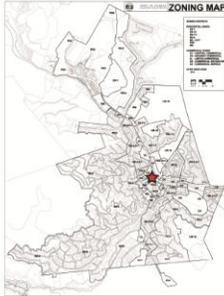


Site Description:

Shopping centers that houses the Women’s Fitness Center, Veterinary Office and parking lagoons adjacent to monolithic structures including the Fairfax Market. Three smaller parcels on the southside of Sir Francis Drake in the old railroad right-of-way including a restaurant, bank and gas station

Section Three: Housing Opportunity Sites

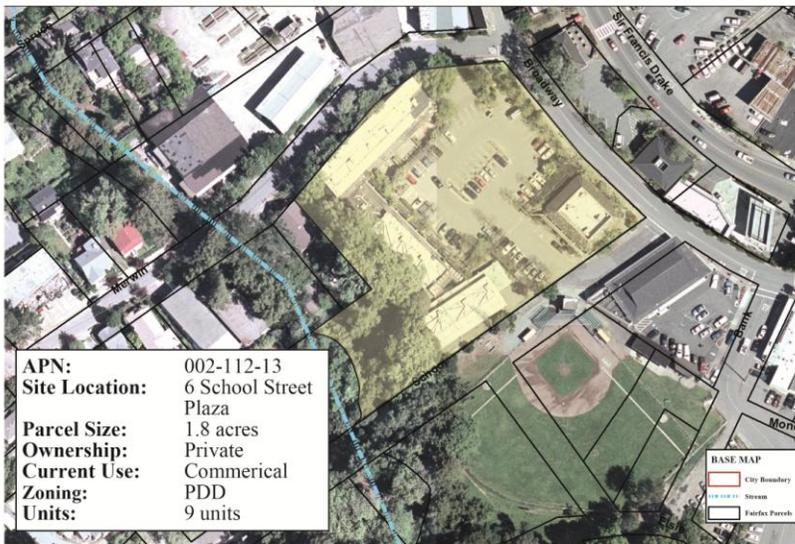
Site #4: School Street Plaza



Locator Map



Site Photo

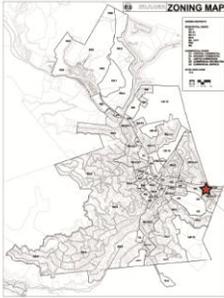


Site Description:

The former school site is being used by a variety of commercial businesses. The site includes a paved parking area. The property owner is interested in redeveloping the site, including creating some affordable units. The site is adjacent to the Town's central park area.

Section Three: Housing Opportunity Sites

Site #5: Fair Anselm - (8 total parcels)



Locator Map



Site Photo



Site Description:

The shops and parking lot are underdeveloped. There is potential for two story mixed use development

Section Three: Housing Opportunity Sites

Site #6: Eastside Commercial - (21 total parcels)



Locator Map



Site Photo



Site Description:

An eclectic mix of old homes, apartments, private pre-school and offices - with a strong sense of community; and an overall lack of parking which restricts some uses from occupancy the commercial spaces and/or development.

2010 Housing Element. The events will be focused on two key audiences: the Fairfax community, and housing providers (those able to carry out a housing development activity). The two yearly meetings will include one meeting to provide a forum for community, private and volunteer groups interested in supporting the 2010 Housing Element initiatives, and one meeting to solicit the interest of housing providers. The primary goal of these meetings is to identify available opportunities in Fairfax and to create an environment conducive to identifying potential partnering entities to work with the Town toward accomplishing the initiatives outlined in the Fairfax 2010 Housing Element.

The Town will continue to monitor the production of housing through an annual report to the Town Council on the units constructed each year and their affordability by income level. If the number of lower-income units falls short of the expected number the Town will adopt additional revisions to the Zoning Ordinance and additional incentives to increase the likelihood that the new construction objectives contained in the 2010 Housing Element can be achieved.

Housing Goals

Goals are general statements of values or aspirations held by the community in relation to each issue area. Goals are the ends toward which the jurisdiction will direct its efforts. The 2010 Housing Element update responds to community needs and priorities through the following seven goals:

- **Goal H-1: Housing opportunities for a range of household types and incomes (including extremely low, very low, low, moderate, and above moderate incomes – as well as for homeless families and individuals).**
- **Goal H-2: Housing and programs for special needs populations, including seniors, single-parent and families, as well as workforce housing and emergency homeless shelters.**
- **Goal H-3: Create transit-oriented housing in the Town Center area that is less dependent on automobile travel and, thereby minimizing traffic impacts to the greatest extent possible while providing support for transit.**
- **Goal H-4: Link housing and jobs in the community; include housing opportunities for Fairfax workers and public service employees.**

- **Goal H-5: Sustainable Affordable Housing.** Well-designed, energy-efficient housing affordable and appropriate to a diverse population at compatible scales and in the appropriate (transit-supported) locations.
- **Goal H-6: Create additional opportunities for the development of second units.**
- **Goal H-7: Create efficient procedures for monitoring housing need achievements.**

Housing Programs

Programs are the most dynamic part of the 2010 Housing Element. Programs or “implementation actions” represent specific actions that the jurisdiction or other identified entities will undertake to address policy issues and move closer to the community’s goals. These include ongoing programs sponsored by the jurisdiction, discrete time-specific actions, or further planning actions. Each program or implementation action is linked to a goal, objective, and policy and addresses one or more of the following:

- Land Use and Development Controls
- Regulatory Incentives
- Available Subsidies

Program Descriptions

Each program or implementing action described in the five-year action plan below must provide the following information in addition to the basic program description:

- Time Frame for Implementation
- Responsible Agencies (see also Responsibilities – “The Who” above)
- Quantified Objectives

Program Requirements

State law requires that the Housing Element consider and address the following primary areas of housing need. These provide an overall structure for the consideration of alterna-

tive housing strategies, and subsequently for the organization and articulation of goals, objectives, policies, and implementing programs. These include:

- Identify actions that will make sites available during the planning period:
 - with appropriate zoning,
 - with appropriate development standards, and
 - with appropriate services and facilities.
- Available for a variety of housing types.
- Sufficient to meet the RHNA goals.
- Assist in the development of adequate housing to meet the needs of extremely low, very low, low, and moderate-income households.
- Address and remove governmental constraints to the maintenance, improvement, and development of housing.
- Conserve and improve the condition of existing lower-income housing.
- Preserve assisted housing development for lower-income households.
- Identify the agencies and officials responsible for program implementation.

Because the final draft of this Housing Element Update has been completed near the end of the Housing Element Planning Period some of the programs have been partially or completely implemented. When this is the case it is indicated in the section below.

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GOALS, OBJECTIVES, POLICIES, AND PROGRAMS

Goal H-1: Housing opportunities for a range of household types and incomes (including extremely low, very low, low, moderate, and above moderate incomes – as well as for homeless families and individuals).

Objective H-1.1: Create conditions that will foster the development of at least a total of 108 units for persons with a variety of incomes by 2014.

Policy H-1.1.1: *Local Government Leadership.* Establish affordable housing as an important priority for the Town, with the Planning Commission providing a leadership role working with community groups, other jurisdictions and agencies, and the building and real estate industry to implement the Housing Element programs.

Program H-1.1.1.1: *Work with Housing Advocates.* The Planning Commission will coordinate with local businesses, housing advocacy groups, and the Chamber of Commerce, and participate in the Marin Consortium for Workforce Housing, to increase community understanding and support for workforce and special needs housing for lower-income households. Work to date has included noticing and facilitating meetings, issuing Requests for Qualifications (RFQs), Requests for Proposals (RFPs), and selecting a developer for the Christ Lutheran Church opportunity site. In addition, the Town sought and received funding from the local County Supervisor for pre-development environmental studies that have been completed for the 10 Olema Road site.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Initiated in 2012 and Ongoing

Program H-1.1.1.2: *Prepare Public Information Material.* The Planning Commission will prepare community information material to improve awareness of housing needs, issues and programs.

Responsibility: Planning Commission, Planning and Building Services

Schedule: 2014

Program H-1.1.1.3: *Conduct Community Outreach.* The Planning Commission will develop and implement a program providing public information and outreach to increase citizen awareness, including establishing a forum for discussion of housing issues. Specific actions include:

- Providing information pamphlets on housing issues and programs at public locations, and in community mailings.
- Distributing material to neighborhood groups and associations.

Deleted: the

Deleted: Ongoing

- Providing information to the community through articles in the newspapers.
- Working with unions, churches, businesses, new housing providers and other groups that might be mobilized to help support lower-income and special needs housing developments.

Responsibility: Planning Commission, Planning and Building Services

Schedule: ~~2014~~

Deleted: Ongoing

Program H-1.1.1.4: *Shared Responsibilities.* The Planning Commission will establish partnerships and identify shared responsibilities with all sectors of the community, including the Town government, businesses, community groups, environmental organizations, the building and real estate industry, non-profit housing sponsors, the school district, faith-based organizations, and health and human services, to implement the 2010 Housing Element.

Responsibility: Planning Commission, Planning and Building Services

Schedule: ~~2014~~

Deleted: Ongoing

Program H-1.1.1.5 *Preserve Existing Lower-income Units.* Work with property owners of deed-restricted units that are at risk of converting to market rate housing to preserve the lower-income housing by providing incentives or resources, such as providing funding from the Town’s trust fund, working with the County to target Section 8 vouchers for the units, or providing other funds for improvements.

Additionally, when units become at risk, the Town will comply with all noticing requirements related to at-risk units, educate tenants about their rights, and contact all potentially interested non-profits to develop a preservation strategy for the at-risk units.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Ongoing

Policy H-1.1.2: *Neighborhood Meetings.* Require developers of any major project (more than four units) to conduct neighborhood meetings with the community residents early in the process to understand local issues and concerns, and to facilitate a more efficient project review.

Program H-1.1.2.1: *Establish Neighborhood Meeting Procedures.* The Planning Commission will establish Neighborhood Meeting Procedures that encourage developers to conduct neighborhood meetings with the residents early in the project approval process as a requirement of major residential development applications. The Town will coordinate with nonprofit developers and others who would be affected by the procedures to ensure that there are no constraints to the housing development process.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Within one year of Housing Element adoption or by the end of the planning period.

Program H-1.1.2.2: *Outreach to Lower-Income Housing Developers.* The Town will reach out to potential developers of lower-income housing on the opportunity sites identified in this Housing Element, in particular those who may develop residential units on small underutilized parcels. The Town will seek to understand challenges associated with development of these units and work to reduce constraints associated with the challenges.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Initiated in 2012 and Ongoing

Policy H-1.1.3: *Equal Housing Opportunities.* The Town will ensure that no one seeking housing in Fairfax will experience discrimination because of race, color, religion, marital status, disability, age, sex, sexual orientation, family status, national origin, political party, or other arbitrary factors, consistent with the Fair Housing Act and State of California law.

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Program H-1.1.3.1: *Adopt an Anti-Discrimination Ordinance.* The Planning Commission will prepare, and the Council will adopt an Anti-Discrimination Ordinance.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Within one year of Housing Element adoption or by the end of the planning period.

Program H-1.1.3.2: *Respond to Complaints.* In order to promote equal housing opportunities for all persons, the Town provides means for the resolution of housing complaints and fair housing issues by referring phone inquiries to the Marin County Department of Health and Human Services. In addition, the Town provides the following services on housing complaints and fair housing issues:

- Provide Marin County brochures and Marin County Department of Health and Human Services information regarding fair housing and tenant rights at Town Hall and on the Town's website.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Ongoing

Program H-1.1.3.3: *Develop a Program to Broadly Disseminate Information on Fair Housing.* The Planning Commission will develop a program for distributing and displaying fair housing information. Display areas will include the traditional locations in the Town including the Town Hall, Post Office, Library, and the Women's Club, and will consider other locations, such as the Golden Gate transit vehicles, the markets, churches, community service centers, real estate and rental offices, and restaurants, cafes and coffee houses.

Responsibility: Planning Commission, Planning and Building Services

Schedule: ~~2014~~

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Programs H-1.1.3.4: *Identify Housing Programs and Funding Sources.* The Planning Commission and staff will explore available housing programs and

funding sources that are applicable to Fairfax. In particular, efforts will be made to identify funding for developments appropriate for the opportunity sites identified in this Housing Element.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Initiated in Spring 2012 and ongoing.

Goal H-2: Housing and programs for special needs populations, including seniors, single-parent and families, as well as workforce housing and emergency homeless shelters.

Objective H-2.1: Housing opportunities for the Town’s residents with special needs, including 40 units of senior housing and 22 units of workforce housing and identify appropriate zones for emergency homeless shelters.

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.

Program H-2.1.1.1: Rezone the Lutheran Church property at 2626 Sir Francis Drake Boulevard from UR 7 du/acre (UR-7) to PDD and thereby make it possible to accommodate at least 40 units of senior housing. Program H-4.1.1.6 proposes to revise the PDD district standards to require residential only development in the PDD zone at a minimum of 20 units per acre. In addition the standards will be revised to reduce the minimum acreage for a PDD parcel from five acres to one acre.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Completed in 2012

Program H-2.1.1.2: Rezone 10 Olema, the old “Mandarin Gardens” restaurant site, from CL to PDD and thereby making it possible to accommodate 22 units of workforce housing. Program H-4.1.1.6 proposes to re-

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vises the PDD district standards to require residential only development in the PDD zone at a minimum of 20 units per acre. In addition the standards will be revised to reduce the minimum acreage for a PDD parcel from five acres to one acre.

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Responsibility: Planning Commission, Planning and Building Services
Schedule: Completed in 2012

Policy H-2.1.2: Rental Assistance Programs. The Planning Commission will identify and publicize opportunities for using available rental assistance programs, such as the project-based and tenant-based Section 8 certificates programs, in coordination with the Marin Housing Authority, and pursue funding from the Marin Community Foundation, and continue to participate in the Rebate for Marin Renter’s Program.

Program H-2.1.2.1: *Assist in the Effective Use of Rental Assistance Programs.* Develop and implement measures to make full use of available rental assistance programs. Actions include:

- Encourage owners of new apartment units to accept Section 8 certificates,
- Maintain descriptions of current programs at the Town Hall to distribute to interested individuals,
- Post notification of information regarding current programs at the usual places in the Town,
- Provide funding support, as possible and appropriate, and
- Coordinate with the Marin Housing Authority on rental assistance programs, including Shelter Plus Care, AB 2034, Housing Opportunities for Persons with AIDS (HOPWA), the Rental Assist Line, Rental Deposit Program, and Welfare to Work Program.

Responsibility: Planning Commission, Planning and Building Services
Schedule: Ongoing

Policy H-2.1.3: *Process Reasonable Accommodation Requests.* It is the policy of the Town of Fairfax to provide reasonable accommodation for persons with disabilities seeking fair access to housing in the application of its zoning laws, policies, and processes. A person with disabilities is someone who has a “physical or mental impairment which substantially limits one or more of such person’s major life activities.”

Program H-2.1.3.1: *Ensure Reasonable Accommodation.* Consistent with Senate Bill 520 (SB 520), reduce barriers in housing for individuals with disabilities. Enact the following:

- Revise the Town Code to include a Reasonable Accommodation procedure.
- Amend the Town Code to clarify that access ramps are allowed in setback areas.
- Develop guidelines encouraging the principles of universal design.
- Create an ordinance codifying the guidelines.
- Establish reduced parking requirements, particularly for disabled persons housing.

Responsibility: Planning Commission, Planning and Building Services

Schedule: 2014

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Program H-2.1.3.2 *Assure Good Neighborhood Relations Involving Emergency Shelters and Residential Care Facilities.* Encourage positive relations between neighborhoods and providers of emergency shelters and residential care facilities. Providers or sponsors of emergency shelters, transitional housing programs and community care facilities shall be encouraged to establish outreach programs with their neighborhoods.

Responsibility: Planning Commission, Planning and Building Services
Schedule: Ongoing

Policy H-2.1.4: *Special Needs Housing.* The Town shall seek to meet the special housing needs of individuals with disabilities and developmental disabilities, extremely low-, very low- and low-incomes, large families, senior citizens, farmworkers and their families, female-headed households with children, and others with special needs.

Program H-2.1.4.1 Work with housing providers to ensure that special housing needs are addressed for seniors, large families, female-headed households, single-parent households with children, persons with disabilities and developmental disabilities, and homeless individuals and families. The Town will seek to meet these special housing needs through a combination of regulatory incentives, zoning standards, new housing construction programs, and supportive services programs. Program H-4.1.2.1 contains incentives the Town plans to implement. In addition, the Town may seek funding under the federal Housing Opportunities for Persons with AIDS, California Child Care Facilities Finance Program, and other state and federal programs designated specifically for special needs groups such as seniors, persons with disabilities, and persons at risk for homelessness.

Responsibility: Planning Commission, Planning and Building Services
Schedule: Ongoing

Program H-2.1.4.2: To comply with the State Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6), the Town will amend

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the Town Code to treat employee housing that serves six or fewer persons as a single family structure and permitted in the same manner as other single family structures of the same type in the same zone (Section 17021.5) in all zones allowing single-family residential uses. The Zoning Ordinance will also be amended to treat employee housing consisting of no more than 12 units or 36 beds as an agricultural use and permitted in the same manner as other agricultural uses in the same zone (Section 17021.6).

Responsibility: Planning Commission, Planning and Building Services
Schedule: 2014

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Policy H-2.1.5: *Group Homes.* A group home is a dwelling operated under State regulations that provides room and board for more than six individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. All group home facilities shall be regulated by the State of California. Additional requirements may be imposed by the applicable Building Code.

Program H-2.1.5.1: Expand Conditional Use categories for group homes, through the following approach:

- Group homes for more than six individuals shall be added as a Conditional Use to all residential zones.
- Conditional Use permits require a public hearing/approval by the Planning Commission.

Responsibility: Planning Commission, Planning and Building Services
Schedule: 2013

Policy H-2.1.6: *Amend the Zoning Code to Comply with SB 2.* Consistent with SB 2 (GC Sections 65582, 65583, and 65589.5), the Planning Commission will establish zoning designations for emergency shelters and transitional and supportive housing, and will define “emergency shelters,” “transitional housing,” and “supportive hous-

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ing” in the Zoning Ordinance. The Planning Commission will establish procedures to encourage and facilitate the creation of emergency shelters and transitional and supportive housing, and link this housing to programs of the department of Health and Human Services whenever possible.

Program H-2.1.6.1: *Identify, Rezone, and Provide Appropriate Standards for Homeless Shelters.* Amend the Town Code to allow the development of emergency shelters as a permanent, non-conditional use in the Central Commercial (CC) and Public Domain (PD) zones in the Town. There are nine sites available in the CC zone totaling 1.65 acres and three sites in the PD zone totaling 7.45 acres. These are the most centrally located areas of the Town that are close to transit and services. Likewise, they will be the least publically contentious areas to place emergency shelters. Amendments will also define reasonable development, parking and management standards [\(per \(Government Code Section 65583\(a\)\(4\)\).](#)

Responsibility: Planning Commission, Planning and Building Services
Schedule: Amend zoning within one year of Housing Element adoption.

Program H-2.1.6.2: *Revise the Town Code to Allow Transitional and Supportive Housing.* Add to the Town Code definitions of transitional housing and supportive housing as a residential use. Transitional and supportive housing will be allowed in the same way other residential uses are allowed in all residential zones. The Town will simplify existing practices ~~and~~ clarify the zoning code.

Responsibility: Planning Commission, Planning and Building Services
Schedule: Amend zoning within one year of Housing Element adoption.

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Program H-2.1.6.3: *Modify Residential Care Facility Zoning.* Town staff will prepare recommendations, for review and approval by the Planning Commission and the Town Council to modify the Zoning Ordinance to establish care facilities as a residential use as compared to a commercial use. Apply inclusionary requirements, if any, to all li-

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censed facilities. The Zoning Ordinance shall be amended to allow residential care facilities (group homes) for six persons or fewer by right in all residential districts. The Zoning Ordinance shall be amended to permit group residential uses in appropriate areas, in compliance with the General Plan, and with a review of the parking standards, as well as other applicable standards.

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Responsibility: Planning Commission, Planning and Building Services
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Program H-2.1.6.4: *Encourage Housing for Special Needs Groups.* Continue to work with lower-income housing providers and funders to construct or acquire a variety of types of lower-income housing opportunities for individuals and groups with special needs and extremely low income households. Specific housing types include:

- Smaller units, including single-room occupancy units (see Program H-2.1.6.5).
- Senior housing, including assisted living facilities.
- Larger units with three or more bedrooms for larger families.
- Units with special adaptations for people with disabilities; per California Title 24 standards.

Responsibility: Planning Commission, Planning and Building Services
Schedule: Ongoing

Program H-2.1.6.5: *Amend Zoning to Allow Single-Room Occupancy Units.* Permit single-room occupancy dwelling units without a Conditional Use Permit in the CC zone.

Responsibility: Planning Commission, Planning and Building Services
Schedule: 2013–2014

Program H-2.1.6.6: *Amend Zoning to Allow Mobile Homes and Mobile Home Parks.* Permit mobile homes (manufactured homes) on permanent foundations by right in all residential zones, subject to the same standards as single-family dwellings and permit mobile home parks in all residential zones with a Conditional Use Permit.

Responsibility: Planning Commission, Planning and Building Services
Schedule: 2013–2014

Program H-2.1.6.7: *Engage in a Countywide Effort to Address Homelessness-related Needs.* Support Countywide programs to provide a continuum of care for the homeless, including emergency shelter, transitional housing, supportive housing, and permanent housing.

Responsibility: Planning Commission, Planning and Building Services
Schedule: Ongoing

Program H-2.1.6.8: *Address Town Homeless Needs.* Continue to work on providing additional housing and other options for the homeless.

Responsibility: Planning Commission, Planning and Building Services
Schedule: Ongoing

Goal H-3: Create transit-oriented housing in the Town Center area that is less dependent on automobile travel and, thereby minimizing traffic impacts to the greatest extent possible while providing support for transit.

Objective H-3.1: Develop at least 53 units of lower-income housing within a convenient distance from transit access points, where reduced automobile usage and parking requirements are possible.

Policy H-3.1.1: *Transit-Oriented Development.* The Planning Commission and Town Council will appropriately rezone areas to promote a mix of land uses that are transit supportive and complement the historic nature of the Town – as articulated in the 2010 Land Use Element.

Program H-3.1.1.1: *Amend CH Zone.* Rezone all CH zones to CC zones, which will allow housing on second floors by right instead of requiring Conditional Use Permits.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Completed in 2012

Policy H-3.1.2: *Transit-Oriented Development Density Bonus.* The Planning Commission will establish land use arrangements and densities that facilitate energy-efficient public transit systems; and provide the following incentives for developments convenient to transit: (1) a density bonus, up to 25 percent above allowable, and (2) parking standards to be established on a case-by-case basis, depending upon the location and characteristics of the development. The following criteria shall be met for TOD:

- **The site is within 600 feet of a transit station and/or services (i.e., the Town Center and the Parkade).**
- **Potential impacts are mitigated.**
- **The development provides design character that is compatible with the surrounding neighborhood.**
- **The development allows for provision of transit improvements, or services, as appropriate and if feasible.**

Program H-3.1.2.1: *Identify and Designate Transit-Oriented Development Sites.* The Planning Commission will identify TOD sites. Such opportunity sites were designated during the update of the Town General Plan and included in the Land Use and Housing Elements; if necessary, the Zoning Ordinance will be revised to accommodate the TOD sites.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Completed in 2012

Goal H-4: Link housing and jobs in the community; include housing opportunities for Fairfax workers and public service employees.

Objective H-4.1: A closer link between housing and jobs; by creating housing close to where people work and by establishing commercial, office and other nonresidential use contributions for workforce housing.

Policy H-4.1.1: *Link Housing with Jobs.* The Planning Commission and Town Council will revise the Zoning Ordinance to provide new housing opportunities at sites identified in the 2010 Housing Element.

Program H-4.1.1.1: Rezone School Street Plaza from CL to PDD thereby making it possible to accommodate at least nine units of housing.

Responsibility: Planning Commission, Planning and Building Services
Schedule: Completed in 2012

Program H-4.1.1.2: *Revise the Town's Zoning Ordinance.* Town staff will review, and if necessary, prepare Zoning Ordinance amendments, for consideration and action by the Planning Commission and the Town Council to facilitate and incentivize creation of lower-income housing especially on mixed-use and infill sites. Amendments will include:

- A zoning designation allowing Live/Work residential units in the CC zoned areas.
- Opportunities for infill housing.
- Waiving penalties for legalizing existing second units by bringing them up to code.
- Trading second unit use permit approval for contract to maintain such units for low-income residents for a specific amount of time.

- Create an Inclusionary Zoning Ordinance applying a fee to new development including single family residences and 50 percent remodels to create an affordable housing fund.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Some amendments completed and some ongoing. All amendments will be completed by the end of the planning period.

Program H-4.1.1.3: *Acceptance of Live/Work Developments.* Town staff will prepare, for consideration and approval by the Planning Commission and the Town Council, flexible standards that provide opportunities for live/work developments, where housing can be provided for workers on-site and/or caretaker - or other types of housing can be provided.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Completed

Program H-4.1.1.4: *Facilitate Development at Key Housing Opportunity Sites.* Town staff will prepare revisions to the Zoning Ordinance, for review and possible approval by the Planning Commission and the Town Council, to facilitate the provision of lower-income housing to make best efforts to meet the Town's "fair share" of the regional housing need for lower income households. Facilitate the development of lower-income housing by using potential non-municipal funding sources to assist in any other on- and off-site mitigation that may be required.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Initiated and ongoing

Program H-4.1.1.5: *Review and Update Parking Standards.* Town staff will review and consider updating parking standards, for review and possible approval by the Planning Commission to allow for more flexible parking requirements to help facilitate infill, transit-oriented, and mixed-use development. The Town will review and consider re-

ducing the parking space requirements for one-bedroom units. Recommendations will be made based on the review and action taken on the recommendations.

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Responsibility: Planning Commission, Planning and Building Services

Schedule: 2014

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Program H-4.1.1.6

Amend the Planned Development District (PDD) Zone Standards. Amend Chapter 17.112 of the Fairfax Town Code to:

- Reduce the minimum acreage for a PDD from five acres to one acre.
- Specify that PDD-zoned sites shall be reserved for residential development only at a minimum of 20 units per acre.
- This change may also require revisions to other sections of Chapter 17.112 including the purpose and residential density policy sections.

Responsibility: Planning Commission, Planning and Building Services

Schedule: By January 31, 2015 (end of the 2006–2014 ABAG Planning Period)

Program H-4.1.1.7

Land Monitoring Program to Meet the RHNA. The Town will implement a land monitoring program to ensure that the Town has enough land to meet its RHNA, through out the planning period. The Town has identified sites to meet their current and previous planning period lower-income RHNA numbers and the PDD Zone district standards will be amended to require a minimum of 20 dwelling units per acre. This program will ensure that the proposed sites are rezoned to appropriate minimum densities and identify additional sites to be rezoned if any of the proposed sites cannot be rezoned.

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All rezoned sites will permit owner-occupied and rental multi-family developments by right and will not require a conditional use permit or any other discretionary review. All sites will accommo-

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date a minimum of 20 units per acre and at least 16 units per site, per state law requirements. In addition, the City will ensure that at least 50% of its lower- income RHNA shortfall is accommodated on sites designated for exclusively residential uses.

Responsibility: Planning and Building Services
Schedule: 2014 and ongoing

Policy H-4.1.2: Density Bonuses and Other Incentives for Lower-income Housing Developments. Support and expand the use of density bonuses, and other incentives, to help achieve housing goals while ensuring that potential impacts are considered and mitigated. Provide the following incentive options for developments containing a significant percentage of extremely low-, very low- or low-income units on-site:

- ***State Bonus Law.*** Offer density bonuses consistent with the State Density Bonus Law (GC Section 65915, et. seq.).
- ***Parking.*** Sites within 962.5 feet (300 meters) of a transit stop may be permitted a reduction in parking required by current code, and tandem parking or off-site parking alternatives will also be considered.
- ***Relationship of Density to Floor Area and Lot Coverage.*** Provide flexibility in applying development standards (e.g., parking, floor area and setback), subject to the type of housing, size, and unit mix, location and overall design. Additional density, beyond the maximum permitted, may be appropriate where units are significantly smaller and would have less impact than the market norm. For example, if the norm is 1,200 square feet of overall space for a two-bedroom unit, two units, 600 square feet each, may be permitted.
- ***Reduced Fees.*** Waive or reduce fees on a sliding scale related to the levels of affordability, such as a rebate of all planning and building fees for lower-income units based on the proportion of such units in the project.
- ***Coordination with Other Agencies.*** Coordinate with service providers and other agencies, as necessary, to create opportunities for the development to be built.
- ***Use of Housing Trusts.*** Use housing trust funds, as appropriate, to achieve greater affordability.

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Services
Schedule: 2013¶

Program H-4.1.2.1: *Enact Density Bonus Zoning and Other Incentives.* Town staff will prepare amendments to the Zoning Ordinance, for review and approval by the Planning Commission and Town Council, to encourage an increase in the supply of well-designed housing for extremely low-, very low-, low-, and moderate-income households. The amendments will include adoption of a density bonus ordinance consistent with the State Density Bonus Law (GC Section 65915, et. seq.). In addition, staff and decision-makers will evaluate the following:

- Implementation of additional elements of a density bonus program (above and beyond those required by GC Section 65915, et. seq.), including establishing simplified density bonus provisions, such as offering two bonus units for each unit affordable to low income (ownership) or extremely or very low income (rental),
- Inclusion of financially equivalent incentives, such as use of trust fund resources, expedited processing by Planning and Building Services, and waived or reduced fees to the extent possible for lower-income housing,
- Updates to fee schedules to reduce and/or defer fees, to the extent possible, for lower-income housing.
- Establishment of streamlined processing procedures and other mechanisms to fit with funding requirements and to facilitate desirable lower-income projects that have a significant portion of their total floor area committed to housing.

Responsibility: Planning Commission, Planning and Building Services
Schedule: 2013

Goal H-5: Sustainable Affordable Housing. Well-designed, energy-efficient housing, affordable to and appropriate for a diverse population at compatible scales and in the appropriate (transit-supported) locations.

Objective H-5.1: Well-designed, energy-efficient housing units for a diverse population at compatible scales and in the appropriate (transit supportive) locations.

Policy H-5.1.1: *Resource Conservation and Renewable Energy Technologies.* The Planning Commission will promote development and construction standards that provide resource conservation by encouraging housing types and designs that use cost-effective energy conservation measures and fewer resources (water, electricity) and, therefore, cost less to operate over time, supporting long-term housing affordability.

Program H-5.1.1.1: *Prepare Recommendations and Guidelines.* The Planning Commission will prepare informational materials, to be distributed to developers, architects and builders, listing and describing development and construction standards for energy conservation via the adoption of a Green Building Ordinance (see 2010 Conservation Element).

Responsibility: Planning Commission, Planning and Building Services
Schedule: 2013–2014 for adoption of green building ordinance and ongoing

Policy H-5.1.2: *Innovative and “Non-Traditional” and “Traditional” Forms of Housing.* Provide opportunities and facilitate innovative approaches in financing, design, construction and types of housing to increase the supply of low and moderate-income housing. Examples include: co-housing, eco-housing, “traditional” forms of housing like “Yurts,” and other “non-traditional” forms of housing; manufactured housing; new construction or rehabilitation with self-help, or “sweat equity”; and for first time, very-low to moderate income homeowners; and cooperatives or joint ventures between public/private sectors, home owners, and/or non-profit groups in the provision of lower-income housing.

Program H-5.1.2.1: *Create Home-Sharing and Tenant Matching Opportunities.* The Planning Commission will work with non-profit groups to implement a homesharing/matching program for single-family dwelling owners with excess space and potential renters as a means of efficiently using existing housing stock. This effort will include:

- Analyzing the need for single parent shared housing to determine whether there are constraints that could be removed without adversely affecting single-family neighborhoods,
- Identifying potential owners, such as seniors who prefer to remain in their homes, or new buyers who could afford single-family homes with extra income potential,
- Identifying potential renters, such as tenants that do not have vehicles matched at locations that have limited parking facilities, and
- Revising the Zoning Ordinance to encourage “shared housing” by allowing a small meal preparation area in addition to a kitchen, particularly in large, underutilized dwelling units that are occupied by only one or two people.

Responsibility: Planning Commission, Planning and Building Services

Schedule: ~~2014~~

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Goal H-6: Create additional opportunities for the development of second units.

Objective H-6.1: Well-designed, legal second units in all residential neighborhoods; applying reasonable parking and street capacity standards.

Policy H-6.1.1: Continue the Second Unit Amnesty Ordinance. The Town Council will extend the Second Unit Amnesty Program on a year-by-year basis; without the fire suppression system (i.e., sprinklers) requirement until at least 27 “informal” second units are brought into compliance.

Program H-6.1.1.1: Reopen the Second Unit Amnesty Program and revise the ordinance without the requirement of fire suppression sprinkler systems, thereby “incentivizing” formalization of second units.

Responsibility: Town Council, Planning Commission, Planning and Building Services
Schedule: 2013–2014. Anticipated to continue during 5th cycle planning period.

Policy H-6.1.2: *New Second Unit Approach.* Permit construction of well-designed second units in both new and existing residential neighborhoods, consistent with parking and street capacity standards.

Program H-6.1.2.1: *Modify Second Unit Development Standards and Permit Process.*
Modify and update the second unit development requirements to:

- Establish second units as a permitted use by right when the single-family lot, primary structure, and second unit meet all the established zoning and building development and density standards, when adequate traffic safety and parking are available. Attached second units approved by right should be limited in size to a maximum of 700 square feet in floor area.
- To the extent that State law prohibits discretionary review, the Town shall create guidelines and standards for applications for second units, to be reviewed at the ministerial level. Such guidelines and standards shall be consistent with AB 1866, amending GC Sections 65852.2, 65583.1, and 65915.
- Establish procedures for second unit applications that require review for second units that meet performance standards and design guidelines at a low cost, and allow processing of the application at the staff level with appropriate public notice.
- Reduce per unit fees in recognition of the small size and low impacts of second units.

- Enact an ordinance that provides for the creation of second units related to single-family residences. The ordinance, as specified by Section 65852.2 of the GC, shall do any of the following:
 - Impose standards on second units that include, but are not limited to, parking, height, setbacks, lot coverage, architectural review, maximum unit size, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.
 - Provide that second units do not exceed the allowable density for the lot upon which the second unit is located, and that the second units are a residential use that is consistent with the Town's General Plan and zoning designation for the lot.
- Provide for the granting of a variance or special use permit for the creation of second units if said unit complies with all of the following:
 - A. The second unit is not intended for sale and may be rented.
 - B. The lot is zoned for single-family or multi-family use.
 - C. The lot contains an existing single-family or multi-family dwelling.
 - D. The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
 - E. The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.
 - F. The total area of floor space for a detached second unit shall not exceed 700 square feet.

- G. Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.
- H. Local building code requirements that apply to detached dwellings, as appropriate.
- I. The owner of the property with a second unit must live in one of the units.

Responsibility: Planning Commission, Planning and Building Services
Schedule: 2013–2014

Program H-6.1.2.2: *Allow Second Units in New Development.* Allow some second units and/or duplexes as part of new single-family subdivision development where four or more new units are proposed.

Responsibility: Planning and Building Services
Schedule: Ongoing

Program H-6.1.2.3: *Second Unit Affordability.* When local funding is used to assist in the construction of a second unit, require use agreements as a condition of approval to ensure that second unit rents are affordable to lower income households.

Responsibility: Planning Commission, Planning and Building Services
Schedule: Ongoing

Program H-6.1.2.4: *Second Unit Incentives.* The Town will create guidelines and incentives to ensure affordability of second units.

Responsibility: Planning Commission, Planning and Building Services
Schedule: 2013 and ongoing

Program H-6.1.2.5: *In-Lieu Fee/Second Dwelling Unit Program.* Fairfax will establish an affordable housing in-lieu fee. This fee will be imposed on all new homes, and major remodels and additions that result in a structure that exceeds over 2,000 square feet. The fee has a base rate of up to \$10,000 for new homes. In addition, a fee shall be imposed at the rate of \$1,000 per 100 square feet for each 100 square feet of floor area over 2,000 square feet. For houses with a square footage greater than 2,500 square feet, the fee shall increase to \$1,500 for each 100 square feet over 2,500 square feet. The affordable housing in-lieu fees shall be deposited in a housing trust fund or other similar repository.

The affordable housing in-lieu fee shall be used to create lower-income housing units within the Town of Fairfax, in order to meet the Town's lower-income housing needs as determined by the State and ABAG.

Property owners shall have the option of creating a new second unit on the site, as an alternative to paying the in-lieu fee. The site must be suitable for creating a second unit and comply with applicable zoning regulations. Additionally, the property must be deed restricted so that the second unit shall be rented only to low- or moderate-income households.

Responsibility: Planning Commission, Planning and Building Services
Schedule: 2013–2014

Program H-6.1.2.6: *Projects Implemented with Affordable In-Lieu Fee Funds.* The Town will explore the following possible projects in order to create lower-income housing.

1. Work with Habitat for Humanity (or by a like kind "entity" or organization) to build 10–20 units of lower-income housing in cottages in groups of two to six dwellings. These cottages will be deed restricted and sold to those with 30 percent to 50 percent of median income. The homes will be built by Fairfax volunteers. The Town will assist in facilitating the purchase of

the land and work with Habitat for Humanity to help “entitle” and build.

2. Town will consider buying-down the cost of units to make them affordable to lower-income households. A lottery system may be put in place to assist people in buying the lower-income homes.
3. The Town will consider purchasing single family dwelling and converting them into a duplex. The duplex will be rented out as affordable living units and permanently deed restricted.

Responsibility: Planning Commission, Planning and Building Services

Schedule: Ongoing

Goal H-7: Create efficient procedures for monitoring housing need achievements.

Objective H-7.1: Establish standardized methods for the effective and efficient management of housing data among jurisdictions in Marin.

Policy H-7.1.1: *Housing Data Standards.* The Planning Commission will establish methods to enable the effective and efficient management of housing data relevant to Fairfax.

Program H-7.1.1.1: *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)).

Responsibility: Planning Commission, Planning and Building Services

Schedule: Annually in April; April 2014.

Program H-7.1.1.2: *Update the Housing Element.* The Planning Commission will update the Housing Element, as required by State law.

Responsibility: Planning Commission, Planning and Building Services

Schedule: 2013-2014

TABLE H-14 QUANTIFIED OBJECTIVES BY INCOME GROUP

	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
New Construction	0	3	62	21	62	148
Residential Care Facility Housing	0	20	0	0	0	20
Homeless Assistance	14	0	0	0	0	14
Second Units	0	0	3	0	0	3
Total Qualified Objectives	14	23	65	21	62	185

