



TOWN OF FAIRFAX

STAFF REPORT

July 16, 2014

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Discuss/consider report on the Community Forum regarding the General Plan and Housing Element held on Saturday, July 12th from 1:00pm to 3:00pm in the Women's Club

RECOMMENDATION

Discuss/consider the report on the discussion at the July 12th Community Forum and direct staff to proceed with recommended actions.

DISCUSSION

The Council conducted its Forum on the General Plan on Saturday July 12th. The purpose of the Forum was to provide the community a better opportunity to learn more about the General Plan (GP) and Housing Element (HE); Ordinance No. 778, which rezoned specific properties in accordance with GP and HE policies; and strategies for addressing the issues and concerns raised regarding the impacts of Ordinance No. 778.

Staff estimates that approximately 200 people attended the standing room only event. Over 30 people spoke during the question/answer and comment period. At the meeting, staff presented proposed zoning and general plan amendments to be undertaken to address concerns raised regarding Ordinance No. 778. Attached is a list of the proposed actions. It should be noted that the proposed actions are based on the repeal of Ordinance No. 778. Should it not be repealed, staff would make adjustments as necessary which would probably include additional rezoning actions. For example, the Town would need to rezone the Jehovah Witness property from Planned Development District (PDD) to Upland Residential (UR-7) in addition to amending the General Plan to remove the land use designation of PDD.

Attached is a summary of the notes taken on the flip chart during the Forum. We also attached one handout distributed at the Forum which summarizes the comments made from all the public hearings and meetings regarding Ordinance No. 778. All the Forum handouts and a pdf of the PowerPoint presentation are now available on the Town website. The PowerPoint presentation contains pictures of all the display boards discussed at the Forum. The video of the meeting will be available shortly on the Town website.

FISCAL IMPACT

Not applicable

ATTACHMENTS: Summary of Speaker Comments, What We Heard list, Proposed Actions

SUPPLEMENT TO
AGENDA ITEM # 8

**Fairfax Town Council
July 12, 2014 Special Meeting
General Plan Forum**

**Summary of Speaker Comments
Recorded on Flip Chart at the Forum**

- Transportation and density along Sir Francis Drake Boulevard: it is possible to live without cars. Bus schedule, senior pass, bicycle.
- Thanks Frank Egger for the errata. Believes the ordinance is illegal. Supports the Referendum and repeal of Ordinance 778. Water, parking, infrastructure, etc. is missing.
- Opportunity to be positive. Concerned our children can't afford to live here. Not artists. People, nature, culture. Supports the Housing Element, and adjusting it.
- No guarantee of "affordable". Traffic thing is huge. Infrastructure along Sir Francis Drake Boulevard can't handle growth.
- What can artists/musicians afford? How many people have read Ordinance 778, besides Frank Egger? Affordable housing good. Go over project by project.
- Environmental Impact report done? A: Mitigated Negative Declaration – April 2012 (see Town website). Will builder be required to do EIR? A: *not on these 124 units*. Can the units be restricted to Fairfax residents? A: *Probably not. (Fair Housing issue.)*
- What happens if we do NOT meet ABAG numbers? A: *No penalty if not built. Required to zone for it*. PDD zone parking clarification? A: *No parking requirements – determined project by project*. 10 Olema "workforce housing" – or market rate? A: *Yet to be determined*. Request for better copies online.
- ABAG has no authority to make us do anything. Concern re environmental impact of numbers given to us.
- Referendum reflects Fairfax people not wanting this plan. Does not believe parking accommodations. No extra transit until built.
- Grown kids cannot afford it here. Extend a hand to people. Concern rescinding Ordinance puts Town at risk of legal action. Plan long time in the making. What is the path forward if rescind? More housing workshops.
- Speaker is a senior in need of affordable housing. Rent raised too high after 8 years. Proposed housing at Church site won't be affordable to her. Concern with

pollution that comes with development. Sir Francis Drake Boulevard has a lot of pollution – disease. Wants rent control.

- No need to amend Plan just because it's from the '70's (e.g., Constitution). Affordable Housing is an issue but Ordinance 778 does not address it. Too much in ordinance – take it one step at a time.
- Supports any and all additional units to be affordable for seniors. Without referendum, would not be making these changes. Glad. Supports rescinding 778.
- Cascade Canyon School Board Chair: concern school building is in zone being targeted for Church project. School would like to be included in conversations. Will Church application detail plans etc.? *A: Did site capacity studies which included school. Communication breakdown. Church is landlord.*
- Feels this is a disaster. Who is going to profit? Concern with who will build? Can Sir Francis Drake Boulevard accommodate additional traffic? Do we need this?
- How affordable is the housing? In theory it's great. How much will these houses sell for? *A: Units are not for sale. A lot more cars and people (more than actual # of units). Is \$300,000 a big motivator here? Not worth it. Doesn't think State watches. A: During application process Town can entertain restrictions. 30 to 50% of household median income (\$103,000 for a family of 4) is considered affordable. For a one-person household earning up to \$24,000 gross (extremely low income household), affordable rent and utilities would be 30% of gross income, which is \$550/month*
- Church Council member: RCD (developer) does have a track record in affordable housing. Have agreement to have the affordability remain.
- Concern with low density and housing advocates pitted against each other. The point is the Plan – Housing Element describes affordability. Repeal 778 and go forward a step at a time.
- Marin Housing Authority runs low-income housing very effectively and we can do it. Rent control is not the answer. Section 8 is not being used by our landlords.
- Traffic concern: it is out of control on Sir Francis Drake Boulevard. Would like enforcement of speed limits. *A: \$180,000 committed by County to study traffic etc. Report is due Sept. 2015. Will include transit options.*
- Heart of Fairfax – all of us are one. We're all insane in sanity.
- All of our money, cars, time – we're all too damn grown up. How many of us drove here today? Rip up roads and plant gardens. Protecting our own interests and not the planet's.

- Concern with water. Priority is water affordability.
- Silver tsunami – seniors with no Section 8 and on housing waitlist. Affordable housing should be \$330/month.
- Supports having this conversation. Concern with process not being proper. Does not support Ordinance 778. Concern with traffic impact.
- Believes units are not going to be for current Fairfax residents. Does not believe will be affordable.
- Water concern. Ingress/egress from Town – figure out before building.
- Opportunity and challenge to learn about this. Process is about making Housing Element and General Plan conform – even Fairfax is not above the law. Community mission: people, nature, culture. Let's solve the problem.
- Does not support disparaging remarks. No conspiracy. Believes there will be growth even without rezoning. Trying to direct the growth sustainably.
- Have a smaller human footprint. Why does State tell us how big to be? Density is killing us. Silver tsunami – we're making room for the next generation soon!
- Likes this process. Supports being in compliance. General Plan is a living document. CEQA was done. There is a site plan. Supports General Plan and Housing Element, and Church project.
- Supports General Plan and Housing Element. There is no house or plan yet. This is GP document re land. Planning process includes a time for addressing concerns re affordability etc.
- Supports truly affordable housing but concern Ordinance 778 won't meet needs. Supports repeal and project by project rezone including some proposals heard today. Concern with impact of County zoning.

What We Heard

Below is a list of all public comments from every public hearing on the adoption of Ordinance No. 778 since the March 5, 2014 Town Council meeting up to the July 2, 2014 Town Council meeting.

- Fairfax is a great, giving community
- We will need more than one community meeting
- Rents have gone up
- The character of the Town is deteriorating
- The cost of living is increasing
- 60% of the people who work in Marin commute to work
- Diversity is needed
- Can't ignore 1000 people signing the petition
- Fix it before passing the ordinance
- What is affordable housing in Marin?
- Sir Francis Drake is a residential street
- There are multiple cars per household
- The housing won't be affordable unless it is cheap
- A lawsuit is not the way to resolve the issue
- The proposed zoning protects the church
- Housing is a regional issue
- Stick to the facts
- We need reasonable housing
- People need a fair chance for housing
- 90% of the people who work in Fairfax don't live in Fairfax
- We can't pick and choose state laws
- Consider fair housing opportunities
- Don't create impediment to affordable housing
- Broaden housing opportunities
- Avoid taking extreme positions
- Recognize each other's mistakes
- The housing market is expensive in the U.S.
- Diversity is being pushed out
- We must support the General Plan
- The Fairfax public process is a model for the state
- Taking the Housing Element apart is not being responsible
- The Housing Element does create houses
- Concerned about traffic
- The Planning staff was very thorough
- This process is divisive
- I'm concerned about the legacy that we are leaving
- The Green Party promotes housing
- Slow down for public input
- No wholesale rezoning
- Rezoning multiple parcels is a new way of doing business
- Low income in Marin is \$90,500
- We are not required to have the same density as San Francisco
- Christ Lutheran Church has been a good neighbor
- We have a moral obligation to house the elderly, sick, disabled and homeless
- The potential legal risks need to be weighed
- The Housing Element will do great things for Fairfax
- A one-year moratorium will hamper the church project
- The church site has a plan
- The General Plan is an amazing document, the envy of other communities in the County
- There is a difference between what is zoned and what is built
- The Municipal Code controls the process and sets the ground rules
- It takes three years to process a project
- Allow the General Plan to treat projects on a case by case basis
- There is a two-year time limit to put funds under contract
- The Cascade Canyon School was not provided enough information
- How will the School operate during construction?
- The School is open to dialog, needs strong assurances
- The ordinance follows the policies of the General Plan, there is no reason to repeal it
- Slow down, have the workshop
- I am concerned about NIMBYism
- Support the Planning Commission recommendation

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- The referendum does not prohibit the Church's application
 - Let each project stand on its own merits
 - 778 has flaws
 - Lay out a plan to replace 778
 - 778 born out of the Chevron application
 - 10 Olema Road has a lot of potential
 - We can thumb our noses at the state if we want to, we can do it our way
 - Pull the team back together
 - The poorest people need affordable housing
 - No housing should be built near bus routes
 - We need a balanced transportation system
 - No housing gets built for extremely low income people
 - Upzoning changes the quality of life
 - Where will people shop
 - What is "Workforce Housing"?
 - Don't use the charrette approach
 - What does affordable mean?
 - Let's have a real discussion
 - We can't start fresh when we already have something in place
 - Fairfax is not in compliance with the state regulations
 - Who gets to move into housing?
 - There is a lack of trust
 - How will you guarantee housing will be affordable?
 - Nobody can make a profit from affordable housing
 - Ordinance 778 is the best thing for the Town
 - Where will the seniors shop?
 - Not everyone is against development
 - Not everyone does or will drive
 - The need for affordable housing is paramount
 - Do we want to urbanize Fairfax?
 - 74 units across from Drake High is misinformation
 - The Planning Commission's action will affect the funding for the Church project
 - Rezoning affects the Church project's timeline
 - We shouldn't worry about ABAG funding
 - I support affordable housing, just not in Fairfax
 - The process is the most important thing
 - Fairfax is not an island
 - Hold on to the spirit of Fairfax
 - Clear the air and start over
 - Is Fairfax for sale?
 - The debate should take into consideration the surrounding communities
 - People that signed the petition didn't know what they signed
 - A lot of people don't understand the General Plan
 - The development potential totals 335 units
 - We need to live in the 21st century
 - Fairfax is the most affordable town in Marin
 - Can other parcels ask to be rezoned to PDD?
 - What about the three parcels that are already zoned PDD?
 - Who gets the density bonus?
 - Who gets second units by right?
 - HCD will push up the height limit
 - Fairfax has a Redevelopment Agency
 - People don't know about parking issues
 - We are in gridlock several times a day
 - Are there requirements for sewer lines?
 - Is there enough water?
 - There is a lack of an emergency evacuation plan
 - ABAG will come back to us
 - General Plans have not resulted in affordable housing
 - You can't force people to participate
 - Not a last minute plan
 - We did it ourselves
 - We were not motivated out of fear of losing money
 - 20 units per acre is pretty dense
 - Affordable housing is need everywhere
 - The Town has never had a legal General Plan
 - Fairfax is not a PDA

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- How many affordable housing units are there in Fairfax?
 - If we could allow for more people who work in Town to live in Town, we could reduce vehicle trips
 - Seniors and young adults can't afford to live here
 - Seniors are less likely to have cars
 - People in apartments don't have enough parking
 - Affordable housing is a fraud
 - We should rehab existing buildings
 - What are the pros and cons of staying with ABAG?
 - I regret signing the petition
 - The petition to put the ordinance on the ballot is illegal
 - The Wall property was rezoned
 - The density of the Wall property is determined by the General Plan
 - We should reopen the General Plan to correct the zoning of the Wall property
 - 230 parcels were rezoned
 - Not having parking doesn't mean having less cars
 - Rezoning units doesn't mean that they will be built
 - We don't feel that we are being represented
 - There was no EIR
 - Nothing in the General Plan guarantees low cost housing
 - All properties went up in density
 - No fossil fuel-based development
 - We need sustainable development
 - People think that we are going to get a building like Corte Madera
 - We don't want the state to dictate
 - Open more units to make housing affordable in Fairfax
 - No way teachers or policemen can live in Fairfax
 - It is about the character of Fairfax
 - The church conducted interviews and found that senior housing was needed
 - A diverse community is far more interesting
 - The CC zone is identical to what is now downtown
 - Fairfax is the spiritual leader of Marin's environmental movement
 - Rezoning Fairfax to be more like the best of Fairfax should stay in place
 - We don't have functioning transportation
 - We need to be protective of our people
 - We should not get lost in misinformation
 - Fairfax is a hard place to build houses
 - The character of Fairfax is already changing
 - The last thing seniors give up is their cars
 - What happens if the Town pushes back against ABAG and the state?
 - What makes housing truly affordable?
 - Planning is a process
 - Get as many people involved as possible
 - Don't use facilitator
 - Find ways to draw in other people
 - Look within Fairfax for facilitator
 - I support some increased housing in downtown and periphery
 - How will housing in downtown affect downtown culture?
 - Do people want to live above bars?
 - Property owners stepped forward
 - Projects will be subject to democratic process
 - The Town has had to change since 1931
 - We are doing it our way
 - Have a map at the forum
 - Approving isn't guaranteeing
 - We need a place for young people and seniors
 - Wall property re zone was no accident
 - The Jehovah Witness parcel was unannounced
 - There is no affordable housing here
 - No Section 8 is available
 - I wish you had rent control
 - Renters don't have rights
 - No housing on toxic waste sites
 - Elder housing should be rent controlled
 - Our water is totally maxed out

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- ABAG won't pay for water
 - Redo existing buildings
 - Bring the Housing Element into the 21st Century
 - The referendum is holding up the Church project
 - Say no to propagandists
 - There was no re zoning for the Wall property or Sky Ranch
 - it's not about low income housing
 - Developers won't do low income housing
 - Do not rescind 778 until after forum
 - Preserve the General Plan
 - A little bit denser is a good thing
 - There is unsolicited support for Peace Village
 - Talk to other Councils
 - There is no assurance that Fairfax people will be housed
 - Housing gets bid-up
 - Where did up-zoning come from?
 - Consider child care options for people who want to speak
 - We might need to use a language other than English.
 - We don't have to state address.
 - Time limit needed for speakers to allow working parents to participate.
 - There are a lot of ways to develop affordable housing and to fund it.
 - We can affiliate with outside groups.
 - Keep the tone of debate down.
 - Explain the details in plain English.
 - We have an excellent General Plan.
 - Repealing the ordinance necessary.
 - Repeal 778 because it is confusing.
 - Don't let misinformation stop you.
 - Strongly in favor of changing CH to CC.
 - What areas are designated PDD?
 - School Street might not be developed in 50 years.
 - No co-housing in this community.
 - If the Housing Element is not approved, will we lose funding?
 - Repealing 778 leaves us nowhere.
 - We need to create a new transit system in Town.
 - Not a parking problem, but a use problem.
 - Cut the wheat from the chaff.
 - Look at second units.
 - Planning is very important.
 - Need specific details from those that oppose.
 - What will replace the ordinance?
 - We should comply with state law.
 - Not as great a gap as people portray.
 - Take PDDs one at a time.
 - 1000 signatures need to be restricted.
 - Every community subject to bribe.
 - Marin is an expensive community to build in.
 - Where are the jobs?
 - Who are the stakeholders?
 - Density planned for areas with most traffic.
 - More community education needed.
 - Show where the numbers are coming from.
 - The need for senior housing is urgent.
 - Wish we had more jobs in Town.
 - Radical economic changes are happening.
 - Legal opinions need to be put in writing.
 - The word "affordable" is becoming a spin word.
 - The Council could vote to raise the height limit.
 - No one is addressing living wages.
 - Need to re establish formula store zoning.
 - What is this about?
 - Either goes on the ballot or repeal 778.
 - Will there be a one-year hold?

PROPOSED ACTIONS

Proposed Zoning and/or General Plan revisions	Actions To be Taken (based on repeal of Ordinance No. 778)
Only rezone 2 acres of the Lutheran Church site to Planned Development District (PDD) with recommended zoning language for 100% Affordable Senior project	The non-profit developer, RCD, will be encouraged to submit a tentative parcel map application detailing the location of the new 2 acre site and an application to rezone the 2 acres to PDD along with a specific site plan, recommended zoning text changes to provide for 100% affordable senior project
Amend General Plan to keep the existing zoning of UR-7 (Upland Residential- .14 units/acre) for the "remainder" 18 acres of the Lutheran Church property	Staff would process the General Plan amendment along with the application submitted for Senior Housing project because we need to know the precise location of the 2 acre parcel
Amend General Plan to keep entire Jehovah Witness property zoned as UR-7	Staff will bring the amendment to the Planning Commission for consideration in August 2014
Include any zoning language changes with the corresponding changes in the zoning map.	Depends on the action, but for example the rezoning of the publicly owned properties to Public Domain (PD) will need to add zoning text language since the zone does not currently exist.
Amend General Plan to reflect all the errata corrections (e.g., UR-10 is .10 units/acre as opposed to .25 units/acre as shown in the HE tables) already identified as well as any other typos, errors or omissions found in the General Plan	Staff will bring the amendments, as described at the General Plan Forum on July 12 th , to the Planning Commission for consideration in August 2014
Schedule special Council workshop/forum to discuss the proposed PDD zoning for 10 Olema Road and School Street Plaza sites with a focus on key issues related to affordability, parking, and unit type.	Council may want to schedule this workshop/forum for late August or early September; staff would return to the Council with policy recommendations based on the Forum discussion
Rezone School Street Plaza from Light Commercial (CL) to Central Commercial (CC) and the balance of the site to PDD; amend the General Plan to allow for CC zoning on the site	Depends on the workshop/forum discussions as to whether the CC designation would apply to all or approximately half of the site.
Schedule special Council workshop/forum to discuss the conversion of Highway Commercial (CH) parcels to Central Commercial (CC) to allow second floor residential units in the town center with particular emphasis on policy issues regarding affordability and parking.	Council may want to schedule this workshop/forum for January/February 2015
Rezone publicly owned properties to public domain	Staff will bring the amendment to the Planning Commission for consideration by the end of 2014