

TABLE H-7 - TYPICAL PROCESSING PROCEDURES BY PROJECT TYPE

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

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

Local Permit Fees

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

TABLE H-8 PERMIT PROCESSING FEES

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

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

Source: Town of Fairfax, 2012.

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TABLE H-9 FAIRFAX DEVELOPMENT IMPACT FEES

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

Source: Town of Fairfax, 2012.

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

TABLE H-10 TYPICAL PERMIT AND IMPACT FEES

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

Source: Town of Fairfax, 2013.

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Regulatory Measures Analysis

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

Land Use Controls

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

Program/Action	Achievements/Effectiveness	Continue/Modify/ Delete
<p>Goal 12: Create an Efficient Procedure for Monitoring Housing Needs Achievements</p> <p><i>Purpose: To establish standardized methods for the effective and efficient management of housing data among jurisdictions in Marin.</i></p> <p>Housing Policies</p> <p>H 12.1: Housing Data Standards.</p> <p>The Planning Commission will establish methods to enable the effective and efficient management of housing data relevant to Fairfax.</p>		
<p>H 12.A: Conduct an Annual Housing Element Review.</p> <p>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.</p> <p>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>

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

Site Name	APN	Acre- age	Zon- ing	GP Land Use	Allowed Density	Proposed Capacity	Current Use
Vacant Sites							
001-150-12		68.05	UR-10	UR-10	.25 .10 du/acre	6 above moderate units	Vacant
001-160-09		18.45	UR-10	UR-10	.25 .10 du/acre	2 above moderate units	Vacant
001-251-31		11.5	UR-10	UR-10	.25 .10 du/acre	1 above moderate unit	Vacant
002-071-01		09 .04	UR-7	UR-7	.25 .14 du/acre	1 above moderate unit	Vacant
002-181-03		4.78	UR-10	UR-10	.25 .10 du/acre	1 above moderate unit	Vacant
002-181-04		4.58	UR-10	UR-10	.25 .10 du/acre	1 above moderate unit	Vacant
002-181-12		11.21	UR-10	UR-10	.25 .10 du/acre	1 above moderate unit	Vacant
002-181-20		6.79	UR-10	UR-10	.10 .25 du/acre	1 above moderate unit	Vacant
002-181-21		11	UR-10	UR-10	.25 .10 du/acre	1 above moderate unit	Vacant
002-181-22		.74	UR-10	UR-10	.25 .10 du/acre	1 above moderate unit	Vacant
174-290-01		2.11	RS-6	Residen- tial 1-6 du/acre	1-6 du/acre	1 above moderate unit	Vacant

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

Source: Town of Fairfax, 2013

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

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

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

TABLE H-13 PROGRESS TOWARD MEETING 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

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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.

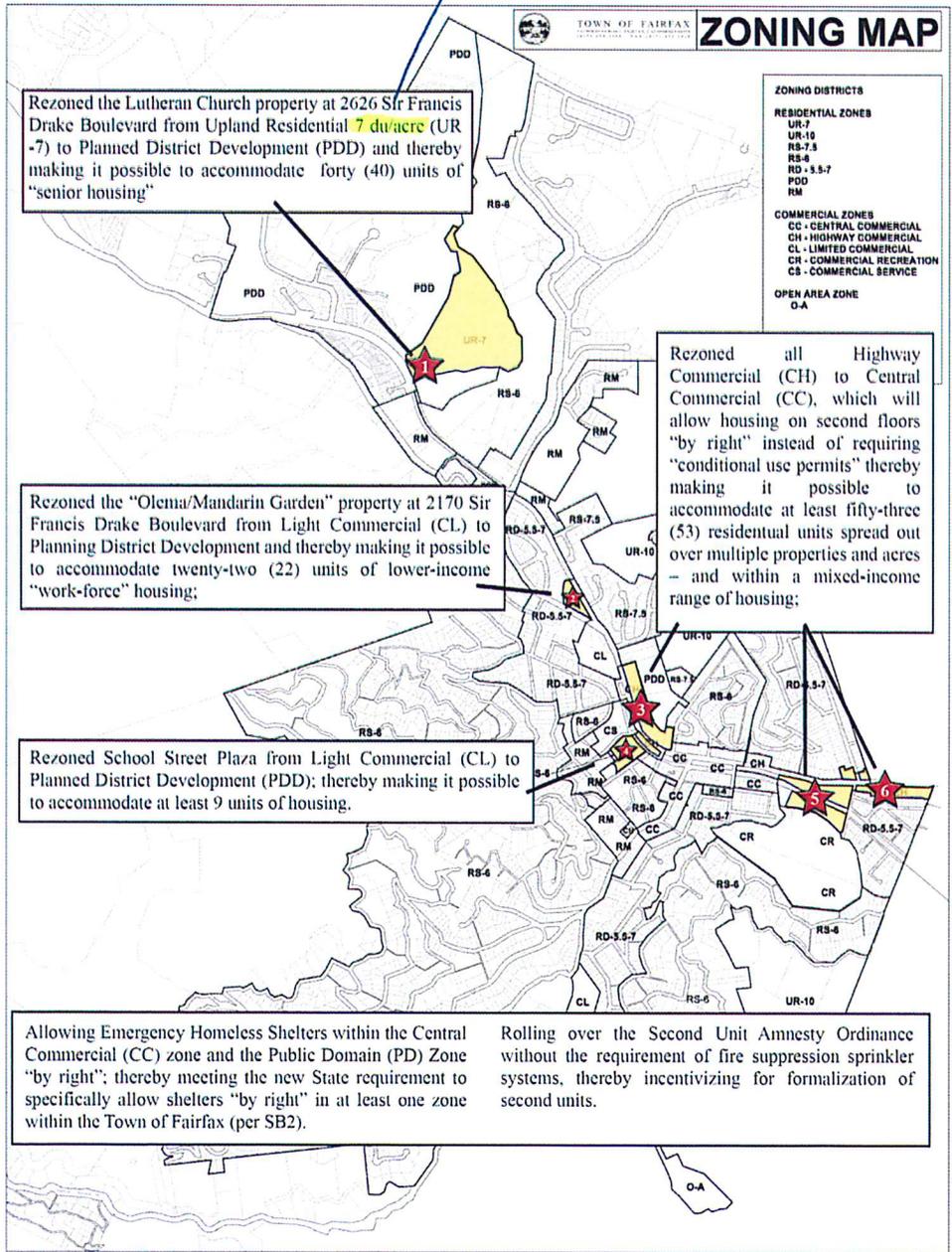
In addition to implementing the programs included in this section of the Housing Element, the action group will:

- 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

Opportunity Sites

Section Three: Housing Opportunity Sites

Opportunity Site Master List - 6 Total Sites



Objective H-1.1: Create conditions that will foster the development of at least a total of ~~10824~~ 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

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~~ 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

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

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~~ 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

Recommendations will be made based on the review and action taken on the recommendations.

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

Program H-4.1.1.6 *Amend the Planned Development District (PDD) Zone Standards For Opportunity Sites.* Amend Chapter 17.112 of the Fairfax Town Code to:

- Reduce the minimum acreage for a PDD from five acres to one acre ~~for the opportunity sites~~ the Opportunity Sites.
- ~~Specify that~~ a maximum of 2 acres on the Christ Lutheran Church Opportunity Site and the 10 Olema Road Opportunity Site PDD-zoned Opportunity sites shall be reserved for residential development only at a minimum of 20 units per acre ~~limited to a maximum of 2 acres on the Christ Lutheran Church Opportunity Site and the 10 Olema Road Opportunity Site.~~
- 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

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 for allowing the housing units (e.g., Design Review and Development Standards will still be reviewed). All sites will accommodate 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.

RESOLUTION NO. 14-11

A RESOLUTION OF THE FAIRFAX PLANNING COMMISSION RECOMMENDING THE TOWN COUNCIL ADOPT A PROPOSED AMENDMENT TO THE GENERAL PLAN TO (1) FORMALLY CORRECT TYPOGRAPHICAL ERRORS ON TABLES, (2) MAKE MINOR NARRATIVE REVISIONS TO CORRECT NUMERICAL INCONSISTENCIES AND PROVIDE ADDITIONAL CLARITY REGARDING THE PDD ZONING FOR OPPORTUNITY SITES, AND (3) CORRECT THE LISTING OF THE GENERAL PLAN DESIGNATION FOR ASSESSOR'S PARCEL NO. 174-070-50 (COMMONLY KNOWN AS 2600 SIR FRANCIS DRAKE BOULEVARD, SITE OF THE JEHOVAH'S KINGDOM HALL), FROM PLANNED DEVELOPMENT DISTRICT (PDD) TO UPLAND RESIDENTIAL 7-10 (UR-7).

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

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

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

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

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

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

WHEREAS, on Thursday, August 21, 2014, at a duly-noticed public hearing of the Planning Commission of the Town of Fairfax, the Planning Commission did consider that certain proposed General Plan Amendment, a true and correct copy of which is attached hereto and incorporated

herein as Exhibit A, heard a report on the same from staff, took and considered public comment on the matter, made findings, and formulated a recommendation to the Town Council.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

Section 3. On the basis of the foregoing the Planning Commission recommends the Town Council adopt the proposed amendment to the General Plan as shown in the attached Exhibit A which (1) formally corrects typographical errors on tables, (2) makes minor narrative revisions to correct numerical inconsistencies and provide additional clarity regarding the PDD zoning for opportunity sites, and (3) corrects the listing of the General Plan designation for assessor's parcel no. 174-070-50 (commonly known as 2600 Sir Francis Drake Boulevard, site of the Jehovah's Kingdom Hall), from Planned Development District (PDD) to Upland Residential 7-10 (UR-7) on the Town of Fairfax 2010-30 General Plan Map.

The foregoing resolution was duly introduced and adopted on the 21st day of August, 2014, by the following vote:

AYES: Green, Hamilton, Kehrlein, LaMotte, Chair Ketcham

NOES: None

ABSENT: Ezzett, Gonzalez-Parber

Brannon Ketcham, Chairperson

ATTEST:

James M. Moore
Director of Planning and Building Services