

# Town of Fairfax



## Housing Element



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## ***Section One: Introduction***

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### **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 Section 65300 of the Government Code, must be updated every five years. Section 65583, of the California Government Code, 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 Government Code identifies three required components as being:

1. An assessment of housing needs and an inventory of resources and constraints relative to meeting these needs (*Sec. 65583 (a)*),
2. A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing (*Sec.65583 (b)*), and,
3. 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 *Sec. 65583(c)*).

These requirements:

- A. Identify adequate sites with adequate zoning densities and infrastructure to meet the community's need for housing (including its need for housing for low, very low, and extremely low income households and mobile homes, farmworker housing and homeless shelters) (*Sec.6558(c)(1)*),

- B. “Address, and where appropriate and legally possible, remove governmental constraint” to housing development (*Sec. 65583 (c) (3)*).

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.

All of the Elements of the General Plan, including the Housing Element, must be consistent, first with each other, and then with all the Town’s regulatory controls and development approvals, specifically the zoning ordinance. It is the Town’s intention to revise the Zoning Ordinance to be consistent with the updated 2010 General Plan, including the 2010 Housing Element, upon certification of the 2010 Housing Element by the State of California.

## **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, 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 ten 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 the resulted in the Town Adopted 2006 Housing Element - which 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.

### ***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 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.

Public Outreach for the adoption of the 2006 Housing Element involved mailing copies of the draft to all adjacent municipalities, special districts, housing advocacy groups and Tribal Councils for a 45 day review period. In addition, property owners whose property would be impacted by changes in the Housing Element were notified of the proposed revisions, particularly those within the CH zoning district. The Town also placed advertising in the paper of record that notified the public of the availability of the draft Housing Element. In addition, the Town placed the draft Housing Element on the Town web site and held two public hearings prior to adoption of the draft. The Town sent to local housing advocacy groups, e-mail notices of Planning Commission agendas at which the Housing Element was discussed. The review process for the 2010 Housing Element will be similar to that used for the review of the 2006 document.

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 has conducted “site capacity studies” on two primary opportunity sites for senior housing and workforce housing – both types of special needs housing that will include at least 50% very low income units; and likewise, worked in concert with the GPAC in their efforts to developed the draft Land Use Element that expands the Central Commercial (CC) Zone, allowing housing on the second floor “by-right”; and promotes Transit Oriented Development (TOD’s) and Traditional Neighborhood Design (TND). The CC zone eliminates the requirement for a Conditional Use Permit for residential uses on the second floor.

Finally, the public based process employed to update the 2010 Housing Element built upon the public process that went into the development of the 2006 Housing Element; and responded to additional housing needs, development constraints and opportunities and/or the new requirements of State law - through a thoroughly public process.

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.

Prior to final adoption of the 2010 Housing Element, a draft will have been presented and reviewed by the citizens of the Town during a joint public workshop of the Planning Commission, GPAC and Affordable Housing Committee, and then ultimately at Town Council during additional public hearings. The Town will also have responded to all comments received from HCD on the inadequacy of the 2006 Housing Element.

### ***Basic Principles***

- Initially, the GPAC addressed several questions, the answers to which resulted in the “action items” presented in Section Five of the Housing 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?*

Section Five of this Housing Element 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 B and serve as the background analysis for the following section on housing needs determination. Please note: Appendix A includes the relevant definitions that are commonly used in the Housing Element.

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## ***Section Two: Housing Needs Determination***

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### **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 Section 65583 of the Government Code.

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 (65583 (a)(1))
- Household and housing characteristics, including ability to pay (65583(a)(2))
- Land suitable for development, including zoning, public facilities and services (65583(a)(3))
- A zone or zones where emergency shelters are allowed as a permitted use (65583(a)(4))
- Potential and actual governmental constraints and efforts to remove them (65583(a)(5))
- Potential and actual nongovernmental constraints (65583(a)(6))
- Special housing needs (65583(a)(7))
- Opportunities for energy conservation(65583(a)(8))

### **Regional Housing Needs Allocation (RHNA): 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 other regional housing and need is determined by the Association of Bay Area Governments (ABAG), based upon an overall regional housing need number established by the state. ABAG’s allocations are based on analysis of:

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

The housing need is divided into the five income categories of housing affordability described in Table 1 (per State law). Table 1-1: ABAG Regional Needs Allocation (RHNA) for 2007-2014, below, summarizes the housing need determination for all of the jurisdictions in Marin County. Fairfax's share of the regional housing need for the seven-year period from 1999 - 2006 was 64 units; and now has grown to 108 units for the period from 2009 - 2014. The RHND totals for Marin County are shown below in Table 1-1.

**Table 1-1: Regional Housing Needs Determination (ABAG 2010)**

	Very Low <50%	Low <80%	Mod <120%	Above Mod	Total
BELVEDERE	5	4	4	4	17
CORTE MADERA	68	38	46	92	244
<b>FAIRFAX</b>	<b>23</b>	<b>12</b>	<b>19</b>	<b>54</b>	<b>108</b>
LARKSPUR	90	55	75	162	382
MILL VALLEY	74	54	68	96	292
NOVATO	275	171	221	574	1241
ROSS	8	6	5	8	27
SAN ANSELMO	26	19	21	47	113
SAN RAFAEL	262	207	288	646	1403
SAUSALITO	45	30	34	56	165
TIBURON	36	21	27	33	117
Unincorporated	183	137	169	284	773
<b>MARIN COUNTY</b>	<b>1,095</b>	<b>754</b>	<b>977</b>	<b>2056</b>	<b>4882</b>
<b>Source: ABAG</b>					

## 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 B.

This analysis must include:

- Housing conditions; number of units needing rehabilitation/replacement
- Overcrowded households
- Housing costs
- 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 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. Among this group are persons with disabilities, seniors, large households, farm workers, and homeless individuals. Also included in Appendix B are the categories of information listed below:

- Persons with disabilities
- Elderly
- Large households
- Farm workers (seasonal and permanent)
- 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. 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 affordable housing opportunities; these are described in Section Four.

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. However, this protected open space amenity contributes to the Town's housing problem, as it acts as a constraint that limits the community's ability to expand, or significantly increase, the area that could be developed for housing through the traditional annexation process.

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 ten relatively large candidate sites located within the Town's Sphere of Influence, most are on steep hillsides or exhibit environmental constraints. Five of the parcels have a zoning of UR (Upland Residential). Parcels in the Upland Residential zone are allowed a maximum one unit per seven to ten acres; however, these parcels remain vacant because of the steep site conditions.

The 1990 Housing Element identified potential vacant lands that were estimated to yield 393-414 single-family units and 96-98 multi-family units. Subsequent evaluation, by Town staff, of the sites identified in the 1990 survey indicated that most of the sites were significantly constrained when environmental factors, such as excessive slope, flood hazards, and drainage problems, were considered. Construction activity indicates that only 71 units have been constructed or approved since 1990. Of those units, only 24 were considered multi-family or group residential. 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.

### **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 RHNA (Table B-1)

According to the RHNA prepared by ABAG, Fairfax’s allocation for the seven-year period of 2007-2014 is 108. The complete Marin County release is shown by Table 1-1.

### Alternative Methods of Identifying Sites

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

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

### Recent Changes to State Housing Element Law

#### Housing Needs Requirements

Extremely Low-Income Households Housing Needs: Government Code (GC) Section 65583(a) requires “Documentation of projections and a quantification of the locality’s existing and projected housing needs for all income levels, including extremely low-income households” (GC 65583 (a)(1). “Extremely low-income is a subset of the very low-income housing need and is defined as 30 percent of area median and below.”

Planning for Emergency Shelters-SB2: Government Code Section 65582, 65583, and 65589.5, Chapter 614, Statutes of 2007 (SB2) increases planning requirements for emergency shelters to require, at a minimum and regardless of need, that all jurisdictions have a zone in place to permit at least one year-round emergency shelter without a conditional use permit or any discretionary permit requirements.

Counting Units Built, Under Construction and/or Approved During Planning Period: A jurisdiction may take credit for units constructed or under construction between the base year of the RHNA period (January 2007).

Requirement for Carryover of unmet RHNA Units (AB 1233): Government Code Section 65584.09 provides that a jurisdiction's RHNA from the previous housing element cycle is not required to be carried over to the 2007-2014 planning period if the current element was found in compliance by HCD *and the inventory of sites required by Section 65584(a)(3) identified adequate sites*, or the program actions to rezone or provide adequate sites were fully implemented.

Sites Inventory and Suitability Analysis: A thorough sites inventory and analysis must be undertaken by the jurisdiction to determine whether program actions must be adopted to make sites available with appropriate zoning, development standards, and infrastructure capacity to accommodate the new construction needs.

Realistic Development Capacity: The element must include a description of the methodology used to estimate the realistic capacity for potential housing sites. The element should not estimate unit capacity based on theoretical maximum buildout allowed by zoning, but should be based on all applicable land-use controls and site improvement requirements. When establishing realistic unit capacity calculations, the jurisdiction must consider existing development trends as well as cumulative impact of standards such as maximum lot coverage, height, open space, parking, and FARs. If a local government has adopted, through regulations or ordinance, minimum density requirements that explicitly prohibit development below the minimum density, the element may establish the housing unit capacity based on the established minimum density.

Limited Land Availability: Local governments with limited residential land resources or with infill and reuse goals may rely on non-residential and underutilized residential sites to accommodate the regional housing needs. Examples include sites with potential for recycling, scattered sites suitable for assembly, publicly-owned surplus land, portions of blighted areas with abandoned or vacant buildings, areas with mixed-use potential,

substandard or irregular lots that could be consolidated, and any other suitable underutilized land.

Constraints-Housing for Persons with Disabilities (SB520): Housing Element law require that in addition to the needs analysis for persons with disabilities, the Housing Element must analyze potential governmental constraints to the development, improvement, and maintenance of housing for persons with disabilities, demonstrate local efforts to remove any such constraints, and provide for reasonable accommodations for persons with disabilities through programs that remove constraints.

Priority for Water and Sewer (SB 1087): Chapter 727, Statutes of 2005 (SB 1087) established processes to ensure the effective implementation of Government Code Section 65589.7. This statute requires local governments to provide a copy of the adopted housing element to water and sewer providers. In addition, water and sewer providers must grant priority to service allocations to proposed developments that include housing units affordable to lower income households.

Annual Reporting: Government Code Section 65400 requires each governing body to prepare an annual report on the status and progress in implementing the jurisdiction's housing element of the general plan using forms and definitions adopted by the Department of Housing and Community Development. HCD has developed draft regulations governing the State housing element annual progress report.

Flooding Issues: (AB 162) In October 2007, the Governor signed AB 162, which requires cities and counties to address flood-related matters in the Land Use, Conservation, Safety, and Housing Elements of their general plans.

Protect Sites for Affordable Housing (AB 2069): When a specific site is identified for housing in a jurisdiction's housing element as part of its adequate sites inventory, then the approval of a project on that site, if it results in fewer than the number identified in the Housing Element, or in no units, would be subject to the no-net-loss zoning law's provisions and a replacement site or sites for accommodating those "lost" units would be needed.

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## ***Section Three: Housing Constraints***

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### **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 as well. 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 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, the School Street Plaza, and the areas currently zoned Highway Commercial (CH) that includes the areas of Fairfax/Good Earth Market areas and the old Abertsons Market & Fair-Anselm Plaza.]

One similar 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. In addition, the Town has codified its regulations, which may identify follow-up actions that can streamline the development review process.

### **Land Use Controls**

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 affordable housing in a number of ways, which include allowing PUD's (planned unit developments) and clustered housing. Upon certification of the 2010 Housing Element by HCD, the Town proposes to rezone all CH properties to Central Commercial (CC); which will allow residential units on the second floor to a minimum density of 20 units per acre "by-right" – rather than by conditional use permit only as is the case under Highway Commercial (CH).

The Town enacted a second unit amnesty program, which to date has been underutilized by the community. Only two units have been processed to date (as of February 2010)

due largely to the costly requirement for fire suppression sprinkler systems and/or parking requirements.

In the spring of 2010 the Town Council “rolled over”, or, extended the Second Unit Amnesty Ordinance for another year and eliminated this requirement (while still enforcing the other code and other fire safety measures).

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 8-14 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 residential areas would not result in an appreciable increase in the supply of housing. Duplexes are allowed in both primary residential zones and accessory second dwelling units are permitted by right on conforming residential lots.

The Opportunity Sites outlined in Section Four, are the areas where the Town will focus attention in developing affordable housing. The Town has received inquiries from the current owners of four of the large parcels regarding developing affordable housing. The Town has completed or received architectural massing studies for four of the properties.

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.

The following table indicates the impact of the Town’s existing land use controls and development standards on housing supply and affordability.

<i>Standard</i>	<i>Impact on Supply</i>	<i>Impact on Affordability</i>
Density	CC - 20 du/ac min.	Promotes Affordability
Parking Requirements	Decreases Supply	Decreases Supply
Lot Coverage	Impacts Supply	Impacts Supply
Lot Sizes	Impacts Supply	Impacts Supply
Unit Sizes	Impacts Supply	Impacts Supply
Design Criteria	Impacts Supply	Impacts Supply
Floor Area Ratios	Impacts Supply	Impacts Supply
Setbacks	Impacts Supply	Impacts Supply
Open Space Requirements	Impacts Supply	Impacts Supply

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% remodels. These procedures will help to assure the quality development of the Town's few remaining large parcels.

Fairfax has also adopted standards increasing the required width for roads to serve new development; which, although necessary to provide fire protection to homes in remote hillside locations - increased the cost of development in outlying areas.

The Town has placed the municipal code on the Town web site and intends to develop additional materials to facilitate electronic inquiry into regulatory and design review policies, to inform applicants of local standards and preferences. Please note that all of the Town's building requirements are consistent with the Uniform Building Code 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 Open Space Element requires applicants to meet with the Open Space Committee.

Single-family custom home applications generally take less time to review than multiple family proposals. 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 multiple family developments. Such studies add 12 to 18 months to a project's approval. If an EIR is not required, Town permit processing could be accomplished in three to four 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 and drainage problems. Careful soils engineering and design studies and associated permits are required depending on the site’s characteristics. Minimum permit fees in Fairfax are comparable to fees charged by other cities in the County.

The Town currently imposes the following schedule of planning and impact fees. The fee schedule was enacted by the Town Council, in January 6, 2004.

### **Planning and Impact Fees**

#### **Planned Development District**

Preliminary Development Plan	\$950.00
Master Plan	\$950.00
Precise Plan	\$950.00
Amendments to Approved Plan	\$650.00

#### **Rezoning and Pre-Zoning**

Rezone, Pre-zone	\$772.00, plus graphics at cost
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#### **General Plan Amendment**

General Plan Text	\$772.00
General Plan Map	\$772.00, plus graphics at cost

#### **Use Permits**

Use permit	\$835.00
Modifications of Approved use permits	\$420.00

#### **Variances**

Fences	\$225.00
All Other Variances	\$835.00
Modification of Approved Variance	\$418.00
Modification of Approved Fence Variance	\$115.00
Renewal, Extension of Time	\$150.00

#### **Annexation**

Annexation Application/Processing	\$950.00
LAFCO Fee	\$7,500.00

#### **Hill Area Residential Development**

HRD	\$905.00
Modification of Approved HRD Permit	\$455.00
Renewal	\$150.00

**Traffic Impact Permit (TIP)**

TIP	\$905.00
Renewal (Planning Commission Hearing)	\$420.00

**Street Opening Permit**

Street Opening Permit	\$63.00
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**Environmental Review**

Initial Study/Negative Declaration	\$575.00
Environmental Impact Report	15% of Contract
County Processing Fee	Current Fee Rate
Mitigation Monitoring	\$60.00/Hour
State Fish & Game Fees:	Current Fee Rate

**Lot Line Adjustment**

Lot Line Adjustment Application/Processing	\$263.00
Engineering Deposit	\$225.00

**Subdivisions**

Tentative Maps	
a. Less than five lots	\$772.00
b. More than five lots	\$772.00 + \$74.00/Lot
c. Extension of Tentative Map	\$263.00
Final Map Fee	\$210.00

The fees associated with the creation of a new vehicle parking space include a filing fee of \$100.00.

In addition to staff time, outside consultants or contract planners, other than those necessary to prepare environmental impact reports, may be required. The consultant's time will be charged on a cost plus 20% administrative fee basis.

Should it be necessary, the Town Attorney's time is charged at the rate of \$150.00 per hour.

*[Please note: These fees are currently being considered for revision by the Town Council].*

## Regulatory Measures Analysis

The following analysis indicates the potential and actual governmental and other development regulatory measures that are considered in the 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 in-fill opportunities in the Town Center Area, would allow a range of housing types to be constructed. However, land availability, land costs, construction costs and developer interest directly affect potential development.
- Land use and density categories match with the local need for housing. The Central Commercial (CC) zoning designation allows mixed-use development with 2<sup>nd</sup> floor residential allowed as a permitted use. In the Commercial Highway (CH) zone residential uses can be developed with conditional use permit.

Upon certification of the 2010 Housing Element, by the State of California, the Town of Fairfax will:

- Rezone all Commercial Highway (CH) to Central Commercial (CC) - that allows second floor residential uses as permitted use rather than a conditional use;
- Rezone Christ Lutheran Church property, 10 Olema Road, and the School Street Plaza site to Planned Development District (PDD); and
- The Town will relax requirements to bring, at least, 27 “informal” second units into compliance.

Please note: Second units are permitted in all residential zone designations and are reviewed at the ministerial (staff) level if proposed on a conforming lot. The RM Multiple-Family Residential Zone allows up to ten units per acre without conditions, and up to fourteen units with a conditional use permit.

These combined actions will allow the Town to meet the 2007-2014 RHNA requirements of 108 units.

- 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 Sphere of Influence, most being very steeply sloped. The Town is surrounded by steep hillsides and permanent open space that restricts housing development opportunities.
- **Project mitigations 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 affordable housing development.
  - There are no Zoning and land use laws that pose illegal barriers to any population. 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.
  - Amendments to the UBC (Uniform Building Code) in the local code. Appendix Chapters 11, 12, 23, 29, 32, 35, 38, 49, 53, 55 and 70 are amended to read the grading fees are set by resolution of the Town Council.

- 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 has 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.
  - 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 Section Four of this Housing Element.
  - Off-site improvements are costs 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. Section Four, of the Housing 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 affordable housing developments can be reduced or eliminated.

The Town is actively pursuing funds for both infrastructure and affordable housing projects. The Town has received grants to upgrade various elements of the infrastructure systems, and is currently implementing a number of improvement projects.

□ **Fees and Exactions**

- The fees are not based on the HCD chart, for multi-family and single-family projects. 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. It is currently under review; at the time of this writing.
- There are no fee waivers or other incentives that currently exist for affordable 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 which contain minimum of 20 percent of affordable of housing units.
- There are no conditions that merit a fee waiver to facilitate development.
- 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, affordable 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 currently required for multi-family developments in multi-planned and zoned areas or for affordable housing. Multiple dwellings and apartments at a density of not more than one living unit for each four thousand three hundred fifty six 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. Project sites in the Town designated for affordable units will be rezoned either Central Commercial (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 complimentary policies to encourage and/or facilitate affordable housing development inside the Sphere of Influence or infill areas. The Housing Element contains complimentary policies. The Town’s zoning code encourages mixed-use development in the Central Commercial (CC) and residences in the Highway Commercial (CH) Districts) by conditional use permit.  
  
[Upon adoption and certification of the 2010 Housing Element all CH will be 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 ten acres.
  - The overall strategies are presented in a way that clarifies how housing needs will be achieved with the growth management system.

*Please note: Section Four identifies all proposed infill opportunity sites.*

## Non-Governmental Constraints

The high cost of land will continue to be a critical factor limiting the development of affordable housing in Fairfax. Land costs include the raw land purchase price, land financing costs and project entitlement 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 affordable 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. Affordable rental housing funding sources add additional burdens of reporting and data collection require labor (Davis Bacon Act) 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 affordable 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 5% and a contingency of at least 10% is also necessary for a private builder contractor, totaling 15% of total costs.
- ❑ Total Hard and Soft Construction Costs: Includes developer overhead and project contingency (15%), and consultants.
- ❑ Builders Profit: Comprises about 7%. When added to the 5% overhead, it totals 12%. Traditionally, this 12% cost under negotiated bid can be reduced to between 7% and 10% total. Can be as high as 20% 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 (4-5%) plus marketing, advertising, cost of qualifying and eligibility screening of potential residents (3%).

Financing for above moderate or market rate housing is not restrained for those who can qualify. For example, the income required for a \$315,000 mortgage (\$350,000 condominium with 10%, or \$35,000, down) at 7% interest is about \$96,000, and requires a monthly payment of \$2,400.

## **Evaluation of the 2006 Housing Element**

State Law requires the assessment of the following: Appropriateness of Goals, Objectives, and Policies (65588(a)(1)); Effectiveness of the Element (65588(a)(2)); Progress in Implementation (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. 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 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 single program that was implemented was Policy H 8.5: Legalization of Existing ADUs and Program H 8.B: Establish an Amnesty Program for Un-Permitted ADUs. However, due to stringent fire sprinkler requirements and/or parking requirements the Amnesty Ordinance – to date – has not been 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; it is hoped that many informal units will take advantage of this revision and the time period extension.

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## *Section Four: Housing Opportunities*

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There are a limited number of potential housing sites in Fairfax that can accommodate the Town's identified need for low-income or affordable housing units. The Town of Fairfax has identified several sites that could be realistically targeted as potential sites for such housing.

The following illustrative pages document the key parcels and/or sites that have been identified as potential low-income or affordable housing in-fill 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 Traditional Neighborhood Design (TND) as outlined in the 2010 Land Use Element.

The potential sites are currently zoned Commercial Highway (CH), Limited Commercial (CL), or UR-7 residential. The 2010 Housing Element recommends the rezoning of three to Planned District Development, that promotes a mix of uses including housing; and rezoning all CH to CC. Please note: Residential uses are permitted on the second floor in the Central Commercial (CC) zone "by-right", whereas they are only allowed by conditional use permit in the CH and CL zones.

The 2010 Housing Element & Land Use Element specifies:

- Christ Lutheran Church be rezoned from Upland Residential (UR-7) to Planned Development District (PDD);
- 10 Olema-Mandarin Gardens site be rezoned from Limited Commercial (CL) to Planned Development District (PDD) to provide greater site planning flexibility;
- School Street Plaza be rezoned from Light Commercial (CL) to Planned Development District (PDD), which promotes a mix of uses including housing; and leaves open the possibility of a new school on the site as well.
- Rezoning the Delano's/Fairfax Market sites and the open parcel next to it including the strip shopping center to the west, and Good Earth market site from CH to CC; and
- Rezoning the Fair-Anselm shopping complex, and the Center Oaks apartment building site from Highway Commercial (CH) to Central Commercial (CC) to allow residential units on the second floor by right.

Upon certification of the 2010 Housing Element, the proposed rezoning above will be brought before the Planning Commission and the Town Council for formal adoption.

Based upon the proposed zoning above, and through the relaxation of requirements in the Second Unit Amnesty Ordinance, at least 108 affordable dwelling units have the realistic potential to be built over the next five (5) years.

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 just 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 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. However, limited water resources within Marin County have resulted in MMWD considering the addition of a desalination plant to serve the County’s future water needs. Hopefully, through the adoption of a “green building ordinances” - as called for in the 2010 Conservation Element (that promotes gray-water & water-efficient technologies) - will help reduce and/or eliminate the need for such energy intensive facilities.

The 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 Transit-Oriented Development (TOD) and Traditional Neighborhood Design (TND) - principals of sustainable urban design patterns as described in the 2010 Land Use Element.

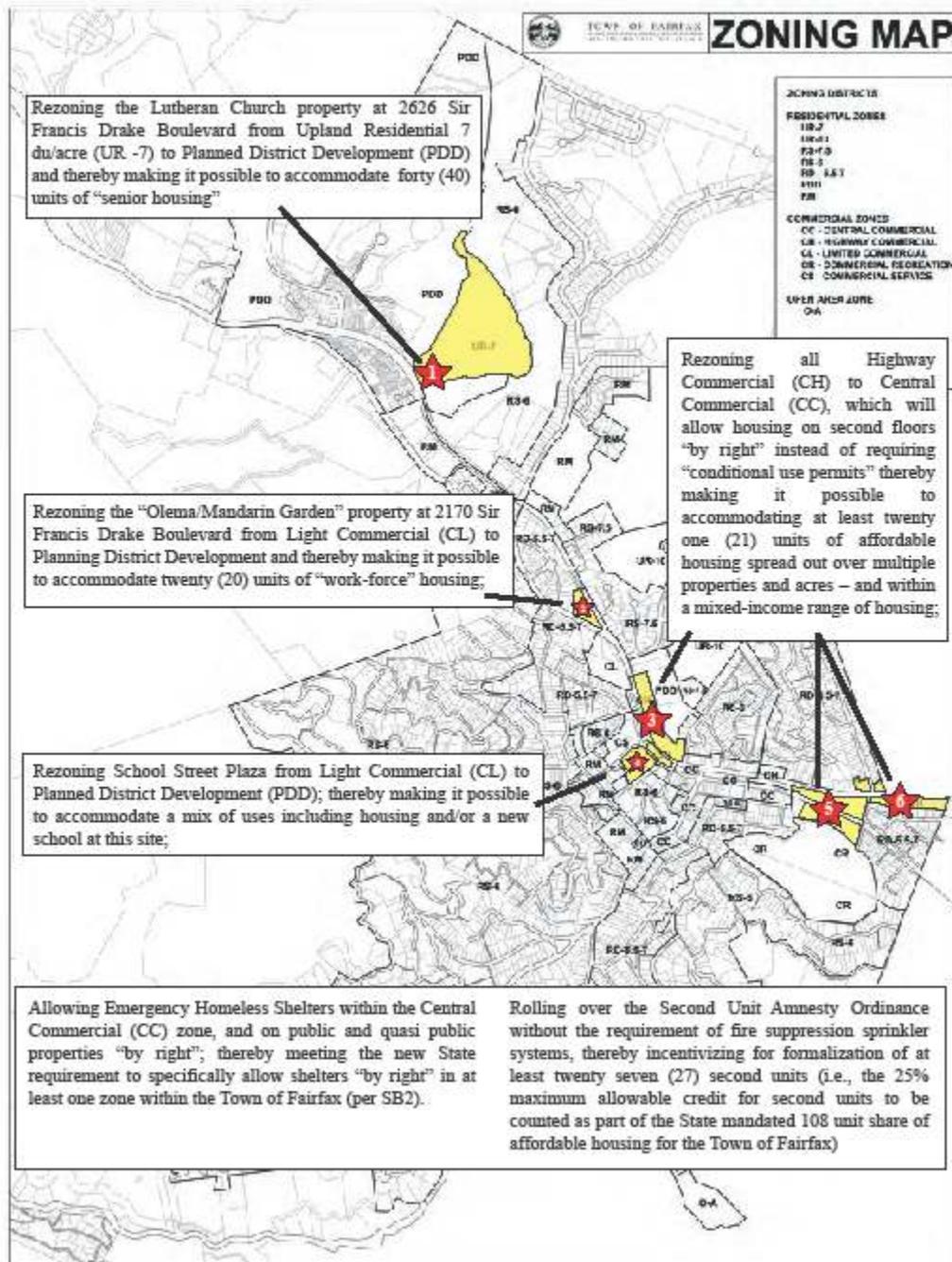
Importantly, the 2010 Housing Opportunity Sites below have been identified as having a high potential to accommodate at least 108 new affordable housing units on strategic opportunity sites – especially for very low income households.

## **Opportunity Sites**

(See Below)

**Section Three: Housing Opportunity Sites**

**Opportunity Site Master List - 6 Total Sites**



**Section Three: Housing Opportunity Sites**

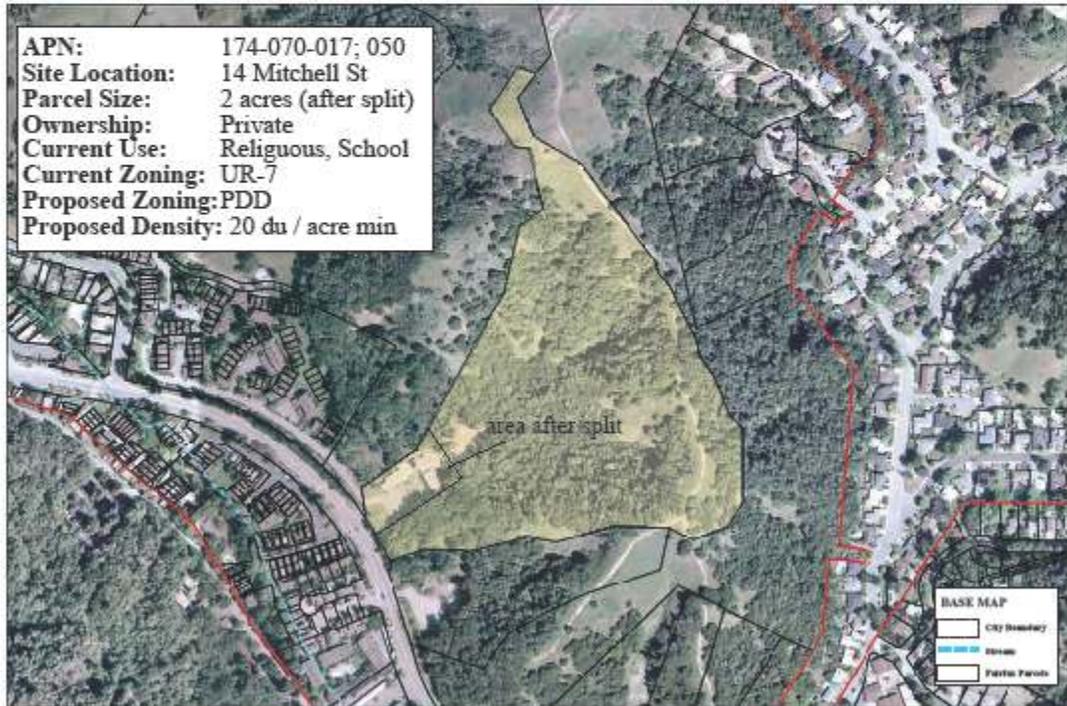
**Site #1: Lutheran Church Site**



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 units of small footprint elderly residential units.

**Section Three: Housing Opportunity Sites**

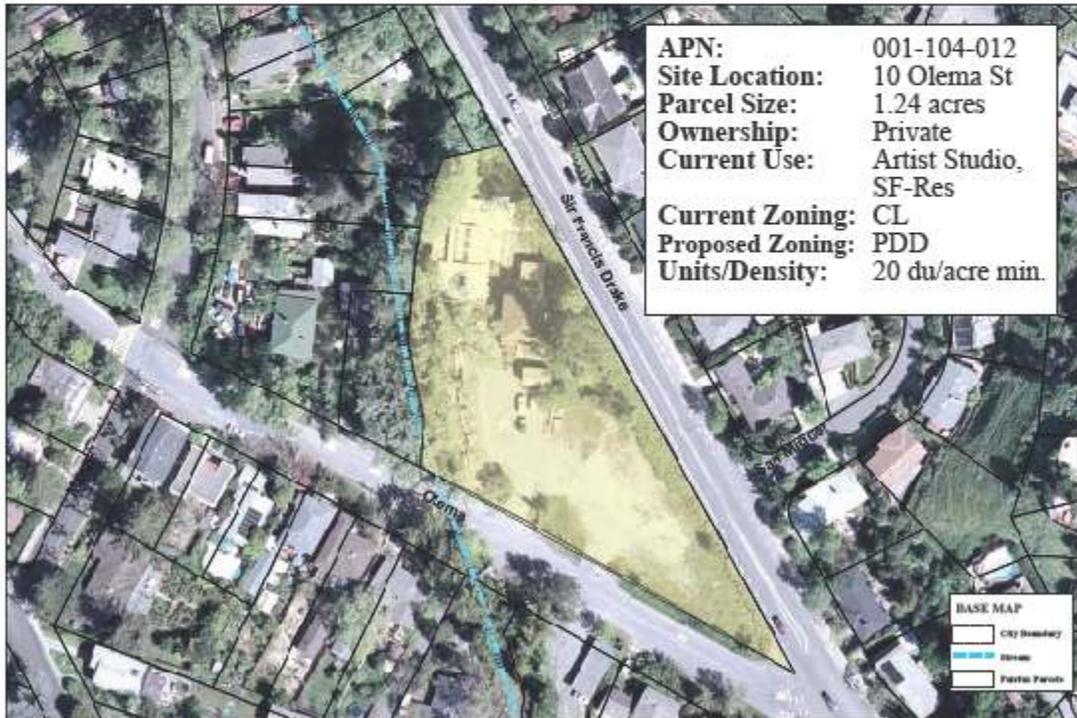
**Site #2: 10 Olema St**



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, Hazel Construction, 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, and there are ongoing discussions about a new school at this site.

**Section Three: Housing Opportunity Sites**

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



Locator Map



Site Photo



APN(s):	002-127-1 & 2; 002-131-07, 09, 12-15
Site Location:	Fair Anselm Shopping Center Parking lot
Parcel(s) Size:	6.38 Acres
Ownership:	Private
Current Use:	Commercial
Current zoning:	CH
Proposed Zoning:	CC
Units/Density:	20 du / acre

BASE MAP  
 City Boundary  
 Streets  
 Parcel Parcels

**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.

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## ***Section Five: A Framework for Action***

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### **Responsibilities - “The Who”**

If the 2010 Housing Element is to be “actionable” - responsibilities must be assigned. The Planning Commission, or a subcommittee of the Planning Commission along with staff, 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 web site. 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 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 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 affordable 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 responds to community needs and priorities through the following seven (7) goals:

- Goal HE 1:** *Housing Opportunities for a Range of Incomes*; Including extremely low, very low, low, moderate, and above moderate incomes – as well as for homeless families and individuals.
- Goal HE 2:** *Housing and Programs for Special Needs Populations*; Including senior, single-parent, family, work-force, and emergency homeless shelters.
- Goal HE 3:** *Transit Oriented Housing in the Town Center Area*; That is less dependent on the automobile - and, thereby minimizes traffic impacts to the greatest extent possible while providing support for transit.
- Goal HE 4:** *A Closer Link Between Housing and Jobs in the Community*; Including housing opportunities for Fairfax workers & public service employees.
- Goal HE 5:** *Sustainable Affordable Housing*; Well-designed, energy efficient, affordable housing for a diverse population; at compatible scales - and in the appropriate (transit supportive) locations.
- Goal HE 6:** *Additional Opportunities for the Development of Accessory Dwelling Units (ADU's)*.
- Goal HE 7:** *Efficient Procedures for Monitoring Housing Needs Achievements*.

There should be a corresponding objective for each goal, and for each objective a policy - and at least one program for each policy. These should be related to each resource inadequacy, and constraints identified in the assessment or “needs analysis” section of the 2010 Housing Element and in the Background Analysis, Appendix B.

## 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
- ❑ Set-Aside Funds

**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:

- ❑ Timeframe for Implementation
- ❑ Responsible Agencies (see also Responsibilities – “The Who” above)

**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 alternative 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*
  - ✓ *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 household;*
- *Address and remove governmental constraints to the maintenance, improvement, and development of housing;*
- *Conserve and improve the condition of existing affordable housing;*
- *Preserve for lower income households assisted housing developments; and*
- *Identify the agencies and officials responsible for program implementation.*

## Goals, Objectives, Policies and Programs

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

**Objective:** Create conditions that will foster the development of at least a **total of 108 permanently affordable housing units to a variety of low income persons by 2015.**

### Policies:

**HE 1.1:** **Local Government Leadership.** Establish affordable housing as an important priority for the Town, with the Planning Commission (PC) and staff providing a leadership role working with community groups, other jurisdictions and agencies, and the building and real estate industry to implement the 2010 Housing Element action programs.

**Program HE 1.1.1: Work with Housing Advocates.** The Planning Commission and staff 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.

Schedule: Begin with adoption of final 2010 Housing Element, on-going thereafter.

Responsibility: PC and Staff

**Program HE 1.1.2: Prepare Public Information Material.** The Planning Commission will prepare community information material to improve awareness of housing needs, issues and programs.

Schedule: December 2010, on-going thereafter.

Responsibility: PC and Staff

**Program HE 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.
- 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 affordable and special needs housing developments.

Schedule: December 2010, on-going thereafter.

Responsibility: PC and Staff

**Programs HE 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.

Schedule: September 2011, on-going thereafter.

Responsibility: PC and Staff

**HE 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.

**Programs HE 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.

Schedule: Begin at adoption of 2010 Housing Element, reviewed annually.

Responsibility: PC and Staff

**HE 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.

**Programs HE 1.3.1: Adopt an Anti-Discrimination Ordinance.** The Planning Commission will prepare, and the Council will adopt an Anti-Discrimination Ordinance.

Schedule: June 2011.

Responsibility: PC and Staff

**Programs HE 1.3.2: 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.

Schedule: December 2010, and ongoing.

Responsibility: PC and Staff

**Programs HE 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,

Schedule: On-going.

Responsibility: PC and Staff.

**Programs HE 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.

Schedule: On-going.

Responsibility: PC and Staff.

**Goal HE 2:** ***Housing and programs for Special Needs Populations;** including senior, single-parent, family, work-force, and emergency homeless shelters.*

**Objective:** *Housing opportunities for the Town’s residents with special needs; including 40 units of senior housing and 20 units of work-force housing over the next five years – and identify appropriate zones for Emergency Homeless Shelters.*

**Policies:**

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**HE 2.1:** **Senior & 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 HE 2.1.1:** Rezone the Lutheran Church property at 2626 Sir Francis Drake Boulevard from Upland Residential 7 du/acre (UR -7) to Planned District Development (PDD) and thereby make it possible to accommodate at least forty (40) units of “senior housing.”

Schedule: After adoption & certification of the 2010 Housing Element

Responsibility: PC and Staff.

**Program HE 2.1.2:** Rezone 10 Olema Road, the “Old Mandarin Garden Restaurant” property at 2170 Sir Francis Drake Boulevard from Light Commercial (CL) to Planning District Development and thereby making it possible to accommodate twenty (20) units of “work-force” housing;

Schedule: After adoption & certification of the 2010 Housing Element

Responsibility: PC and Staff.

**HE 2.2:** **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 Renters program.

**Program HE 2.2.1: 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, HOPWA, the Rental Assist line, Rental Deposit Program, and Welfare to Work Program.

Schedule: Begins with adoption of the final 2010 Housing Element, on-going thereafter.

Responsibility: PC and Staff.

**Program HE 2.2.2: Engage in a Countywide Effort to Address Homelessness related Needs.** Systematically work with other Marin County jurisdictions to provide housing options for the homeless in the Town.

Schedule: On-going.

Responsibility: PC and Staff.

**HE 2.3: 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.” 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.

**Program HE 2.3.1: Ensure Reasonable Accommodation.** Consistent with Senate Bill 250 (SB520), 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 same.
- Establish reduced parking requirements; particularly for disabled persons housing.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 2.3.2: “Request for Reasonable Accommodation Procedure.”** 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 provide 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 requirements and after the hearing process.

**Procedure:**

1. The applicant submits a Request for Reasonable Accommodation along with associated application fees and 500 foot property notice materials.
2. Within thirty (30) days of the application, a Notice of Decision will be issued by the Director of Planning and mailed to the applicant, adjacent property owners/ occupants and any requesting party. During the thirty day time-frame, additional information may be requested by staff and a site visit may be scheduled.

3. Within ten (10) days of the Notice of Decision being mailed, any person may make a request in writing for a Public Hearing. If no request is received, then the decision of the Director of Planning will be final.
4. Within thirty (30) days of the Notice of the Director's decision, any person may appeal in writing to the Planning Commission. Any such appeal should be mailed to the Planning Commission in care of the Department of Planning, Building and Code Enforcement. All appeals shall contain a statement of the grounds for appeal.
5. The Planning Commission shall hold a Public Hearing on the appeal. The decision of the Planning Commission may be appealed to Town Council. Copies of the resolution of the Planning Commission decision will be sent to the applicant, the appealing party, and any adjacent property owners and occupants.

**Grounds for Reasonable Accommodation:**

In making a determination regarding the reasonableness of a requested accommodation, the following factors shall be considered:

1. Special needs created by the disability,
2. Potential benefit that can be accomplished by the requested modification,
3. Potential impact on surrounding uses,
4. Physical attributes of the property and structures,
5. Alternative accommodations that may provide an equivalent level of benefit,
6. In the case of a determination involving a single family dwelling, whether the household would be considered a single housekeeping unit if it were not using special services that are required because of the disabilities of the residents,
7. Whether the requested accommodation would impose an undue financial or administrative burden on the Town,
8. Whether the requested accommodation would require a fundamental alteration in the nature of a program.

**Zoning Districts:**

A request for Reasonable Accommodation may be submitted on behalf of any disabled person(s) from any Town of Fairfax Zoning Code provision or policies.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 2.3.3: 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.

Schedule: On-going.

Responsibility: PC and Staff.

**HE 2.4:**

**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 HE 2.4.1: Expand Conditional Use Categories for Group Homes:** Through the following approach:

1. Group homes shall be added as a Conditional Use to all residential zoning districts.
2. Conditional Use permits require a public hearing/approval by the Planning Commission.

**Supplementary Requirements**

When allowed, group homes shall be subject to the following additional requirements:

1. 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.
2. The home shall maintain a residential appearance that is compatible with the neighborhood.
3. The home shall meet all state requirements, and all applicable housing and building code requirements.

Schedule: On-going.

Responsibility: PC and Staff.

**HE 2.5:**

**Identify Sites Where Emergency Shelters and Transitional Housing will be Allowed.** Consistent with Senate Bill 2 (SB2), 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; and link this housing to programs of the Department of Health and Human Services whenever possible.

Schedule: On-going.

Responsibility: Planning Commission and Staff.

**Program HE 2.5.1: Identify, Rezone, and Provide Appropriate Standards for Homeless Shelters.** Amend the Town Code to allow the development of Homeless Shelters as a permanent, non-conditional use in the Central Commercial (CC) Zone and Public & Quasi Public districts in the Town. Define reasonable development, parking and management standards.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 2.5.2: 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. Simplify existing practices, clarify the zoning code, and prepare design guidelines if necessary.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 2.5.3: Modify Residential Care Facility Zoning.** 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.

Schedule: On-going.

Responsibility: Planning Commission and Staff.

**Program HE 2.5.4: Encourage Housing for Special Needs Groups.**

Continue to work with affordable housing providers and funders to construct or acquire a variety of types of affordable housing opportunities for individuals and groups with special needs and extremely low income households. Specific housing types include:

- Smaller units.
- 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.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 2.5.5: Enable Group Residential Care Facilities.**

Continue to comply with state and federal law by allowing group homes with special living requirements consistent with the Town Code.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 2.5.6: Support Efforts to House the Homeless.**

Support Countywide programs to provide a continuum of care for the homeless, including emergency shelter, transitional housing, supportive housing, and permanent housing.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 2.5.7: Engage in Countywide Efforts to Address Homeless Needs.** Continue to actively engage with other Marin jurisdictions to provide additional housing and other options for the homeless.

Schedule: On-going.

Responsibility: PC and Staff.

**Goal HE 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:** *Development at least **21 units affordable housing** within a convenient distance from transit access points, where reduced automobile usage and parking requirements are possible.*

**Policies:**

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**HE 3.1:** **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 HE 3.1.1:** Rezoning all Highway Commercial (CH) zones to Central Commercial (CC) zones, which will allow housing on second floors “by right” instead of requiring “conditional use permits” thereby making it possible to accommodate at least **twenty one (21) units of affordable housing** spread out over multiple properties and acres – and within a mixed-income range of housing;

Schedule: Upon adoption and certification of the 2010 General Plan.

Responsibility: PC and Staff.

**HE 3.2:** **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% 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 Transit-Oriented Development (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.
- ❑ Required inclusionary units or housing density are provided.
- ❑ 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 HE 3.2.1: Identify and Designate Transit-Oriented Development Sites (TOD).** The Planning Commission will identify TOD sites. Such opportunity sites will be designated during the update of the Town General Plan and included in the Land Use and 2010 Housing Element; and if necessary, the Zoning Ordinance will be revised to accommodate the TOD sites.

Schedule: On-going.

Responsibility: PC and Staff.

**Goal HE 4:** ***Link Housing and Jobs in the Community;** Include housing opportunities for Fairfax workers and public service employees*

**Objective:** *A closer **link 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.*

**Policies:**

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**HE 4.1:** **Link Housing with Jobs.** The Planning Commission and Town Council will revise the Zoning Ordinance to conform to new housing opportunity at sites identified in the 2010 Housing Element.

**Program HE 4.1.1:** Rezoning School Street Plaza from Light Commercial (CL) to Planned District Development (PDD); thereby making it possible to accommodate a mix of uses including housing and/or a new school at this site;

Schedule: Start upon adoption of 2010 General Plan.

Responsibility: PC and Staff.

**Program HE 4.1.2:** **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:

- ❑ A zoning designation allowing Live/Work residential units in the Central Commercial (CC) zoned areas.
- ❑ Opportunities for in-fill housing.
- ❑ Waiving penalties for legalizing existing ADUs by bringing them up to code.
- ❑ Trading ADU 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% remodels to create an affordable housing fund.
- ❑ Rezone all CH Districts to CC to encourage development of affordable housing units.

Schedule: Start upon adoption of 2010 General Plan.

Responsibility: PC and Staff.

**Program HE 4.1.3: 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.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 4.1.4: 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 that will promote an increase in the supply of housing for very low, low and moderate income households in the Town Center (CC zoned) areas.

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.
- Update fee schedules to reduce and/or defer fees, to the extent possible, for affordable housing.
- 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.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 4.1.5: 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 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.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 4.1.6: 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 in-fill, transit-oriented and mixed use development.

Schedule: On-going.

Responsibility: PC and Staff.

#### **HE 4.2:**

**Density Bonuses and Other Incentives for Affordable 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 possible incentives for developments containing a significant percentage of very low or low-income units on-site:

**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.

**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.

**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.

**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.

**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.

**Program HE 4.2.1: Enact Density Bonus Zoning and Other Incentives.** 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:

- ❑ 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
- ❑ 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.

Schedule: On-going.

Responsibility: PC and Staff.

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

**Objective:** **108 Well-designed, energy efficient, affordable housing units** for a diverse population; at compatible scales - and in the appropriate (transit supportive) locations by 2015.

**Policies:**

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**HE 5.1:** **Resource Conservation & 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 HE 5.1.1: 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* (please also see; 2010 Conservation Element).

Schedule: On-going.

Responsibility: PC and Staff.

**HE 5.2:** **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 affordable housing.

**Program HE 5.2.1: 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.

Schedule: On-going.

Responsibility: PC and Staff.

**Goal HE 6: Create additional opportunities for the development of Accessory Dwelling Units (ADUs)**

**Objective:** *At least 27 units of well designed, legal, accessory dwelling (second) units in all residential neighborhoods; applying reasonable parking and street capacity standards.*

**Policies:**

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**HE 6.1: Continue the Second Unit Amnesty Ordinance.** The Town Council will consider extending 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 HE 6.1.1:** Roll- over the Second Unit Amnesty Ordinance without the requirement of fire suppression sprinkler systems, thereby “incentivizing” formalization of at least twenty seven (27) second units (i.e., the 25% maximum allowable credit for second units to be counted as part of the State mandated 108 unit share of affordable housing for the Town of Fairfax).

Schedule: Extended for one year in spring of 2010; thereafter, considered yearly.

Responsibility: Town Council, PC and Staff.

**HE 6.2: New Accessory Dwelling Unit Approach.** Permit construction of well-designed ADUs in both new and existing residential neighborhoods, consistent with parking and street capacity standards.

**Program HE 6.2.1: Development Accessory Dwelling Unit Standards and Permit Process.** Utilize the following approach for ADU development standards and processing:

- Limit the size of ADUs; and minimize the smallest size requirement to maintain affordability.
- 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.

- ❑ 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.
- ❑ Reduce per unit fees in recognition of the small size and low impacts of ADUs.
- ❑ Allow for well-designed and sited detached ADUs.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 6.2.2: Allow 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.

Schedule: On-going.

Responsibility: Planning Commission and Staff.

**Program HE 6.2.3: 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.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 6.2.4: ADU Incentives.** The Town will create guidelines and incentives to ensure affordability of ADU's.

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 6.2.5: Modify Accessory Unit Development Standards and Permit Process.** Modify and update the ADU development requirements to:

- ❑ 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, when 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.

- 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.
- 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:
  - Impose standards on ADUs 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 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.
- 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:
  - (A) *The ADU is not intended for sale and may be rented.*
  - (B) *The lot is zoned for single-family or multifamily use.*
  - (C) *The lot contains an existing single-family or multifamily dwelling.*
  - (D) *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.*
  - (E) *The increased floor area of an attached ADU shall not exceed 30 percent of the existing living area.*
  - (F) *The total area of floor space for a detached ADU 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) *All applicable subsections and subdivisions of Government Code Section 65852.2 shall be included by reference.*
  - (J) *The owner of the property with an accessory unit must live in one of the units.*

Schedule: On-going.

Responsibility: PC and Staff.

**Program HE 6.2.5: Fee in Lieu/ Second Dwelling Unit Program:**

Fairfax will establish an affordable housing 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 Fee shall be used to create affordable housing units within the Town of Fairfax, in order to meet the Town's Affordable Housing obligation as determined by the State.

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

The Affordable Housing Fund shall be deposited in a Housing Trust or other similar repository. The Town will explore the following possible projects in order to create affordable housing.

1. Work with **Habitat for Humanity** (or, by a like kind "entity" or organization) to build at least 20 units affordable housing in cottages in groups of two to six dwellings. These cottages will be deed restricted and sold to those with 30% to 50% 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. A lottery system may be put in place to assist people in buying the affordable 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.

Schedule: On-going.

Responsibility: PC and Staff.

<b>Goal HE 7:</b> <i>Create efficient procedures for monitoring housing needs achievements</i>
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**Objective:**        **Establish standardized methods** for the effective and efficient management of housing data among jurisdictions in Marin.

**Policies:**

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**HE 7.1:**            **Housing Data Standards.** The Planning Commission will establish methods to enable the effective and efficient management of housing data relevant to Fairfax.

**Program HE 7.1.1: 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).

Schedule: March through May, each year.

Responsibility: PC and Staff.

**Program HE 7.1.2: Update Housing Element.** The Planning Commission will update the Housing Element, as required by State law.

Schedule: **Begin in 2014.**

Responsibility: PC and Staff.

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## ***Appendix A: Definitions***

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### **Accessible Housing:**

Units accessible and adaptable to the needs of the physically disabled.

### **Accessory Dwelling Unit (ADU):**

Small additions to a larger residential unit that can provide housing opportunities for elderly family members, grown children or unrelated renters. Flexible space that can be used for a home office. The unit must be under the same ownership as the principal building. One additional parking space is required. The basic amenities include a bedroom, a bath, and a small kitchen. Also known as “granny flats”, “mother-in-law units”, “garage apartments”, “ancillary units.”

### **Housing Affordability:**

The generally accepted measure for determining whether a person can afford housing means spending no more than 30% of one’s gross household income on housing costs, including principal, interest, property taxes and insurance. For example, a middle school teacher earning \$70,493 per year should be able to afford \$1,552 per month for housing, either for rent or mortgage financing. A postal clerk earning \$45,676 should be able to afford monthly payments up to \$1,442. Households paying more than 30% of their income on housing are considered “overpaying households” by the U.S. Census.

### **Income Limits:**

Income limits are updated annually by the U.S. Department of Housing and Urban Development (HUD) for Marin County. For many State and local programs, the State Department of Housing and Community Development (HCD) income eligibility limits are used. HCD income limits regulations are similar to those used by HUD. The most recent HCD income limits can be assessed on-line at <http://www.hcd.ca.gov>. Income limits as defined by California Housing Element law are:

- ❑ **Extremely Low Income Housing:** Households earning less than 30% of the median household income-or less than \$33,950 in 2008 for a four person household.
- ❑ **Low (Lower) Income Household:** Households earning less than 80% of the median household income or a family of four earning \$90,500 in 2008.

- ❑ **Moderate Income Household:** Households earning 80-120% of the median income for a family of four or a household of four earning between \$90,500 and \$114,000 in 2008.
  
- ❑ **Above Moderate Income Households:** Households earning over 120% of the median household income or a family of four earning \$114,000 in 2008.

**Median Household Income:**

The middle point at which half of the Town’s households earn more and half earn less. The current median income for a family of four in Marin County is \$86,100 per year.

**Persons per Households:**

Average number of persons in an individual household.

**Senior Housing:**

Defined by California Housing Element law as projects developed for, and put to use as, housing for the Town’s senior citizens. Senior citizens are defined as persons 65 years of age, and older.

**Sustainable Development:**

Development that maintains or enhances equity, economic opportunity, and community well being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

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## ***APPENDIX B: Background Analysis***

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### **1. Population and Employment Trends**

This section of the Housing Element describes existing housing and the status of affordable housing programs in Marin County, as a whole, and the Town of Fairfax, in particular. The majority of this data has been taken from Baird & Driskell's "2009 Marin Housing Workbook." Additional data were taken from the Department of Finance, Demographic Research, ABAG, the Town of Fairfax 2006 Housing Element, and Town or locally kept statistics.

#### **Marin County Profile and the Town on Fairfax**

Marin County has many unique qualities. The people who live and work in Marin County have long appreciated the county's exceptional quality of life - its small towns, rolling hills and bay vistas, cultural events, quality schools, creativity, and diversity of thought. Nevertheless, Marin's quality of life faces serious challenges. While quality of life issues in the past focused largely on environmental concerns and personal health and safety, the range of concerns has grown to embrace far more. Quality of life issues now include a vibrant economy, manageable traffic, affordable housing, appreciation of diverse cultures and outlooks, accessible recreational and cultural opportunities and broad community dialogue.

Compared to other Bay Area counties, Marin experienced a slow growth in population from 1980 to 1990, adding 7,500 persons (a 3.4% increase). Between 1990 and 2000, the County's population increases at 8.8%, the more than doubled the rate for the previous decade. Nevertheless, Marin remained the slowest growing area in the Bay Area region. Currently, Marin had a population of 257,406 in 2009. Over the next 20 years, and between 2010 and 2020, the California Department of Finance projects that Marin County, as a whole, will grow at an average annual rate of about 1,514 people per year. The projected population for the county in the year 2010 is 270,600.

The median age has increased significantly from 33.3 years in 1980, to 41.6 years in 2008. By the year 2020, Marin is expected to have the oldest population in the State, with a median age of 47.7 years — almost 10 years older than the projected statewide median age of 38.1 years. The greatest increases in population age groups over the next 40 years are expected to be elderly and young adult households, which tend to have the lowest income levels. According to the California Department of Finance, the elderly population is expected to comprise 26% of the population increase in Marin over the next 40 years, with the greatest percentage increase in those elderly over 75 years of age. The Marin Commission on Aging (MCA) predicts even greater increases in Marin's elderly population. By the year 2020, according to MCA, one out of every three Marin residents will be 60 years of age or older. MCA predicts this age group will nearly double in size

from 40,000 to 74,000 persons by 2020. Three out of four individuals of the “oldest old”, 85 years of age or greater, are expected to be women.

### **Important Findings of the Needs Analysis**

- ❑ **Many communities in Marin have a mix of housing, but more affordable rental housing, especially multi-family housing, is needed.** According to data provided by Claritas, their owners occupy 66% of the dwellings in Marin. With few exceptions, renters occupy the remainder. Approximately 82.5% of the housing stock in Marin County is single-family units, with the remaining 17.5% being multi-family units or mobile homes. In Fairfax, 61% are owner occupied, and 39% are renter occupied. Table B1 indicates the occupancy trend between 1990 and 2008. the vacancy rate in Fairfax has been steady at 3.3 % between 200 and 2008.

**Table B-1. Households by Tenure**

	1990		2000		2008	
	Number	Percent	Number	Percent	Number	Percent
Owner	1842	60%	2031	61%	1,991	61%
Renter	1250	40%	1275	39%	1,277	39%

Source: US Census, 1990 and 2000;  
Claritas, 2008

- ❑ **Market rate housing is generally not affordable to extremely low, very low, and low income households.** Current estimates indicate that 35% of Marin County households are found in the extremely low, very low and low income categories, earning less than 80% of the median income. An even greater proportion of very low and low income household are renters. In 2000, an estimated 53% of all renters in Marin County were in the extremely low, very low and low income categories, earning less than \$64,100 for a four person household. In Fairfax, 24% of the population earns less than \$35,000, 39% earn less than \$50,000. New construction for extremely low, very low and low income households usually requires some type of project-based or occupant-based subsidy.
- ❑ **The affordable housing crisis is especially severe for our highest growing household types —younger households (under 44), senior households (65+), and special need populations.** Young households and senior household comprise about 72% and 10% of all households in Fairfax, respectively. According to the State of the Cities Comprehensive Affordability Strategy, 65.6% of Extremely Low Income households in Fairfax have housing problems; 77.6% of Very Low Income households have housing problems; and 59% of Low Income households have housing problems. In addition, 65% of Low Income renters and 59% of Low Income owners in Fairfax are overpaying. See Tables B2 and B3.

**Table B-2. Housing Problems**

	Total Renters	Total Owners	Total Households
<b>Extremely Low Income</b>	177	131	308
% with any housing problems	55.9	78.6	65.6
% Cost Burden >30%	55.9	78.6	65.6
% Cost Burden >50%	44.6	75.6	57.8
<b>Very low income</b>	217	82	299
% with any housing problems	88.9	47.6	77.6
% Cost Burden >30%	87.1	47.6	76.3
<b>Low Income</b>	345	295	640
% with any housing problems	57	61	59
% Cost Burden >30%	57	61	59

Source: State of the Cities Comprehensive Affordability Strategy (CHAS)

**Table B-3. Percent of Low Income Households Overpaying**

	Number of households	Total number overpaying for housing	Percent overpaying for housing
Renters	739	483	65%
Owners	371	217	59%

Source: State of the Cities Comprehensive Affordability Strategy (CHAS)

- ❑ **Single-family homes are only affordable to above moderate-income households.** Due to high prices, the “above moderate income” housing need should be met by market rate construction of single-family homes. The median priced conventional single-family in Fairfax sold for \$749,000 in the first quarter of 2010. An income of above \$150,000 would be needed to purchase a typical single-family home. The median priced condominium or townhouse in Fairfax sold for \$531,000 in the first

quarter of 2010. An income way above \$72,420 per year (the 2008 median income for a Fairfax household) would be needed to purchase a median-priced condominium or townhouse in Fairfax.

### Relationship of Population, Jobs and Housing

The substantial increase in employment in the Bay Area has drawn people to the region. This trend is expected to continue while increasing the demand for housing at all income levels. Nevertheless, according to the State Department of Housing and Community Development (HCD), about 70% of the future population growth in California (16 million people by the year 2020) will be due to natural increases in the current population (births over deaths), and only 30 percent is expected to be due to people moving into California from elsewhere. Marin County is projected to have about 16,500 fewer jobs than employed residents in the year 2020. Tables B-4 and B-5 below shows the projections for population, households and jobs in Fairfax:

**Table B-4. Total Population-Fairfax**

Year	Population	Numerical Change	Percent Change	Average Annual Growth Rate
1990	6,931			
2000	7,319	388	6%	0.5%
2005	7,300	-19	0%	-0.1%
2010	7,400	100	1%	0.3%
2015	7,400	0	0%	0.0%
2020	7,600	200	3%	0.5%
2025	7,600	0	0%	0.0%
2030	7,600	0	0%	0.0%
2035	7,700	100	1%	0.3%

Source: ABAG Projections, 2007; US Census, 1990

**Table B-5 Projected Jobs-Fairfax and Marin County**

<b>Fairfax</b>	<b>2000</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Jobs to Housing Ratio	0.5	0.5	0.6	0.6	0.6	0.6	0.6	0.6
Total Population	7,319	7,300	7,400	7,400	7,600	7,600	7,600	7,700
Households	3,306	3,310	3,330	3,380	3,440	3,490	3,530	3,570
Total Jobs	1,780	1,820	1,910	1,960	2,030	2,100	2,170	2,240
<b>Marin</b>	<b>2000</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Jobs to Housing Ratio	1.3	1.3	1.3	1.3	1.4	1.4	1.4	1.4
Total Population	247,289	252,600	258,400	264,700	270,600	275,000	279,100	283,100
Households	100,650	103,180	105,340	107,930	110,490	112,810	114,970	116,800
Total Jobs	134,180	135,370	140,790	145,310	149,860	154,840	160,110	165,180

The Bay Area's economy has grown significantly since the mid-1990s, becoming one of the most dynamic and innovative regional economies in the world. This economic growth has provided opportunities for many Bay Area residents and resulted in a variety of other benefits for the region. However, as regional economic growth, despite the 2008 economic slump, housing growth has not. While many new jobs were created in the region since 1990, not as many new housing units were built. With demand outpacing supply, the competition for housing has sent rents and sale prices upward.

Even with the recent economic downturn, the gap in wages for workers in highly skilled positions and in the retail and personal services sector has grown, and lower waged workers still have significant difficulty securing affordable housing. Already the mismatch between the location of jobs and housing is straining the region's roadways and environment. As the cost for housing near employment centers has risen, workers have sought more affordable housing in communities farther and farther away from their jobs, compounding traffic congestion. This trend is common in many of the booming regions in California.

In 2000, the public employees union (MAPE/SEIU) conducted a survey of over 1,500 of its members working for 14 different agencies, including the County of Marin. The survey focused on housing and found the following:

- ❑ Almost 23% of those returning the survey failed to identify themselves as eligible for some sort of housing subsidy or support when indeed they would be eligible. Over 52% owned a residence.
- ❑ More than half the renters considered owning a home as their top priority, with Marin down payments and monthly mortgage payments being roughly equal obstacles preventing employees from living close to work.
- ❑ Of the respondents, 74% were eligible for a subsidized housing program of some sort according to the income levels established by HUD. By examining County income levels for Union members with a family of one, the Union determined that 94% of those employees qualify for assistance, with 57% qualifying for Section 8 rental subsidies. The difference between 74% and 94% may represent the added benefits of spousal income, something the survey could not track.
- ❑ The most frequently reported income was \$35,000 per year, which would qualify for a Section 8 subsidy. Over half the respondents had incomes of less than \$45,700, which for a family of two also makes them qualified for Section 8 subsidies.
- ❑ Commutes averaged from 34 to 37 minutes and ranged from 5 minutes to 3 hours. Given that this figure represents one direction, members reported spending over an hour per day commuting, slightly above federal statistics from the census for Northern California.

Fairfax, like Marin County as a whole, is a desirable place to live. The natural beauty of Marin County is complimented by its proximity to the cultural center of the Bay Area, San Francisco. Development in the Town has preserved important physical features such as ridgelines, hillsides, and natural areas, and provided a pleasant living environment. Fairfax is unique in Marin County due to its proximity to the urban corridor yet it has not experienced the growth typical throughout the County. This fact has helped the Town of Fairfax preserve its economic diversity as well as its rich natural setting.

In general, Fairfax will experience slight growth in the next 10 – 15 years and the job market will also increase slightly. Between 2010 and 2020, Fairfax, as projected by ABAG, is expected to gain approximately 200 new residents and about 120 new jobs.

### **The Need for “Workforce Affordable Housing” Matched to Jobs**

**“Workforce housing” is a critical need throughout Marin as housing costs are relatively high compared to salaries for many local jobs.** In the past decade, the supply of jobs has been growing faster than the number of employed residents, indicating that there is a net in-migration of workers. For the next two decades, the Association of Bay Area Governments projects that the majority of new jobs will be in relatively low paying retail sales and service jobs. Statistics from the U.S. Commerce Department’s Bureau of Economic Analysis indicate that the average wage of workers in Marin County is only 88 percent of the Bay Area average wage, while housing in the County is relatively expensive compared to some of the salaries these jobs pay.

**The lack of availability of affordable housing contributes to traffic congestion.**

Our lack of affordable housing pushes people farther and farther away, commuting within, to and through Marin for job destinations. Very little growth in either population or employment is projected for Marin County over the next 20 years. Congestion is growing about two times the rate of either population or employment growth in the County, but the increase in congestion has very little to do with growth in Marin County. Providing affordable housing and improving the jobs/housing balance can reduce the need for commuting. Creating transit-oriented development focused on transit modes is also beneficial, as is creating mixed-use developments that reduce the need for many "midday trips." This not only has implications for traffic, but also for the people employed, businesses and services available in the community.

**The lack of affordable housing will impact available services and businesses.** The economic impacts of inadequate workforce housing on businesses include: (1) The cost of recruitment and retention of employees; (2) loss of experienced personnel; (3) lost investment in staff training; and, (4) money earned locally being spent elsewhere. The economic vitality of smaller businesses and very low wage jobs may also be disproportionately impacted. Public agencies, school districts, social services, and child and elder care givers will continue to have a difficult time attracting people to work in Marin as affordable housing becomes more difficult to attain. There are also safety issues when a large percentage of police, fire and other public safety personnel live out of the area. The GPAC identified the Town's service and emergency personnel as the most important group that should be able to find attainable housing in the community.

The projections for Marin County jurisdictions for jobs, households and employed residents indicate that affordable housing is likely to remain a major regional issue for many years, with long-term economic repercussions and significant impacts on the quality of life in the Bay Area and Marin County.

There are different ways to examine the balance between jobs and housing in the county. One way is to define it as the ratio resulting from the absolute numbers of jobs divided by the absolute numbers of housing. However, since many households are comprised of two working adults, a jobs/housing ratio of 1.0 does not necessarily connote a 'balance' between housing and jobs.

Another way to view jobs/housing balance is to compare total employment (i.e., the number of jobs that exist in Marin County, or a specific jurisdiction) with the number of employed residents (whether their jobs are here or elsewhere). This helps to account for the numerous two wage-earner households that exist. When total employment equals resident employment, with a jobs/employed resident ratio of 1.0, a more accurate measure of balance results than when the comparison is between the number of jobs and the number of houses, because it accounts for the numerous two wage-earner households in existence throughout Marin County.

There are many benefits from a balance between jobs and employed residents of 1.0, including improved air quality, less congested freeways, reduced fuel consumption,

reduced expenditures on major transportation projects, a labor supply more closely matched to local employment needs, and savings in travel time for both businesses and individuals. However, a 1.0 ratio between jobs and employed residents does not guarantee a reduction in commute trips. Although Marin County, as a whole, has expanded its jobs base, many residents still commute elsewhere to work, while many of the people who work in Marin are living in other communities due to high housing costs and availability, or other lifestyle choices. The analysis of jobs and housing presented above does not address the issue of matching housing costs and types to the needs and incomes of the community's workforce. So, even with a 1:1 ratio of jobs to housing, cities or counties can continue to exchange workers regardless of a correlation of employed residents to total jobs.

Over 57% of the jobs expected over the next 20 years in Marin County will be in the relatively low-paying services sector. The construction, manufacturing and wholesale sector will comprise 14% of the new jobs, retail will be 14%, and the remaining 15% will include a variety of professional and other jobs. The lack of housing, particularly affordable housing, consistent with the projected lower paid jobs in the services sector, will continue to exacerbate the mismatch of job salaries and housing costs.

### **Relationship of Population and Jobs to Transportation**

There is projected to be a continuing increase in regional travel activity in the Bay Area as a result of an expanding exurban population and the continuing predominance of the automobile as the primary commute mode. Projections for the Bay Area as a whole show that there will be longer commute travel times. Recommendations currently being considered by the County's Congestion Management Agency conclude that while there is clearly a need for improvements in all modes, and a rational transportation plan for Marin County must emphasize solutions to the problems as they exist today.

While population and employment growth in Marin is expected to be lower than any county in the Bay region, except San Francisco, congestion is projected to continue to increase at about two times the rate of either population or jobs growth in the county. It is apparent that the increase in congestion has very little to do with growth in Marin County. Not all solutions to the transportation problems relate to improvements in modes of transportation. These include:

- Improving the jobs/housing balance in the County to reduce the need for commuting;
- Creating transit-oriented development focused on transit modes;
- Creating mixed-use developments that avoid the need for many "midday trips" — including targeted placement of day care, convenience retail and other services co-located with employment centers.

The number of jobs in a community has implications for the number of houses needed in the area. If there is an inadequate supply of affordable housing, persons working locally will tend to commute from less expensive outlying areas. This problem is manifest in Marin. Although housing has been built, job growth has still outpaced the growth in the

housing supply. Furthermore, while Marin housing costs are among the highest in the Bay Area, the payroll from Marin jobs is among the lowest in the region. This imbalance contributes to severe traffic congestion on Highway 101 (the main link between Marin and Sonoma County where housing costs are lower).

### **Facts About Traffic Conditions (Marin County Public Works)**

#### **What Factors Contribute to Congestion?**

- (1) Each person in Marin County and in the Bay Area is taking more trips per day.
- (2) More local trips are being made, creating more congestion on arterials and collector routes, as well as adding more short trips on Highway 101.
- (3) School trips account for 21% of the County's morning peak period congestion.
- (4) Peak periods are "spreading", creating longer periods of congestion throughout the day and during critical periods on weekend.
- (5) The lack of attainable housing pushes people farther and farther away, commuting to and through Marin for job destinations.

#### **Congestion is a Local Problem with a Regional Component**

- (1) 77% of trips destined for Marin begin in Marin.
- (2) Marin County residents fill over 50% of all jobs in Marin.
- (3) About 28% of Marin County residents are destined for jobs in San Francisco.
- (4) At the morning peak hour, about half of the trips made from the north via Highway 101 at the Marin/Sonoma County line are destined for jobs in Marin, 24% go through Marin en route to San Francisco, and about 20% go to the East Bay.
- (5) The proportion of trips destined to Marin and San Francisco from Sonoma is expected to decrease as Sonoma County further develops its own job base.
- (6) The number of long distance trips to Marin from Solano, Napa and other counties will continue to increase as Marin is still a major destination due to the lack of attainable housing.

#### **Solutions Must Focus on the Problem**

- (1) Provide local transit (school bus, local and express bus, and rail) that brings people from neighborhoods to destinations in Marin.
- (2) Provide local gap filler and targeted improvements on intersections and arterials that are not operating effectively.
- (3) Implement transportation demand management programs focused towards employers to encourage carpools and HOV commuting.
- (4) Provide for "Safe Routes to Schools", including bicycles and pedestrian programs and school busing that will encourage parents to stop driving their children to school.

## ***2. Housing Conditions***

### ***Housing Types and Production in Marin County and Fairfax***

A variety of housing types are needed to provide shelter for local residents and employees. A housing mix and supply that does not meet the needs of residents can have significant impacts on the cost of housing, whether owner-or renter-occupied. When housing is not added commensurate with job growth, housing costs can increase dramatically over what would occur with normal inflationary increases in value. Marin has experienced this firsthand, especially related to detached single-family dwellings and rental units.

Detached single-family homes are the majority of residential units, comprising about 60% of the total housing stock in Marin and 68% in Fairfax in 2008. Apartments are the next most common housing types, with about 29% of the total units, while condominiums and town homes provide 9% in Marin County. In Fairfax, apartments made up 25% of the housing stock in 2008.

Nationwide, there was a sharp drop in multifamily housing construction during the 1990's that contributed to low vacancy rates and rising rents. According to a study conducted by University of Southern California demographer and planner Dowell Myers, the reason for the drop was due to the loss of federal tax credits, local resistance to apartment construction, litigation and liability issues, and population changes. Until the 1990's single-family and multifamily permits were fairly evenly matched in California. Fairfax issued 23 single-family housing permits between 1996 and 2007, and only two permits for attached units during the same time period.

### ***Age and Condition of the Housing Stock***

64% of the existing homes in Marin County were built more than 30 years ago. Forty-two percent were built more than 40 years ago. These estimates are based on the 1990 breakdown of housing units by age contained in the U. S. Census, updated with construction data for 1990-2000, and year 2000 census data on total units and occupancy status. 79% of the housing stock in Fairfax was constructed before 1970.

In general, the condition of the housing stock in Marin County is good. Windshield surveys conducted over the past 15 years by various jurisdictions indicate a high level of maintenance and renovation, which is consistent with the high value of housing in the County. Still, there are areas where housing condition is an issue, especially where rental units have deteriorated due to age and lack of maintenance.

The Community Development Block Grant Rehabilitation Loan Program provides the greatest amount of funding for rehabilitation. Specific programs include single-family home repair loans, emergency repair and accessibility grants, exterior enhancement

rebates, weatherization and home security grants for seniors, and a multi-family rehabilitation loan program. In 2000, 533 Residential Rehabilitation Loans were made to low-income homeowners in Marin. There are also mandatory multi-family inspection programs to ensure code enforcement and fire safety in multi-family developments.

### **Rehabilitation and Replacement**

Fairfax is one of the oldest communities in Marin and consequently has a high number of older housing units. At least one-third of the Town's housing units are over 40 years of age and these tend to be concentrated around the downtown. Of the 3,092 occupied housing units, approximately 750 are substandard, and, of the substandard units, it is estimated that 100 should be demolished, according to the Town's Building Official.

### **Existing Affordable Housing Stock and Units "At Risk"**

Government Code Section 65583 requires each city and county to adopt analysis and programs for preserving assisted housing developments. The analysis is required to identify any low-income units that are at risk of losing subsidies over the next 10 years.

Based on a study in 2001 conducted by Barbara Collins, Marin County Housing Strategist, there are 3,226 deed restricted affordable housing units currently in Marin County. There are an additional 1,597 proposed units in various stages of the development process. Of those, 943 are planned for the City of Novato, with most of those units as part of the Hamilton Reuse Plan.

For planning purposes, deed restrictions for 33.1% of the established affordable housing stock will expire in the next 15 years. Developments, which are "at risk" of expiring through to the year 2006 contain 825 units eligible to convert to market rate units based on funding restrictions, with some exceptions. Of the 825 units, 58 units are designated in the Below Market Rate program managed by Marin Housing Authority, and are generally restricted permanently with a slight cost increase to cover resale or legal expenses. Beginning in the year 2007 through 2012 there will be 266 units "at risk" of converting to market rate. Of these, 91 are BMR units subject to resale controls.

## ***3. Household Characteristics***

### ***Household Types and Size***

The Bureau of the Census defines a household as all persons who occupy a housing unit, including families, single people, or unrelated persons. Persons living in retirement or convalescent homes, dormitories, or other group living situations are not considered households.

The number of households in Marin County increased from 27,406 in 2000 to 27,923 in 2008, which is a 1.9% increase. During the same time period, Fairfax's household number increased from 3,306 in 2000 to 3,268 in 2008.

**Table B-6. Household Growth Trends (1990 - Current)**

Year	Households	Numerical	
		Change	Annual Percent Change
1990	3,101		
2000	3,306	205	0.6%
2008	3,268	-38	-0.1%

Source: US Census 1990 and 2000; DoF

E-5

As shown by Table B-7, the average family household size in Fairfax in 2008 was slightly less than that of the county. There were 3,268 households in Fairfax in 2008, of which about 54% were families and 45% non-family households. Slightly less than one-third (31%) were people living alone (with approximately 24% of those being individuals age 65, representing about 7% of all households). Households with children comprised 27% of all households (1,398 of 3,306) in 2000. Sixteen (16) percent of the town's total households consist of individuals age 65 or over (compared to 10 percent for the County average).

**Table B-7. Average Size of Households**

	1990	2000	2008
Town of Fairfax	2.2	2.2	2.2
Marin County	xx	2.3	2.4

Source: US Census 1990 and 2000, Department of Finance E5 Report (DoF E5)

**Table B-8. Household Type-Fairfax**

Category	Number	Percent
Family without kids	906	27%
Family with kids	907	27%
Single person	1029	31%
Nonfamily multiperson household	464	14%

Source: US Census 2000

The average household size in Marin was 2.35 persons per household in 1985. The average household size dipped to 2.33 in 1990, but increased to 2.40 in 2000. It is expected to increase to 2.41 by 2005 before declining to 2.39 by 2020. Compared to the rest of the Bay Area, Marin County's average household size is significantly lower, averaging 0.3 fewer persons per household. With a lower average rate of occupancy, more residential units will be required to accommodate any given increases in population. However, small households generate less impact on a per unit basis than larger households.

**Table B-8. Age Summary (as of 2008)**

	Number	Percent	Fairfax	Marin County	State Average
Under 18	1,309	18%	18%	20%	27%
Between 18 and 65	5,002	70%	70%	66%	62%
Over 65	848	12%	12%	14%	11%
Median	41.6	xx	41.6	41.3	33.3

Source: US Census  
2000, Claritas 2008

High housing prices can force people to share living accommodations, thereby increasing household size. However, Marin's aging population, discussed earlier, also reduces the occupancy rate as children move out and mortality increases. On average, renter households in Marin (2.21 persons per household in 2000) are slightly smaller than owner households (2.42 persons per household in 2000). The 1990 Fairfax Housing Element predicted that the average household size would decrease by 2005. Current predictions indicate that the average household size will slightly increase and will also remain relatively close to the County average.

### Housing Tenure (Ownership and Rental Housing)

According to the 2000 census, there were 2,031 owner-occupied units in Fairfax (61% of all units) and 1,275 renter-occupied units (39% of the total) in 2000. This is a slight increase in the percentage of owner-occupied units in comparison to 1990 (when 60% were owner-occupied and 40% were rented), which also reflects a higher proportion of single-family homes being built as compared to multi-family units. The same percentages held for 2008. See Table B-9 below.

**Table B-9. Households by Tenure-Fairfax**

	1990		2000		2008	
	Number	Percent	Number	Percent	Number	Percent
Owner	1842	60%	2031	61%	1,991	61%
Renter	1250	40%	1275	39%	1,277	39%

Source: US Census, 1990 and 2000; Claritas, 2008

### ***Vacancy Rate Trends***

The vacancy rates for housing in Fairfax, as indicated by the Department of Finance are shown in Table B-10 below. Vacancy rates have remained constant between 2000 and 2008. The 3.3 percent figure is indicative of a very tight rental housing market in which demand for units exceeds the available supply. Based on rent level surveys, the rental vacancy rate is most likely much tighter for units affordable to very low, low and even moderate-income households. Fairfax is a desirable place to live and has a vacancy rate lower than that of the County. The vacancy rate in Fairfax will most probably decrease over the next ten years.

**Table B-10. Vacancy Rates**

	2000	2008	Change (in Percentage Points)
Vacancy Rate	3.3%	3.3%	0.0

Source: DoF E-5

In general, a higher vacancy rate is considered necessary by housing experts to assure adequate choice in the marketplace and to temper the rise in home prices. According to the Bay Area Council and Association of Bay Area Governments, a five percent rental vacancy rate is considered necessary to permit ordinary rental mobility. In a housing market with a lower vacancy rate, tenants will have difficulty locating appropriate units and strong market pressure will inflate rents. Thus, the 1990s have seen a significant tightening in the local housing market, a phenomenon that has been experienced in many Bay Area communities.

With increased demand, the costs for land and buildings, and rents, will increase proportionally, keeping rents high. Even in an economic downturn, such as the one that began in 2008, it is not expected that rents will go much lower than they are currently. The low and very low-income residents are most dramatically impacted. As stated earlier, the market is generally not providing an adequate supply of multi-family rental housing, especially those attainable at the lower income levels. Conclusions of this analysis underscore the importance of affordable housing to our economy and to the quality of life experienced in Marin and in the Bay Area. In the absence of efforts to increase the supply of affordable housing, higher paid workers will continue to move into the area, displacing lower income workers. Lower income workers will double up in overcrowded conditions, commute long distances and will be required to pay more than they can afford for housing. Employers will have increasing difficulty finding workers to fill lower paid positions.

## Overcrowding

The US Census defines overcrowded housing as units with more than one inhabitant per room, excluding kitchen and bathrooms. According to 2000 census data, there are six people with overcrowded conditions in Fairfax. There are no owner occupied or renter occupied units that are severely overcrowded in the Town.

**Table B-11. Overcrowding**

	People	Percent
Not Overcrowded (<1 person per room)	3,216	98.2
Overcrowded (1.5 people per room)	60	1.8
Very overcrowded (1.5+ people per room)	0	0

Source: US Census, 2000

The census data information indicates that the overall level of overcrowding in the Town has decreased since 1990. However, it is likely that census counts of overcrowding underestimate the actual occurrence, as households living in overcrowded situations are unlikely to provide accurate data on other household members who might be living in the unit illegally or in violation of their rental agreement.

It is also likely that the incidence of overcrowding has *increased* over the 1990 levels, given the increase in housing prices relative to local incomes, the increase in the average household and family size, and the very low vacancy rates reported in the census statistics. An increase in overcrowding has been identified as an issue by staff working in inspection programs in various cities.

Addressing the issue of overcrowding will require the construction of new units and rehabilitation of existing units to meet the needs of larger families, a correction in the local balance between supply and demand so that the market returns to a more functional vacancy rate level, and addressing the gap between local incomes and housing prices. The recent ‘softening’ of the housing market being experienced in the Bay Area due to the economic slowdown both regionally and nationally will address some of these issues, but continued policy direction in promoting housing development to meet the needs of lower income households and larger families—as well as encouraging the development and rehabilitation of more units to meet demand—will also help alleviate the issue of overcrowding.

## Condominium Conversions

Fairfax has sought to ensure the retention of affordable rental units for decades. One of the methods the Town has implemented to retain existing rental housing is a prohibition on condominium conversions, enacted in 1973. The Town of Fairfax was one of the 1<sup>st</sup> communities in California to pass such a law.

## ***4. Housing Costs, Household Income, and the Ability to Pay for Housing***

### **Housing Affordability — A Bay Area Perspective**

The housing crisis in the Bay Area has been an evolving phenomenon over several decades as demand has continually exceeded supply. Housing affordability in the Bay Area is now at an all-time low. Current estimates indicate that 35% of all Marin County households are in the extremely low, very low, and low income categories, earning less than 80% of the median income. There is an even greater proportion of very low and low income households among renters. A 2000 estimate suggested that 53% of all renters in Marin County were in the extremely low, very low, and low income categories, earning less than \$64,100 for a family of four. Although current data are not available for the proportion of owner or renter households within each of the income categories, the low income threshold has increased to \$77,450 for a family of four.

The shortage of local housing at affordable prices means that many employees who work in Marin County must live elsewhere. This requires additional personal and societal costs, as the price of commuting is not just the actual expenses for car and gas; but also includes the commute time, the environmental impact on air quality, the costs of extended day care, and the toll on peoples' lives.

When housing affordability erodes, many residents are affected. Those on fixed incomes are not able to keep up with rising rents; local employers experience difficulty in attracting and retaining qualified employees; local employees move further away from their jobs in search of affordable housing in other communities because they cannot find adequate housing in the local area that they can afford; and many households postpone home improvements and new investments, and /or devote an increasing proportion of their monthly budget to meeting housing costs. Overcrowding also increases as people turn to sharing homes and apartments to reduce monthly costs.

An adequate supply of affordable housing, including rental and owned housing, is essential to satisfying the housing needs of all economic segments of Marin's existing and projected population. The analysis of housing affordability requires consideration of trends in household income in comparison to trends in housing prices and rents, trying to quantify as best as possible the incidence of overpayment for housing costs, or what might be termed 'the affordability gap' between the structure of local wages and salaries and the costs of local housing.

### **Some of the Key Findings of "Marin Profile 2001 — A Survey of Economic, Social, and Environmental Indicators" (Marin Economic Commission)**

- ❑ Marin Grows, But Steady
- ❑ Marin Getting Older Overall, Senior Population and Children Increasing
- ❑ Racial Diversity Lacking But Increasing as Marin Grows
- ❑ Marin Residents Becoming More Educated

- ❑ Crime Rates Remain Low
- ❑ Marin Residents Politically Active
- ❑ Marin Per Capita Income Highest in Bay Area and California
- ❑ Marin Household Income Increasing
- ❑ Household Occupancy to Remain Relatively Constant Over the Long Term
- ❑ New Residential Units Added Slowly
- ❑ High Percentage of Incomes Spent on Rent, New Unit Construction Falls Behind
- ❑ Rental rates Climb
- ❑ Need for Housing Assistance Continues
- ❑ Home Sales Prices Jump Dramatically But Overall Sales Decline
- ❑ Per Capita, Total Vehicle Miles Traveled Increasing Rapidly
- ❑ In and Out of County Commute Patterns Shifting
- ❑ Energy Consumption Rates Increasing
- ❑ Vast Majority of Land Area in Agriculture, Parks, and Protected Open Space

### ***Household Income***

Income is defined as wages, salaries, pensions, social security benefits, and other forms of cash received by a household. Non-cash items, such as Medicare and other medical insurance benefits, are not included as income. It is generally expected that people can afford to pay about a third of their income on housing. It is therefore critical to understand the relationship between household incomes and housing costs to determine how affordable—or unaffordable—housing really is.

Information on household income by household size is maintained by the U.S. Department of Housing and Urban Development (HUD) for each county. The current income levels by jurisdiction are shown in the tables below. Income categories are defined as a percentage of Marin County Median Household Income for four person households:

- ❑ *Extremely-Low Income* Below 30% of median income
- ❑ *Very-Low Income* Below 50% of median income
- ❑ *Low Income* 50-80% of Marin County median income
- ❑ *Moderate Income* 80-120% of Marin County median income
- ❑ *Above-Moderate Income* 120% and above of Marin County median income

**Table B-12: Estimated Distribution of Households by Income Category (2000)**

<b>Jurisdiction</b>	<b>Extremely Low Income</b>	<b>Very Low Income</b>	<b>Very Low Subtotal</b>	<b>Low Income</b>	<b>Moderate Income</b>	<b>Above Moderate</b>	<b>Total</b>
<b>Fairfax</b>	581	402	983	742	812	769	3306
<b>Marin County Total</b>	13,911	8,624	22,536	17,681	20,103	40,330	100,649

Source: Baird + Driskell/Community Planning; 2000 U.S. Census; Claritas, Inc.

**Table B-13: Percentage Estimated Distribution of Households by Income Category (2000)**

Jurisdiction	Extremely Low Income	Very Low Income	Very Low Subtotal	Low Income	Moderate Income	Above Moderate
Fairfax	17.6%	12.1%	29.7%	22.4%	24.6%	23.3%
Marin County Total	13.5%	8.4%	21.9%	17.4%	19.9%	40.8%

Source: Baird + Driskell/Community Planning; Claritas, Inc.

Although the average household income in Marin has been increasing, the number of households that fall into the low and very low-income categories has also increased. It is currently estimated that 39.3% of all Marin households fall in the very low and low-income category. There are even a greater proportion of very low and low income households among renters. It is estimated in 2000 that 55.9% of all renters fall in the very low and low-income category, earning less than \$64,100 for a family of four.

The household income of Fairfax residents is substantially less than that of the County average. It is estimated that over 52% of Fairfax households fall in the low and very-low income category.

### ***Sales Prices and Rents***

The Bay Area's phenomenal growth has led to unprecedented economic prosperity for many of those who live here. However, the region's desirability has made it increasingly expensive. This is particularly true in Marin County because of its beautiful setting, convenient location and quality of life. From 1993 to 2000 the median home sales price, for both attached and detached products, increased from \$314,250 to \$523,000. The median price for a single family detached home price in Marin County in 2000 was \$599,000, requiring an income over \$150,000 per year to qualify for a mortgage. The market prices are out of reach for many people who work in Marin County, and even for those who currently reside in the County. The median price for a single-family detached home in Marin County in 2008 was \$914,000, requiring an income over \$216,000 per year to qualify for a mortgage. The cost of multi-family homes has also increased, but to a lesser degree. The median price of a townhome or condominium rose from \$315,000 in 2000 to \$415,000 in 2008. The required income to afford the median townhome or condominium rose from \$84,000 to over \$90,000.

According to data from Real Facts, Inc., which surveys all rental complexes with 50 or more units quarterly, the average rents in Marin County in 2007 were: \$1,372 for a one-bedroom apartment, requiring an annual income of \$54,880; \$1,662 for a two-bedroom apartment, requiring a \$66,480 annual income. Rent surveys show that average rents countywide for one-bedroom apartments have increased from \$733 per month in 1992 to \$1,206 in 2000 and \$1,372 in 2007. Two-bedroom apartments have increased from \$922 per month in 1992 to \$1,662 in 2007. A review of data from Real Facts in the first quarter of 2010 showed no apartments for rent in Fairfax, according to their listings.

In the last quarter of 2001, the rents for one-bedroom apartments in Fairfax increased by 5%, while the rents for two-bedroom units increased by 4%. According to local realtors, the rent pattern for one-bedroom unfurnished apartments in Fairfax ranges between approximately \$1,200 to \$1,600 per month.

### ***The Ability to Pay for Housing***

Housing that costs 30% of a household's income is referred to as "affordable housing." Because household incomes and sizes vary, the price that is considered "affordable" for each household also varies. For example, a large family with a single low income would afford a different type of housing than a double-income household with no children. Households "overpay" for their housing when they must pay more than 30 percent of their income on housing.

Estimates of current overpayment in Fairfax are based on data supplied by the State of the Cities Comprehensive Affordability Strategy (CHAS). As shown by Table B-12, approximately 65% of renters in Fairfax were estimated to be overpaying for housing (i.e., paying greater than 10% of their income on housing) in 2008, while approximately 59% of owners were overpaying for housing. Given the household income trends and housing cost trends discussed previously, it is reasonable to conclude that the incidence of overpayment for very low, low and moderate-income households may increase in the future.

**Table B-12. Percent of Low Income Households Overpaying**

	Number of households	Total number overpaying for housing	Percent overpaying for housing
Renters	739	483	65%
Owners	371	217	59%

Source: State of the Cities Comprehensive Affordability Strategy (CHAS)

The median home sale prices in Fairfax are lower than most similar prices in the Marin County communities. But, like the rest of Marin, the median prices have increased since 1998 from \$387,000 to a high of \$779,350 in 2005. While the median sale prices retreated during the economic slowdown in the latter part of the decade, dropping to \$709,500 in the first part of 2008, many are still priced out of the Fairfax housing market. Table B-13 illustrates the median sale prices for the Marin County communities.

**Table B-13. Regional Median Home Sale Prices (Expanded)**

<b>City</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Belvedere</b>											
<b>Tiburon</b>	\$870,750	\$1,151,255	\$1,325,325	\$1,517,250	\$1,308,938	\$1,437,500	\$1,553,750	\$1,907,500	\$1,784,738	\$1,595,000	\$1,825,000
<b>Bolinas</b>	\$528,900	\$517,525	\$707,250	\$529,550	\$608,400	\$635,950	\$762,750	\$839,300	\$1,168,125	\$902,500	\$691,000
<b>Corte Madera</b>	\$509,550	\$554,038	\$650,670	\$669,375	\$756,990	\$750,375	\$835,070	\$999,803	\$960,750	\$905,000	\$1,010,000
<b>Dillon Beach</b>	\$316,050	\$336,233	\$369,000	\$493,850	\$427,050	\$603,750	\$893,830	\$792,975	\$918,750	\$807,000	\$690,000
<b>Fairfax</b>	\$387,000	\$456,565	\$492,000	\$561,680	\$585,000	\$617,263	\$708,510	\$779,350	\$763,350	\$711,000	\$709,500
<b>Forest Knolls</b>	\$287,025	\$348,615	\$371,460	\$428,400	\$493,740	\$552,000	\$652,575	\$738,475	\$630,000	\$730,000	\$0
<b>Greenbrae</b>	\$644,355	\$699,453	\$802,575	\$838,950	\$965,250	\$977,500	\$1,013,893	\$1,308,000	\$1,205,925	\$1,249,500	\$1,230,000
<b>Inverness</b>	\$407,963	\$528,955	\$541,200	\$679,490	\$819,878	\$684,250	\$807,950	\$858,375	\$1,207,500	\$930,000	\$530,000
<b>Lagunitas</b>	\$341,850	\$405,765	\$324,413	\$511,700	\$561,600	\$515,200	\$475,730	\$761,910	\$859,950	\$775,000	\$724,000
<b>Larkspur</b>	\$638,550	\$641,350	\$873,300	\$808,605	\$895,050	\$977,500	\$1,018,130	\$1,297,100	\$1,207,500	\$1,150,000	\$1,230,000
<b>Marshall Mill Valley</b>	\$459,240	\$862,965	\$539,970	\$988,593	\$570,375	\$828,000	\$716,703	\$893,255	\$955,500	\$575,000	\$0
<b>Nicasio</b>	\$445,050	\$879,475	\$1,007,985	\$891,310	\$1,035,450	\$1,081,000	\$992,988	\$1,580,500	\$1,923,338	\$1,500,000	\$1,800,000
<b>Novato</b>	\$354,750	\$419,100	\$490,770	\$502,180	\$544,050	\$615,250	\$689,300	\$764,090	\$729,750	\$691,000	\$580,000
<b>Point Reyes Station</b>	\$412,800	\$534,670	\$510,450	\$647,360	\$783,900	\$615,250	\$282,500	\$645,280	\$881,475	\$682,500	\$0
<b>Ross</b>	\$1,144,875	\$1,079,500	\$1,820,400	\$1,398,250	\$2,275,065	\$1,551,350	\$1,997,275	\$2,806,750	\$1,837,500	\$1,940,000	\$2,300,000
<b>San Anselmo</b>	\$485,685	\$571,500	\$651,900	\$696,150	\$731,250	\$773,375	\$858,800	\$953,750	\$913,500	\$895,000	\$965,000
<b>San Geronimo</b>	\$481,170	\$508,000	\$768,750	\$273,700	\$650,945	\$676,200	\$788,175	\$713,950	\$800,625	\$765,000	\$1,093,000
<b>San Quentin</b>	\$0	\$127,000	\$562,725	\$547,400	\$0	\$488,750	\$904,000	\$844,750	\$987,000	\$0	\$0
<b>San Rafael</b>	\$432,150	\$493,057	\$589,170	\$624,750	\$647,010	\$667,000	\$744,388	\$817,500	\$786,450	\$770,000	\$720,000
<b>Sausalito</b>	\$383,130	\$494,665	\$633,450	\$612,850	\$634,725	\$664,125	\$740,150	\$795,700	\$971,250	\$900,000	\$980,000
<b>Stinson Beach</b>	\$516,000	\$698,500	\$1,076,250	\$615,825	\$739,440	\$1,190,250	\$1,073,500	\$1,428,990	\$1,026,375	\$1,705,000	\$1,900,000
<b>Tomales</b>	\$338,625	\$304,800	\$669,120	\$392,700	\$868,725	\$644,000	\$565,000	\$615,850	\$840,000	\$520,000	\$829,000
<b>Woodacre</b>	\$335,400	\$482,600	\$574,718	\$440,300	\$688,758	\$575,000	\$751,168	\$761,910	\$798,000	\$615,000	\$800,000

Source:  
Dataquick

## **What Various Jobs Pay (2000)**

### **What Various Jobs Paid (2008) for a Single Person Household**

#### **Examples of Very Low Income Jobs**

- Dishwasher \$20,134
- Retail Salesperson \$24,523
- Childcare Worker \$27,269
- Truck Driver, Delivery \$37,024

#### **Examples of Low Income Jobs**

- Social Worker \$41,205
- Construction Laborer \$49,546
- Fire, Police, and Ambulance Dispatcher \$55,973
- Civil Engineering Technician \$61,630

#### **Examples of Moderate Income Jobs**

- Carpenters \$63,752
- Medical and Public Health Social Workers \$67,475
- Correctional Officer, Jailer \$73,278
- Loan Officer \$77,584

## ***5. Special Housing Needs***

### ***Overview***

In addition to overall housing needs, cities and the county must plan for the special housing needs of certain groups, such as homeless people, seniors, people with disabilities, large families, female-headed households, and farm worker households. Some communities may not have all these needs, while others may have additional special housing needs, such as people with HIV, people with substance abuse problems, or people with mental health issues.

To meet the community's housing needs (including the needs of the local workforce, seniors, people living with disabilities, farm workers, the homeless, people with HIV/AIDS and other illnesses, people in need of mental health care, single parent families, single with no children, and large households), jurisdictions in Marin must be creative and look to new ways of increasing the supply, diversity and affordability of the housing stock.

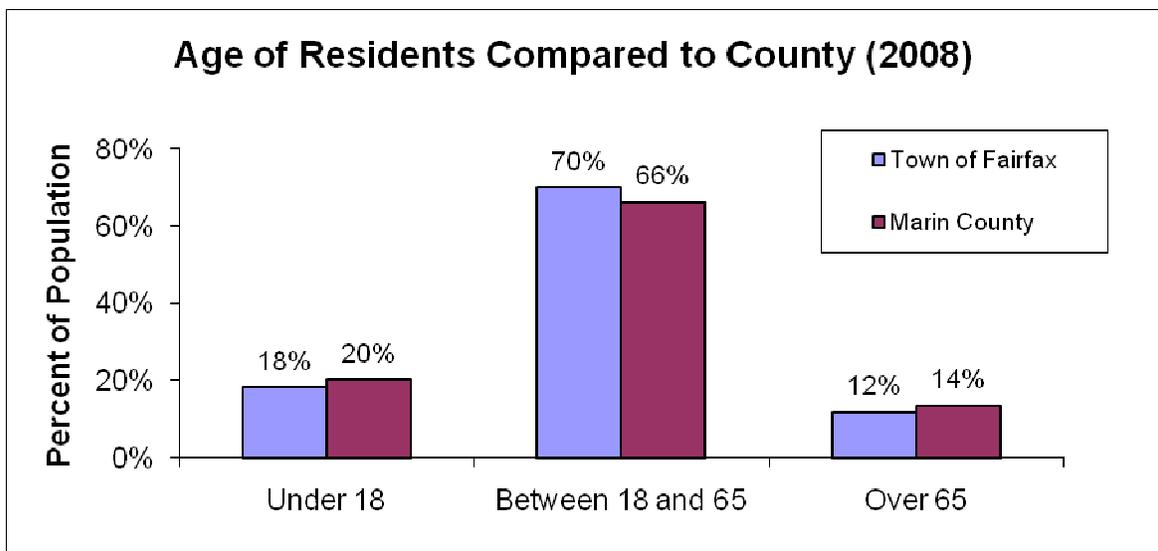
Other special need groups may include public employees, who can also have special housing needs in communities with particularly high housing costs. Although they may be able to commute from other places in the region, a city or the County or school districts may want to define its employees as a group with special housing needs, developing appropriate policies and programs to address those needs. Students may have

a difficult time finding affordable housing in communities with universities or colleges. Shared housing and public or private dormitories may meet some or all of students' housing needs. Finally, the task of finding an affordable home, meeting down payment and closing costs, and qualifying for a mortgage may create a special category of housing need.

The term “below-market-rate” (BMR) housing is used to describe units offered at rents or sales prices below that which they could command on the open market. In the past, BMR units were almost exclusively produced with direct federal subsidies. Following drastic cuts in these programs, local governments continue to search for new ways to increase the supply of affordable housing to low and moderate income households. In Marin County, the problem is magnified by the limited amount of land available for development and the correspondingly high housing costs.

### Seniors

Elderly households can be defined, in part, by the age distribution and demographic projections of a community's population. This identifies the maximum need for elderly housing. Particular needs include smaller and more efficient housing, barrier-free and accessible housing, and a wide variety of housing with health care and/or personal services. Fairfax has a slightly younger population than Marin County, with 12% of the population over 65 years of age, as compared to the county's 14%.



With the overall aging of society, the senior population (persons over 65 years of age) will increase in most communities. Consequently, the need for affordable and specialized housing for older residents will grow. Typical housing types used to meet the needs of seniors include smaller attached or detached housing for independent living (both market rate and below market rate); second units; shared housing; age-restricted below-market-rate rental developments; congregate care facilities; residential care homes licensed by the state; and skilled nursing homes.

Many supportive housing developments for the elderly have been built using HUD's Section 202 and 202/8 programs, which provide direct loan financing. Non-profit organizations have been instrumental in marshaling the resources to construct and operate the developments, but housing authorities and for-profit developers are also potential development project sponsors. Elderly households can be defined, in part, by the age distribution and demographic projections of a community's population. This identifies the maximum need for elderly housing. Particular needs, such as the need for smaller and more efficient housing, for barrier-free and accessible housing, and for a wide variety of housing with health care and/or personal services should be addressed, as should providing a continuum of care as elderly households become less self-reliant.

The increasing longevity of people and the increasing number of seniors in the population in Marin County will create additional need for affordable housing and specialized housing for older residents.

This has the following implications:

- (1) Marin has a limited supply of vacant land that is suitable for residential development. Senior projects would compete with non-age-restricted housing for this land. Additional housing for area workers and families is an important need.
- (2) Senior households on fixed incomes have limited resources for home improvements to maintain or rehabilitate older housing. The neighborhoods adjacent to Downtown Fairfax are specific areas where this may be a problem given the age of the housing and the high proportion senior residents. In the future, other neighborhoods may be facing these same issues as well.
- (3) Even though seniors are exempt from tax issues, many seniors can become "trapped" in large houses, due to the size and upkeep required for a large, older structure, as well as the increased house payments that would result from moving into newer residential unit.

### ***People with Physical and Mental Disabilities***

People with disabilities represent a wide range of different housing needs, depending on the type and severity of their disability as well as personal preference and lifestyle. 'Barrier-free design' housing, accessibility modifications, proximity to services and transit, and group living opportunities represent some of the types of considerations and accommodations that are important in serving this need group. Incorporating barrier-free design in all new multifamily housing is especially important to provide the widest range of choice. The California and Federal Fair Housing laws also require doing so. Special consideration should also be given to the issue of income and affordability, as many people with disabilities may be in fixed income situations.

As the proportion of seniors in the county's population increases, handicapped accessible housing will become even more needed. Consideration can be given to handicapped dwelling conversion (or adaptability) and site design in new or renovated construction.

Bucklew, allegria, MARC and the Marin Center for Independent Living operate facilities in Marin for people with disabilities. The Marin Center for Independent Living, for example, serves approximately 4,000 people a year throughout Marin County. Most of their clients live under the poverty level. The Tables below, Tables B-14 and B-15, illustrate the data available from the 2000 Census. At that time, there were 1,599 individuals residing in Fairfax that were known to have some form of disability, 29% were seniors over the age of 65.

**Table B-14. Disabilities**

	Number
Unable to work because of disability (ages 16-64)	455
Able to work, but with disability (ages 16-64)	672
Persons Age 65 Plus with a Disability	458
Total Persons with a Disability	1,599

Source: US Census, 2000

**Table B-15. Persons with Disabilities by Disability Type**

	Number
Total Disabilities	<i>1,599</i>
Total Disabilities for Ages 5-64	<i>1,141</i>
Sensory Disability	<i>47</i>
Physical disability	<i>281</i>
Mental disability	<i>169</i>
Self-care disability	<i>49</i>
Go-outside-home disability	140

Employment disability	455
Total Disabilities for Ages 65 and Over	458
Sensory Disability	85
Physical disability	181
Mental disability	52
Self-care disability	58
Go-outside-home disability	82

Source: Census Bureau (2000 Census SF 3: P41)

### Single Parent and Female-Headed Households

Female-headed households need affordable housing with day care and recreation programs on-site or nearby, in proximity to schools and with access to services. Single elderly women also have special needs.

Households with female heads, like large households, may have difficulty in finding appropriate-sized housing. Despite fair housing laws and programs, discrimination against children may make it more difficult for this group to find adequate housing. Women in the housing market, especially the elderly, low and moderate income and single-parents, face significant difficulties finding housing, and both ownership and rental units are extremely expensive relative to the incomes of many people in this population category. Data from the 2000 census indicates that, of the 3,238 total household in Fairfax, 330, or 11%, were headed by females with no children. Of the 79 families under the poverty level, 18, or 23%, were female headed households.

**Table B-16. Female Headed Households**

Householder Type	Number
Total Households	3238
Total Female Headed Householders (no husband)	330

Female Heads with Children under 18	218
Total Families Under the Poverty Level	79
Female Headed Households Under the Poverty Level	18

Source: Census  
Bureau (2000  
Census SF 3:  
P10 and P90)

## *Large Families*

Large families, defined by the U.S. Census Bureau as households with five or more persons, have special housing needs. Large households tend to have difficulties purchasing housing because large housing units are rarely affordable and rental units with three or more bedrooms may not be common in many communities. According to the 2000 census, 2% of the renter households and 4% of the owner households in Fairfax were large families, and that 66% of the large families occupied rental units.. Table B-17, below, provides a comparison between large families and the other households in Fairfax.

**Table B-17. Household Size by Tenure**

	1-4 persons		5+ Persons		Total	
	Number	Percent	Number	Percent	Number	Percent
Owner	1934	96%	91	4%	2025	0%
Renter	1230	98%	21	2%	1251	0%
TOTAL	3164	xx	112	xx	3276	0

Source: Census Bureau (2000 Census SF 3: H17)

Table B-18 indicates that the shortage of large family units is primarily in the rental category, with 13% being 3-bedroom, and 1% each being 4 and 5 plus bedrooms.

**Table B-18. Number of Bedrooms by Tenure**

Bedroom Type	Owner Households		Renter Households		All Households	
	Number	Percent	Number	Percent	Number	Percent
0 BR	8	0%	43	3%	51	2%

1 BR	81	4%	421	34%	502	15%
2 BR	723	36%	604	48%	1327	41%
3 BR	894	44%	166	13%	1060	32%
4 BR	284	14%	9	1%	293	9%
5+ BR	35	2%	8	1%	43	1%
TOTAL	2025	1	1251	100%	3276	100%

Source: 2000 Census (2000 Census SF 3: H42)

The Marin Housing Authority maintains a waiting list for the Section 8 Housing Choice Voucher Program (opened in Spring, 2000) with the following results: (1) 2,486 households submitted applications; (2) 775 or 32 percent do not live or work in Marin County; (3) of the 1,715 Marin County residents, 775 (46 percent) were from San Rafael; (4) in Marin County, half of the applications were from families, one-quarter from disabled/handicapped, one-tenth from elderly households, and one-ninth from single person households; (5) 60 percent of the applications were from non-Hispanic / Caucasian families, 26 percent from African American families, 14 percent from Hispanic families, 9 percent from Asian families, and 1 percent from American Indian families.

## ***Individuals and Families Who Are Homeless***

Homeless individuals and families have perhaps the most immediate housing need of any group. They also have one of the most difficult sets of housing needs to meet, due to both the diversity and complexity of the factors that lead to homelessness, and to community opposition to the development of facilities that serve homeless clients.

Homeless people face the ultimate housing deprivation. The homeless population in California is estimated at approximately one percent of the state's total population. About a third of the homeless consist of homeless families. Homeless people's circumstances vary considerably—some are employed but many have been unemployed for some time.

Homeless people need emergency shelter, transitional housing and permanent supportive housing. To the extent this housing or shelter is being provided, it is provided by a combination of local governments, religious organizations, and non-for-profit organizations.

Locating facilities that serve homeless people can be a challenging task. Community education is essential to building community acceptance, helping local residents to question their stereotypes about homeless people and understand the real issues of homelessness in their community. Also, State law is very clear about the need for local communities to provide adequate sites for emergency shelters and transitional housing facilities that serve homeless individuals and families.

Homelessness and near-homelessness is an important countywide concern. The key findings of the Marin County 2009 Point in Time Count of Homeless Persons, there are 1,770 persons in the county who meet the Marin County Health and Human Services definition of homeless. 1,077 individuals meet the HUD definition of unsheltered and in immediate need of housing. Of that number, 11 were estimated as being in Fairfax.