

4. Housing Action Plan

The Housing Action Plan describes the specific goals, policies, and programs the Town will undertake to achieve the long-term housing objectives set forth in the Fairfax Housing Element. These goals, policies, and programs are intended to provide a framework for increasing the range of housing options in the community, removing barriers and constraints to housing construction, and providing equal access housing opportunities and services for all who live and work in Fairfax.

The Town's housing policies and implementation programs are organized around five key goals that correspond to community priorities. Quantified and qualitative objectives are described under each program. Assumptions are based on past program performance, development trends, land availability, realistic capacity, and future program funding.

Housing Goal #1. Increase the range of housing options to meet the housing needs for all economic segments of the community.

Policies

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| Policy 1-1 | Maintain sufficient land designated and appropriately zoned for housing to achieve a complementary mix of single-family and multi-family development to accommodate RHNA allocations at all levels throughout the planning period. |
| Policy 1-2 | Promote development of a variety of housing types, sizes, and densities that meet community needs and affordability requirements based on the suitability of the land, including the availability of infrastructure, the provision of adequate services and recognition of environmental constraints. |
| Policy 1-3 | Promote mixed use developments with a residential component in Downtown Fairfax to provide workforce housing and locate higher density residential development in proximity to employment, shopping, transit, recreation, and other services. |
| Policy 1-4 | Promote the provision of a variety of housing choices and types in the community, including innovative forms of housing with appropriate standards to ensure land use compatibility. |
| Policy 1-5 | Partner with and support non-profit and for-profit organizations in their efforts to construct, acquire, and improve housing to accommodate households with lower and moderate incomes. Participation of non-profit and for-profit developers in an advisory role when implementing housing programs is desirable to help understand the needs and opportunities in the community. |

Programs

Program 1-A **Develop and Adopt Town Center Plan.** The General Plan includes an optional Town Center Element proposing adoption of a Town Center Plan that envisioned reinforcing the role of the downtown and strengthening the Town's economic base. Through this program, the Town will develop and adopt a Plan including goals, policies, and objective standards that will allow more development of the Town Center. Policies should provide for increasing residential development in an area that offers easier access to shops, services, and public transit. Additional residential development in the downtown will also support the vitality of existing commercial retail and service uses. Policies should include regulatory incentives to promote residential and mixed-use development.

Responsibility: Planning and Building

Timeframe: Adopt Town Center Plan by the end of 2026.

Objective: Integrate workforce housing into Downtown Fairfax.

Funding: General Fund

Program 1-B **School Street Plaza.** Centrally located on Broadway in Downtown Fairfax, this approximately 2-acre site is adjacent to Contratti Field and within easy walking distance of shops, restaurants, Fairfax Market, and transit services. The property owner has had pre-application consultations with Town staff regarding a high-density, mixed income residential development with an affordability component. Through this program, the Town will:

- Establish objective standards for workforce housing in high density residential developments, including design criteria and affordability requirements
- Meet quarterly with the property owner to help advance site planning;
- Work with the property owner to identify incentives (such as reduced common open space requirements in view of park adjacency and shared parking provisions) that can be offered to facilitate provision of affordable housing units onsite;
- Ensure that the residents of the 13 existing live/work units onsite have first right of refusal on new units, including rental or sales price concessions, and/or receive relocation assistance, consistent with the requirements of State law.

Responsibility: Planning and Building

Timeframe: Initiate quarterly meetings in Q3 2023; target completion of construction in 2028

Objective: 175 new housing units by 2028, including 35 affordable units

Funding: General Fund

Program 1-C **Housing on Town-Owned Sites.** Two adjacent properties owned by the Town (APNs 002-123-17; 002-144-01) have been identified as candidates for redevelopment with workforce housing to increase opportunities for restaurant employees, service workers, teachers, public servants and others who earn less than 80 percent of the area median income. Through this program, the Town will rezone the sites and seek to partner with a non-profit developer for the construction of workforce housing to meet the needs of lower income households in Fairfax. In making these properties available for affordable housing development, the Town will comply with the requirements of the Surplus Lands Act.

Responsibility: Planning and Building

Timeframe: Prepare and release an RFP by Q2 2024

Objective: 10 lower income units by 2030

Funding: General Fund

Program 1-D **Shopkeeper Housing.** Shopkeeper units are dwelling units that are physically separated from a commercial space used for a business operated by the occupant of the associated residential unit. The commercial spaces are typically ground-floor retail or office spaces below living spaces where commercial spaces can only be leased to occupants of the residential spaces. Amending the Zoning Code to allow shopkeeper units as a type of residential use will provide an opportunity for those who want to live in proximity to their place of work. The Town will amend the Zoning Code to allow shopkeeper units on designated streets in all commercial districts subject to objective standards, density/intensity limits, and parking requirements to ensure that the residents of units will not be subject to adverse impacts from surrounding non-residential uses and that the residential use will not interfere with commercial establishments on the same or surrounding properties.

Responsibility: Planning and Building

Timeframe: Adopt the Code amendments by Q3 2025

Objective: Five shopkeeper units by 2031

Funding: General Fund and State planning grants

Program 1-E **Live-Work Units.** In contrast to shopkeeper units, live-work units are a commercial use that allows residential occupancy incidental to an approved non-residential use. Zoning Code amendments will be developed that are appropriate for the Town based on live-work requirements enacted by other jurisdictions and will include definitions, use classifications, development standards, parking requirements, and other regulations for this use. The Town will amend the Zoning Code to allow live-work units in all commercial districts subject to objective design standards and density/intensity limits to ensure that this use will not interfere with or diminish the viability of commercial establishments on the same or surrounding properties.

Responsibility: Planning and Building

Timeframe: Adopt the Code amendments by Q3 2025

Objective: Five live-work units by 2031

Funding: General Fund and State planning grants

Program 1-F

Home Sharing and Tenant Matching. Home-sharing and tenant matching programs pair existing homeowners with renters in need of space. Home Match Marin, based in San Rafael, runs a Home Sharing Program that matches Home Seekers and Home Providers and offers supportive services such as background checks, applicant interviews/screening, and facilitation of living together agreements. These programs make efficient use of existing housing stock and provide affordable rental rates without the need for new construction. Home sharing can be a particularly effective tool to support independent living for seniors and disabled residents while also increasing local housing opportunities for lower income earners who work in Marin County. Through this program, the Town will promote participation by Fairfax homeowners in the Home Match Marin Home Sharing Program by providing information via the website, Town newsletters, and public contact events, referring interested parties to Home Match Marin.

Responsibility: Planning and Building

Timeframe: Promote Home Sharing Program events starting Q3 2023, may be combined with ADU/JADU events

Objective: 10 home sharing matches over the planning period

Funding: General Fund

Program 1-G

Innovative and ‘Non-Traditional’ Forms of Housing. Provide opportunities and facilitate innovative housing approaches in financing, design, construction and types of housing to increase the variety and supply of lower and moderate-income housing. Examples include co-housing, eco-housing, manufactured housing, new construction or rehabilitation self-help or “sweat equity” housing for first time lower or moderate-income homeowners, and cooperatives or joint ventures between owners, developers and nonprofit groups in the provision of affordable housing.

Responsibility: Planning and Building

Time Frame: Ongoing

Objective: Increase opportunities for innovative housing types

Funding: General Fund

Program 1-H

ADU/JADU Awareness. The Town will initiate a program to inform the public about benefits and incentives offered, with the objective of promoting the development of ADUs and JADUs in Fairfax. The program will include the following elements:

- Townwide email blasts and newsletter articles advertising incentives and resources available to interested homeowners;

- Pop up presence at events around town to raise awareness and answer questions;
- Community seminars providing advice and information to interested homeowners.

Responsibility: Planning and Building

Funding: General Fund

Objectives: Outreach, including newsletters, pop ups, and seminars, will be conducted quarterly following program inception with the aim of issuing 20 ADU/JADU construction permits annually over the planning period

Timeframe: Launch program in Q4 2023 with updates via Annual Progress Report to HCD

Program 1-I

Pre-Approved ADU Floor Plans. Designing an ADU can be a long and complex process. To streamline and simplify process for interested homeowners, the Town will solicit proposals from licensed architects and builders, including those who have experience in Fairfax and other Marin locations, for a range of schematic floor plans in different unit sizes, bedroom configurations, and designs. The Building Department will review floor plans submitted for compliance with applicable Town regulations and the Residential Building Code and pre-approve a selection from the proposals received, making them available on the Town website. Interested homeowners will then be able to select a pre-approved floor plan and contact the architect or builder to have them complete site design, accounting for site-specific context, required Title 24 energy calculations, structural engineering, and exterior building materials considerations.

Responsibility: Planning and Building

Funding: General Fund

Objectives: Construction of 20 new ADUs in Fairfax annually over the planning period

Timeframe: Solicit floor plans by Q2 2024; Pre-approve selection by end of Q3 2024

Program 1-J

Technical Assistance. The Town already offers homeowners interested in ADUs/JADUs an array of information and tools through ADU Marin, a partnership between ten Marin County jurisdictions formed to facilitate ADU/JADU construction. These tools include a step-by-step workbook and interactive website with sample floor plans, a calculator to estimate construction costs, and inspirational stories from Marin residents who have already built an ADU. The Town will complement these resources by establishing a program of technical assistance that could include:

- An ADU/JADU application checklist;
- Informational handouts on cost-saving building materials and construction techniques;

- A list of licensed architects, landscape architects, civil engineers and other design professionals with experience in Fairfax and Marin County;
- Site assessment and referrals to categories of design professionals;
- Consultation on applications and processing.

Responsibility: Planning and Building

Funding: General Fund

Objectives: Construction of 20 new ADUs/JADUs in Fairfax annually over the planning period

Timeframe: Launch program in Q4 2024 with updates via Annual Progress Report to HCD; checklist and handouts will be ready at inception; target to provide 100 site assessments annually throughout the period after inception.

Program 1-K

Fee Discounts. Fairfax currently offers an incentive program that provides a reduction in processing and building permit fees to promote legalization and creation of ADUs/JADUs (with legalization of unpermitted units there are no penalties assessed for a 9 year period). The Town will expand this program to offer a 50 percent reduction in application fees and a 75 percent reduction in any impact fees (except for those imposed by the school district) to further promote the legalization and creation of ADUs/JADUs townwide.

Responsibility: Planning and Building

Funding: General Fund

Objectives: Creation of 20 new ADUs/JADUs annually over the planning period

Timeframe: Update Town Code to enact incentives by January 31, 2024.

Program 1-L

Financial Assistance Program. ADU/JADU design and construction involves a significant up-front investment from the homeowner. The Town will create a program offering additional assistance to help homeowners willing to commit to making an ADU/JADU available to Moderate or Lower Income households identify and access funding and grants. Through this program, the Town will connect homeowners to grant opportunities, such as the California Housing Finance Agency ADU Grant Program which provides up to \$40,000 towards pre-development and non-recurring closing costs associated with ADU/JADU construction. The Town will also identify local mortgage companies, credit unions, and other institutions that can offer low-interest loans and connect interested homeowners with those institutions. This program of additional assistance will be available to Fairfax homeowners who commit to making the units available to households with incomes less than 80 percent of the Marin County annual median though a recorded deed restrictions for a minimum term of 55 years.

Responsibility: Planning & Building, Finance

Funding: General Fund

Objectives: Creation of 32 new ADUs/JADUs for lower income households over the planning period

Timeframe: Identify lending partners by Q3 2024; launch program in Q2 2025.

Program 1-M Zoning Incentives for ADUs/JADUs. The Town will adopt amendments to the Zoning Code to incentivize the development of ADUs and JADUs, which may include:

- Increasing the maximum allowable size of ADUs permitted by right;
- Allowing more than one detached or attached ADU on larger lots;
- Amending Chapter 15.16 of the Fairfax Buildings and Construction Code to allow "tiny homes;"

Responsibility: Planning and Building

Funding: General Fund

Objectives: Construction of 20 new ADUs/JADUs in Fairfax annually over the planning period

Timeframe: Update Zoning Code to enact incentives by January 31, 2024.

Housing Goal #2. Address housing affordability by addressing regulatory, process, and market factors that limit housing production and preservation in Fairfax.

Policies

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| Policy 2-1 | Identify and work to reduce or remove regulatory and process-related barriers to housing development in Fairfax. |
| Policy 2-2 | Ensure that development and design standards and guidelines provide an objective basis for regulating projects and reviewing and acting on development applications. |
| Policy 2-3 | Establish zoning and other regulations that comply with all applicable requirements of State law and promote the development of a wide range of housing to meet the needs of community residents. |
| Policy 2-4 | When feasible, reduce, waive, or defer development fees to facilitate the provision of true affordable housing. |
| Policy 2-5 | Periodically review and revise Town development standards to facilitate quality housing that is affordable to lower and moderate income households. |
| Policy 2-6 | Monitor all regulations, ordinances, departmental processing procedures and fees related to the rehabilitation and/or construction of dwelling units to assess their impact on housing costs. |

Policy 2-7 Ensure that water and sewer providers are aware of the Town's intentions for residential development throughout Fairfax.

Programs

Program 2-A **Workforce Housing Overlay.** California Assembly Bill (AB 2011) of 2022 provides a streamlined ministerial approval pathway for multifamily projects on commercially zoned land that pay prevailing wages for construction work and meet specified affordable housing targets. The Town will adopt Zoning Code amendments in the form of a Workforce Housing Overlay District, to implement these provisions and provide an alternative to AB2011 as a means of promoting the construction of housing for teachers, restaurant and service workers, firefighters, police officers, and others employed in Fairfax and Marin County. The overlay will apply to properties shown on Map 3-5 in the CL, CH, and CC zones, providing property owners with the option to redevelop their land with housing or mixed use projects should they elect to do so. Two subzones are envisioned: one for high density workforce housing in the downtown area, and another for medium density workforce housing along Sir Francis Drake Boulevard. The workforce housing overlay will:

- Allow for mixed use development and 100 percent residential buildings on commercial properties within in the overlay, with at least 50 percent of the floor area in a mixed use development required to be for residential uses;
- Establish an "by right" maximum base density with a minimum percentage of affordable housing (40 units per acre in downtown and 20 dwelling units per acre along Sir Francis Drake Boulevard);
- Permit additional density above the maximum base on larger sites that provide additional on-site amenities and designs with transitions to adjacent lower density uses;
- Create a sliding scale that provides bonus density in exchange for a greater commitment to affordability;
- Provide a ministerial approval process for developments in which at least 20 percent of the units are affordable to lower income households during the planning period, consistent with Government Code 65583.2 (h) and (i); and
- Incorporate objective design and development standards to accommodate higher density development and ensure appropriate buffering of adjacent residential land uses.

Additionally, as part of these zoning amendments, the Town will amend the base zoning for overlay sites to establish a minimum density of 20 dwelling units per acre when residential uses are proposed. Additionally, the Town will prepare a memo documenting procedures and steps in the application process for developments in the Workforce Housing Overlay, including that ministerial approvals are not subject to CEQA; that design review is done at the preliminary review stage; and that developments in which at least 20 percent of the units are affordable to lower income households shall be placed on consent at any public meeting for confirmation that the application complies with the applicable objective design standards. As a matter of policy, the Town is already implementing full by-right processing for projects in which at least 20 percent of the units are affordable to lower income households, consistent with Government

Code 65583.2 (h) and (i). Such projects are subject only the objective design and development standards established in the Workforce Housing Overlay, and will be placed on any public meeting.

Responsibility: Planning and Building

Timeframe: Adopt the Workforce Housing Overlay by January 31, 2024 (Completed February 7, 2024)

Objective: 159 moderate and lower income RHNA units by 2030

Funding: General Fund

Program 2-B

Rezoning Sites from Prior Inventories. Several of the non-vacant commercial sites in the proposed workforce housing overlay were included on two prior Housing Element inventories and identified to accommodate lower income RHNA units (see Map 3-4). As these sites are also anticipated to accommodate lower income RHNA during the 2023-31 planning period, the Town will create a zoning provision to allow developments by right pursuant to Government Code section 65583.2(i) when 20 percent or more of the units are affordable to lower income households.

Responsibility: Planning and Building

Timeframe: Complete rezoning by January 31, 2024 (Completed February 7, 2024)

Objective: 159 moderate and lower income RHNA units by 2030

Funding: General Fund

Program 2-C

Establish Objective Design and Development Standards.

This program commits the Town to adopting objective design and development standards for multi-family residential or mixed-use development. Fairfax is one of 285 California communities subject to SB 35 streamlining provisions that offer an expedited approval process for residential and mixed use projects in urbanized areas proposing to provide at least 10 percent of their units as affordable housing. As such, this program also includes codifying the administrative review requirements for projects pursuant to SB 35, which requires ministerial approval for projects meeting adopted objective design and development standards.

Responsibility: Planning and Building

Timeframe: Zoning Code amendments drafted by end of 2023 for review and adoption by Town Council by January 2024.

Objective: Design and development standards that fully comply with the requirements of State law including the Housing Accountability Act.

Funding: General Fund and planning grants.

Program 2-D

Standards for Low Impact Clustered Residential Development on Large Sites. There are a number of large hillside sites with adequate access, utility services, and topography that might accommodate a clustered housing

development, including both attached and detached single-family dwellings and accessory dwelling units. This program will review standards for clustered hillside development in peer jurisdictions and determine whether they might be adapted to the Town's needs to expand opportunities for market rate housing. Zoning Code amendments then will be prepared as appropriate to allow for this type of housing and to establish development standards and design review criteria, including requirements for discretionary review by the Planning Commission.

Responsibility: Planning and Building

Timeframe: Zoning Code amendments drafted by end of 2023 for review and adoption by Town Council by January 2024 (Completed January 24, 2024)

Objective: Land use regulations and standards for low impact clustered residential development that expand opportunities for market rate housing

Funding: General Fund and planning grants

Program 2-E

Affordable Housing Density Bonus. California's Density Bonus Law (Government Code Section 65915) gives housing developments with below market rate housing the right to additional density, to waivers of local standards that preclude development, to incentives that reduce affordable housing costs, and to reduced parking requirements. Even though the law applies to any proposed residential projects that are eligible for density bonuses and other incentives or concessions regardless of whether a jurisdiction has codified the requirements, amending Title 17 of the Fairfax Town Code to include these regulations and specific provisions for City officials to administer them will help to ensure that applicants and Town officials are aware of these requirements. As part of this program, the Town will provide additional bonuses for projects that will help to achieve key housing objectives such as facilitating the development of workforce housing for individuals and families earning between 80 and 120 percent of the Areawide Median Income (AMI), which is not eligible for most of the existing government subsidies. This program also involves preparation of project checklists and public information materials to be available at the counter and on the Town website to help inform the public and potential developers of the new regulations.

Responsibility: Planning and Building

Timeframe: Complete rezoning by January 31, 2024 (this program was completed in November 2023)

Objective: Zoning consistent with State law

Funding: General Fund

Program 2-F

Inter-Jurisdictional Planning for Housing. The Town will work with other jurisdictions to advocate for State legislation that would provide ongoing funds for nonprofit developers to build affordable housing and related infrastructure

improvements, as well as other programs to facilitate a regional approach to housing and associated community support needs in Marin County.

Responsibility: Planning and Building; Coordination/support through the Marin County Mayors and Councilmembers (MCCMC) Legislative Committee on which the Fairfax Town Council is represented

Timeframe: Ongoing 2023-2031

Objective: Coordination with other jurisdictions on housing matters

Funding: General Fund

Program 2-G

Processing and Permit Procedures. As is typical in communities throughout California, residential projects proposed in Fairfax require a combination of reviews that may include zoning compliance, conditional use permit, design review, and building permit plan checks. Some projects may also require approval or modification of a development plan, master plan, and subdivision map or parcel map. In 2012, in order to streamline planning reviews, the Town Council eliminated the separate Design Review Board and combined design review with the Planning Commission responsibilities. Nevertheless, the Town Code stipulates some additional review requirements that can contribute to the time and cost required to develop residential projects. These include the requirements for traffic impact permits (Chapter 17.056), ridgeline scenic corridor permits (Section 17.060), floodplain development permit (Chapter 17.068) and hill area residential development permit (Chapter 17.072). These requirements typically require applicants to hire special consultants and pay additional fees for review by staff or an outside consultant, which increase the time and cost of producing housing.

This program involves amending the Zoning Code to establish requirements for Minor Use Permits approved by the Planning and Building Director, to identify the uses that could be approved with such permits, and to allow multi-family projects with up to four units to be developed by right subject to compliance with new objective development standards. The adoption of objective standards pursuant to Program 2-C will provide a basis for reducing the time and cost of processing residential projects establishing standards that include requirements applicable to projects now subject to these additional permits.

Responsibility: Planning and Building

Timeframe: Complete rezoning by January 31, 2024 (this program was completed in November 2023)

Objective: Facilitation of 78 moderate-income units and 235 above moderate income units during the planning period.

Funding: General Fund

Program 2-H

Subdivision Requirements. The Town's subdivision fees are in line with or less than those charged by nearby communities but the Town's subdivision regulations (Municipal Code Title 16: Subdivisions) include requirements that increase the cost of subdivision in some situations. These include requirements for special studies and impact fees as a condition to approval of a tentative or

parcel map that add to permit costs. The Town will review and revise its subdivision regulations and procedures to ensure decisions are based on objective and specific standards to reduce the need for case-by-case discretionary review. The Town will also create checklists for conducting resource conservation analyses to provide more specific direction to applicants when special studies are needed. The Town will also evaluate the feasibility and effect of eliminating or reducing impact fees the Town has imposed on residential development when projects propose low- and moderate-income housing.

Responsibility: Planning and Building

Timeframe: Complete subdivision amendments, checklists, and recommendations for changes to impact fees by January 31, 2024.

Objective: Recommend programs for minimizing construction cost for low-and moderate-income housing

Funding: General Fund

Program 2-I

Buildings and Construction Code Requirements. In September 2021, the Town enacted requirements for all-electric building design based on its location along the wildland-urban interface and susceptibility to seismic and flooding hazards. The requirements are also to implement the Fairfax Climate Action Plan and Climate Emergency Declaration (Resolution No. 1904). This regulation anticipates State mandates that will ban the sale of natural gas appliances in 2030 and a change in the State Building Code that went into effect at the beginning of 2023. Although the cost difference between electric and gas appliances is not significant, the cost to operate electric appliances has historically been higher than the cost of gas, although that was not the case in 2022. The Housing Action Plan includes a program to monitor the effect of this requirement on the housing expenses of low- and moderate-income households and evaluate options for minimizing this impact.

Responsibility: Planning and Building

Timeframe: End of Q1 each year of the planning period, with reporting through Annual Progress Reports

Objective: Recommend programs for minimizing housing expenses for low-and moderate-income residents

Funding: General Fund

Program 2-J

Focused Geologic Study in the Town Center Area. The Town will undertake a focused geologic study in the Town Center area to identify a range of measures that developers could incorporate to reduce project costs and codify specific standards to address associated risks. The intent of this program is to reduce the time and cost of development in areas of high liquefaction risk where workforce housing is envisioned by reducing the need for applicants to apply for additional permits, hire their own consultants, and pay for any outside consultants the Town needs to assist staff with project review.

Responsibility: Planning and Building

Timeframe: Release RFP in Q2 2024; complete study by end of Q4 2024; incorporate appropriate development standards into Town Code by Q3 2025.

Objective: Facilitate development of 159 units in Town Center over the planning period

Funding: General Fund

Program 2-K **Revise Definition of Family.** To ensure that the siting and development of congregate or group homes for individuals with disabilities is not unduly restricted, the Town will amend the Zoning Code to provide a barrier-free definition of “family” which establishes occupancy standards specific to unrelated adults and complies with fair housing law.

Responsibility: Planning and Building

Timeframe: Amend Zoning Code by end of Q3 2024.

Objective: Remove potential constraint on housing for people with disabilities

Funding: General Fund

Housing Goal #3. Promote suitable and affordable housing for special needs populations, including housing for lower income households, large families, single parent households, the disabled, older adults, and people experiencing homelessness.

Policies

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| Policy 3-1 | Promote the development of housing and programs for special needs populations, including seniors, single parents, persons with disabilities, and individuals and households experiencing homelessness. |
| Policy 3-2 | In partnership with Marin County and non-profit affordable housing developers, seek out and support opportunities for the long-term preservation of naturally occurring affordable housing in Fairfax. |
| Policy 3-3 | Support innovative public, private, and non-profit efforts in the development of affordable housing, particularly for the special needs groups. |
| Policy 3-4 | Ensure that the Town’s regulations, policies, practices, and procedures provide equal access to housing for persons with disabilities, including those with developmental disabilities. |
| Policy 3-5 | Continue to coordinate with Marin County to ensure that Fairfax residents are aware of and have access to anti-displacement programs and services administered by the County. |

Programs

Program 3-A

Zoning for Residential Care Facilities. State law requires that local jurisdictions allow small residential care facilities and group homes by right and under the same standards as apply to a single-family home in the residential district. This program will bring the Zoning Code into compliance with State law by establishing provisions that define residential care facilities as a residential use as defined by State law. The Code will be revised to make residential care facilities subject to the same use regulations as other residential use types subject to objective standards for parking and other requirements applicable to residential structures of the same type allowed in specified districts. Changes will include:

- Revising the Zoning Code to include a definition of residential care facilities consistent with State law and objective standards for facilities with seven or more persons.
- Revising the use regulations tables to show that residential care is allowed in all districts where residential uses are allowed subject only to the requirements applicable to the residential development of the same development intensity.

Responsibility: Planning and Building

Timeframe: Complete rezoning by January 31, 2024 (this program was completed in November 2023)

Objective: Revised use regulations and development standards consistent with State law

Funding: General Fund

Program 3-B

Transitional and Supportive Housing. Transitional housing acts as a bridge between a crisis shelter and permanent housing, providing temporary housing while residents develop more independent living skills and stability. Supportive housing offers permanent, stable living situations for those in need of a continuum of care plan, such as treatment for adult clients with serious mental illness and co-occurring disorders. The Zoning Ordinance will be revised to comply with State law regarding the treatment of transitional and supportive housing facilities. Changes will include:

- Revising the Zoning Code to include a definition of transitional and supportive housing consistent with State law and facilitate the development of single-room occupancy units.
- Revising the use regulations tables to show that transitional and supportive housing is a permitted use in all districts where residential uses are allowed subject only to the requirements applicable to the same type of residential development.

Responsibility: Planning and Building

Timeframe: Complete rezoning by January 31, 2024 (this program was completed in November 2023)

Objective: Consistency with State law

Funding: General Fund**Program 3-C**

Low-Barrier Navigation Centers. Government Code Section 65660 requires municipalities to allow a Low Barrier Navigation Center (LBNC) to be permitted by right in mixed-use districts and nonresidential zones that permit multifamily development. LBNC means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. If the Town receives applications for these uses, it must process them ministerially as required by State law. The Town will amend the Zoning Ordinance to:

- Revise the Use Classification Descriptions to identify LBNCs as a type of emergency shelter and define them as "A housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.
- Allowing LBNCs as a by-right use in all zones where mixed-use development is permitted and in all nonresidential zones where multifamily uses are permitted.
- Establish standards applicable to LBNCs that incorporate best practices to entry, consistent with those identified in the Low-Barrier Navigation Center Checklist published by the Association of Bay Area Governments at: <https://abag.ca.gov/tools-resources/digital-library/low-barriernavigationchecklistjune282021pdf>

Responsibility: Planning and Building

Timeframe: Complete rezoning by January 31, 2024 (this program was completed in November 2023)

Objective: Zoning provisions consistent with State law

Funding: General Fund

Program 3-D

Provide Reasonable Accommodation. During the 2015-23 planning period, Fairfax did not enact regulations establishing procedures for persons with disabilities seeking "reasonable accommodation" involving changes, exceptions, or adjustments to regulations that are necessary to provide equal access to housing. Through this program, the Town will bring the Zoning Code into compliance with State law regarding reasonable accommodations by establishing procedures for processing request for reasonable accommodation pursuant to the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601–3619) and the California Fair Employment and Housing Act (California Government Code, Title 2, Division 3, Part 2.8). The revisions to the Zoning Code will authorize the Town Planning and Building Director to grant or deny requests for reasonable accommodation subject to appeal to the Planning Commission. The Director may impose conditions to ensure the accommodation would comply with the applicable laws and may condition the approval or

conditional approval to provide for rescission or automatic expiration as appropriate due to a change in occupancy or similar circumstances.

Responsibility: Planning and Building

Timeframe: Complete rezoning by January 31, 2024 (this program was completed in November 2023)

Objective: Zoning provisions consistent with federal and State law

Funding: General Fund

Program 3-E

Inclusionary Housing Program and Commercial Linkage Fee. Several jurisdictions in Marin County have adopted inclusionary housing programs as a means of increasing the local supply of below market rate housing. Inclusionary programs require that a percentage of the total housing units in a proposed project be made available to moderate and/or lower income households through long term affordability agreements. Inclusionary programs typically seek to offset the cost of providing affordable units by offering developers one or more incentives such as tax abatements, parking reductions, or the right to build at higher densities. Inclusionary housing programs may allow for payment of a fee in lieu of construction of the units. A commercial linkage fee is an impact fee levied on commercial development to address the affordable housing needs created by future employees. Before levying an impact fee, jurisdictions are required by state law to complete a nexus study that shows the linkage between the new development and the increased demand for the facilities. The results of the nexus study establish the maximum legal fee that may be charged. Through this program, the Town will adopt an inclusionary housing requirement and commercial linkage fee tailored to the Town's needs and reflecting local development economics and land values in the Town.

Responsibility: Planning and Building

Timeframe: Adopt ordinance by end of Q4 2023 (this program was completed in November 2023)

Objective: 25 percent increase in participation in Marin CIL programs and services by Fairfax residents (2023-31)

Funding: General Fund and grant funds

Program 3-F

Tenant Protection. Renters constitute 37 percent of all households in Fairfax and face significant challenges in terms of cost and housing security. A full 72 percent of renter households earn less than 80 percent of the area median income and over 50 percent of renters are either cost burdened or severely cost burdened. Recognizing these challenges, the Town has enacted both a rent stabilization ordinance and a just cause evictions ordinance, as described in Appendix E. Through this program, the Town will implement the ordinances with steps that may include:

- Preparing and distributing brochures which describe the legal rights and duties of landlords and tenants;
- Posting information on legal rights and duties to the Town website;

- Reporting annually to the Town Council on the status of rental housing in Fairfax; and
- Council adoption of a Rental Housing Fee.

Responsibility: Town Manager

Timeframe: Upon approval of staffing, hearings, software and outreach by the Town Council

Objective: Enhance protections for 530 renter-occupied lower-income households experiencing cost burden in Fairfax

Funding: General Fund

Program 3-G

Development and Replacement Unit Requirements. The replacement of units affordable to the same or lower income level is required as a condition of any development on a non-vacant site identified in the Housing Element consistent with those requirements set forth in Government Code section 65915(c)(3). Replacement requirements apply to sites identified in the inventory that currently have residential uses, or within the past five years (based on the date the application for development was submitted) have had residential uses that have been vacated or demolished, and were:

- Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low-income; or
- Subject to any other form of rent or price control through a public entity's valid exercise of its police power; or
- Occupied by low or very low-income households.

The Town will not approve a housing development project that requires the demolition of residential dwelling units regardless of whether the parcel was listed in the inventory unless the project will create at least as many residential dwelling units as will be demolished, and the affordability criteria stipulated in Government Code section 66300(d) are met.

Responsibility: Planning and Building

Timeframe: Beginning in Q1 2023

Objective: Protection of existing housing

Funding: General Fund

Program 3-H

Housing for Special Needs Populations and Extremely Low Income Households. The Town will work to facilitate the production of affordable housing, including units targeted to extremely low income (ELI) households and persons with special needs (older adults, disabled/developmentally disabled, large households, female-headed households, homeless, and farmworkers), through the following efforts:

- Provide administrative assistance upon request to developers seeking available State and federal funding and/or tax credits for the construction of extremely low, very low, low- and moderate-income housing;
- Facilitate projects that incorporate affordable units, including those proposing special needs housing and extremely low income (ELI) units, by granting density bonuses, concessions, and modifications to development standards; expediting the review process; and/or providing financial incentives consistent with State law; and
- Contact affordable housing developers at least once each year to identify opportunities and connect them with available assistance programs.

Responsibility: Planning and Building

Timeframe: Implementation being in Q1 2024, with outreach to affordable developers conducted by end of Q4 2024 and annually thereafter in each year of the planning period

Objective: 75 units affordable to ELI households, whether through new construction or preservation of existing naturally occurring affordable units

Funding: General Fund

Program 3-I

Water and Sewer Priority. Consistent with SB 1087 (Government Code Section 65589.7), the Town will provide a copy of the adopted Housing Element to water and sewer providers upon finalization of the document and will work with water and sewer providers to adopt written policies and procedures that grant priority for service allocations to proposed developments that include housing units affordable to lower income households.

Responsibility: Planning and Building

Timeframe: Within 2 weeks of adoption of Housing Element

Objective: Compliance with State law

Funding: General Fund

Housing Goal #4. Foster equal housing opportunity for all residents of Fairfax, regardless of race, religion, sex, marital status, ancestry, national origin, color, or ability.

Policies

Policy 4-1 Ensure that existing and proposed housing in Fairfax is available to households regardless of ethnicity, race, family composition or source of income.

Policy 4-2 Diversify and expand the housing stock in Fairfax in order to better accommodate the varied housing needs of current and future residents.

Policy 4-3 Enforce fair housing laws and address discrimination in the building, financing, selling, or renting of housing based on race, religion, family status, national origin, disability, or other protected class.

Policy 4-4 Work collaboratively with local non-profit, public, and private sector partners to raise awareness and achieve implementation of fair housing practices.

Programs

Program 4-A Affirmative Marketing of Affordable Housing Opportunities. All of Fairfax is designated as an area of High or Highest Resource by the California Tax Credit Allocation Committee (CTCAC), which facilitates the investment of private capital into the development of affordable rental housing for low-income Californians. In order to increase access to High/Highest Resource areas for Low, Very Low, and Extremely Low Income households and special needs populations (including older adults, the disabled (including developmentally disabled), large households, female-headed households, people experiencing homelessness, and farmworkers), the Town will promote and facilitate affordable housing development in Fairfax by:

- Prepare information on available sites and potential opportunities for affordable housing in Fairfax, updating and distributing it annually to affordable housing developers;
- Conduct targeted outreach to housing developers with experience in development projects that include units affordable to extremely low income households and households with special needs;
- Continue to provide technical assistance to housing developers to assist with the development application process;
- Annually explore various sources (e.g., HCD and HUD) for funding opportunities, including those available for housing for extremely low income and special needs households; and
- Support applications for affordable housing funds for projects or programs that are consistent with the goals and objectives of the Housing Element.

Responsibility: Planning and Building

Timeframe: (a) Prepare materials by Q3 2023; (b) prepare list of experienced developers and contact them by end of Q4 2023; (c) conduct outreach in Q1 2024 and annually thereafter.

Objective: 149 Very Low and 86 Low income units by 2031

Funding: General Fund

Program 4-B Wider Acceptance of Housing Choice Vouchers. Housing Choice Voucher (HCV) holders often face significant barriers to housing opportunity, including discrimination based on race and other characteristics. Fair housing tests conducted by Fair Housing Advocates of Northern California (FHANC) in Marin County found some discrepancy or disadvantage for testers receiving HCVs, particularly for Black testers. Through this program, the Town will collaborate with Marin County and other local jurisdictions to address discrimination and

promote the participation of rental property owners in the HCV program. Actions will include:

- Promoting participation by Fairfax property owners in the Marin Housing Authority's Landlord Partnership Program, which incentivizes landlord participation in the HCV program and provides security deposit assistance of tenants; and
- Facilitating outreach by FHANC and others to raise awareness of the State's Source of Income Protection bills (SB 329 and SB 222) that prohibit discrimination based on the use of public assistance for housing payments among Homeowners Associations, realtors, property managers, and brokers, as well as property owners of individual homes, duplexes, and ADUs used as rentals in Fairfax. Fairfax adopted a Source of Income Anti-Discrimination Ordinance in 2018 prior to the State adopting these bills to include this in State Fair Housing Laws.

Responsibility: Planning and Building

Timeframe: Annually throughout the planning period starting Q4 2023

Objective: Conduct one event in Fairfax annually each year throughout the planning period

Funding: General Fund

Program 4-C

Mediation and Enforcement. In conjunction with the Fair Housing Advocates of Northern California (FHANC), support FHANC's efforts regarding mediation and enforcement of rights and FHANC's efforts to eliminate housing discrimination by actively tracking and pursuing any complaints within Fairfax. Additional specific actions will include:

- Make information detailing fair housing practices available at Town Hall and on the Town's website.
- Partner with the FHANC through Marin County Planning to conduct workshops and seminars about landlord and tenant responsibilities and rights.

Responsibility: Planning and Building

Timeframe: Ongoing 2023-2031; (a) publish information by Q3 2023 and update annually as appropriate; (b) Conduct one event in Fairfax annually each year throughout the planning period starting in 2024

Potential Funding Source: General Fund

Objective: To assist 400 households during the planning period

Program 4-D

Anti-Discrimination and Fair Housing Training. Support Community Action Marin and Marin City Health and Wellness Center, and other similar groups active in the county in their efforts to develop and conduct trainings on anti-discrimination and fair housing practices for realtors and lenders. Town actions may include participation in trainings or provision of meeting space.

Responsibility: Planning and Building

Timeframe: Contact non-profit groups by Q4 2023; annual coordination on support activities throughout the planning period

Objective: Increase awareness of fair housing practices among real estate professionals and lenders

Funding: General Fund

Program 4-E

Support for Individuals with Disabilities. Fair housing complaints are disproportionately related to disability in Fairfax and Marin County, whether based on disability alone or in combination with another form of discrimination, such as source of income, race, gender, or familial status. Disability-related complaints in Fairfax are predominantly lodged by low-income residents. Through this program the Town will partner with the Marin Center for Independent Living (Marin CIL) to promote the availability of programs and services for individuals with disabilities in Fairfax. Serving Marin County since 1979, Marin CIL is a community based 501(c)3 non-profit organization that provides advocacy and services for persons with disabilities, including housing referral and navigation; home modifications; landlord/tenant facilitation; and support for acquisition and use of assistive technologies. Town actions may include providing information and links to Marin CIL programs and services in Townwide newsletters; and co-hosting informational events.

Responsibility: Planning and Building

Timeframe: Annually throughout the planning period starting Q3 2023

Objective: 25 percent increase in participation in Marin CIL programs and services by Fairfax residents (2023-31)

Funding: General Fund

Program 4-F

Fair Housing Information. No violations of federal or State fair housing law have been documented in the Town but the fact that discrimination has been documented in other Marin County communities suggests that there may be unreported instances of housing discrimination in Fairfax, such as discrimination against renters because of their source of income or the presence of children. To ensure that all households have equal opportunity to live in the town regardless of their ethnicity, race, household composition, or source of income, the Town will take steps to educate property owners, staff members, current residents, and those seeking housing in Fairfax are aware of their rights and responsibilities through the following actions:

- Make information available on the Town website and at the Planning and Building public counter about fair housing requirements, fair housing programs, and agencies where they can report cases of suspected discrimination.
- Provide information to owners and managers of rental property and real estate agents located in or active in the community about fair housing laws. Encourage owners and real estate professionals to provide tenants with brochures on their rights and establish procedures for tenants to

report discrimination, and programs offering anti-discrimination training to anyone involved in managing or renting property.

- Make sure Planning and Building staff are aware of fair housing requirements and resources in order to help them recognize and respond to possible instances of discrimination and report to the appropriate NGOs.

Responsibility: Planning and Building

Timeframe: Prepare informational materials and post to Town website by end of Q4 2023; update annually thereafter

Objective: Provide and regularly maintain information

Funding: General Fund and planning grants

Program 4-G

Disavowal of Racially Restrictive Covenants. Marin County has launched a program to let residents disavow racially restrictive covenants that might exist in the deeds of their homes. While the Supreme Court ruled such covenants were unenforceable in 1948, an unknown number of homes in Marin County still contain these restrictions, which effectively prevented African Americans and other people of color from accumulating a certain amount of generational wealth through homeownership. Although the recorded documents are never removed from the public records, modifications and amendments can be recorded to alert the public that the document is no longer valid. The Town will promote participation of Fairfax homeowners in this initiative at annually public contact events, in townwide newsletters, and by posting information on the Town website.

Responsibility: Planning and Building

Timeframe: Post information to Town website and send e-newsletter by end of Q1 2024; annually each year of the planning period thereafter

Objective: Participation of 50 homeowners in County program by 2031

Funding: General Fund

Housing Goal #5. Monitor the effectiveness of housing programs to ensure that they respond to housing needs.

Policies

Policy 5-1 Ensure that the Town is meeting State requirements as well as the housing needs of current and future residents by developing and carrying out procedures for tracking progress toward achieving adopted housing goals and objectives.

Policy 5-2 Work with community groups, other jurisdictions and agencies, non-profit housing sponsors and the building and real estate industry when implementing Housing Element programs.

Policy 5-3 The Town will provide outreach and information to the community on the availability of programs to address individual housing needs, and will actively involve the community through information, outreach and review.

Programs

Program 5-A **Ensure Adequate Sites Available to Meet Town's Share of RHNA.** To ensure adequate sites remain available for residential development to accommodate the Town's Regional Housing Need Allocation (RHNA) for all income categories, the Town shall annually review its Available Land Inventory to ensure the Town can accommodate its share of the RHNA throughout the planning period. As development projects are considered, the Town shall not take action to permit fewer units on a site than projected on the Available Land Inventory unless: 1) the reduction is consistent with the general plan and housing element; and 2) the remaining sites identified in the Available Land Inventory are adequate to accommodate the Town's share of the RHNA. If the remaining sites are not adequate to accommodate the Town's share of the RHNA, the Town will identify (and rezone, if necessary) sufficient additional sites to meet the Town's share of the RHNA.

Responsibility: Planning and Building

Timeframe: Complete review and submit report by April 1 of every year.

Objective: Conduct review and submit report to State Department of Housing and Community Development as required.

Funding: General Fund

Program 5-B **Annual Review.** In conjunction with State requirements for preparation and submittal of annual housing progress report (Government Code Section 65400), evaluate Housing Element implementation. Provide opportunities for public review and comment and submit to Planning Commission and Town Council for review and any necessary action. As part of this annual evaluation and in conjunction with Program 5-A, the Town will review the Workforce Housing Overlay standards (including standards for building heights) and confirm that they facilitate residential development at the densities assumed in the Housing Element.

Responsibility: Planning and Building

Timeframe: Complete review and submit report by April 1 of every year.

Objective: Conduct review and submit report to State Department of Housing and Community Development as required.

Funding: General Fund

Program 5-C **ADU/JADU Monitoring.** The Town will monitor ADU and JADU permitting/construction trends and affordability in Fairfax, reporting performance in its Housing Element Annual Progress Reports. If actual performance is not in line with projections in January 2026, the Town will review and take action as needed to ensure compliance with "no-net loss" provisions of State law.

Responsibility: Planning and Building

Timeframe: (a) reporting with annual report to HCD in April 2024; annually by April of each year thereafter (b) Q4 2026 for corrective action evaluation (if needed)

Objective: Track progress toward Sixth Cycle RHNA production goals ensure compliance with State law

Funding: General Fund

Program 5-D

Staff Housing Specialist. This Housing Action Plan establishes a robust suite of programs to address local housing needs and State legal requirements. Implementation will require ongoing coordination with a range of public, private, and non-profit sector organizations, agencies, and personnel to achieve the established objectives. Therefore, to ensure Fairfax can make adequate progress toward the goals of the Housing Element and comply with the mandates of State law, the Town will evaluate staffing resources and potentially engage, either directly or through a shared services agreement with other Marin County jurisdictions, a housing specialist to spearhead housing related programs and actions. The housing specialist should have experience in housing development, real estate finance, and design.

Responsibility: Town Manager

Timeframe: Initiate candidate search in Q3 2023 with the intent of identifying a candidate and making an offer by end of Q2 2024

Objective: RHNA compliance

Funding: General Fund

Quantified Objectives

California Government Code Section 65583[b] requires that housing elements contain quantified objectives for the maintenance, preservation, and construction of housing. The quantified objectives shown in Table 4-1 set a target goal for Fairfax to strive for, based on needs, available resources, and constraints.

Table 4-1: 2023-2031 Town of Fairfax Quantified Objectivities

<i>Income Category</i>	<i>New Construction¹</i>	<i>Rehabilitation²</i>	<i>Conservation/Preservation³</i>
Extremely Low	-15 ⁸	--	230 ⁴
Very-Low	149	--	85 ⁵
Low	86	80	85 ⁶
Moderate	71	--	--
Above Moderate	184	--	20 ⁷
TOTALS	490	80	420

1. The new construction objective is equal to Fairfax's RHNA allocation.

2. The rehabilitation objective represents the 80 units in the Sherwood Oaks project on Bolinas Drive to be rehabilitated by MidPen Housing Corporation.

Table 4-1: 2023-2031 Town of Fairfax Quantified Objectivities

<i>Income Category</i>	<i>New Construction¹</i>	<i>Rehabilitation²</i>	<i>Conservation/Preservation³</i>
3.	There are no assisted units at moderate, high, or very high risk of conversion in Fairfax during the planning period.		
4.	This objective represents the target number of extremely low income renter households to be protected through implementation of Program 3-E Tenant Protection.		
5.	This objective represents the target number of very low income renter households to be protected through implementation of Program 3-E Tenant Protection.		
6.	This objective represents the target number of low income renter households to be protected through implementation of Program 3-E Tenant Protection.		
7.	This objective represents the number of unpermitted ADUs to be legalized through implementation of Program I-K Fee Discounts.		
7.8.	This objective represents a target for new construction of ELI units based on implementation of Program 3-H		