



2023-31

Housing

Element

TOWN OF FAIRFAX

Volume 2

Adopted December 13, 2023

Amended March 15, 2024



2023-31 Housing Element

Volume 2

Adopted December 13, 2023

Amended March 14, 2024

Prepared for the Town of Fairfax

Prepared by

DYETT & BHATIA
Urban and Regional Planners

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Appendix A

HCD Sites Inventory Form

Amended March 5, 2024

Please Start Here, Instructions in Cell A2, Table in A3:B17

Form Fields

Site Inventory Forms must be submitted to HCD for a housing element or amendment adopted on or after January 1, 2021. The following form is to be used for satisfying this requirement. To submit the form, complete the Excel spreadsheet and submit to HCD at sitesinventory@hcd.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables. Sites Inventory Form, Version 2.3, Updated April 5, 2023.

General Information	
Jurisdiction Name	FAIRFAX
Housing Element Cycle	6th
Contact Information	
First Name	Jeff
Last Name	Beiswenger
Title	Planning and Building Services Director
Email	jbeiswenger@townoffairfax.org
Phone	4154531584
Mailing Address	
Street Address	<u>142 Bolinas Road</u>
City	FAIRFAX
Zip Code	94930
Website	
	https://www.townoffairfax.org/housing-element/

Table A: Housing Element Sites Inventory, Table Starts in Cell A2 For Marin County jurisdictions, please format the APNs as follows: 999-999-99

Jurisdiction Name	Site Address/Intersection	5 Digit ZIP Code	Assessor Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Maximum Density Allowed (units/acre)	Parcel Size (Acres)
FAIRFAX	VACANT LOT - BARKER	94930	002-071-01		UR - 7 UR - 10 acres/du	UR UPLAND RESIDENTIAL ZONE	0	10	9.20
FAIRFAX	Standard Properties	94930	174-060-21		Planned Development District	PDD PLANNED DEVELOPMENT DISTRICT ZONE	0	0.5	11.42
FAIRFAX	Morales Property	94930	003-191-24		Residential .25 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	0	0.25	1.74
FAIRFAX	67 TAMALPAIS	94930	001-123-03		Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	1	6	0.13
FAIRFAX	Read Property	94930	002-041-21		Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	1	6	1.48
FAIRFAX	Cummins Property	94930	001-014-02		Residential .25 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	0	0.25	2.01
FAIRFAX	125 LIVE OAK AVENUE	94930	001-236-03		Residential 1 - 6 du/acre	RD 5.5-7 RESIDENTIAL ZONE, HIGH DENSITY	1	6	0.11
FAIRFAX	Patel Property	94930	002-181-22		Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	1	6	1.40
FAIRFAX	Gilevskaya Property	94930	003-022-05		Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	1	6	1.04
FAIRFAX	Hubbel Property	94930	001-241-38		Residential 1 - 6 du/acre	UR UPLAND RESIDENTIAL ZONE	1	6	1.22
FAIRFAX	155 FORREST AVENUE	94930	002-192-50		Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	1	6	0.82
FAIRFAX	Godwin Property	94930	001-015-07		Residential .25 du/acre; Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	0	0.25	1.62
FAIRFAX	Godwin Property	94930	001-021-03		Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	1	6	1.36
FAIRFAX	Taylor Property	94930	002-051-04		Residential .25 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	0	0.25	1.23
FAIRFAX	Taylor Property	94930	003-142-36		Residential .25 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	0	0.25	1.02
FAIRFAX	34 HILL AVENUE	94930	002-214-01		Residential 1 - 6 du/acre	RD 5.5-7 RESIDENTIAL ZONE, HIGH DENSITY	1	6	0.07
FAIRFAX	100 SUMMIT ROAD	94930	002-181-12		UR - 7 UR - 10 acres/du	UR UPLAND RESIDENTIAL ZONE	0	10	11.75
FAIRFAX	Island Pickle Property	94930	002-181-05		UR - 7 UR - 10 acres/du	UR UPLAND RESIDENTIAL ZONE	0	10	5.92
FAIRFAX	350 BOLINAS ROAD	94930	002-032-23		Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	1	6	0.15
FAIRFAX	Island Pickle Property	94930	002-181-04		UR - 7 UR - 10 acres/du	UR UPLAND RESIDENTIAL ZONE	0	0.21	4.61
FAIRFAX	2040 SIR FRANCIS DRAKE BLVD	94930	001-183-04		Central Commercial	CH HIGHWAY COMMERCIAL ZONE	0	1	1.04
FAIRFAX	Kuhler Property	94930	003-181-07		Residential .25 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	0	0.25	1.82
FAIRFAX	Ross Property	94930	003-171-02		Residential .25 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	0	0.25	1.90
FAIRFAX	Ross Property	94930	003-171-08		Residential .25 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	0	0.25	2.25
FAIRFAX	75 PINE DRIVE	94930	003-101-06		Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	1	6	0.15
FAIRFAX	Ross Property	94930	003-171-05		Residential .25 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	0	0.25	2.67
FAIRFAX	200 TOYON ROAD	94930	003-161-01		Residential .25 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	0	0.25	1.92
FAIRFAX	Piombo Property	94930	001-093-37		Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	1	6	1.63
FAIRFAX	Tomlinson Property	94930	002-174-04		Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	1	6	1.02
FAIRFAX	615 OAK MANOR DR	94930	174-070-71		Residential .25 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	0	0.25	39.34
FAIRFAX	Elterman Property	94930	003-032-42		Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	1	6	1.02
FAIRFAX	RFC Property	94930	174-300-05		Planned Development District	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	0	6.25	11.77

Table A: Housing Element Sites Inventory, Table Starts in Cell A2

Existing Use/Vacancy	Infrastructure	Publicly-Owned	Site Status	Identified in Last/Last Two Planning Cycle(s)	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity	Optional Information ¹
Vacant	YES - Current	NO - Privately-Owned	Available		0	0	1	1	
Residential	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	6	6	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Residential	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Residential	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Used in Prior Housing Element - Non-Vacant	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Residential	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	3	3	
Vacant	YES - Current	NO - Privately-Owned	Available		0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available		0	0	3	3	
Residential	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available		0	0	3	3	
Commercial	YES - Current	NO - Privately-Owned	Available		0	0	8	8	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Residential	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	2	2	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Residential	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	10	10	The owner of this parcel has submitted a letter of interest expressing intent to subdivide the property to create a 1-acre portion of 615 Oak Manor Drive that fronts Sir Francis Drake Boulevard. Owner intends to pursue development of high density on the newly created 1-acre parcel. The remaining 39 acres of the parcel will accommodate 10 above moderate dwelling units.
Vacant	YES - Current	NO - Privately-Owned	Available	Not Used in Prior Housing Element	0	0	1	1	
Vacant	YES - Current	NO - Privately-Owned	Available		0	0	6	6	

Table B: Candidate Sites Identified to be Rezoned to Accommodate Shortfall Housing Need, Table Starts in Cell A2

For Marin County jurisdictions, please format the APNs as follows: 999-999-99

Jurisdiction Name	Site Address/Intersection	5 Digit ZIP Code	Assessor Parcel Number	Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income	Type of Shortfall	Parcel Size (Acres)	Current General Plan Designation	Current Zoning
FAIRFAX	10 OLEMA / 2170 SIR FRANCIS DRAKE BLVD	94930	001-104-12	0	35	0	0	Shortfall of Sites	1.21	Planned Development District	PDD PLANNED DEVELOPMENT DISTRICT ZONE
FAIRFAX	1573 SIR FRANCIS DRAKE BLVD	94930	002-213-10	0	0	6	0	Shortfall of Sites	0.2	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	1577 SIR FRANCIS DRAKE BLVD	94930	002-213-25	0	0	7	0	Shortfall of Sites	0.25	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	1583 SIR FRANCIS DRAKE BLVD	94930	002-213-07	0	0	2	0	Shortfall of Sites	0.08	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	1585 SIR FRANCIS DRAKE BLVD	94930	002-213-06	0	0	3	0	Shortfall of Sites	0.10	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	1589 SIR FRANCIS DRAKE BLVD	94930	002-213-05	0	0	2	0	Shortfall of Sites	0.05	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	1591 SIR FRANCIS DRAKE BLVD	94930	002-213-04	0	0	2	0	Shortfall of Sites	0.09	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	1601 SIR FRANCIS DRAKE BLVD	94930	002-211-20	0	0	5	0	Shortfall of Sites	0.23	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	1607 SIR FRANCIS DRAKE BLVD	94930	002-211-05	0	0	3	0	Shortfall of Sites	0.11	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	1625 SIR FRANCIS DRAKE BLVD	94930	002-211-21	0	0	4	0	Shortfall of Sites	0.26	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	2600 SIR FRANCIS DRAKE BLVD	94930	174-070-50	0	53	0	0	Shortfall of Sites	1.85	Planned Development District	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	615 OAK MANOR DR	94930	174-070-71	0	29	0	0	Shortfall of Sites	1.02	Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY
FAIRFAX	6 SCHOOL ST	94930	002-112-13	0	35	0	140	Shortfall of Sites	1.92	Limited Commercial	CL LIMITED COMMERCIAL ZONE
FAIRFAX	101 BOLINAS RD	94930	002-122-25	0	0	4	0	Shortfall of Sites	0.17	Central Commercial	CC CENTRAL COMMERCIAL ZONE
FAIRFAX	SIR FRANCIS DRAKE BLVD	94930	001-183-10	0	0	12	0	Shortfall of Sites	0.41	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	1810 SIR FRANCIS DRAKE BLVD	94930	001-226-53	0	0	5	0	Shortfall of Sites	0.33	Central Commercial	CC CENTRAL COMMERCIAL ZONE
FAIRFAX	2000 SIR FRANCIS DRAKE BLVD	94930	001-183-17	0	0	14	0	Shortfall of Sites	0.51	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	2086 SIR FRANCIS DRAKE BLVD	94930	001-183-14	0	0	6	0	Shortfall of Sites	0.19	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	2082 SIR FRANCIS DRAKE BLVD	94930	001-183-15	0	0	6	0	Shortfall of Sites	0.19	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	2090 SIR FRANCIS DRAKE BLVD	94930	001-183-12	0	0	5	0	Shortfall of Sites	0.17	Central Commercial	CH HIGHWAY COMMERCIAL ZONE
FAIRFAX	89 BROADWAY	94930	002-113-08	0	0	10	0	Shortfall of Sites	0.35	Central Commercial	CC CENTRAL COMMERCIAL ZONE
FAIRFAX	95 BOLINAS RD	94930	002-122-47	0	0	7	0	Shortfall of Sites	0.51	Central Commercial	CC CENTRAL COMMERCIAL ZONE
FAIRFAX	FORREST AVE	94930	002-123-17	0	0	5	0	Shortfall of Sites	0.23	Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY
FAIRFAX	FORREST AVE	94930	002-144-01	0	0	5	0	Shortfall of Sites	0.22	Residential 1 - 6 du/acre	RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY

Table B: Candidate Sites Identified to be Rezoned to Accommodate Shortfall Housing Need, Table Starts in Cell A2

Proposed General Plan (GP) Designation	Proposed Zoning	Minimum Density Allowed	Maximum Density Allowed	Total Capacity	Vacant/ Nonvacant	Description of Existing Uses	Infrastructure	Optional Information ¹
Planned Development District	WHO Workforce Housing Overlay	20	40	31	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	6	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	7	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	2	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	3	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	2	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	2	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	5	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	3	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	4	Non-Vacant	Commercial	YES - Current	
Planned Development District	WHO Workforce Housing Overlay	20	40	29	Non-Vacant	Educational/institutional/religious	YES - Current	
Residential 1 - 6 du/acre	WHO Workforce Housing Overlay	20	40	29	Vacant	Vacant	YES - Current	The owner of this parcel has submitted a letter of interest expressing intent to subdivide the property to create a 1-acre portion of 615 Oak Manor Drive that fronts Sir Francis Drake Boulevard. Owner intends to pursue development of high density on the newly created 1-acre parcel. The remaining 39 acres of the parcel will accommodate 10 above moderate dwelling units.
Limited Commercial	WHO Workforce Housing Overlay	20	75	175	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	4	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	12	Vacant	Vacant	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	5	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	14	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	6	Non-Vacant	Vacant	YES - Current	Adjacent/common ownership with APN 001-183-15 (NEW APN 001-183-20)
Central Commercial	WHO Workforce Housing Overlay	20	75	6	Non-Vacant	Commercial	YES - Current	Adjacent/common ownership with APN 001-183-14 (NEW APN 001-183-20)
Central Commercial	WHO Workforce Housing Overlay	20	75	5	Non-Vacant	Commercial	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	10	Non-Vacant	Vacant	YES - Current	
Central Commercial	WHO Workforce Housing Overlay	20	75	7	Non-Vacant	Commercial	YES - Current	
Planned Development District	WHO Workforce Housing Overlay	20	75	5	Vacant	Vacant	YES - Current	Consolidated with APN 002-144-01
Planned Development District	WHO Workforce Housing Overlay	20	75	5	Vacant	Vacant	YES - Current	Consolidated with APN 002-123-17

Table C: Land Use, Table Starts in A2

Zoning Designation From Table A, Column G and Table B, Columns L and N (e.g., "R-1")	General Land Uses Allowed (e.g., "Low-density residential")
RS-6 SINGLE-FAMILY RESIDENTIAL ZONE, HIGH DENSITY	Single family residential CHAPTER 17.080
RD 5.5-7 RESIDENTIAL ZONE, HIGH DENSITY	Single-family dwelling on each building site; a duplex on each building site having a minimum lot area of 7,000 square feet; and boardinghouse or lodging house, not to exceed five guests. CHAPTER 17.084
CL LIMITED COMMERCIAL ZONE	The CL limited commercial zone provides a location for uses which may be incompatible with the high density characteristics of the central commercial zone or which may have difficulty in finding a proper location in the highway commercial zone. CHAPTER 17.092
CH HIGHWAY COMMERCIAL ZONE	Variety of service, retail and wholesale businesses, cater to automobile traffic rather than to pedestrian traffic. CHAPTER 17.096
CC CENTRAL COMMERCIAL ZONE	Central business district and the retail commercial heart of the town, variety of service, retail and wholesale businesses. CHAPTER 17.100
PDD PLANNED DEVELOPMENT DISTRICT ZONE	Development of parcels to permit comprehensive site planning and building design, flexible regulatory procedure. CHAPTER 17.112
SF-RMP SINGLE-FAMILY RESIDENTIAL MASTER PLANNED DISTRICT	On each legal building site, either one residential second unit (in addition to the allowed density) or one junior second unit. CHAPTER 17.116
A AGRICULTURAL AND CONSERVATION DISTRICT	Crop and tree farming and truck gardening, viticulture, nurseries, small livestock farming. CHAPTER 17.120
UR UPLAND RESIDENTIAL ZONE	Very low density single-family residential. CHAPTER 17.124
WHO Workforce Housing Overlay	Overlay permits multiple unit residential housing by right with a minimum density of 20 du/ac and a maximum base density of 40 du/ac. Additional local bonus density up to 75 du/ac is available to projects that make a deeper commitment to affordability. Projects proposing at least 60 du/ac that also commit to additional family-sized units (3+ bedrooms) and units for statutorily-defined special needs groups also qualify for additional bonus units, up to a maximum of 20 bonus units.

Appendix B

Housing Needs Assessment

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B Fairfax Housing Needs Assessment

This section outlines the characteristics of Fairfax and identifies those characteristics that may have significant impacts on housing needs in the community, including anticipated population and household growth. This assessment is essential for developing a successful strategy to meet a variety of housing needs in the Town. Both local and regional changes since the previous Housing Element are assessed to provide the full scope of housing needs. Analysis in each of the sections below will inform the housing programs and policies.

Local housing needs data for Fairfax and Marin County largely rely on data compiled by the Association of Bay Area Governments (ABAG) in the “Housing Needs Data Report: Fairfax” (ABAG/MTC, Baird + Driskell Community Planning, April 2, 2021). This data packet was approved by the California Department of Housing and Community Development (HCD).

B.1 Population Characteristics

The Bay Area is the fifth-largest metropolitan area in the nation and has seen a steady increase in population since 1990, except for a dip during the Great Recession. Many cities in the region have experienced significant growth in jobs and population. While these trends have led to a corresponding increase in demand for housing across the region, the regional production of housing has largely not kept pace with job and population growth.

According to the data from the California Department of Finance (DOF), the population of Fairfax was estimated to be 7,399 in 2020. The population of Fairfax makes up 2.8 percent of Marin County.¹ In Fairfax, roughly 13.1 percent of its population moved during the past year, on par with the regional rate of 13.4 percent. As shown in Table B-1, Fairfax’s population has increased by 1.1 percent since 2000, well below the rate for the region as a whole, at 14.8 percent. From 1990 to 2000, the population increased by 5.6 percent, while it increased by 1.7 percent during the first decade of the 2000s. In the most recent decade, the population decreased by 0.6 percent.

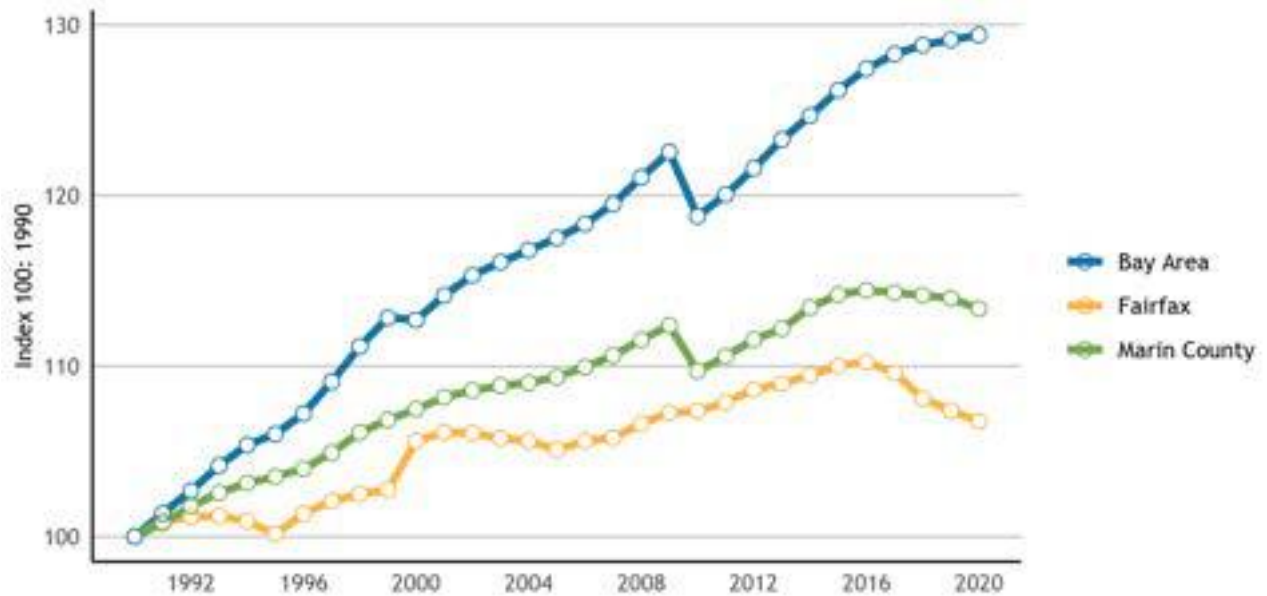
Table B-1: Fairfax and Regional Population Growth (1990-2020)

	1990	1995	2000	2005	2010	2015	2020
Fairfax	6,931	6,942	7,319	7,284	7,441	7,625	7,399
Marin County	230,096	238,185	247,289	251,634	252,409	262,743	260,831
Bay Area	6,020,147	6,381,961	6,784,348	7,073,912	7,150,739	7,595,694	7,790,537

Source: California Department of Finance, E-5 Series

¹ To compare the rate of growth across various geographic scales, Chart B-1 shows population for the jurisdiction, county, and region indexed to the population in the year 1990. This means that the data points represent the population growth (i.e., percent change) in each of these geographies relative to their populations in 1990.

Chart B-1: Town of Fairfax and Regional Population Growth Trends



Note: The data shown on the graph represents population for the jurisdiction, county, and region indexed to the population in the first year shown. The data points represent the relative population growth in each of these geographies relative to their populations in that year. For some jurisdictions, a break may appear at the end of each decade (1999, 2009) as estimates are compared to census counts. DOF uses the decennial census to benchmark subsequent population estimates. For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-01.

Source: California Department of Finance, E-5 series

POPULATION BY AGE

Current and future housing needs are usually determined in part by the age characteristics of a community’s residents. Each age group has distinct lifestyles, family type and size, incomes, and housing preferences. Consequently, evaluating the age characteristics of a community is important in determining its housing needs.

According to the 2019 American Community Survey (ACS) five-year estimates, the Town’s median age is 48, which is slightly higher than Marin County’s median age of 46.8. Fairfax’s median age was 41 years in 2000, and thus has increased since 2000. Table B-2 displays population by age in Fairfax since 2000. Notably, the proportion of middle age groups between 35 and 54 years old has decreased 33.3 percent since 2000. Meanwhile, older adults aged 65 and over have increased significantly the share of the population from 9.5 percent in 2000 to 22.9 percent in 2019. This table is based on data from the U.S. Census and the American Community Survey five-year data set.

Table B-2: Population by Age, Town of Fairfax (2000-2019)

Age Group	2000		2010		2019	
	Number	Percent	Number	Percent	Number	Percent
0-4 years	377	5.15%	336	4.52%	280	3.69%
5-14 years	782	10.68%	828	11.13%	672	8.87%
15-24 years	588	8.03%	614	8.25%	798	10.53%
25-34 years	962	13.14%	648	8.71%	667	8.80%
35-44 years	1,493	20.40%	1,158	15.56%	970	12.80%
45-54 years	1,677	22.91%	1,438	19.33%	1,222	16.13%
55-64 years	747	10.21%	1,469	19.74%	1,237	16.32%
65-74 years	370	5.06%	623	8.37%	1,155	15.24%
75-84 years	253	3.46%	241	3.24%	427	5.63%
85+ years	70	0.96%	86	1.16%	150	1.98%
Total	7,319	100%	7,441	100%	7,578	100%

Source: U.S. Census Bureau, Census 2000 SFI, Table P12; U.S. Census Bureau, Census 2010 SFI, Table P12; U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001

RACE AND ETHNICITY

Table B-3 presents the racial and ethnic composition of the Town of Fairfax's population in 2000, 2010, and 2019, as reported in U.S. Census (for 2000 and 2010) and the American Community Survey five-year data (for 2019). Since 2000, the share of White, Non-Hispanic residents has decreased by 7.9 percent. The Hispanic or Latinx population increased substantially from 5.9 percent in 2000 to 9.4 percent in 2019, and the Asian, Non-Hispanic population increased 4.34 percent, with smaller increases in population for all other racial or ethnic groups except for non-Hispanic American Indian or Alaska Native and Black or African American residents.

Table B-3: Population by Race, Town of Fairfax (2000-2019)

Racial/Ethnic Group	2000		2010		2019	
	Number	Percent	Number	Percent	Number	Percent
American Indian or Alaska Native, Non-Hispanic ¹	30	0.41%	19	0.26%	0	0.00%
Native Hawaiian and Other Pacific Islander alone, Non-Hispanic	8	0.11%	4	0.05%	29	0.38%
Asian, Non-Hispanic	143	1.95%	201	2.70%	329	4.34%
Black or African American, Non-Hispanic	77	1.05%	103	1.38%	34	0.45%
White, Non-Hispanic	6,445	88.06%	6,352	85.36%	6,233	82.25%
Other Race or Multiple Races, Non-Hispanic	198	2.71%	258	3.47%	240	3.17%
Hispanic or Latinx	418	5.71%	504	6.77%	713	9.41%
Total	7,319	100%	7,441	100%	7,578	100%

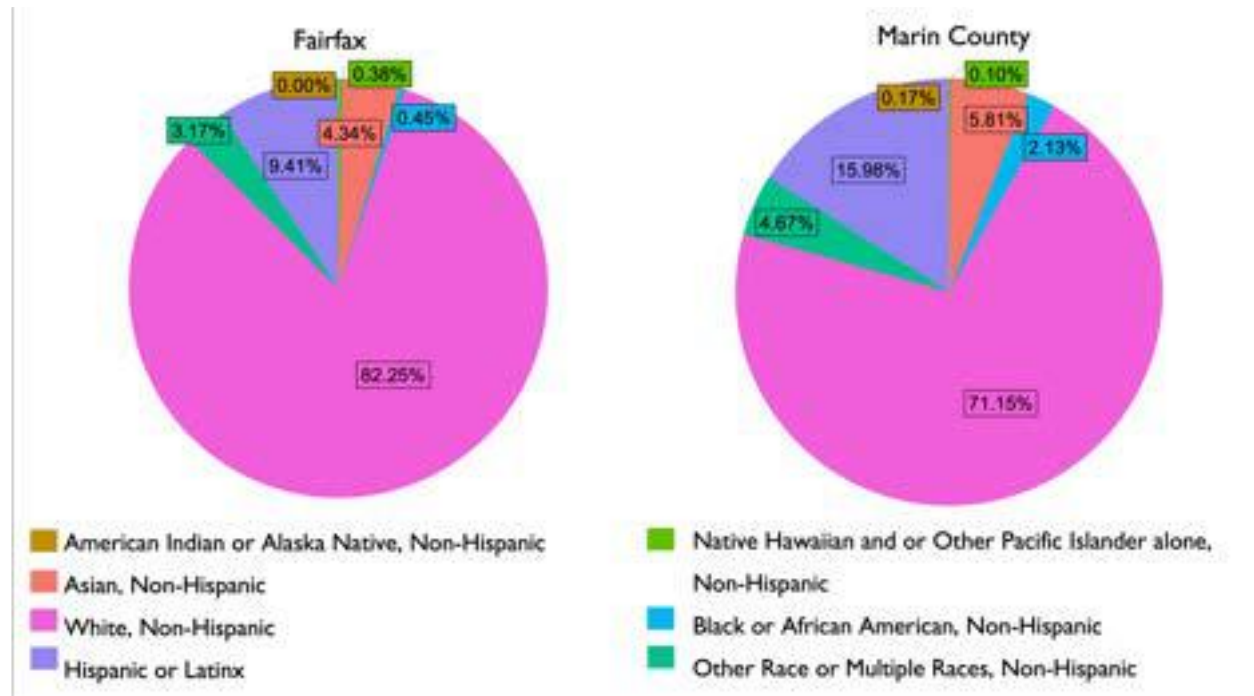
Note

1. The U.S. Census aggregates race based on Hispanic/Latinx ethnicity.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B03002

The racial or ethnic composition of the Town of Fairfax shows similar trends to the County as a whole. However, they are distinguished by Fairfax’s much larger share of White, Non-Hispanic residents (82.3 percent) than in the County (71.2 percent). Marin County has larger proportions of all other racial or ethnic groups.

Chart B-2: Fairfax and Surrounding Area Population by Race/Ethnicity, 2019



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B03002

B.2 Household Characteristics

HOUSEHOLD SIZE

According to ACS five-year estimates data, the average household size in Fairfax in 2019 was around 2.25, which is slightly lower than the Town’s 2010 average of 2.31. Fairfax’s average is slightly lower than the average for Marin County as a whole (2.59). As seen in Table B-4, the share of Fairfax’s population in 2019 living in a one-person household (30.27) was greater than that of Marin County (29.92). Similarly, three and four-person households account for 32.39 percent of the households in Fairfax compared to Marin County (28.0 percent). Marin County has a much larger share of households of five or more persons (7.2 percent) than Fairfax (1.8 percent).

Table B-4: Fairfax and Surrounding Areas Household Size, 2019

Household Size	Fairfax		Marin County	
	Number	Percent	Number	Percent
1-Person Household	1,014	30.27%	31,548	29.92%
2-Person Household	1,192	35.58%	36,883	34.98%
3-4-Person Household	1,085	32.39%	29,440	27.92%
5-Person or More Household	59	1.76%	7,561	7.17%
Total	3,350	100%	105,432	100%

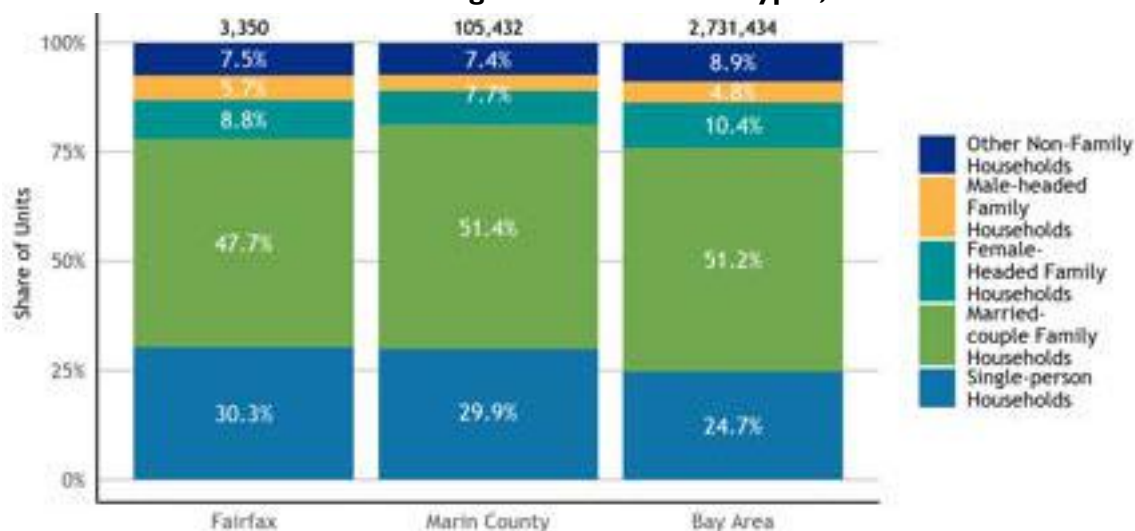
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B11016

HOUSEHOLD CHARACTERISTICS

A summary of household characteristics in the Town of Fairfax, Marin County, and the Bay Area is provided in Chart B-3. According to the Town of Fairfax, a family household is defined as (1) An individual, or two or more persons related by blood, marriage or adoption living together as a single household unit; or (2) One or more individuals living together where the residents are a close group with social, economic and psychological commitments to each other and living together as a relatively permanent household.² A non-family household consists of a householder living alone (a one-person household) or in which the householder shares the home exclusively with people to whom they are not related.

According to the ACS data (2016-2020), the greatest share (47.70 percent) of households in Fairfax are married-couple family households. Overall, family households account for 62.2 percent of households in Fairfax, which is on par with Marin County (62.7 percent) and slightly lower than the Bay Area (66.4 percent). However, Fairfax has a greater share of single-person households (30.3 percent) than Marin County (20.51 percent) and the Bay Area (24.7 percent).

Chart B-3: Fairfax and Surrounding Areas Household Types, 2019



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B11001.

Notes: For data from the Census Bureau, a “family household” is a household where two or more people are related by birth, marriage, or adoption. “Non-family households” are households of one person living alone, as well as households where none of the people are related to each other.

² Note: this definition does not fully conform to State law, and through Program 2-K, the Town will amended the Zoning Code to provide a barrier-free definition of “family” that provides zoning code occupancy standards specific to unrelated adults and complies with fair housing law.

HOUSEHOLD INCOME

Household income is one of the most significant factors affecting housing choice and opportunity. Income largely determines a household's ability to purchase or rent housing. While higher-income households have more discretionary income to spend on housing, lower- and moderate-income households are limited in the range of housing they can afford. Typically, as household income decreases, cost burdens and overcrowding increase.

For the purpose of evaluating housing affordability, housing need, and eligibility for housing assistance, income levels are defined by guidelines adopted each year by the California State Department of Housing and Community Development (HCD). For Marin County, the applicable Area Median Income (AMI) for a family of four in 2022 is \$166,000. This is an increase of 70.96 percent from the 2014 median income of \$97,100. HUD has defined the following income categories for Marin County, based on the median income for a household of four persons for 2022:

- Extremely low-income: 30 percent of AMI and below (\$0 to \$55,900)
- Very low-income: 31 to 50 percent of AMI (\$55,951 to \$93,200)
- Low-income: 51 to 80 percent of AMI (\$93,201 to \$149,100)
- Moderate-income: 81 to 120 percent of AMI (\$149,101 to \$166,000)
- Above moderate-income: 120 percent or more of AMI (\$199,200 or more)

Table B-5 shows the HUD definitions for Marin County's maximum annual income level for each income group, adjusted by household size. This data is used when determining a household's eligibility for federal, state, or local housing assistance and used when calculating the maximum affordable housing payment for renters and buyers.

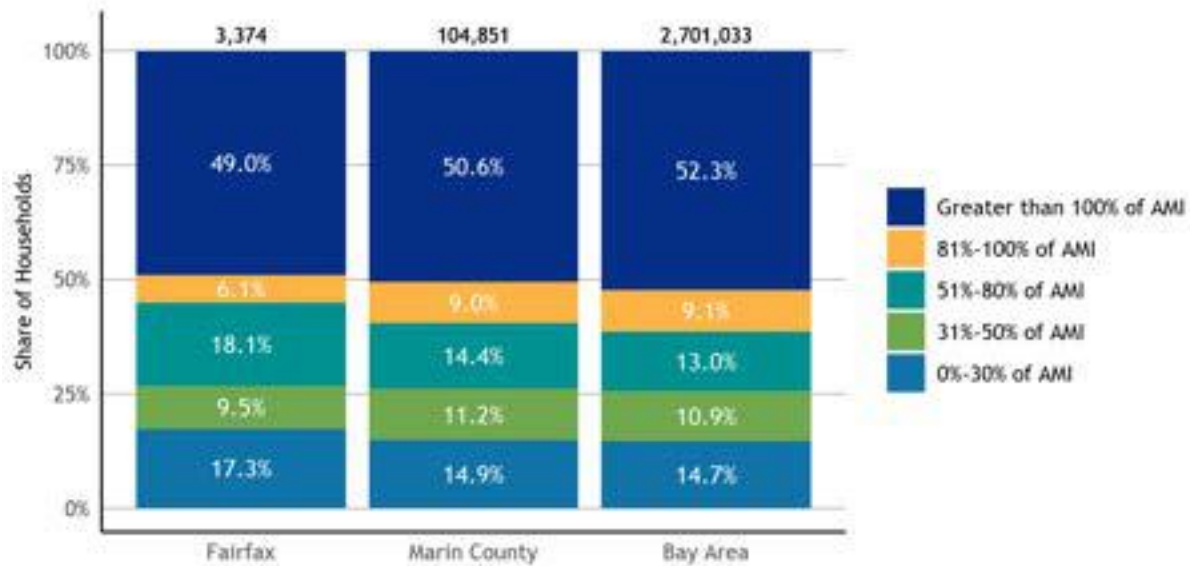
Table B-5: HUD Income Levels by Household Size (Marin County, 2022)

Household Size	Maximum Income Level				
	Extremely Low	Very Low	Low	Median	Moderate
1 Person	\$39,150	\$65,250	\$104,400	\$116,200	\$139,450
2 Persons	\$44,750	\$74,600	\$119,300	\$132,800	\$159,350
3 Persons	\$50,350	\$83,900	\$134,200	\$149,400	\$179,300
4 Persons	\$55,900	\$93,200	\$149,100	\$166,000	\$199,200
5 Persons	\$60,400	\$100,700	\$161,050	\$179,300	\$215,150
6 Persons	\$64,850	\$108,150	\$173,000	\$192,550	\$231,050
7 Persons	\$69,350	\$115,600	\$184,900	\$205,850	\$247,000
8 Persons	\$73,800	\$123,050	\$196,850	\$219,100	\$262,950

Source: HUD Income Limits 2022

The HUD Comprehensive Housing Affordability Strategy 2013-2017 release also provides income data. This income data is based on the ACS 2013-2017 estimates, and thus does not align exactly with categories assigned to the 2022 HUD established income levels. Chart B-4 provide data for Fairfax, Marin County, and the Bay Area. The Town of Fairfax and the region have relatively similar distributions of households at each income level. However, Fairfax has a slightly greater number of households that made between zero and 30 percent of AMI (17.3 percent) compared to the county (14.9 percent) and the Bay Area (14.7 percent).

Chart B-4: Town of Fairfax and Region Households by Household Income Level



Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.

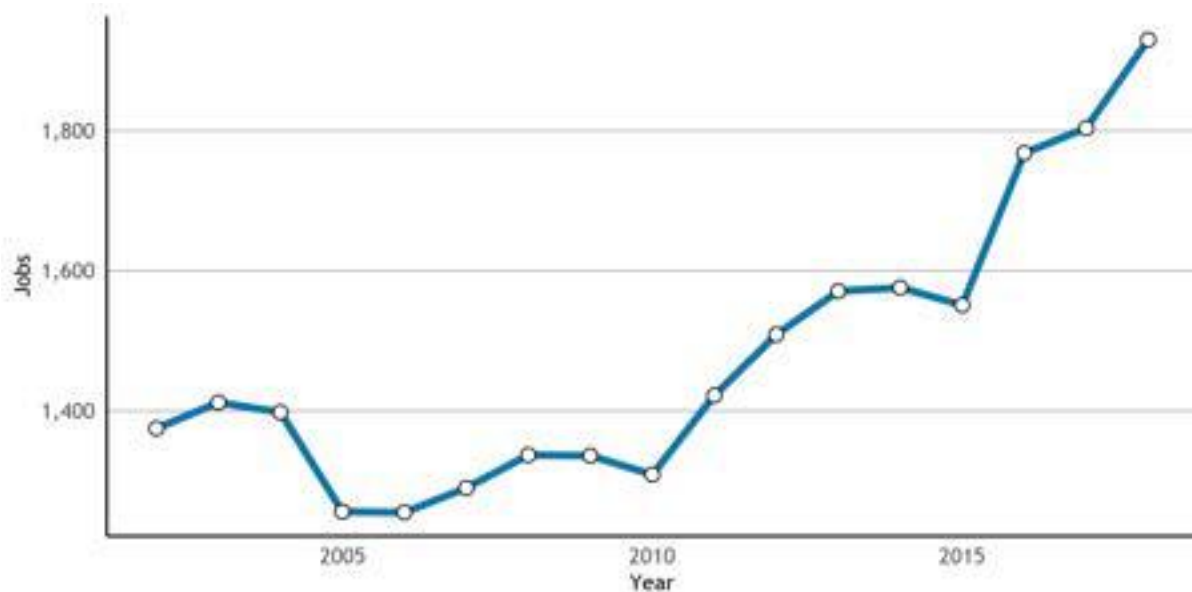
B.3 Employment

BALANCE OF JOBS AND WORKERS

A town houses employed residents who either work in the community where they live or work elsewhere in the region. Conversely, a town may have job sites that employ residents from the same town, but more often employ workers commuting from outside of it. Smaller cities typically will have more employed residents than jobs there and export workers, while larger cities tend to have a surplus of jobs and import workers. To some extent the regional transportation system is set up for this flow of workers to the region’s core job centers. At the same time, as the housing affordability crisis has illustrated, local imbalances may be severe, where local jobs and worker populations are out of sync at a sub-regional scale.

One measure of this is the relationship between workers and jobs. A town with a surplus of workers “exports” workers to other parts of the region, while a town with a surplus of jobs must conversely “import” them. Between 2002 and 2018, the number of jobs in Fairfax increased by 40.4 percent. Chart B-5 shows the number of jobs in the Town from 2002 through 2018.

Chart B-5: Town of Fairfax Jobs, 2002-2018



Notes: Jobs from unemployment insurance-covered employment (private, state and local government) plus United States Office of Personnel Management-sourced Federal employment. The data is tabulated by place of work, regardless of where a worker lives. The source data is provided at the census block level. These are crosswalked to jurisdictions and summarized.

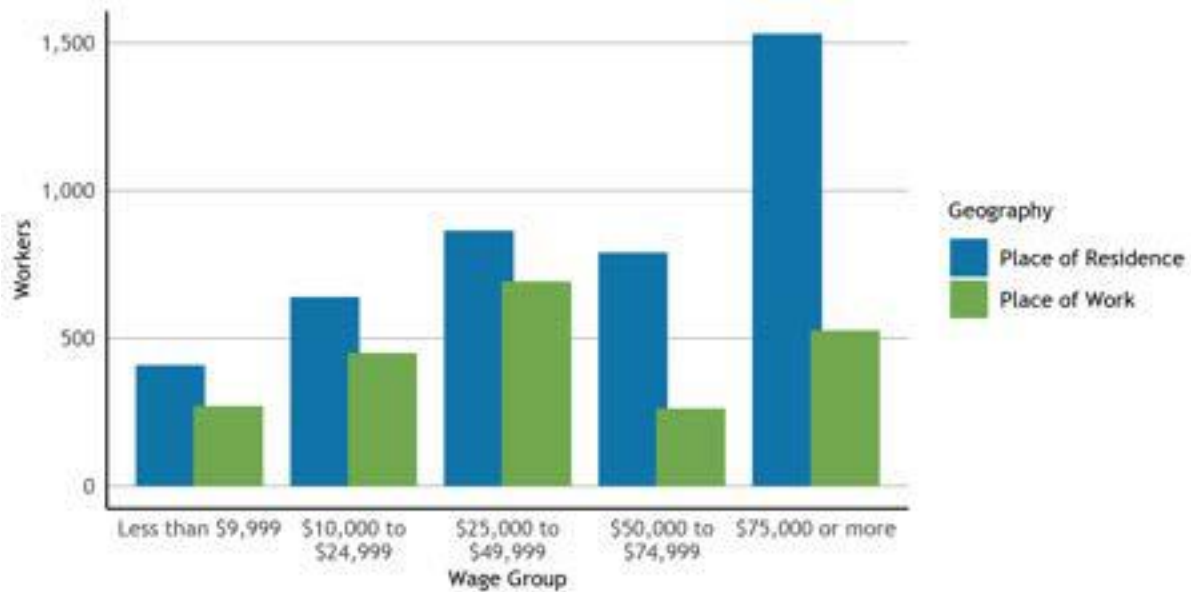
Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files, 2002-2018.

Chart B-6 shows the balance when comparing jobs to workers, broken down by different wage groups, offering additional insight into local dynamics. A community may offer employment for relatively low-income workers but have relatively few housing options for those workers - or conversely, it may house residents who are low wage workers but offer few employment opportunities for them. Such relationships may cast extra light on potentially pent-up demand for housing in particular price categories. A relative surplus of jobs relative to residents in a given wage category suggests the need to import those workers, while conversely, surpluses of workers in a wage group relative to jobs means the community will export those workers to other jurisdictions. Such flows are not inherently bad, though over time, sub-regional imbalances may appear.

Fairfax has more low-wage residents than low-wage jobs (where low-wage refers to jobs paying less than \$25,000). At the other end of the wage spectrum, the town has more high-wage residents than high-wage jobs (where high-wage refers to jobs paying more than \$75,000).³

³ The source table is top-coded at \$75,000, precluding more fine-grained analysis at the higher end of the wage spectrum.

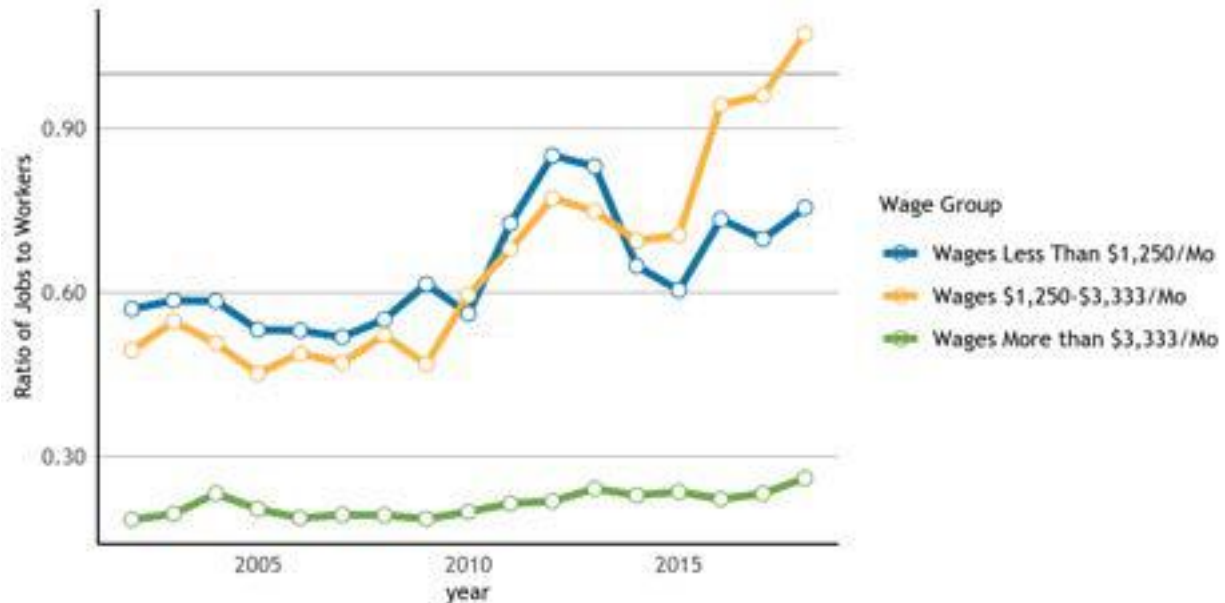
Chart B-6: Workers by Earnings, in Fairfax as Place of Work and Place of Residence, 2019



Source: U.S. Census Bureau, American Community Survey 5-Year Data 2015-2019, B08119, B08519.

Chart B-7 shows the ratio of jobs to workers, by wage group. A value of 1.00 means that a town has the same number of jobs in a wage group as it has resident workers, in principle, a balance. Values above 1.00 indicate a jurisdiction will need to import workers for jobs in a given wage group.

Chart B-7: Town of Fairfax Jobs-Worker Ratios, By Wage Group, 2002-2018



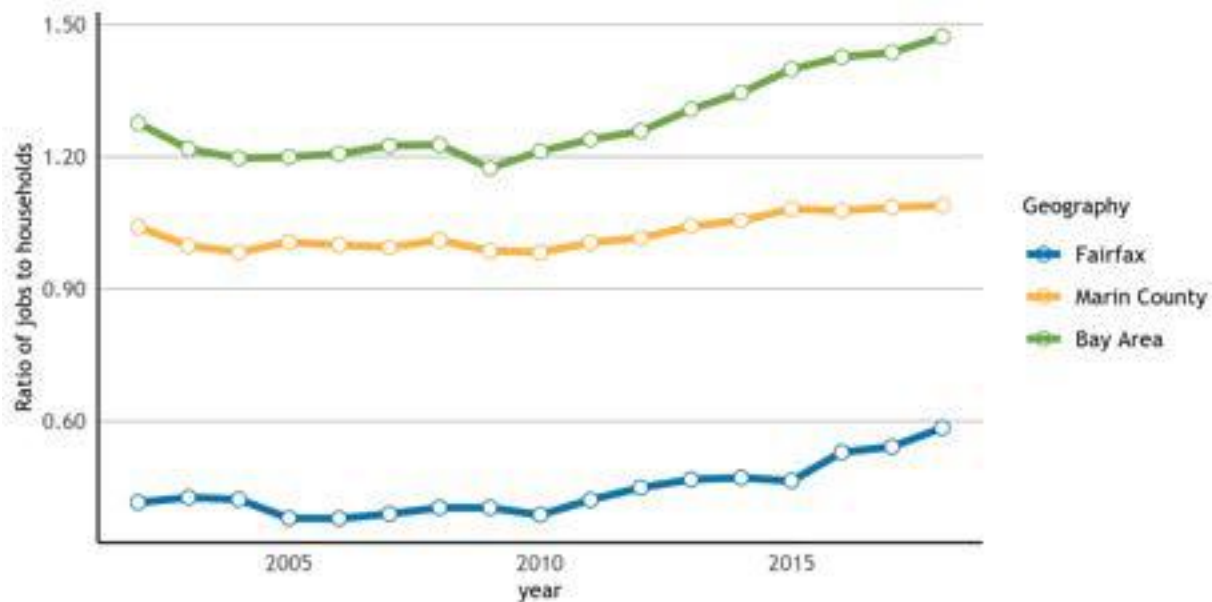
Notes: Universe: Jobs in a jurisdiction from unemployment insurance-covered employment (private, state and local government) plus United States Office of Personnel Management-sourced Federal employment. The ratio compares job counts by wage group from two tabulations of LEHD data: Counts by place of work relative to counts by place of residence. See text for details.

Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files (Jobs); Residence Area Characteristics (RAC) files (Employed Residents), 2010-2018.

Such balances between jobs and workers may directly influence the housing demand in a community. New jobs may draw new residents, and when there is high demand for housing relative to supply, many workers may be unable to afford to live where they work, particularly where job growth has been in relatively lower wage jobs. This dynamic not only means many workers will need to prepare for long commutes and time spent on the road, but in the aggregate, it contributes to traffic congestion and time lost for all road users.

If there are more jobs than employed residents, it means a town is relatively jobs-rich, typically also with a high jobs-to-household ratio. Thus, bringing housing into the measure, Chart B-8 shows Fairfax’s jobs-household ratio in Fairfax has increased from 0.42 in 2002, to 0.58 jobs per household in 2018. In short, Fairfax is a net exporter of workers.

Chart B-8: Town of Fairfax Jobs-Household Ratio, 2002-2018



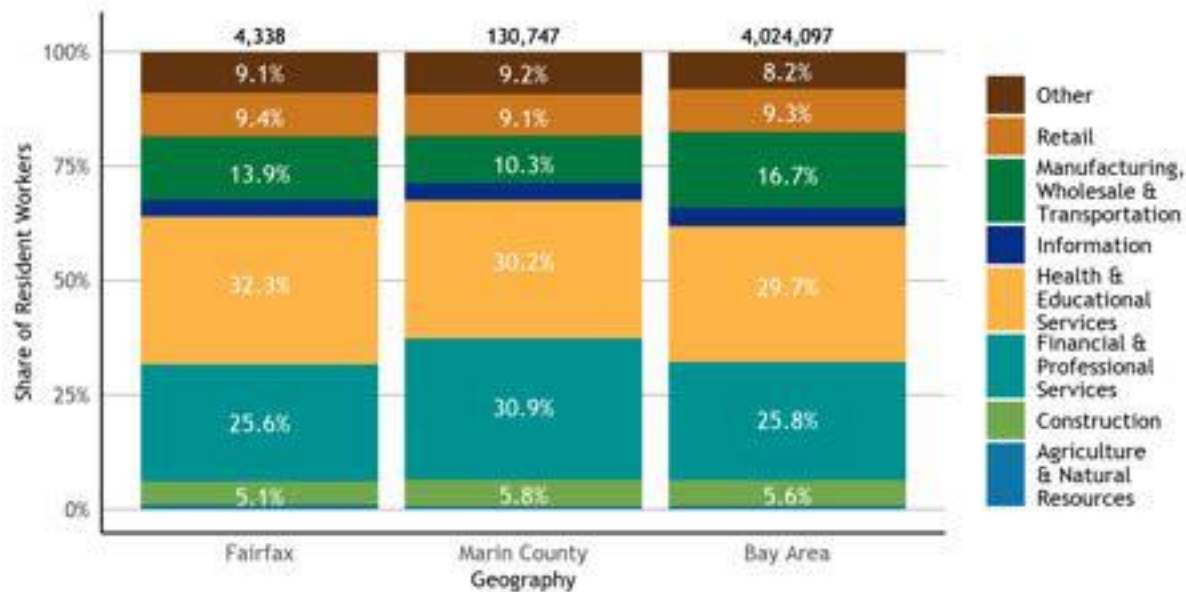
Notes: The data is tabulated by place of work, regardless of where a worker lives. The source data is provided at the census block level. These are crosswalked to jurisdictions and summarized. The ratio compares place of work wage and salary jobs with households, or occupied housing units. A similar measure is the ratio of jobs to housing units. However, this jobs-household ratio serves to compare the number of jobs in a jurisdiction to the number of housing units that are actually occupied. The difference between a jurisdiction’s jobs-housing ratio and jobs-household ratio will be most pronounced in jurisdictions with high vacancy rates, a high rate of units used for seasonal use, or a high rate of units used as short-term rentals.

Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files (Jobs), 2002-2018; California Department of Finance, E-5 (Households).

OCCUPATION AND LABOR FORCE

According to ACS 2020 five-year estimates, there are 4,338 persons in the labor force in the Town of Fairfax. As seen in Chart B-9, the largest industry represented among Fairfax workers is Health and Educational Services (32.3 percent) which is a greater share of the workforce represented in the industry compared to the county (30.2 percent) and to the Bay Area (29.7 percent). Compared to Marin County, employees in the Financial and Professional Services industry account for less of Fairfax’s employment distribution (25.6 percent) than that of the county (30.9 percent).

Chart B-9: Town of Fairfax and Surrounding Areas Resident Employment by Industry, 2019



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table C24030.

EMPLOYMENT GROWTH TRENDS

According to California Employment Development Department Local Area Unemployment Statistics (LAUS), Fairfax experienced an unemployment rate of 10.2 percent in 2021. While this rate is a 72.9 percent increase from unemployment rates in 2010, it is a 436.8 percent increase from the 2019 unemployment rate (1.9 percent). Fairfax noticeably held a decreasing, then steady and low unemployment rate between 2010 and 2019. Fairfax’s significant increase in unemployment in 2020 to 15.2 percent is likely due to the impacts of the COVID-19 pandemic.

Table B-6: Fairfax Unemployment Rate (2010-2021)

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
5.9%	5.5%	4.7%	3.8%	3.2%	2.6%	2.2%	2.1%	2.2%	1.9%	15.2%	10.2%

Source: California Employment Development Department, Local Area Unemployment Statistics (LAUS), Sub-county areas annual updates, 2010-2021

B.4 Special Needs Groups

Certain groups have greater difficulty in finding suitable affordable housing due to their special needs and circumstances. This may be a result of employment and income, family characteristics, disability, or household characteristics. Consequently, certain residents in the Town of Fairfax may experience more instances of housing cost burdens, overcrowding, or other housing problems. The categories of special needs addressed in this Element include:

- Extremely low-income households
- Older adults
- Persons with disabilities, including developmental disabilities
- Female-headed households

- Large households
- Persons experiencing homelessness
- Farmworkers
- Students
- Military employees and veterans
- Group quarters populations

EXTREMELY LOW-INCOME HOUSEHOLDS

California State Housing Law requires local governments to address the needs of “Extremely Low-Income” populations, which refers to households with incomes below 30 percent of the AMI for the community. In addition to those families making less than 30 percent of AMI, the Federal Poverty Level (FPL) is a threshold established by the federal government that remains constant throughout the country (and thus does not correspond to AMI). Federal statistics can also help the Town quantify the extent of the extremely low-income population. The federal government defines poverty as a minimum level of income (adjusted for household size and composition) necessary to meet basic food, shelter, and clothing needs. For 2021, the FPL for a family of four is \$26,500, which is much lower than Marin County’s threshold for 30 percent of AMI at \$55,900. This means that households that qualify as extremely low-income in Fairfax are not living below the FPL.

As seen in Table B-7, approximately 590 (17.3 percent) of Fairfax households fall below 30 percent of AMI. At 61.5 percent, Asian/API households in Fairfax area most likely to fall below 30 percent of AMI. Households that identify as Hispanic or Latinx or White (non-Hispanic) have a prevalence of 23.6 percent and 15.5 percent, respectively, of those who are below 30 percent of AMI.

Table B-7: Household Income Distribution by Race (Town of Fairfax)

Racial/Ethnic Group	0%-30% AMI	31%-50% AMI	51%-80% AMI	81%-100% AMI	>100% of AMI
American Indian or Alaska Native (Non-Hispanic)	0.00%	0.00%	0.00%	0.00%	0.00%
Asian/API (Non-Hispanic)	61.54%	0.00%	11.54%	0.00%	26.92%
Black or African American (Hispanic and Non-Hispanic)	0.00%	0.00%	0.00%	0.00%	100.00%
White (Non-Hispanic)	15.53%	8.55%	19.02%	5.76%	51.13%
Other or Multiple Races (Non-Hispanic)	0.00%	9.09%	18.18%	0.00%	72.73%
Hispanic or Latinx	23.62%	25.59%	11.81%	15.75%	23.23%
All Households	17.34%	9.48%	18.08%	6.08%	49.02%

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release

According to ACS 2020 five-year estimates, Fairfax has a poverty rate of 5.4 percent. This is lower than the poverty rate of 7.2 percent in Marin County. Poverty rates have dropped in Fairfax and Marin County overall since 2015, from 6.8 percent and 8.3 percent, respectively. Chart B-10 displays the poverty status by race among Fairfax residents. Poverty is highest among those who identify as American Indian or

Alaska Native (100 percent), followed by Native Hawaiian and Other Pacific Islander (27.6 percent) and Asian (13.1 percent) and lowest among those who identify as other race or multiple races (0 percent).

Table B-8: Poverty Status by Race (Town of Fairfax)

<i>Racial/Ethnic Group</i>	<i>Percent Below Federal Poverty Line</i>
American Indian or Alaska Native (Hispanic and Non-Hispanic)	100.0%
Native Hawaiian and Other Pacific Islander (Hispanic and non-Hispanic)	27.6%
Asian (Hispanic and Non-Hispanic)	13.1%
Black or African American (Hispanic and Non-Hispanic)	7.4%
White (Hispanic and Non-Hispanic)	5.1%
White (Non-Hispanic)	4.8%
Other Race (Hispanic and Non-Hispanic)	0.0%
Multiple Races (Hispanic and Non-Hispanic)	0.0%
Hispanic or Latinx	8.7%

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B1701

To accommodate the housing needs of Extremely-Low-Income households (ie for residents that fall below 30 percent of the AMI) a range of strategies is typically required, including deeper income targeting for subsidies; housing with supportive services; single-room occupancy and/or shared housing; and rent subsidies (housing vouchers).. To meet this need, the Town will work to facilitate the production of affordable housing through strategies outlined in programs 3-E (Inclusionary Housing Program and Commercial Linkage Fee) and 4-A (Affirmative Marketing of Affordable Housing Opportunities). The current RHNA allocation for very-low-income households in Fairfax is 149. Per HCD guidance, assuming that 50 percent of the very-low-income households qualify as extremely-low-income-households, the projected number of extremely-low-income units needed is estimated to be approximately 75. According to Chapter 3, a total of 289 low and very low-income multifamily units are projected through the future development of workforce overlay sites, sites at School Street Plaza, and additional ADU development. As shown, there is sufficient capacity to meet RHNA obligations for extremely low-income households.

OLDER ADULTS

Older adults (elderly residents) have many different housing needs, depending on their age, level of income, current tenure status, cultural background, and health status. Elderly households may need assistance with personal and financial affairs, networks of care to provide services and daily assistance, and even possible architectural design features that would accommodate disabilities that would help ensure continued independent living.

In Fairfax, there are 1,740 residents aged 65 or older, which is 23.4 percent of the total population. This is slightly less than the proportion of residents aged 65 or older compared to Marin County as a whole (24.5 percent). Table B-9 shows the distribution of Fairfax residents aged 65 and over by racial group compared to the population of other age groups. The majority of those aged 65 and over in Fairfax identify as White (93.8 percent), followed by Asian (4.6 percent), and American Indian or Alaska Native (0.9 percent). In Fairfax, the proportion of those 65 and older who identify as White is greater than it is among younger age groups. In contrast, the proportion of younger residents who identify as Native Hawaiian or Other Pacific Islander, Black or African American, Multiple Races and Other Race is greater. In the sources for this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity.

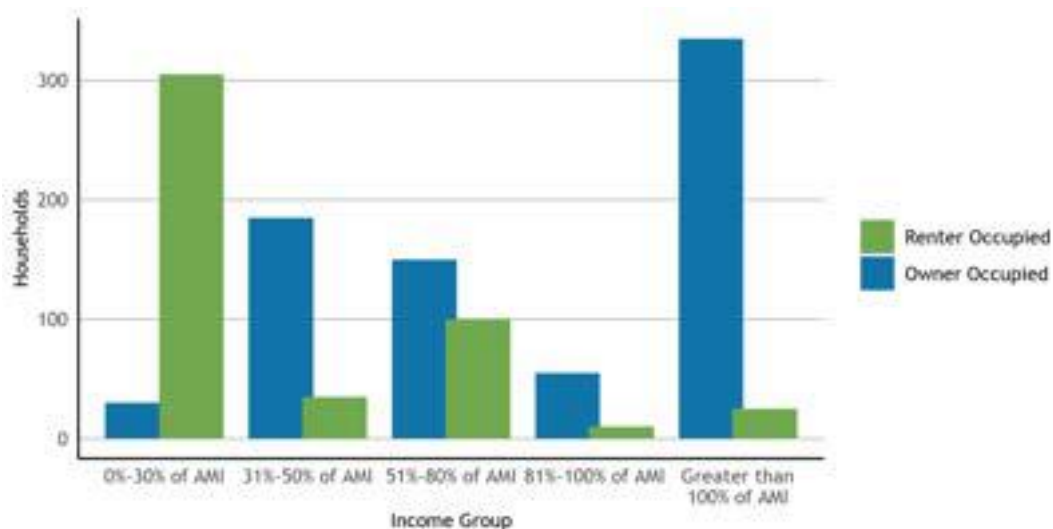
Table B-9: Senior and Youth Population by Race (Town of Fairfax)

Race	Age 0-17		Age 18-64		Age 65+	
	Number	Percent	Number	Percent	Number	Percent
American Indian or Alaska Native (Hispanic and Non-Hispanic)	0	0.0%	0	0.0%	15	0.9%
Native Hawaiian and Other Pacific Islander (Hispanic and Non-Hispanic)	22	1.7%	45	1.0%	0	0.0%
Asian (Hispanic and Non-Hispanic)	36	2.8%	213	4.6%	80	4.6%
Black or African American (Hispanic and Non-Hispanic)	0	0.0%	34	0.7%	0	0.0%
Multiple Races (Hispanic and Non-Hispanic)	122	9.5%	241	5.2%	7	0.4%
Other Race (Hispanic and Non-Hispanic)	26	2.0%	159	3.4%	6	0.3%
White (Hispanic and Non-Hispanic)	1,075	83.9%	3,963	85.1%	1,632	93.8%
Total	1,281	100.0%	4,655	100.0%	1,740	100.0%

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2016-2020), Table B01001(A-G)

A specific governmental response may be required to address the housing needs of older adults due to low incomes. As seen in Chart B-10, according to the U.S. Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), senior renters are much more likely to fall into the extremely low-income (zero to 30 percent of AMI) category than seniors who own their homes. Conversely, senior owners are much more likely to fall into the moderate income category (greater than 100 percent of AMI). As they age, older adults may face additional housing costs to maintain their homes and ensure they remain accessible, a situation exacerbated by the fact that many older adults live on fixed incomes. Like all lower income residents, many older adult residents may be facing overpayment problems or are unable to find affordable rental units at all.

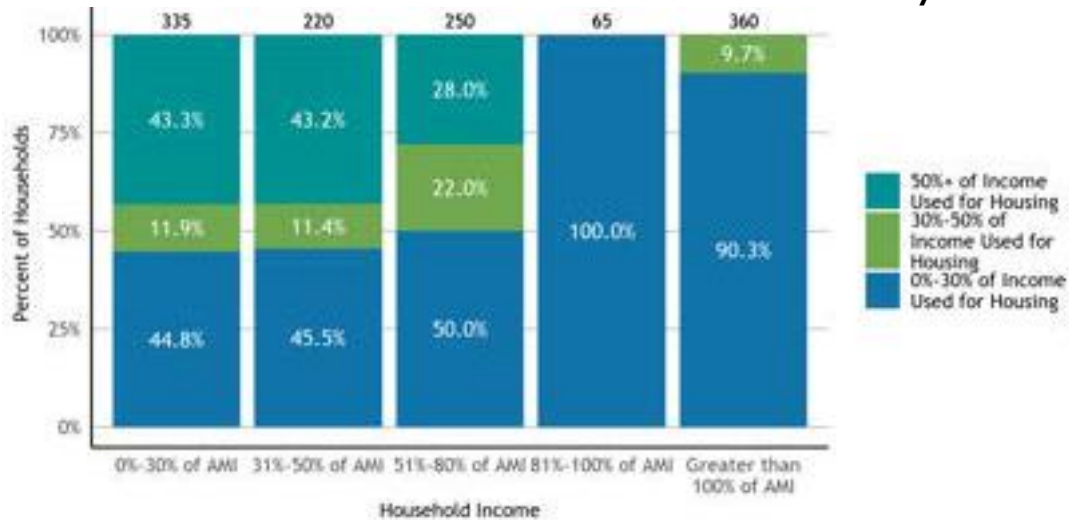
Chart B-10: Town of Fairfax Senior Households by Income and Tenure



Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release

Chart B-11 shows the percentage of those senior households at each income level that spend less than 30 percent of their income on housing costs, between 30 and 50 percent of their income on housing costs, and more than 50 percent of their income on housing costs. Those senior households considered extremely low-income (making between 0 and 30 percent of AMI) are the group most likely to be spending more than 50 percent of their overall household income on housing costs at 43.3 percent, followed by very low-income and low-income households at 43.2 and 28.0 percent respectively.

Chart B-11: Town of Fairfax Cost-Burdened Senior Households by Income Level



Source: U.S. Department of Housing and Urban Development (HUD), *Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.*

Other potential elderly housing needs that may require a specific governmental response include:

- Assisted living facilities.** Assisted living facilities provide elderly residents with the opportunity to maintain an independent housing unit while receiving needed medical services and social support. Congregate care facilities include housing with medical and health services.
- Relocation assistance.** Some elderly residents need assistance in relocating to a dwelling that better suits their space and income needs.
- Mobility impairment.** Mobility-impaired elderly residents requiring special accessibility features in their dwelling units. Mobility impairment may require that special accessibility features be included in the design and construction of a home. Mobility impairment can also create a need for a living arrangement that includes health, meals, cleaning, and/or other services as part of the housing package. A number of living arrangements are possible, from senior citizen developments with individual dwelling units to assisted living facilities to 24-hour support services. Table B-10 shows the prevalence of different types of disabilities among seniors over age 65 in Fairfax. The most prevalent type of disability is an ambulatory difficulty, experienced by 16.0 percent of Fairfax seniors. An ambulatory difficulty refers to having serious difficulty walking or climbing stairs.

Table B-10: Seniors (Age 65 and Over) by Type of Disability (Town of Fairfax)

Disability	Number of Seniors (65+)	Percentage of Seniors
With an ambulatory difficulty	276	16.03%
With an independent living difficulty	206	11.96%
With a cognitive difficulty	134	7.78%
With a self-care difficulty	137	7.96%
With a hearing difficulty	208	12.08%
With a vision difficulty	137	7.96%
Total	1,098	

Notes:

1. Ambulatory difficulty refers to having serious difficulty walking or climbing stairs.
2. Independent living difficulty refers to having difficulty doing errands alone due to a physical, mental, or emotional problem.
3. Hearing difficulty refers to those who are deaf or have serious difficulty hearing.
4. Self-care difficulty refers to having difficulty bathing or dressing.
5. Cognitive difficulty refers to having difficulty remembering, concentrating or making decisions due to a physical, mental, or emotional problem.
6. Vision difficulty refers to those who are blind or have serious difficulty seeing.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2016-2020), Table S1810

Senior Housing

Currently, Fairfax has 123 units across two properties specifically reserved for senior housing (Table B-11) - both are independent living facilities (as opposed to assisted living). Senior housing may be most attractive to the oldest cohort (85 years and older), as younger seniors often prefer to continue living independently. Housing types such as ADUs are also suited to accommodate the needs of seniors because they can allow seniors to age in place. An ADU or JADU can provide housing for caregivers or family members to live in proximity, or for the seniors themselves. Many of the programs in the Housing Action Plan are intended to stimulate the development of ADUs, such as programs 1-I (Pre-Approved ADU Plans), 1-J (Technical Assistance), 1-K (Fee Discounts), and 1-L (Financial Assistance Program), and 1-M, (Zoning Incentives for ADUs/JADUs) which are intended to reduce barriers to the ADU development process.

Table B-11: Senior Housing

Facility Name	Address	Units	Affordable	Project Type
Bennet Housing, LP	53 Taylor Drive	69	69	Seniors 62 and older with income limits
Victory Village Senior Housing	2626 Sir Francis Drake Blvd	54	53	Seniors 62 and older with income limits

Source: Marin Health and Human Services Community Resource Guide, 2022

PERSONS WITH DISABILITIES

Persons with disabilities have physical or mental impairments that require special housing designed for self-sufficiency. According to 2019 American Community Survey estimates, 736 persons (9.7 percent of

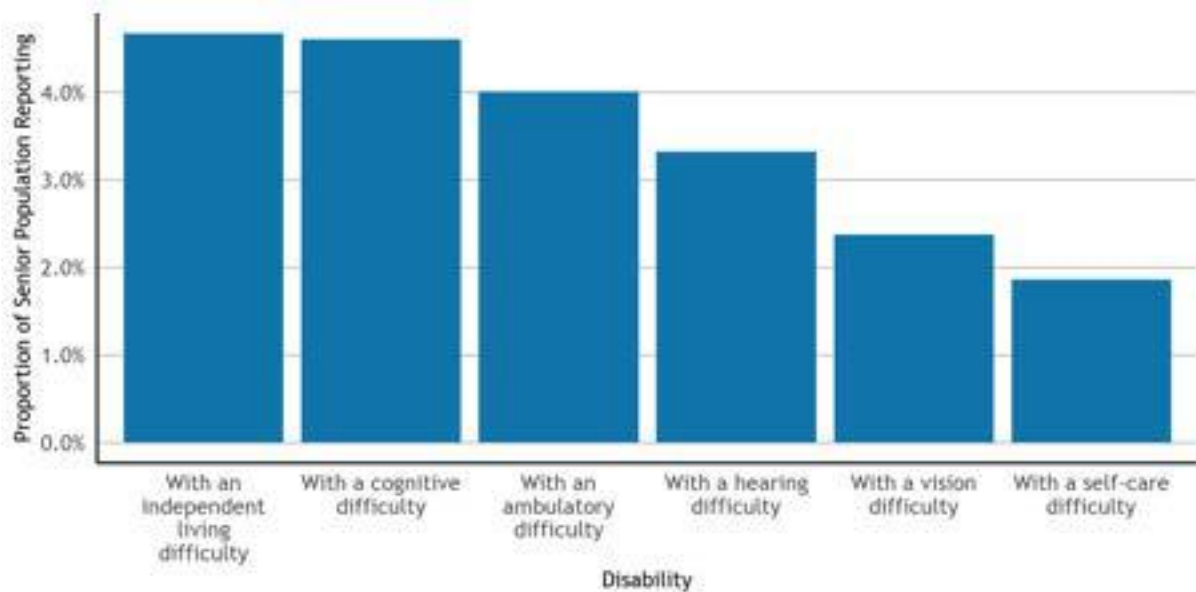
the non-institutionalized population) in the Town had a disability, compared to 23,346 (9.1 percent) of residents in Marin County.

Disability can further be broken down into six categories. The Census Bureau provides the following definitions for these disability types:

- Hearing difficulty: deaf or has serious difficulty hearing.
- Vision difficulty: blind or has serious difficulty seeing even with glasses.
- Cognitive difficulty: has serious difficulty concentrating, remembering, or making decisions.
- Ambulatory difficulty: has serious difficulty walking or climbing stairs.
- Self-care difficulty: has difficulty dressing or bathing.
- Independent living difficulty: has difficulty doing errands alone such as visiting a doctor’s office or shopping.

These disability types are counted separately and are not mutually exclusive, as an individual may report more than one disability; thus, these counts should not be summed. Chart B-12 provides a breakdown of Fairfax’s population by disability type. The most prevalent disability was independent living difficulty.

Chart B-12: Town of Fairfax Disability by Type, 2019



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B18102, Table B18103, Table B18104, Table B18105, Table B18106, Table B18107.

Further, residents with disabilities may have more difficulty in finding employment. In Fairfax, according to 2019 ACS estimates, approximately 0.40 percent of the civilian noninstitutionalized population 18 years to 64 years in the labor force with a disability were unemployed, while 3.3 percent of those with no disability were unemployed. The census considers individuals to not be in the labor force if they are not employed and are either not available to take a job or are not looking for one. This category typically includes discouraged workers, students, retired workers, stay-at-home parents, and seasonal workers in an off season who are not looking for work.

Given the barriers faced by persons with disabilities, the provision of affordable and barrier-free housing is essential to meet their housing needs. There are two approaches to housing design for residents with disabilities: adaptability and accessibility. Adaptable housing is a design concept in which a dwelling unit contains design features that allow for accessibility and use by mobility-impaired individuals with only minor modifications. An accessible unit has the actual special features installed in the house (grab bars, special cabinetry). To address these needs, the State requires design or accessibility modifications, such as access ramps, wider doorways, assist bars in bathrooms, lower cabinets, elevators, and the acceptance of service animals.

Developmental Disabilities

Since January 2011, per SB 812 as codified in Section 65583, housing elements are required to address the housing needs of individuals with a developmental disability within the community. The analysis must include an estimate of the number of persons with developmental disabilities, an assessment of the housing need, and a discussion of potential resources. According to Section 4512 of the Welfare and Institutions Code a "developmental disability" means a disability that originates before an individual attains age 18 years, continues—or can be expected to continue—indeinitely, and constitutes a substantial disability for that individual, which includes intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other disabling conditions that are solely physical in nature.

Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

The California Department of Developmental Services (DDS) is responsible for overseeing the coordination and delivery of services to more than 330,000 Californians with developmental disabilities including cerebral palsy, intellectual disability, Down Syndrome, autism, epilepsy, and related conditions through a network of 21 regional centers and state-operated facilities. In Fairfax, Creekwood offers a group home setting for adults with developmental disabilities and NeuroRestorative offers residential long-term pediatric care for children with brain-related injuries.

DDS consumer data provides an estimate of the number of Fairfax residents with a developmental disability. The most common living arrangement for individuals with developmental disabilities was the home of a parent/family/guardian, as shown in Table B-12. Further, approximately 17 individuals (51.5 percent) of the Fairfax population with a developmental disability was under the age of 18, while 16 individuals (48.5 percent) were older than 18.

Table B-12: Fairfax Population with Developmental Disabilities by Residence¹

<i>Residence Type</i>	<i>Number</i>	<i>Approximate Percent</i>
Home of Parent/Family/Guardian	23	74.2%
Community Care Facility	4	12.9%
Independent/Supported Living	4	12.9%
Intermediate Care Facility	0	0.0%
Foster/Family Home	0	0.0%
Other	0	0.0%
Total	31	100%

1. The California Department of Developmental Services provides ZIP code level counts. To get jurisdiction-level estimates, ZIP code counts were crosswalked to jurisdictions using census block population counts from Census 2010 SF1 to determine the share of a ZIP code to assign to a given jurisdiction. Independent living difficulty refers to having difficulty doing errands alone due to a physical, mental, or emotional problem.

Source: California Department of Developmental Services, Consumer Count by California ZIP Code and Residence Type, 2020

Housing types that may be appropriate for people living with a developmental disability include rent subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 homes⁴. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of group living opportunities represent some of the types of considerations that are important in serving the needs of this group. As multifamily housing is constructed in Fairfax, incorporating ‘barrier-free’ design in all new multifamily developments (as required by California and Federal Fair Housing laws) is important to provide the widest range of choices for disabled residents. Special consideration should also be given to the affordability of housing, as people with disabilities may be living on a fixed income.

To address the needs of residents with disabilities, programs 4-A (Affirmative Marketing of Affordable Housing Opportunities) is intended to help increase access to housing opportunities for special needs populations including the disabled and developmentally disabled. Additionally, Program 4_E (Support for Individuals with Disabilities) in the housing action plan is intended to help promote the availability of programs and services for individuals with disabilities in Fairfax. Furthermore, Program 3-D (Provide Reasonable Accommodation) will bring the Zoning Code into compliance with State law regarding reasonable accommodations for persons with disabilities.

LARGE HOUSEHOLDS

Large households are those of five or more related individuals. The special need of this group is for housing of sufficient size and number of bedrooms that would prevent overcrowding. Cost is an important consideration, as many large families especially in California do not have sufficient income to afford larger homes or apartments. As shown in Table B-13, the 2019 American Community Survey reported 59 large households with five or more members (1.8 percent) in the Town, including 50 owner-occupied households and 9 renter-occupied households. About 2.36 percent of owner-occupied households and

⁴ Senate Bill (SB) 962 (2005) established the Adult Residential Facility for Persons with Special Health Care Needs Pilot Project. SB 962 homes are community-based care facilities specifically for persons with developmental disabilities that are licensed and regulated by the State.

0.73 percent of renter-occupied households were considered large households. This is compared to 7,157 (6.9 percent) large households in the County.

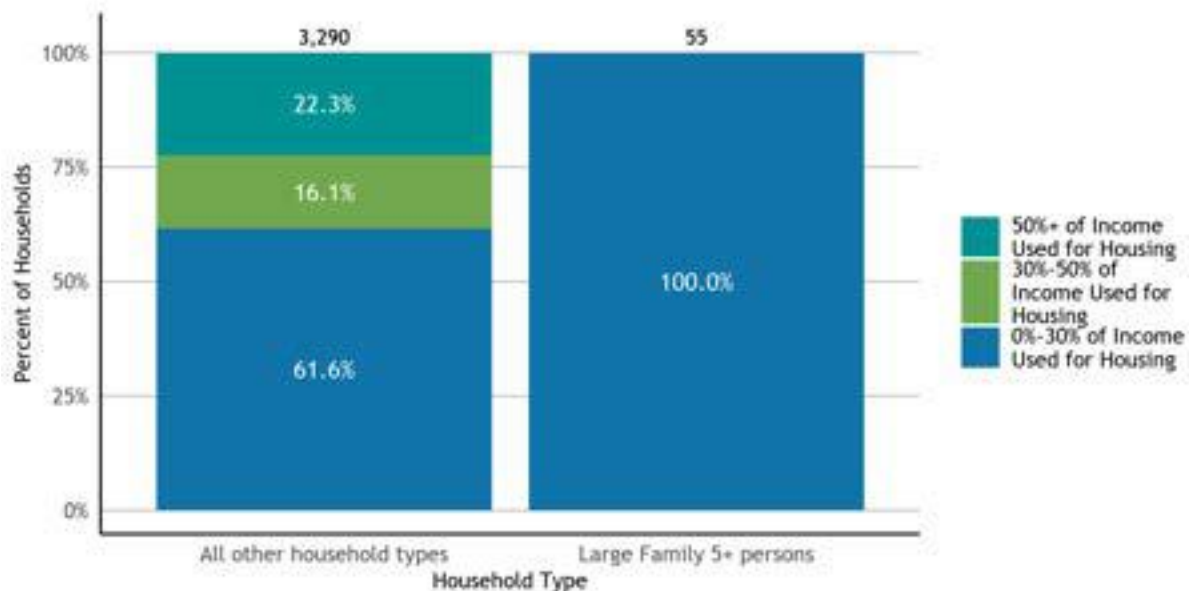
Table B-13: Fairfax Household Size by Tenure

Housing Type	Owner-Occupied		Renter-Occupied	
	Number	Percent	Number	Percent
1 Person Household	453	21.42%	561	45.43%
2 Person Household	827	39.10%	365	29.55%
3 Person Household	377	17.83%	199	16.11%
4 Person Household	408	19.29%	101	8.18%
5 Or More Person Household	50	2.36%	9	0.73%
Total	2,115	100%	1,235	100%

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25009

In addition to household income, cost burden can be used to determine the extent of housing needs for large family households. Cost burden indicates that a household is paying between 30 percent and 50 percent of their income towards rent, while severe cost burden indicates that a household is paying over 50 percent of their income towards rent. As shown in Chart B-13, no large families experience any level of cost burden (either regular or severe), while 38.4 percent of all other household types experience cost burden.

Chart B-13: Fairfax Cost Burden by Household Size

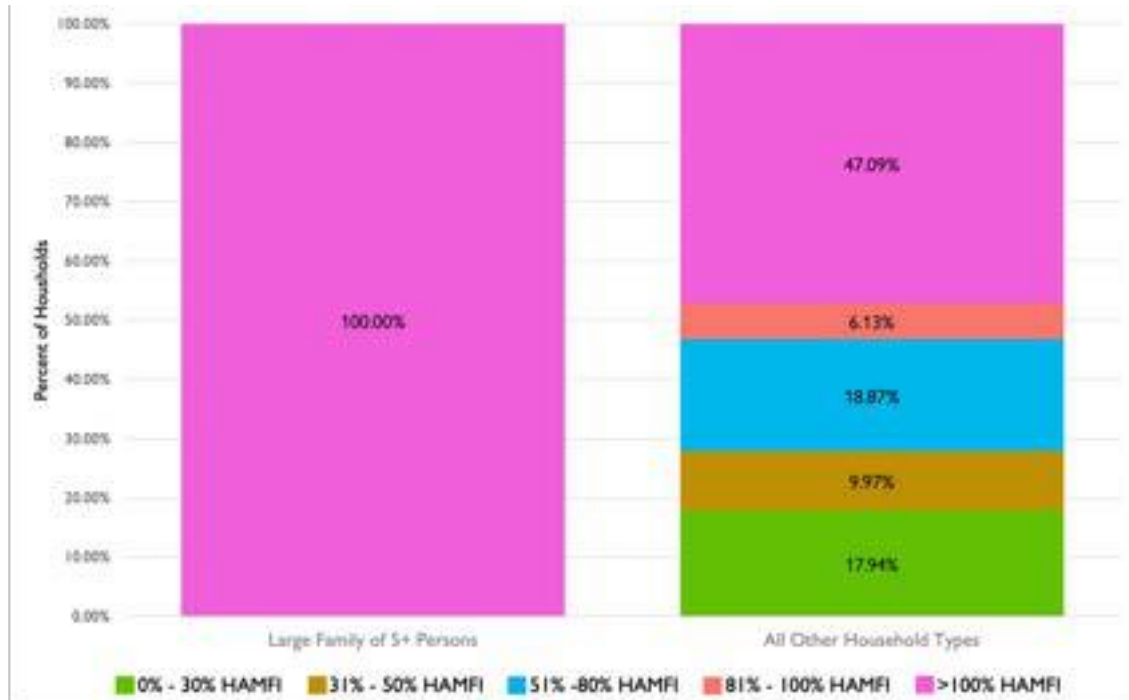


Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.

Of the large families within Fairfax, 100 percent are considered above moderate income. This is greater than the proportion for all other household types at 47.09 percent (see Chart B-14). As seen in Table 2-13, there were only 59 large households in 2019. All other household types have a similar proportion of extremely-low and very-low-income households at 18.0 and 18.9 percent, respectively. Furthermore, 2021

ACS estimates indicates a sufficient number of housing units containing three or more bedrooms (1,565 total units) to accommodate the 59 large family households in Fairfax. Given that 100 percent of the large households in Fairfax are above moderate income and the characteristics of the existing housing stock, there is little to no indicated need for additional housing or programs for this special needs group.

Chart B-14: Fairfax Household Size by Household Income Level



Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release

FEMALE-HEADED HOUSEHOLDS

Female-headed families, including those with children, are identified as a special needs group, because they are more likely to be low-income, have higher living expenses, and may lack resources needed for childcare or other support programs, which can make the search for affordable housing more difficult. As shown in Table B-14 there are 295 female-headed households and 192 male-headed households in Fairfax. These groups constitute 8.8 percent and 5.7 percent, respectively, of Fairfax’s total number of households. Since the adoption of the 2015-2023 housing element, there has been an 8.2 percent decrease in female headed households in Fairfax Female-headed households represented about 8.0 percent of owner-occupied households and 10.1 percent of renter-occupied households.

Table B-14: Fairfax Household Type by Tenure

Household Type ¹	Owner-Occupied		Renter-Occupied	
	Number	Percent	Number	Percent
Married-Couple Family Households	1,311	61.99%	287	23.24%
Householders Living Alone	453	21.42%	561	45.43%
Female-Headed Family Households	170	8.04%	125	10.12%
Male-Headed Family Households	43	2.03%	149	12.06%
Other Non-Family Households	138	6.52%	113	9.15%
Total	2,115	100%	1,235	100%

Notes

- For data from the Census Bureau, a “family household” is a household where two or more people are related by birth, marriage, or adoption. “Non-family households” are households of one person living alone, as well as households where none of the people are related to each other.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25011

There are 113 female-headed households with children in Fairfax (66.4 percent of all female headed households) and 182 female-headed households without children. Table B-15 below shows the number of female-headed households that were below the poverty line. There are 17 (15.0 percent) female-headed households with children were under the poverty line, while no (0 percent) of households without children were. While the proportion of female headed households below the poverty level represents a small proportion of total households in Fairfax (less than 1 percent), increasing the number and type of affordable housing opportunities throughout Fairfax will help address the needs of this group.

Table B-15: Fairfax Female-Headed Households by Poverty Status¹

Poverty Level	Households With Children		Households Without Children	
	Number	Percent	Number	Percent
Above Poverty Level	96	84.96%	182	100%
Below Poverty Level	17	15.04%	0	0.0%

Notes

- The Census Bureau uses a federally defined poverty threshold that remains constant throughout the country and does not correspond to Area Median Income.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17012

PERSONS EXPERIENCING HOMELESSNESS

Individuals and families who are homeless 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 siting of housing that serves homeless clients. Homelessness is a countywide issue that demands a strategic, regional approach that pools resources and services. A common method to assess the number of homeless persons in a jurisdiction is through a Point-in-Time (PIT) Count. The PIT Count is a biennial census of sheltered and unsheltered persons in a Continuum of Care (CoC) completed over a 24-hour period in the last ten days of January. The unsheltered PIT Count is conducted annually in Marin County and is a requirement to receive homeless assistance funding from HUD. The PIT Count does not function as a comprehensive

analysis and should be considered in the context of other key data sources when assessing the state of homelessness in a community.

According to HUD, a CoC is a “a community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximize self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.” Table B-16 provides an estimate of the homeless population by household type and shelter status in Marin County. According to the 2022 PIT Count, there were 291 sheltered homeless persons and 830 unsheltered persons in Marin County including 124 homeless youth and children. In Fairfax there were 13 unsheltered persons and 0 sheltered persons in 2022.

Table B-16: Homelessness by Household Type and Shelter Status in Marin County, 2019

<i>Shelter Status</i>	<i>People in Households Composed Solely of Children Under 18</i>	<i>People in Households with Adults and Children</i>	<i>People in Households without Children Under 18</i>	Total
Sheltered - Emergency Shelter	0	37	122	159
Sheltered - Transitional Housing	0	96	36	132
Unsheltered	2	91	737	830

Source: Marin County Department of Health and Human Services Point-in-Time Count

The PIT Count can be further divided by race or ethnicity, which can illuminate whether homelessness has a disproportionate racial impact within a community. The data from HUD on Hispanic/Latinx ethnicity for individuals experiencing homelessness does not specify racial group identity. Accordingly, individuals in either ethnic group identity category (Hispanic/Latinx or non-Hispanic/Latinx) could be of any racial background.

The racial/ethnic breakdown of Marin County’s homeless population is shown in Table B-17. In Marin County, White (Hispanic and Non-Hispanic) residents represented the largest proportion of residents experiencing homelessness and accounted for 66.2 percent of the homeless population, while making up 77.8 percent of the overall population. Notably, those who identify as Black or African American (Hispanic and non-Hispanic) represent 16.7 percent of the unhoused population in the county, but only 2.13 percent of the overall population. Additionally, those who identify as Other Race or Multiple Races are represented disproportionately among the unhoused population, as they make up 10.5 percent of the homeless Marin County residents, but only 4.67 percent of its overall population.

Per HCD's requirements, jurisdictions also need to supplement county-level data with local estimates of people experiencing homelessness. According to data collected by Housing First Marin, as of September 2023, there were 5 people residing in the Peri Park Encampment, though this may not encapsulate the number of unsheltered residents in Fairfax as a whole. According to the California Department of Education, in Fairfax there was one reported student experiencing homeless in the 2019-20 school year.⁵ By comparison, Marin County has seen a 29.9 percent increase in the population of students experiencing homelessness since the 2016-17 school year (1,268 students in the 2019-20 school year), and the Bay Area population of students experiencing homelessness decreased by 8.5 percent. During the 2019-20 school

⁵ California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS), Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020)

year, there were 13,718 students experiencing homelessness throughout the region.⁶ There are currently no emergency or transitional shelters in Fairfax, though Program 3-C (Low Barrier Navigation Centers) will allow low-barrier, service-enriched shelters focused on moving people into permanent housing to be permitted by right in mixed-use districts and nonresidential zones that permit multifamily development.

Table B-17: Racial/Ethnic Group Share of General and Homeless Population in Marin County

<i>Racial/Ethnic Group</i>	<i>Number of Homeless Population</i>	<i>Percent of Homeless Population</i>
American Indian or Alaska Native (Hispanic and Non-Hispanic)	36	3.48%
Native Hawaiian or Other Pacific Islander (Hispanic and Non-Hispanic)	15	1.45%
Asian (Hispanic and Non-Hispanic)	17	1.64%
Black or African American (Hispanic and Non-Hispanic)	173	16.73%
White (Hispanic and Non-Hispanic)	684	66.15%
Other Race or Multiple Races (Hispanic and Non-Hispanic)	109	10.54%
Hispanic/Latinx	194	18.76%
Non-Hispanic/Latinx	840	81.24%

Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports, 2019

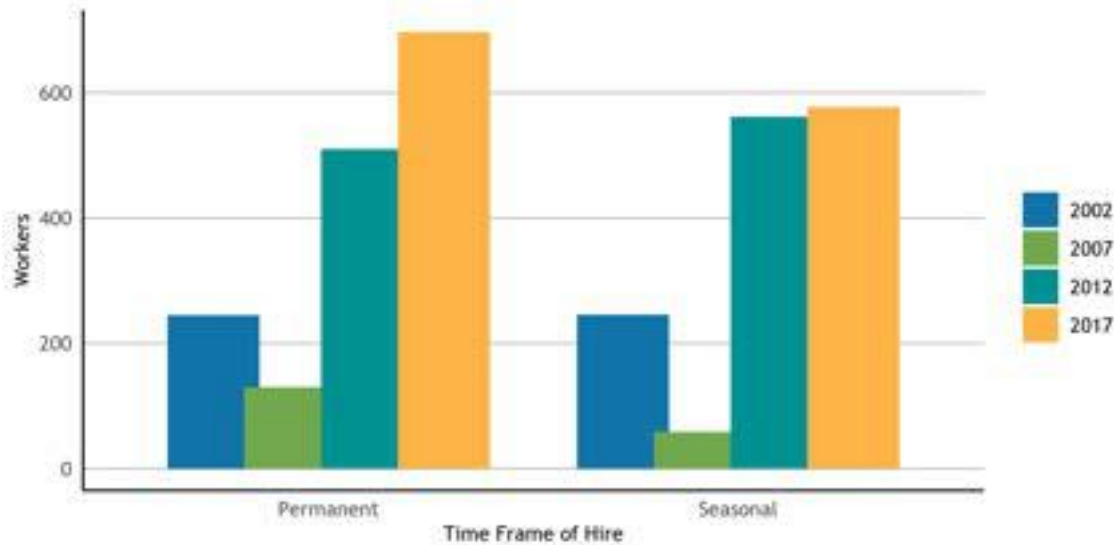
FARMWORKERS

Across the state, housing for farmworkers has long been recognized as an important and unique concern. Farmworkers generally receive wages that are considerably lower than other jobs and may have temporary housing needs. Finding decent and affordable housing can be challenging, particularly in the current housing market. According to the U.S. Department of Agriculture Census of Farmworkers, the number of permanent farm workers in Marin County has increased since 2002, totaling 697 in 2017, while the number of seasonal farm workers has increased, totaling 577 in 2017. The USDA is limited to County-level data.

Though agricultural production is prevalent in rural regions of Marin County, Fairfax is located in an area classified by the California Department of Conservation as “urban and built up land,” with no working farms within or immediately adjacent to the city limits. While there is little or no indicated need for housing specific to farmworkers, a program to ensure that local zoning, development standards, and permitting processes comply with the Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6) has been added to Chapter 4, Housing Action Plan.

⁶ Ibid.

Chart B-17: Farm Labor in Marin County, 2002-2017



Source: U.S. Department of Agriculture, Census of Farmworkers (2002, 2007, 2012, 2017), Table 7: Hired Farm Labor.

In the local setting, estimating the size of the agricultural labor force can be problematic due to undercounts and inconsistent definitions across government agencies. Determining the breakdown by seasonal and permanent workers can be even more difficult. One data source that is available comes from the California Department of Education, which provides a local estimate by tracking the student population of migrant workers in the public education system at any grade level. In Marin County, there have been 0 reported student migrant workers for the 2016-17 and 2017-18 school years. In the 2018-19 academic year, 11 migrant worker students were reported, which decreased again to 0 in 2019-20.

Table B-18: Fairfax Migrant Worker Student Population

Academic Year	Fairfax	Marin County
2016-2017	0	0
2017-2018	0	0
2018-2019	0	11
2019-2020	0	0

Source: California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS), Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020).

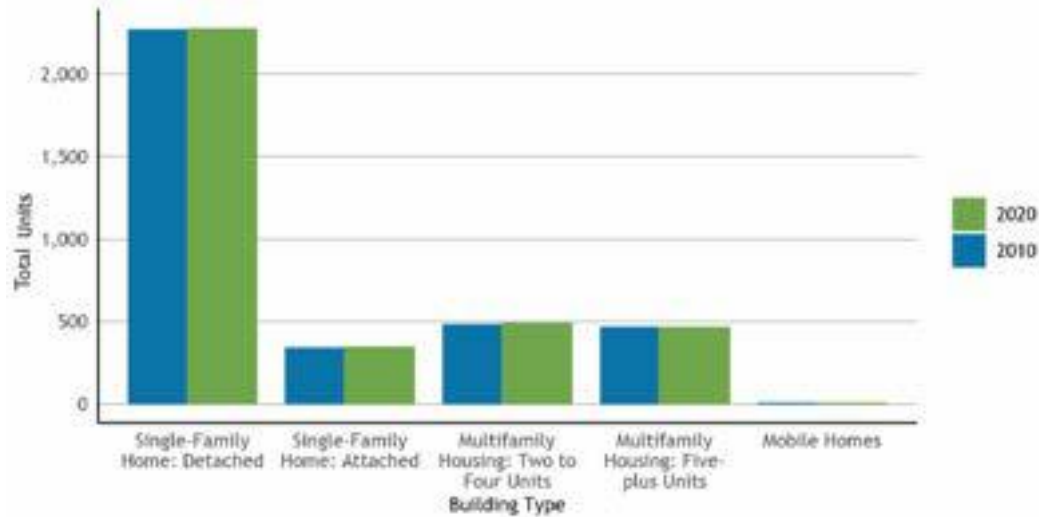
B.5 Housing Stock Characteristics

HOUSING TYPE

During the 2010 to 2020 period, there has been minimal housing development in Fairfax. The number of all home types has increased marginally, per DOF estimates shown in Chart B-18. Only 20 total units have been built during the time period, with two- to four-unit multifamily housing and single-family attached leading with 6 new units each. No new mobile home or five-plus multifamily units have been built.

However, these estimates are based on California DOF data, which does not capture all recent development in Fairfax.

Chart B-18: Fairfax Housing Type Trends, 2010-2020

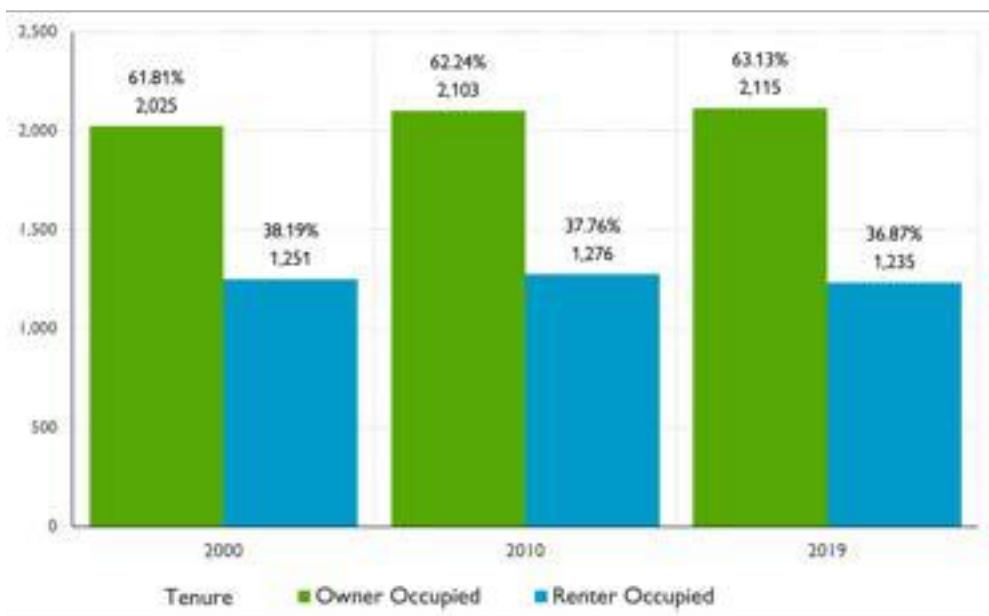


Source: California Department of Finance, E-5 series

HOUSING TENURE

Since 2000, the percentage of owner-occupied households in Fairfax has slightly increased, while the proportion of renter occupied units has slightly decreased. In 2000, the proportion of owners was 61.8 percent and the proportion of renters was 38.2 percent. In 2019, approximately 63.1 percent of all households were occupied by owners and 36.9 percent of occupied by owners (see Chart B-19).

Chart B-19: Fairfax Household Tenure, 2000 – 2019



Source: U.S. Census Bureau, Census 2000 SFI, Table H04; U.S. Census Bureau, Census 2010 SFI, Table HCT7; U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003

Fairfax’s household tenure differs slightly from patterns seen in the county (see Chart B-20). Marin County has minimally higher rates of owner-occupied housing (63.7 percent) than does Fairfax (63.1 percent). However, both rates are higher than owner-occupied housing in the Bay Area (56.1 percent).

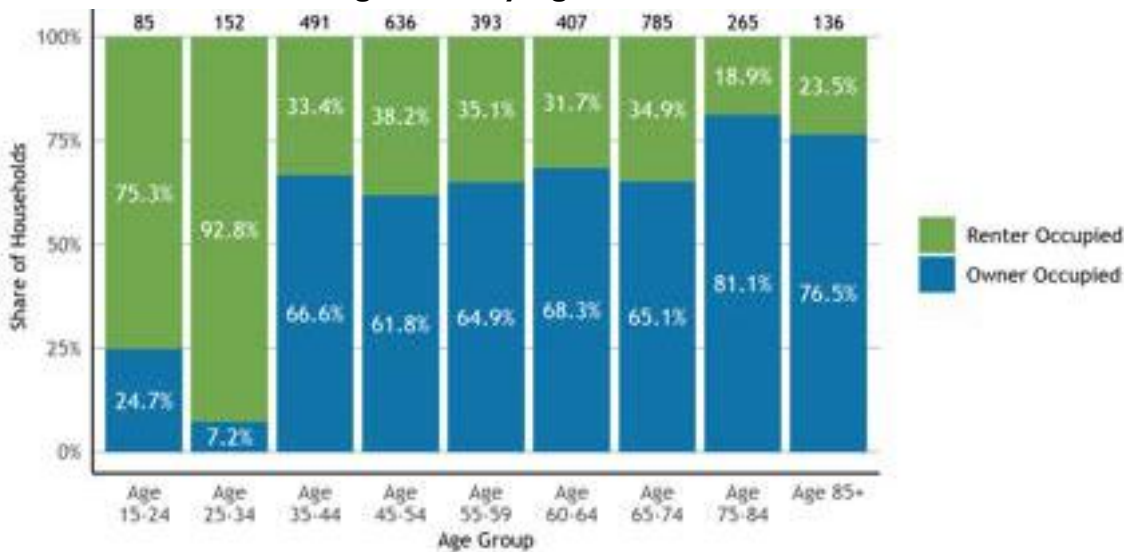
Chart B-20: Fairfax and Surrounding Areas Tenure, 2019



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003.

The age of a resident—as well as the year the resident moved to the unit, race/ethnicity, household income, and housing type—can influence household tenure rates in a jurisdiction. Shown in Chart B-21, the majority of younger residents (34 years and below) are renters in Fairfax. While a greater proportion of residents above 35 years and above are owners, it should be noted that about 23.5 percent of those aged 85 years and over are renters. This reflects a need for a variety of housing types for residents of all ages – including group homes and affordable rental as well as ownership units.

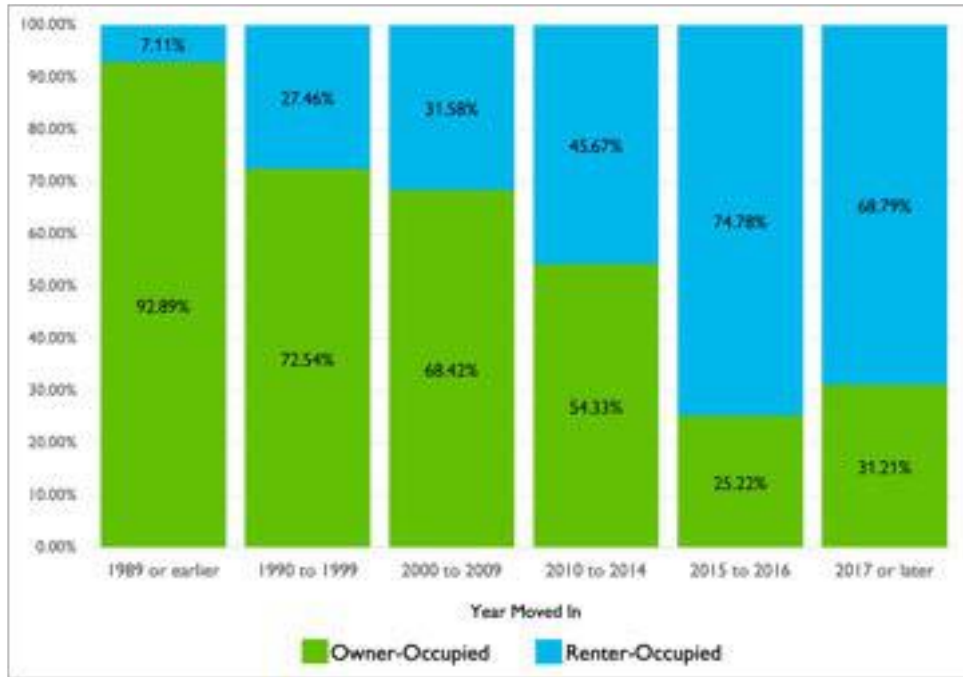
Chart B-21: Fairfax Housing Tenure by Age. 2019



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25007.

Ownership rates also change depending on the year the resident has moved into their current residence. Shown in Chart B-22, most residents who have moved to their current residence since 2010 are considered renters, which is an increasing share over time. Residents who have lived in their housing units for a longer period (i.e., since 1989) are overwhelmingly owners. While the trend towards increasing shares of renters started in 2010, it likely that the 2008 financial crisis exacerbated the trend considering the leap from 40.6 percent renters among those who moved in between 2000 to 2009 to 70.3 percent renters among those who moved in between 2010 to 2014.

Chart B-22: Fairfax Housing Tenure by Year Moved to Current Residence



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25038

Racial and ethnic disparities in tenure exist in Fairfax, shown in Table B-19. Households considered to be Asian, Multiple Races, and White of any ethnicity tend to be owner-occupied, while households considered to be American Indian or Alaska Native, Native Hawaiian and Other Pacific Islander, Black or African American, Hispanic of Latinx, or other race of any ethnicity are largely renter-occupied.

Table B-19: Fairfax Housing Tenure by Race/Ethnicity, 2019

Racial/Ethnic Group ¹	Owner-Occupied		Renter-Occupied		Total
	Number	Percent	Number	Percent	
American Indian or Alaska Native (Hispanic and Non-Hispanic)	0	0.00%	15	100.00%	15
Native Hawaiian and Other Pacific Islander (Hispanic and Non-Hispanic)	0	0.00%	5	100.00%	5
Asian (Hispanic and Non-Hispanic)	74	60.16%	49	39.84%	123
Black or African American (Hispanic and Non-Hispanic)	25	100.00%	0	0.00%	25
Hispanic or Latinx	88	30.66%	199	69.34%	287

Table B-19: Fairfax Housing Tenure by Race/Ethnicity, 2019

Racial/Ethnic Group ¹	Owner-Occupied		Renter-Occupied		Total
	Number	Percent	Number	Percent	
Other Race (Hispanic and Non-Hispanic)	16	17.78%	74	82.22%	90
Multiple Races (Hispanic and Non-Hispanic)	0	0.00%	76	100.00%	76
White (Hispanic and Non-Hispanic)	2,000	66.31%	1,016	33.69%	3,016
White, Non-Hispanic	1,928	67.51%	928	32.49%	2,856

Notes

- For this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity. However, data for the white racial group is also reported for white householders who are not Hispanic/Latinx. Since residents who identify as white and Hispanic/Latinx may have very different experiences within the housing market and the economy from those who identify as white and non-Hispanic/Latinx, data for multiple white sub-groups are reported here.
- The racial/ethnic groups reported in this table are not all mutually exclusive. Therefore, the data should not be summed as the sum exceeds the total number of occupied housing units for this jurisdiction. However, all groups labelled “Hispanic and Non-Hispanic” are mutually exclusive, and the sum of the data for these groups is equivalent to the total number of occupied housing units.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003(A-I)

Disparities in tenure are also apparent across different income levels, as might be expected. As ownership is typically more costly than renting, lower-income households are often renters. In Fairfax, most lower-income households—those making less than 80 percent of AMI—are renters, while the majority of households making above 100 percent of AMI are owners. See Table B-20 for the complete breakdown by income group. This indicates that homeownership is likely out of reach for many lower-income households. About 51.1 percent of households in Fairfax make less than 100 percent of AMI, while 49.3 percent of households make above 100 percent of AMI. Considering the racial/ethnic share of renters in Fairfax, especially among Black or African American and Hispanic or Latinx households, this highlights a need to target both economic as well as racial/ethnic disparities to affirmatively further fair housing, which will be further discussed in a separate report.

Table B-20: Fairfax Housing Tenure by Income Level

Income Group ¹	Owner-Occupied		Renter-Occupied	
	Number	Percent	Number	Percent
0%-30% of AMI	175	29.91%	410	70.09%
31%-50% of AMI	180	57.14%	135	42.86%
51%-80% of AMI	335	55.37%	270	44.63%
81%-100% of AMI	125	60.98%	80	39.02%
Greater than 100% of AMI	1,400	84.85%	250	15.15%

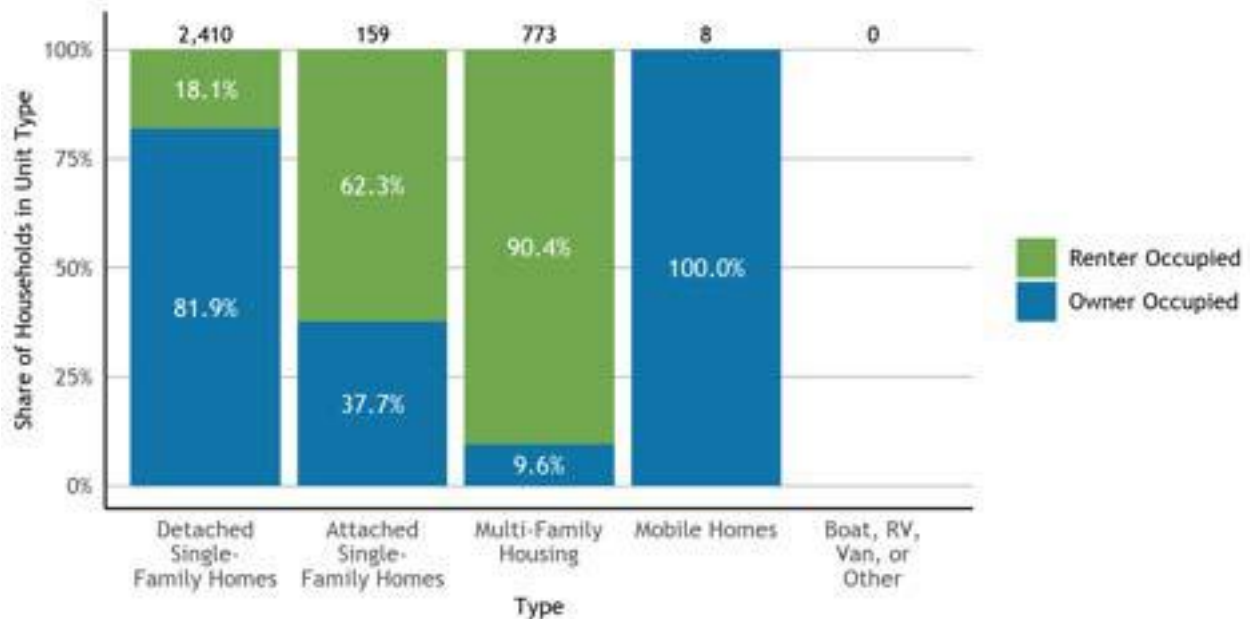
Notes

- Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas. The AMI levels in this table are based on the HUD metro area where this jurisdiction is located.

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2015-2019 release, Table 8

Rates of homeownership also typically depend on the type of housing available. Most detached single-family homes are owner-occupied (see Chart B-23). However, a significant share of these units—about 18.1 percent—are renter-occupied. Further, about 62.3 percent of attached single-family homes are occupied by renters. The majority (90.4 percent) of Fairfax’s multifamily housing stock is renter-occupied. Meeting affordability needs, especially for renters, must consider the type of housing available to residents.

Chart B-23: Town of Fairfax Housing Tenure by Housing Type



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25032

OVERCROWDED HOUSEHOLDS

According to the U.S. Census, overcrowding occurs where there is more than 1.01 persons per room (excluding bathrooms and kitchens) in an occupied housing unit and severe overcrowding occurs when there is more than 1.5 persons per room. Overcrowding typically occurs when there is an inadequate supply of affordable housing. As shown in Table B-21, 58 out of 3,350 or 1.7 percent of occupied housing units in Fairfax were either overcrowded (1.2 percent) or severely overcrowded (0.5 percent). This is significantly lower than the rate in Marin County (5.5 percent).

Table B-21: Overcrowding¹ Severity by Region

Region	Not Overcrowded		Overcrowded		Severely Overcrowded	
	Number	Percent	Number	Percent	Number	Percent
Fairfax	3,292	98.3%	41	1.2%	17	0.5%
Marin County	99,272	94.3%	3722	3.5%	2304	2.2%

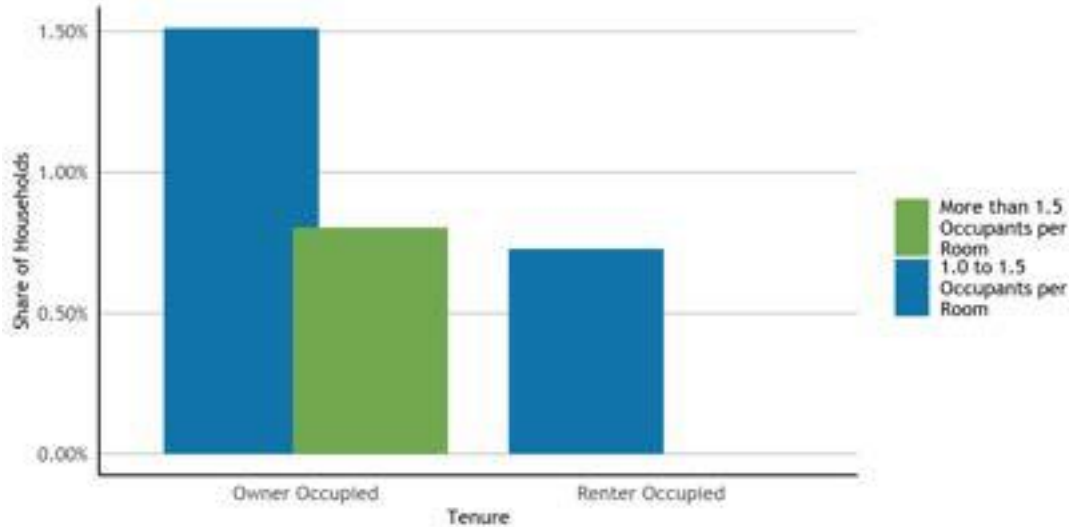
Notes

- The Census Bureau defines an overcrowded unit as one occupied by 1.01 persons or more per room (excluding bathrooms and kitchens), and units with more than 1.5 persons per room are considered severely overcrowded.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25014

Renters tend to experience overcrowding more often than owners. However, as shown in Chart B-24, no households that rent in Fairfax were severely overcrowded, compared to 0.8 percent of households that are owner-occupied.

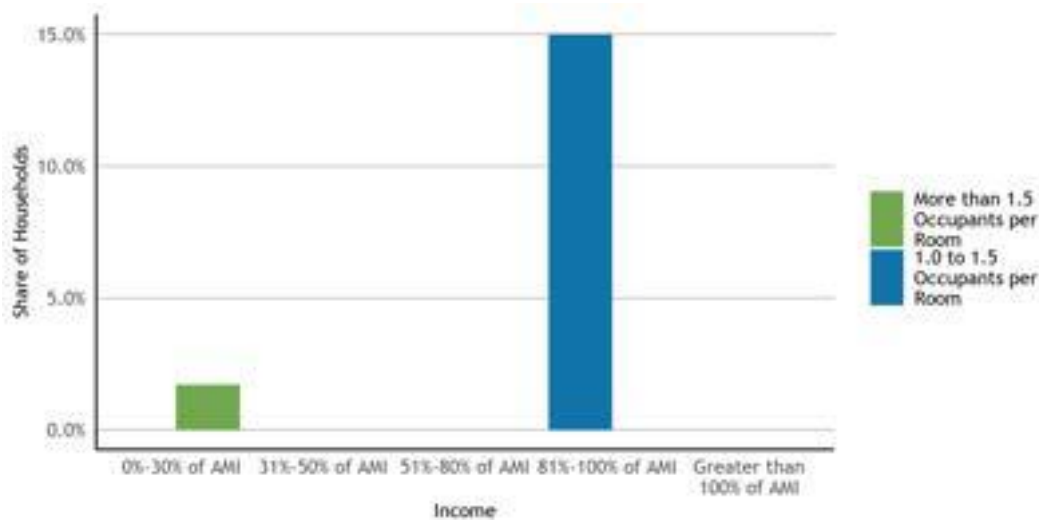
Chart B-24: Fairfax Overcrowding by Tenure and Severity



Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.

Lower-income households in Fairfax (those making less than 80 percent of AMI), generally tend to have higher rates of overcrowding. In Fairfax, as shown in Table B-25, among extremely-low-income households (i.e., those making less than 30 percent of AMI) only about 2 percent are considered severely overcrowded. Among households making between 81 to 100 percent of AMI about 15 percent are considered overcrowded.

Chart B-25: Town of Fairfax Overcrowding by Income Level and Severity

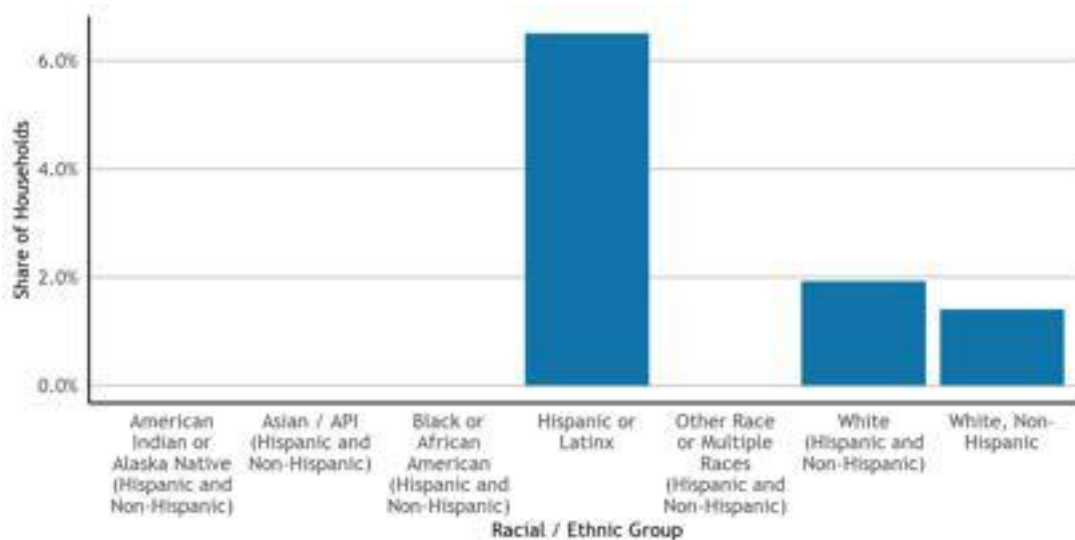


Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.

Like tenure, rates of overcrowding are unevenly distributed by race/ethnicity. Chart B-26 below demonstrates the breakdown of overcrowding within various racial/ethnic groups. According to the Census Bureau, it “does not disaggregate racial groups by Hispanic/Latinx ethnicity. Since residents who identify as white and Hispanic/Latinx may have very different experiences within the housing market and the economy from those who identify as white and non-Hispanic/Latinx, data for multiple white sub-groups are reported here.” In addition, “[t]he racial/ethnic groups reported in this table are not all mutually exclusive. Therefore, the data should not be summed as the sum exceeds the total number of occupied housing units for this jurisdiction. However, all groups labelled ‘Hispanic and Non-Hispanic’ are mutually exclusive, and the sum of the data for these groups is equivalent to the total number of occupied housing units.”

Overcrowding is most prevalent among Hispanic or Latinx, White (Hispanic and non-Hispanic), and White, non-Hispanic households as approximately 6.0, 2.0, and 1.8 percent of each group experiences overcrowding, respectively.

Chart B-26: Fairfax Overcrowding by Race/Ethnicity, 2019



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25014.

COST BURDEN

Cost burden, or overpayment, is defined as monthly shelter costs in excess of 30 percent of household income. Severe cost burden is defined as paying over 50 percent of household income for shelter costs. Shelter cost is defined as the monthly owner costs (mortgages, deed of trust, contracts to purchase or similar debts on the property and taxes, insurance on the property, and utilities) or the gross rent (contract rent plus the estimated monthly cost of utilities). HUD Comprehensive Housing Affordability Strategy (CHAS) data provides estimates of cost burden by tenure and income category. Estimates use the HUD Area Median Family Income (HAMFI) to determine overpayment. HAMFI is the median family income calculated by HUD for each jurisdiction in order to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI is not necessarily equivalent to other median income calculations due to a series of adjustments made by HUD.

According to 2013-2017 CHAS estimates, a total of 530 households in Fairfax experienced cost burden (17.0 percent) while an additional 715 households experienced severe cost burden (23.0 percent). The means that approximately 40.0 percent of all Fairfax households experience some level of cost burden. Of

the 1,245 households experiencing some level of cost burden, 245 of them are considered moderate- or above-moderate-income and 1,000 are considered lower-income. This indicates that housing affordability is a particularly pressing issue for lower-income households in Fairfax.

Further, renters are particularly impacted by cost burden since renters are limited to the rental market while owners can build equity with their homes. Renters in Fairfax tend to have higher rates of cost burden than owners – for instance, 53.5 percent of all renters experience some level of cost burden while only 32.1 percent of owners do. Rates are further unevenly distributed between renters and owners by income level, as shown in Table B-22 below.

Table B-22: Cost-Burdened Households in Fairfax by Income and Tenure¹

Income Category	Renters		Owners		Total Households ²	
	Number	Percent	Number	Percent	Number	Percent
Extremely-Low-Income (Under 30% HAMFI³)						
No Cost Burden/Not Computed	150	13.04%	30	1.53%	180	5.79%
Cost Burden	30	2.61%	10	0.51%	40	1.29%
Severe Cost Burden	230	20.00%	135	6.89%	365	11.74%
Very-Low-Income (30% - 50% HAMFI)						
No Cost Burden/Not Computed	20	1.74%	80	4.08%	100	3.22%
Cost Burden	35	3.04%	10	0.51%	45	1.45%
Severe Cost Burden	85	7.39%	95	4.85%	180	5.79%
Low-Income (50% - 80% HAMFI)						
No Cost Burden/Not Computed	55	4.78%	170	8.67%	225	7.23%
Cost Burden	135	11.74%	65	3.32%	200	6.43%
Severe Cost Burden	85	7.39%	85	4.34%	170	5.47%
All Lower-Income (Under 80% HAMFI)						
No Cost Burden/Not Computed	225	19.57%	280	14.29%	505	16.24%
Cost Burden	200	17.39%	85	4.34%	285	9.16%
Severe Cost Burden	400	34.78%	315	16.07%	715	22.99%
Moderate- and Above-Moderate-Income (Over 80% HAMFI)						
No Cost Burden/Not Computed	310	26.96%	1,050	53.57%	1,360	43.73%
Cost Burden	15	1.30%	230	11.73%	245	7.88%
Severe Cost Burden	0	0.00%	0	0.00%	0	0.00%
All Income Groups						
No Cost Burden/Not Computed	535	46.52%	1,330	67.86%	1,865	59.97%
Cost Burden	215	18.70%	315	16.07%	530	17.04%
Severe Cost Burden	400	34.78%	315	16.07%	715	22.99%

Notes:

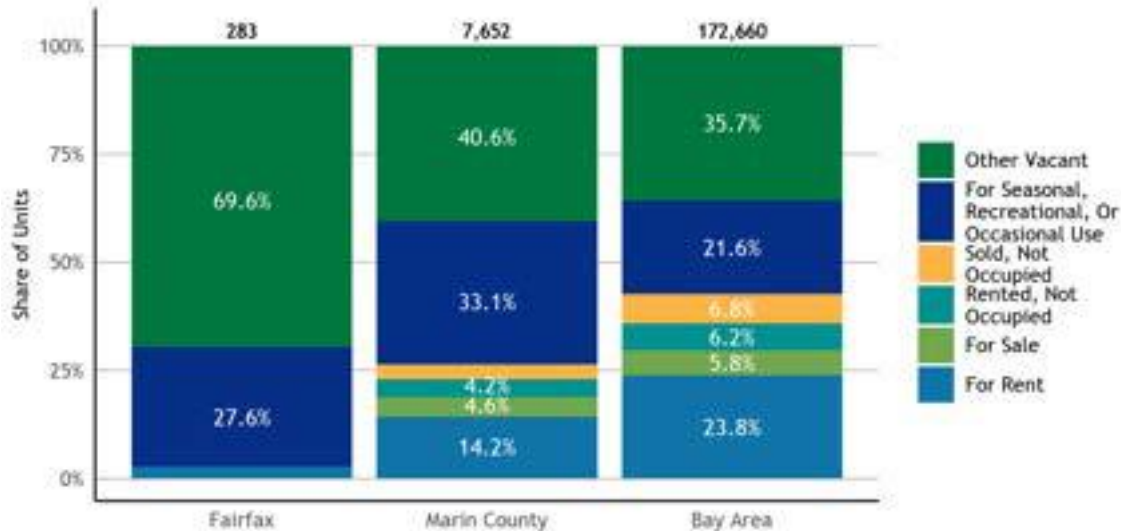
1. According to HUD, households spending 30 percent or less of their income on housing expenses have no cost burden, households spending 31 to 50 percent of their income have cost burden, and households spending 51 percent or more of their income have severe cost burden.
2. Discrepancies in sums are due to rounding errors.
3. HUD Area Median Family Income (HAMFI).

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release

HOUSING VACANCY

Housing vacancy rates provide one metric to assess the balance between the supply and demand of housing in a region. Low vacancy rates occur when demand outpaces the supply of housing, while high vacancy rates indicate an oversupply of housing. Housing costs also tend to be higher with low vacancy rates. Estimates from the 2015-2019 ACS indicate that 283 (9.3 percent) out of the 3,350 housing units in the Town were vacant, which is slightly higher than in the county (6.7 percent), as shown in Chart B-27. This may warrant exploration of a Vacancy Tax to combat high vacancy rates.

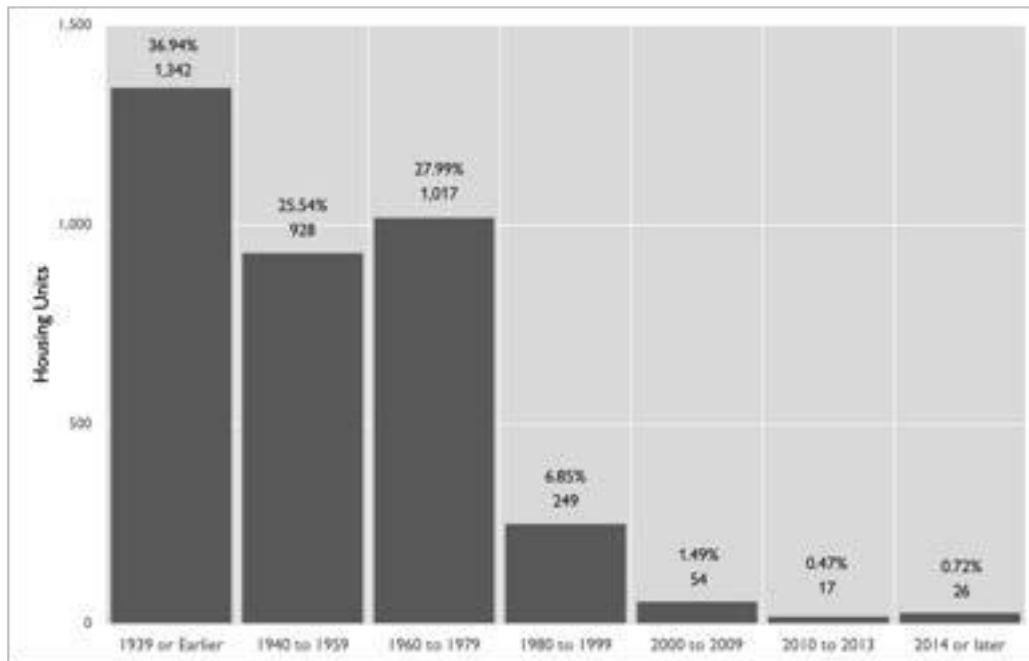
Chart B-27: Town of Fairfax Vacant Units by Type



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25004.

HOUSING CONDITIONS

The condition of the housing stock, including the age of buildings and units that may be in substandard condition, is also an important consideration in a community’s housing needs. In Fairfax, about 90.5 percent of the housing stock was constructed prior to 1980 and is over 40 years old, with approximately 37.0 percent of units constructed before 1940. Only about 9.5 percent of the housing stock has been constructed since 2000, with only 1.2 percent constructed since 2010. A total of 43 housing units have been built since 2010 according to the United States Census. See Chart B-28 for the age of Fairfax’s housing stock as of 2020.

Chart B-28: Age of Fairfax Housing Stock, 2019

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25034

A high proportion of older buildings, especially those built more than 30 years ago, may indicate that substandard housing conditions may be an issue. Housing is considered substandard when physical conditions are determined to be below the minimum standards of living, as defined by Government Code Section 17920.3. A building is considered substandard if any of the following conditions exist:

- Inadequate sanitation
- Structural hazards
- Nuisances
- Faulty weather protection
- Fire, safety or health hazards
- Inadequate building materials
- Inadequate maintenance
- Inadequate exit facilities
- Hazardous wiring, plumbing or mechanical equipment
- Improper occupation for living, sleeping, cooking, or dining purposes
- Inadequate structural resistance to horizontal forces
- Any building not in compliance with current fire standards in Government Code Section 13143.2

According to 2020 ACS, as shown in Table B-23 about one percent of owners lack complete kitchen facilities while zero percent of renters do. Further, approximately 1.0 percent of owners lack complete plumbing facilities while zero percent of renters do. In total, there are 22 occupied housing units with incomplete kitchen facilities, 39 occupied housing units with incomplete plumbing facilities, and 78 units with no telephone service available.

Table B-23: Fairfax Substandard Housing Issues, 2019

Building Amenity	Owner		Renter	
	Number	Percent	Number	Percent
Incomplete Kitchen Facilities	22	1.04%	0	0.00%
Incomplete Plumbing Facilities	39	1.84%	0	0.00%
No telephone service available	39	1.84%	29	2.35%

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25053, Table B25043, Table B25049

The Town's Building Official report that larger apartment complexes (4 or more units) are in good or better condition. The rest of the housing stock varies in condition, but the majority range from fair to excellent condition. The number of units needing major rehabilitation is 5-7 percent of the total housing units and the trend over the past 18 years has been that fewer homes are falling into disrepair. On average, approximately 3-5 units per year are rehabilitated each year as a result of Code enforcement.

B.6 Housing Costs and Affordability

Several housing market characteristics, like high levels of cost burden or overcrowding, may indicate high housing costs and a lack of affordability within a community. This section summarizes housing costs in Fairfax and assesses the extent to which housing is affordable for residents of the Town.

HOUSING AFFORDABILITY BY HOUSEHOLD INCOME

Housing affordability can be estimated by comparing the cost of renting or owning a home in Fairfax with the maximum affordable housing costs to households at different income levels. In evaluating affordability, the maximum affordable price refers to the maximum amount that could be afforded by households in the upper range of their respective income category. Households in the lower end of each category can afford less in comparison. The maximum affordable home and rental prices for residents of Fairfax are shown in Table B-24. This table shows what type of household can afford what size and type of housing. The affordability of the Town's housing stock by tenure and income group is discussed below. HCD has estimated the 2022 median Marin County AMI to be \$166,000, which is an increase of 70.96 percent from the 2014 median income of \$97,100.

Table B-24: Town of Fairfax Housing Affordability by Income Group

Household Size	AMI Limits ¹	Affordable Monthly Payment ²		Housing Costs			Maximum Affordable Price	
		Renter	Owner	Utilities ³	Taxes & Insurance ⁴	Renter	Owner ⁵	
Extremely-Low-Income (<30% AMI)								
1 Person (Studio)	\$39,150	\$979	\$979	\$336	\$336	\$343	\$643	\$55,288
2 Person (1 Bedroom)	\$44,750	\$1,119	\$1,119	\$356	\$356	\$392	\$763	\$68,384
3 Person (2 Bedroom)	\$50,350	\$1,259	\$1,259	\$407	\$407	\$441	\$852	\$75,762
4 Person (3 Bedroom)	\$55,900	\$1,398	\$1,398	\$459	\$459	\$489	\$939	\$82,909
5 Person (4 Bedroom)	\$60,400	\$1,510	\$1,510	\$514	\$514	\$529	\$996	\$86,137
Very-Low-Income (31%-50% AMI)								
1 Person (Studio)	\$65,250	\$1,631	\$1,631	\$336	\$336	\$571	\$1,295	\$133,586
2 Person (1 Bedroom)	\$74,600	\$1,865	\$1,865	\$356	\$356	\$653	\$1,509	\$157,887
3 Person (2 Bedroom)	\$83,900	\$2,098	\$2,098	\$407	\$407	\$734	\$1,691	\$176,424
4 Person (3 Bedroom)	\$93,200	\$2,330	\$2,330	\$459	\$459	\$816	\$1,871	\$194,593
5 Person (4 Bedroom)	\$100,700	\$2,518	\$2,518	\$514	\$514	\$881	\$2,004	\$207,043
Low-Income (51%-80% AMI)								
1 Person (Studio)	\$104,400	\$2,610	\$2,610	\$336	\$336	\$914	\$2,274	\$250,849
2 Person (1 Bedroom)	\$119,300	\$2,983	\$2,983	\$356	\$356	\$1,044	\$2,627	\$291,889
3 Person (2 Bedroom)	\$134,200	\$3,355	\$3,355	\$407	\$407	\$1,174	\$2,948	\$327,211
4 Person (3 Bedroom)	\$149,100	\$3,728	\$3,728	\$459	\$459	\$1,305	\$3,269	\$362,163
5 Person (4 Bedroom)	\$161,050	\$4,026	\$4,026	\$514	\$514	\$1,409	\$3,512	\$387,940
Moderate-Income (81%-120% AMI)								
1 Person (Studio)	\$139,450	\$4,067	\$4,067	\$336	\$336	\$1,220	\$3,150	\$356,031
2 Person (1 Bedroom)	\$159,350	\$4,648	\$4,648	\$356	\$356	\$1,394	\$3,628	\$412,010
3 Person (2 Bedroom)	\$179,300	\$5,230	\$5,230	\$407	\$407	\$1,569	\$4,076	\$462,319
4 Person (3 Bedroom)	\$199,200	\$5,810	\$5,810	\$459	\$459	\$1,743	\$4,521	\$512,396
5 Person (4 Bedroom)	\$215,150	\$6,275	\$6,275	\$514	\$514	\$1,883	\$4,865	\$549,978

Notes

1. AMI limits based on 2022 HCD State Income Limits for Marin County, other assumptions are derived from Zillow estimates (as of January 2022) and the National Association of Realtors. The 2021 Marin County AMI is \$149,600.
2. Affordable monthly payment for renters and owners is assumed to be one-twelfth of 30% of median income applicable for the number of bedrooms. The exception is moderate-income owners, whose affordable payment is assumed to be one-twelfth of 35% of median income applicable for the number of bedrooms as specified by HCD, pursuant to HSC 50052.5(b)(4).
3. Utilities are estimated according to the 2022 Marin County Housing Authority Utility Allowance Schedule. Estimates are based on the combined average cost of gas and electric heating, cooking and water heating, as well as other electric, water, trash collection, sewer, air conditioning, refrigeration and range/microwave across all unit types (i.e., High-Rise/Garden/Apartment/Row House/ Townhouse/Semi-Detached/Duplex, Detached House/Mobile Home).
4. Taxes and insurance are assumed to be 35% of monthly affordable housing costs for owners.
5. Assumed 30-year amortization, 5.84% interest rate, 6.0% down payment and closing costs equal to 2% of the sale price.

Source: HCD State Income Limits, 2022; Marin Housing Authority Utility Allowance Schedule, 2022; Zillow Mortgage Rates, January 2022; National Association of Realtors Research Group, Downpayment Expectations & Hurdles to Homeownership, April 2020; Dyett & Bhatia, 2022

RENTER COSTS

In 2019, according to ACS estimates, the median contract rent in Fairfax was \$1,800. According to the Census, contract rent is the monthly rent agreed upon regardless of any furnishings, utilities or services that may be included. Data regarding contract rent excludes units for which no cash rent is paid. Chart B-29 illustrates changes in rent between 2009 and 2019. Since 2009, the median rent has increased by 12.9 percent in Fairfax, from \$1,480 to \$1,800 per month. In Marin County, the median rent has increased 25.1 percent, from \$1,560 to \$1,960. The median rent in the region has increased significantly during this time from \$1,200 to \$1,850, a 54.0 percent increase.

Chart B-29: Fairfax and and Regional Area Rents, 2009-2019

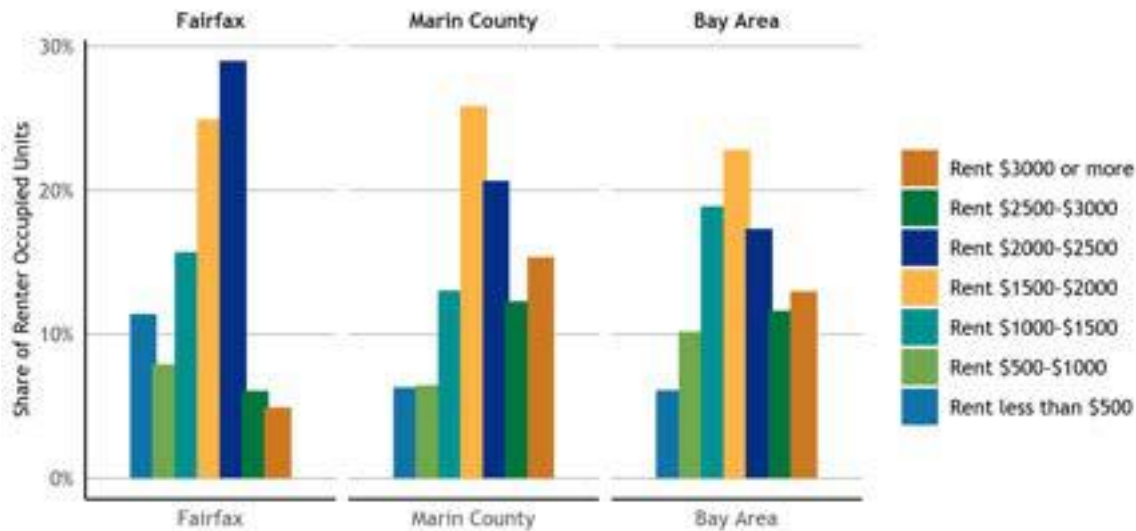


Source: U.S. Census Bureau, American Community Survey 5-Year Data releases, starting with 2005-2009 through 2015-2019, B25058, B25056 (for unincorporated areas).

Notes: County and regional counts are weighted averages of jurisdiction median using B25003 rental unit counts from the relevant year. For unincorporated areas, median is calculated using distribution in B25056.

The distribution of contract rent by region is also provided by the ACS for 2019. As shown in Chart B-30, the largest proportion (29.0 percent) of renter-occupied units had contract rents between \$2000-\$2500, followed by 24.9 percent of units with contract rents between \$1500-\$2000. In both the County and the region, the largest share of units had contract rents between \$1500-\$2000. 59.2 percent of units in Fairfax have contract rents below \$2,000, compared to only 49.4 percent in Marin County.

Chart B-30: Contract Rents for Renter-Occupied Units, 2019

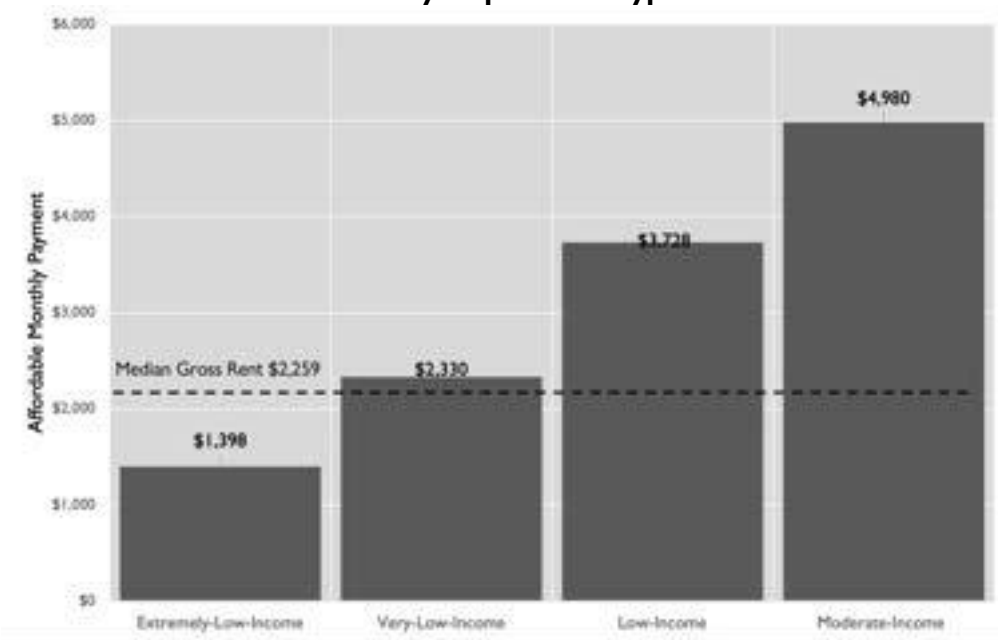


Source:

U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25056.

According to the gross rental estimates (i.e., including utilities and other costs) from Table B-24 above and monthly affordable payments presented in Chart B-31 below, extremely-low-income households in Fairfax would not be able to afford to rent an appropriately sized unit. However, larger extremely-low-income households could afford to rent a unit with fewer bedrooms – for instance, a four-person household could afford to rent a two-bedroom unit. All other income levels, including low- and very-low-income households, would be able to afford to rent an appropriately sized unit. Chart A-8 demonstrates this affordability gap for the typical extremely-low-income household, which may require subsidies to ensure housing affordability.

Chart B-31: Rental Affordability Gap for the Typical Household



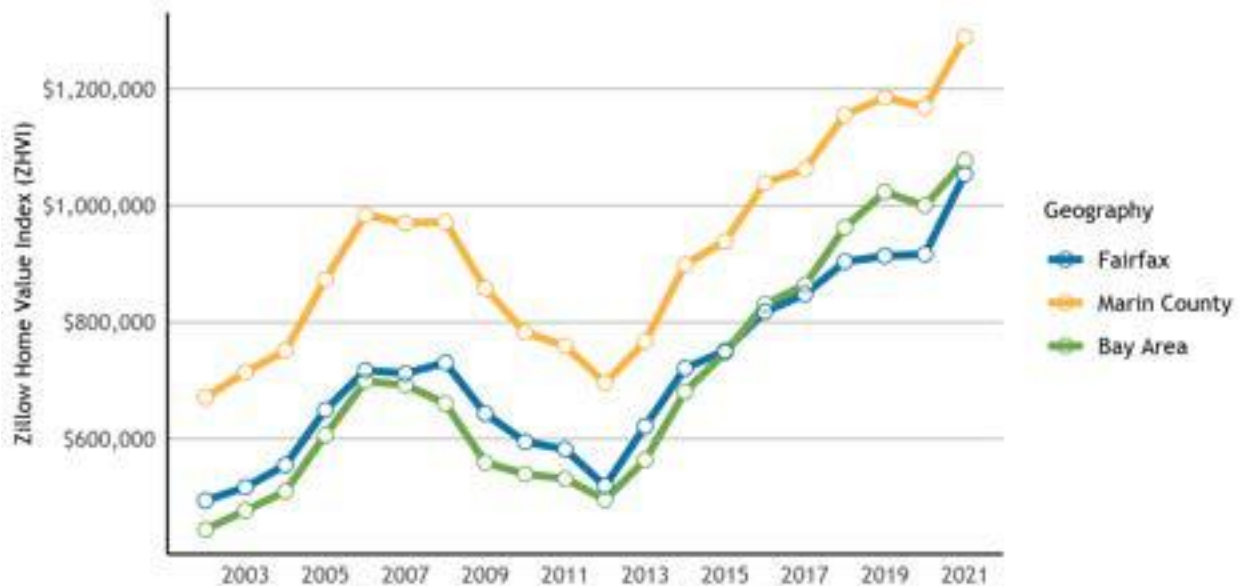
Note: The typical household is a four-person, three-bedroom housing unit.

Source: HUD Income Limits 2022; Dyett & Bhatia 2022

OWNERSHIP COSTS

Like many cities in the California, housing costs in Fairfax have continued to rise over the last two decades. Home values are tracked using the Zillow Home Value Index (ZHVI), which is a smoothed, seasonally adjusted measure of the typical value for homes in the 35th to 65th percentile range. The regional ZHVI estimate is a household-weighted average of county-level ZHVI files, where household counts are yearly estimates from DOF’s E-5 series. As demonstrated in Chart B-32, the typical home value has increased 113.2 percent in Fairfax since 2001 from \$494,280 to \$1,053,770. This change is higher than the increase for Marin County, and less than the percent change for the Bay Area. However, Fairfax home values appear to track closely with Bay Area home values for the time period.

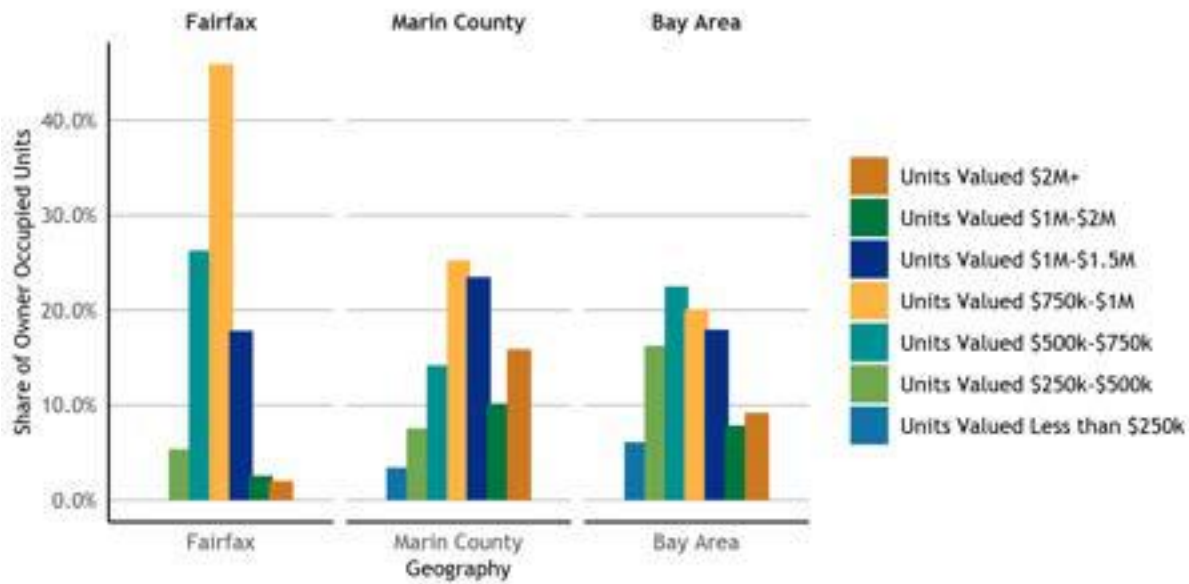
Chart B-32: Fairfax and Region Zillow Home Value Index (ZHVI)



Source: Zillow, Zillow Home Value Index (ZHVI) 2003-2021

In addition to the ZHVI, ACS provides estimates of home values for owner-occupied units. Shown in Chart B-33, this data confirms the similarity in home value across the region as indicated by the ZHVI, with the caveat that Fairfax has a relatively larger percentage of homes valued between \$750,000 and \$1,000,000, with fewer very highly priced units. The ZHVI estimates the typical household is valued at approximately \$1,053,770 and the ACS similarly indicates that about 22.4 percent are valued at \$1,000,000 or more. Both Marin County and the region demonstrate greater distribution across owner-occupied unit values, while 46.0 percent of home values range between \$750,000 and \$1,000,000. Given that housing costs have risen since the 2019 ACS, the 2019 ZHVI will be used to estimate housing value in the Town of Fairfax—although it should be noted that this may slightly overestimate housing cost.

Chart B-33: Fairfax and Regional Area Owner-Occupied Unit Values, 2019



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25075.

The ZHVI tracks a variety of types of owner-occupied housing units, including both single-family homes and condominiums. Table B-25 provides a breakdown of the ZHVI by housing type and size between 2011 and 2022. In total, housing value has increased by about 85.4 percent between 2011 and 2021. One-bedroom units in particular have seen a high increase in value by about 94.5 percent during the period. As of 2021, the highest value housing type in Fairfax is a five-bedroom or greater housing unit at \$1,588,680.

Table B-25: Fairfax Zillow Home Value Index (ZHVI), 2011 – 2022

Jurisdiction	January 2011 ZHVI	January 2021 ZHVI	Percent Change (2011-2021)
Total	\$575,302	\$1,066,561	85.39%
Single-Family	\$645,746	\$1,083,467	67.79%
Condo	-	n/a	n/a
1 Bedroom	\$440,835	\$857,411	94.50%
2 Bedrooms	\$542,585	\$926,590	70.77%
3 Bedrooms	\$665,411	\$1,111,027	66.97%
4 Bedrooms	\$850,103	\$1,316,673	54.88%
5+ Bedrooms	\$1,160,924	\$1,588,680	36.85%

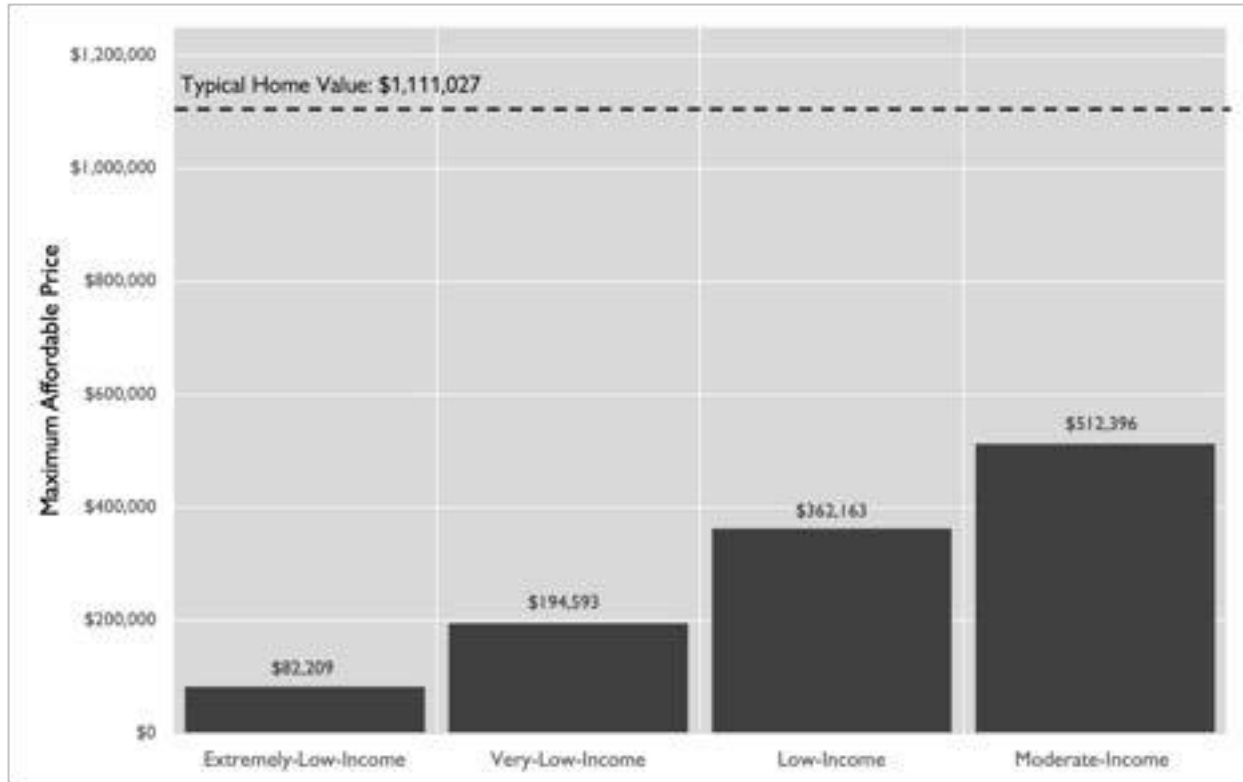
Notes: Data unavailable for condos in Fairfax

Source: Zillow Home Value Index, January 2011 and January 2022

Given the ZHVI estimates provided above and housing affordability levels from Table 2-24, it is apparent that no lower-income household can afford a home at an appropriate size in Fairfax. For instance, a four-person low-income household would be able to afford a \$362,163 unit, which would not be sufficient to purchase a one-bedroom unit per the ZHVI. Moderate-income households would also not be able to afford a home at an appropriate size. This demonstrates a serious affordability gap for all households in the Town, as households generally would not be able to afford to buy a home without significant subsidy.

Increased housing production for a range of housing types would also help to increase affordability, but this analysis shows that housing ownership is generally only affordable to household making more than 100 percent of AMI. Chart B-34 visualizes the affordability gap for the typical household, which is defined as a four-person household living in a three-bedroom housing unit.

Chart B-34: Ownership Affordability Gap for the Typical Household



Note: The typical household is a four-person, three-bedroom housing unit.

Source: ZHVI Home Value Index January, 2021; Dyett & Bhatia 2022

B.7 Assisted Housing at Risk of Conversion

State Housing Element law requires that communities identify the status of assisted low-income rental units that are “at risk” of conversion to market rent status within ten years of the statutory mandated update of the Housing Element (from January 2023 to January 2031). Table B-26 shows that while all units in Fairfax and most units in Marin County are at low risk of conversion, there are 56 units (2.29 percent) at high risk and 17 units (0.70 percent) at very high risk. While California Housing Partnership’s Preservation Database is the state’s most comprehensive source of information on subsidized affordable housing at risk of losing its affordable status and converting to market-rate housing, this database does not include all deed-restricted affordable units in the state. Consequently, there may be at-risk assisted units in a jurisdiction that are not captured in this data table.

Table B-26: Fairfax and Regional Assisted Units at Risk of Conversion, 2021

Risk Level ¹	Fairfax		Marin County		Bay Area	
	Number	Percent	Number	Risk Level ¹	Number	Percent
Low	160	100.00%	2,368	97.01%	110,117	94.60%
Moderate	0	0.00%	0	0.00%	3,375	2.90%
High	0	0.00%	56	2.29%	1,854	1.59%
Very High	0	0.00%	17	0.70%	1,053	0.90%

1. California Housing Partnership uses the following categories for assisted housing developments in its database:

- Low Risk: affordable homes that are at-risk of converting to market rate in 10+ years and/or are owned by a large/stable non-profit, mission-driven developer.
- Moderate Risk: affordable homes that are at-risk of converting to market rate in the next 5-10 years that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer.
- High Risk: affordable homes that are at-risk of converting to market rate in the next 1-5 years that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer.
- Very-High Risk: affordable homes that are at-risk of converting to market rate within the next year that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer.

Source: California Housing Partnership, Preservation Database, 2021

Per HCD guidance, local jurisdictions must also list the specific affordable housing developments at risk of converting to market rate uses to supplement the aggregate numbers provided in Table B-26. The assisted housing inventory is available in Table B-27 below.

Table B-27: Fairfax Assisted Housing Inventory

Project Name	Project Address	Project Type	Total Units	Affordable Units	Date Constructed	Affordability End Date
Fairfax Vest Pocket – Converted to low income family units from shared housing in 2015/2016	82 Park Road	Low-income	19	19	1996	3/1/56
Piper Court	101 - 197 Piper Court	Low-income	27	26	1962	At least 55 years after 2017 (2072)
Bennet House	53 Taylor Dr.	Senior/low-income (Section 8)	70	69	1987	2073
Creekwood	2401-2403 W Sir Francis Drake Blvd	Disabled/Special Needs Housing	12	12	Unknown	3/31/31
Live Oak	139 Live Oak	Low-income (Below 80% AMI)	2	2	Unknown	Unknown

Table B-27: Fairfax Assisted Housing Inventory

Project Name	Project Address	Project Type	Total Units	Affordable Units	Date Constructed	Affordability End Date
Victory Village	2626 Sir Francis Drake Blvd.	Senior/low-income (Section 8)	54	53	2020	2072
Total			184	181		

Sources: Marin Housing Authority; California Tax Credit Allocation Committee; Project Staff Reports; Affordable Housing Online

State law requires the analysis of at-risk housing to identify “the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments.” The typical development cost of affordable housing projects in the Town of Fairfax is about \$552,941 per unit. Estimates are derived from the average projected development costs per unit provided in recent California Tax Credit Allocation Committee (TCAC) project tax credit applications. There are no units in Fairfax identified as being at risk of conversion; if there were, the total replacement costs could be projected as costing \$552,941 per unit.

Table B-28: Typical Development Costs of Affordable Housing

Project Name	TCAC Application Year	Per Unit Cost ¹
Piper Court Apartments	2017	\$573,431
Victory Village	2018	\$481,805
Bennett House	2019	\$603,589
Average		

Notes

1. Derived from stated “true cash per unit cost” or “per unit costs”, where applicable, in TCAC project applications.

Source: California Tax Credit Allocation Committee, Project Staff Reports

The cost of preservation for the typical affordable housing project can be estimated by finding the difference between fair market rent and affordable rent. As shown in Table 2-24 the affordable monthly rental payment for a very-low-income, four-person household in Fairfax is \$1,871. In fiscal year 2021 the HUD Fair Market Rent (FMR), or gross rent estimate, in the San Francisco, CA HUD Metro FMR area for a three-bedroom unit was \$4,567. The difference between these two prices is \$2,696. Given this gap, the total cost of preserving all 160 low-risk units through covenants would be approximately \$431,360 per month or \$5,176,320 per year. This translates to a cost of \$51,763,200 over the 10-year period, or \$323,520 per unit, which is less than the cost per unit of a new affordable housing development, as seen on Table B-28.

RESOURCES FOR PRESERVATION

There are two primary resources available for preserving at-risk units – public agencies, nonprofit housing corporations, and tenant groups; and public financing or subsidy programs. HCD maintains a current list of all “qualified entities” across the state, which are nonprofit or for-profit organizations or individuals that agree to maintain the long-term affordability of affordable housing developments. Table B-29 provides the list of all qualified entities for Marin County. The Town would work with these organizations to preserve the housing units in danger of conversion.

Table B-29: Qualified Entities in Marin County

<i>Qualified Entity</i>	<i>City</i>	<i>Contact</i>
Housing Authority of the County of Marin	San Rafael	(415) 491-2530
Canal Community Alliance	San Rafael	(415) 454-2640
Affordable Housing Foundation	San Francisco	(415) 387-7834
Northern California Land Trust, Inc	Berkeley	(510) 548-7878
Volunteers of America National Services	Sacramento	(916) 917-6848
L + M Fund Management LLC	Westchester	(347)393-3043

Source: HCD, December 2022

B.8 Energy Conservation

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

GREEN BUILDING STANDARDS

The Town requires all new residential development to comply with California's Energy Efficiency and Green Building standards. Additionally, Fairfax waives permit fees for residential upgrades for installation of solar PV.

PROPERTY ASSESSED CLEAN ENERGY FINANCING

The Town of Fairfax participates in 6 statewide property assessed clean energy (PACE) financing programs including California FIRST, California HERO, Ygrene Works, Figtree, and AllianceNRG. California FIRST is a financing option for Fairfax homeowners to make building improvements that save energy or water, such as new windows, insulation, solar panels, energy-efficient heating, ventilation and air conditioning equipment, drip irrigation systems, and more. The other programs offer similar financing with different options for payments and services. PACE is an affordable, long-term financing option for energy, water, and renewable energy upgrades to buildings and homes that residents can repay on their property taxes over a time period up to 20 years. This special assessment on local property tax bill remains with the property in the event of sale. Property owners receive 100 percent financing of improvement costs and projects can be cash-flow positive from day one. No upfront cash investment is required.

MARIN CLIMATE AND ENERGY PARTNERSHIP

The Town of Fairfax also participates in the Marin Climate and Energy Partnership, working together with other communities in Marin County to reduce greenhouse gas emissions. Through the Marin Climate and Energy Partnership, the Town will develop strategies to reduce and conserve energy (see Marin-climate.org).

MCE COMMUNITY CHOICE ENERGY

The Town of Fairfax is a “Deep Green” participating jurisdiction and one of the founding members of MCE, California’s first Community Choice Aggregation program, which is a not-for-profit electricity provider that gives customers the choice of having 60% to 100% of their electricity supplied from clean, renewable sources of electricity such as solar, wind, bioenergy, geothermal and hydro at competitive rates. Fairfax has the largest participation rate for Deep Green (100% renewable) of all MCE member jurisdictions and was one of the first jurisdictions to participate in 2009.

B.9 Summary of Key Findings

1. Findings Regarding Statutorily Defined Special Needs Groups.

- **Extremely-Low Income Residents:** Asian and API non-Hispanic residents are most likely to fall below 30 percent AMI, while only making up 4.34 percent of the Fairfax population. They are followed by Hispanic or Latinx residents. Overall, Fairfax has a lower poverty rate (5.4 percent) compared to the County (7.2 percent), both of which are significantly lower than the poverty rate in California (13.4 percent).
- **Older Adult Residents:** 23 percent of Fairfax’s population is older than 65, and the proportion of older adults aged 65-74 has tripled since 2000. Approximately 44 percent of older adults are considered extremely-low, very-low, and low-income. 30 percent of older adults experience are considered cost burdened, whether renters or owners.
- **Persons with Disabilities:** There is a similar proportion of people with disabilities in the Town (9.1 percent) and the County (9.6 percent). About three-quarters of the population with a developmental disability live at the home of a parent/family/guardian.
- **Large Families:** Large families make up a smaller percentage of households in the Town (1.7 percent) compared to the County (6.9 percent). All large households in Fairfax were over 100% AMI. Both the Town and the County have a similar share of single-person households at 30.0 and 29.0 percent.
- **Female-Headed Households:** Female-headed households made up about 8.8 percent of the household population in Fairfax. These households are more likely to rent than own and approximate 15.0 percent of female-headed households with children fell below the poverty line.
- **Persons Experiencing Homelessness:** The share of the homeless population in Fairfax and Marin County is not substantial at approximately 0.002 and 0.1 percent respectively. However, the percent of homeless persons in Marin County has increased approximately 19.0 percent since 2019. This represents a need to address homelessness in the County.
- **Farmworkers:** While farmworkers still only represent about 0.49 percent of the County’s population, the number of permanent and seasonal farm workers has increased in Marin County since 2002. Given the seasonal nature of this work for at least a portion of this group, the special needs of this segment of the population should be considered.
- **Demographics:** Both Fairfax and Marin County have experienced much slower overall growth since 2016 than the Bay Area as a whole. Fairfax’s population has continued to age since 2000. While the proportion of adults aged 45 and 64 years old has decreased since 2000, this age group still makes up 32.5 percent of the population. The population of older adults is overwhelmingly White at 93.8 percent. Meanwhile, the proportion of White and Black or African American non-

Hispanic residents has decreased marginally since 2000, while the proportion of Hispanic or Latinx, Asian residents has increased from 2.0 and 5.7 percent to 4.3 and 9.4 percent respectively.

- **Income:** Household income is generally similar to both Marin County and the Region, where approximately 50 percent of each area makes greater than 100 percent of AMI. However, larger proportions of the Fairfax population are low-income and extremely-low income. In addition, Asian/API and Hispanic/Latinx households are disproportionately lower income, while only making up 5.7 and 9.4 percent of the total population.
- **Cost Burden:** The U.S. Department of Housing and Urban Development considers housing to be affordable for a household if the household spends less than 30 percent of its income on housing costs. A household is considered “cost-burdened” if it spends more than 30 percent of its monthly income on housing costs, while those who spend more than 50 percent of their income on housing costs are considered “severely cost-burdened.” In Fairfax, 16.1 percent of owners and 18.7 percent of renters spent 30 percent-50 percent of their income on housing, while 16.1 percent of owners and 34.8 percent of renters were severely cost burden, using the majority of their income **for housing**.
- **Overcrowding:** Overall, the rate of overcrowding in Fairfax (1.7 percent) is lower than the County (5.7 percent). While making up a smaller share of the overall population, Hispanic or Latinx households are most likely to experience overcrowding.
- **Housing Quality:** Over 90 percent of the housing stock in Fairfax is over 40 years old, constructed before 1980. As such, programs to assist with maintenance and repair should be considered. However, the percentage of households living in substandard conditions in Fairfax is very low, indicating that, overall, housing is generally in good condition.
- **Housing Tenure:** Homeowners represent a significant proportion of households in Fairfax (63.1 percent), which has held steady since 2000. Paired with demographic information of aging residents and aging housing stock, this indicates that many residents are staying put in Fairfax.
- **Vacancy:** Housing vacancy (9.3 percent) is slightly high in Fairfax relative to the County (6.7 percent), which may warrant the exploration of a Vacancy Tax.
- **Production and Need at Various Income Levels:** Housing production between 2010 and 2020 has been low according the California DOF, with only 20 units built during the time period. Generally, in Fairfax, the share of the housing stock that is detached single family homes was above that of other jurisdictions in the region. Additionally, around 50-75 units have been built between 2010 and 2022 that are not represented by this DOF figure. Incentivizing housing production, especially of smaller and more affordable units, will be critical in meeting Fairfax’s housing needs going forward.
- **Housing Affordability:** Home values have increased 85.4 percent between 2011 and 2021, with 1-bedroom units experiencing the steepest increase at 94.5 percent. This indicates a mismatch of supply and demand, especially considering the small number of units built in the past 10 years. Home ownership is out of reach for all income levels in Fairfax, with typical home value at \$1,111,027. Contract rent has also 12.9 percent since 2009, though has not isolated all income groups from affordability. Even very-low income and low-income groups would be able to afford median gross rent in a unit with fewer bedrooms, in the Town, for instance, a four-person household could afford to rent a two-bedroom unit. However, this remains beyond reach for extremely low-income households.

Appendix C

Housing Constraints

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Housing Constraints

C.1 Introduction

State law requires that Housing Elements include an analysis of governmental and nongovernmental constraints that impinge on the maintenance, improvement, or development of housing for all income levels. Governmental constraints include land use controls, building codes and their enforcement, fees and exactions, and permitting procedures. Nongovernmental constraints are primarily market-driven factors that include land costs, construction costs and the availability of financing.

C.2 Governmental Constraints

The Town of Fairfax regulates the use and development of land through the General Plan, Zoning Ordinance, Subdivision Ordinance, and a variety of building and site development standards. These requirements are intended to protect the health, safety, and general welfare of the community but such regulations, associated procedures and processing fees can, however, also reduce the City's ability to meet its housing objectives by decreasing the feasibility and increasing the cost of developing housing. This part of the Housing Element discusses existing governmental constraints as well as policies and programs the Town could adopt to overcome obstacles and promote needed housing development.

GENERAL PLAN LAND USE PLANS AND POLICIES

The *Town of Fairfax 2010-2030 General Plan*, which the Council adopted in April 2012, is the Town's primary land use control policy document. The Plan's Land Use Element identifies permitted land uses and development intensities for all land within town boundaries. The Plan's focus is on preserving historic development patterns by establishing policies that maintain and enhance the town center's traditional role as a walkable district with a mix of commercial and residential uses. The Plan promotes infill development to protect the distinctive aesthetic of residential neighborhoods and limits new construction in the steeply sloped and wooded areas surrounding the community.

The Land Use Element establishes specific development standards for each of the Town's zoning districts including minimum lot sizes, maximum heights and parking requirements. includes several policies that would affect residential development including the development of design guidelines to ensure that new residential development or alterations to development preserve and enhance the existing aesthetic of the Town's neighborhoods in diversity, architectural qualities, size and mass." The Element also requires that Visually Significant Areas be designed to ensure projects

are designed and located to minimize visual mass and exterior materials and colors “blend the exterior appearance of structures with the surrounding natural landscape, allowing for architectural diversity.”¹ Even though the Zoning Code requires design review for almost all development projects, buildings, structures, and other facilities built or modified in Fairfax, the Town has not adopted design guidelines as the General Plan proposes and, as discussed below, the design review criteria in the Code are highly subjective. (Zoning Code Section 17.020.040, Design Review Criteria)

The Plan includes an optional Town Center Element establishing policies and strategies to enhance the sense of place and quality of life in the downtown area while strengthening the Town’s economic base. Projects proposed in the downtown must be consistent with the Town Center based on findings that include conformance with land use designations, residential density and building intensity standards and compliance with the Element’s development standards. Except for limiting building height in the Town Center to 28.5 feet and two stories as the Zoning Code requires in the Central Commercial (CC) district applying to most of the Town Center Planning Area, the Element does not include any standards for residential density or development intensity other than the standards for regulating development. The Element proposes that Fairfax prepare and adopt a Town Center Plan including Development Standards and Design Guidelines but the programs including these requirements have not been fully implemented. A community workshop was held in 2016 designed to discuss changing traffic flow in the Town Center; most of the community participants were not supportive of changing the traffic patterns (and making Bolinas Road one-way) and the Plan was put on-hold by the Town Council. Table C-1, General Plan Land Use Designations shows the General Plan land use categories that allow residential development in Fairfax and their maximum density.

Table C-1: General Plan Land Use Designations

<i>Designation</i>	<i>Maximum Density</i>
Medium Density Single-family Residential (RS-7.5)	1-6 du/acre
High Density Single-family Residential (RS-6)	1-6 du/acre
High Density Residential (RD 5.5-7)	7-12 du/acre
Multi-family Residential (RM)	7-12 du/acre
Multi-family Residential – Senior (RM-S)	7-12 du/acre
Limited Commercial (CL)	No maximum but requires CUP
Central Commercial (CC)	No maximum
Commercial Highway (CH)	No maximum but requires CUP
Planned Development District (PDD)	No maximum
Single-family Master Planned District (SF-RMP)	Determined during MP
Upland Residential (UR)	0.10-0.14 du/acre
Public Domain	Emergency shelter residential use only

Source: Town of Fairfax, 2010-2030 General Plan, Figure LU-1, Fairfax General Plan Map

¹ Town of Fairfax 2010-2030 General Plan, pp. LU-11, LU-16 to LU-19.

ZONING CODE

Single-family development is the most predominant land use in Fairfax and most of the 2.2 square mile land area is zoned residential RS-6 and RD 5.5-7 for single-family residences allowing single-family residences and duplexes. (See Town of Fairfax Zoning Map) Duplexes are allowed in both primary residential zones. Multi-family housing is permitted by right in the RM Zoning District at a maximum density of 10 dwelling units per acre and at 14.5 dwelling units per acre with a conditional use permit.

As Table C-1 shows, the maximum density that current residential zoning districts allow is 12 units per acres; the only zones permitting higher density development are Limited Commercial (CL), Central Commercial (CC), and Planned Development District (PDD). In all these zones, residential development requires a Use Permit except for the CC district where residential uses are permitted by right above the ground floor, but the Town's current development standards may preclude development at higher densities.

Table C-2 lists the housing types the Fairfax Zoning Code allows in each zoning district where residential uses are allowed with the required entitlement. Table C-3, Residential Development Standards, summarizes the standards applicable to residential projects in each district. The Planning Commission may allow other residential uses on a conditional basis based on a determination that they are of the same general aesthetics as other uses the Code allows in the district. (Section 17.080.030 *et al.*)

The Zoning Code does not define or include any specific provisions applicable to residential care facilities, supportive and transitional housing, single room occupancy facilities, mobile home parks, or live-work spaces but the Town identifies these housing types as residential uses in the Rent Stabilization regulations the Town enacted in November 2022 (Fairfax Municipal Code Chapter 5.55, Rent Stabilization Program) and other local regulations. The Housing Action Plan includes programs to revise the Zoning Code to incorporate definitions and compliant regulations for these residential uses as discussed below.

Additionally, the Zoning Ordinance's definition of family must also be revised to fully conform to State law. Section 17.008.020 defines "Family" as "one person living alone, or two or more persons related by blood, marriage or legal adoption; or a group living together as a single housekeeping unit." No definition of "single housekeeping unit" is established. To ensure that the siting and development of congregate or group homes for individuals with disabilities is not unduly restricted, the Zoning Code must be updated to provide a barrier-free definition of "family" that provides zoning code occupancy standards specific to unrelated adults and complies with fair housing law. Program 2-K has been added to the Housing Action Plan to address this constraint.

Table C 2: Permitted Residential Use Types by Zoning District

<i>Use Type</i>	<i>RS 7.5</i>	<i>RS 6</i>	<i>RD 5.5-7</i>	<i>RM</i>	<i>RMS</i>	<i>CL</i>	<i>CH</i>	<i>CC</i>	<i>PD</i>
Single-Family	P	P	P	X	X	U	X	X	X
Employee Housing	U	U	U	X	X	U	X	P ⁵	X
Accessory Dwelling Units	P	P	P	P	P	P	P	P ⁵	X
Duplex	X	X	P ¹	U	X	U	U	U	X
Multi-Family	X	X	X	P/U ²	P ³	U	U ⁵	P ⁵	X
Boarding House	X	X	P ⁴	X	X	X	X	X	X
Emergency Shelter	X	X	X	X	X	X	P	P	P
Residential Care- Limited	P	P	P	P	X	X	U ⁵	P ⁵	X
Residential Care -General ²	U	U	U	U	X	X	U ⁵	P ⁵	X
Single-Room Occupancy	X	X	X	X	X	U	U ⁵	P ⁵	X
Supportive Housing	P	P/U	P/U	P/U	P ³	P/U	P/U ⁵	P ⁵	X
Transitional Housing	P	X	P	X	P ³	P/U	P/U ⁵	P ⁵	X

Key:

P = Permitted, X = Not Permitted, U = Use Permit

Notes:

1. By right on lots 7,000 square feet in area.
2. By right at one unit per 4,356 sq. ft. of lot area/unit, use permit for densities up to one/3,000 sq. ft.
3. Multi-family for seniors as defined by Cal. Civil Code Section 51.3 (b)(1) at densities of no more than 10 units per acre.
4. Maximum of five guests.
5. Permitted on second floor at a density approved by Planning Commission.
6. Permitted on second floor by right, CUP required to allow on ground floor or in accessory structure.

Source: Town of Fairfax Zoning Code

Table C-3: Residential Development Standards

Zoning	Maximum Density (du/ac)	Minimum Lot Area (sq ft)	Setbacks			Maximum Height	Maximum Structural Lot Coverage
			Front	Side	Rear		
RS-7.5	5.8 du/ac	7,500	30	20	30	28.5	35%
RS-6	7.3 du/ac	6,000	25	15	25	28.5	35%
RD-5.5-7	7.9 du/ac	5,500	25	15	25	28.5	35%
RM	10.0 du/ac-14.5 du/ac (CUP)	7,500	10 minimum and street frontage of corner lots, 40 combined	10 minimum and street frontage of corner lots, 25 combined	10 minimum and street frontage of corner lots, 40 combined	28.5	35%
RM-S ¹	10.0 du/ac	87,120	40	25	40	28.5	35%
CL	None specified; (CUP)	20,000	0	0	0	28.5	No Maximum
CC	None specified. 2 nd Floor (Permitted) Ground Floor (CUP)	No building site requirements apply in the CC Zone	0	0	0	28.5	No Maximum
PDD ²	See Note 2	5 acres	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
SF-RMP	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	35	See Note 3
UR	SFD only 0.14 du/ac	7 acres	25	15	25	28.5	5,000 sq-ft
Public Domain ⁴	NA	NA	No requirements apply in the PD zone.	No requirements apply in the PD zone	No requirements apply in the PD zone	28.5	NA

Notes

1. Only senior housing
2. The Planning Commission and Town Council may approve higher densities. Standards for area, coverage, light and air orientation, site planning, density, yard requirements, open spaces, parking and screening are governed by standards of the residential, or commercial zoning district(s) most similar in nature and function to the proposed planned development district (PDD) use(s), or by standards that the Planning Commission adopts.
3. Determined during Master Plan
4. Emergency shelters only

Source: Town of Fairfax, Zoning Code

The 2010-2030 General Plan proposed to eliminate the CH (Highway Commercial) district² and rezone this area CC (Central Commercial) district, which would have allowed residential development by right on the second floor. The rezoning was intended to be adopted by the Town Council following certification of the 2010 Housing Element, but the proposal wasn't implemented after voters submitted a referendum opposing the change.³

Fairfax's parking requirements for residential units are generally based on the number of bedrooms. (See Table C-4: Off-Street Parking Requirements for Residential Uses). 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. One of the required parking spaces must be covered in all cases except on lots with a slope greater than 15 percent where uncovered parking may be on a parking deck or in the front setback if not within a side yard. Guest parking spaces may be in tandem with required parking for a principal residence.

Table C-4: Off-Street Parking Requirements for Residential Uses

<i>Use Type</i>	<i>Spaces per Unit Required</i>	<i>Additional Regulations</i>
Studio w/o Separate Bedrooms	1.0	One guest parking space required when legal on-street space along property frontage not available. In RM, SF-RMP and PDD zones, one guest parking space shall be provided for each five dwelling units.
One or more bedrooms	2.0	
ADU/JADU	1.0	One guest parking space required with exceptions as mandated by State law.
Emergency Homeless Shelter	NA	Parking shall comply with requirements of district in which shelter is located.

Source: Town of Fairfax, Zoning Code, Chapter 17.052

The Town's parking requirements are the same or less stringent than in other nearby communities with similar topographic characteristics. Mill Valley, for example, requires a minimum of two spaces for all single or multi-family units; Ross requires three to four spaces in low and very low-density residential districts, and San Anselmo requires three spaces for single family dwellings located above 150 mean sea level elevation but only one and a half spaces for two-bedroom multi-family.

The Fairfax Zoning Code will be amended to comply with AB 2097 (Friedman), signed into September 2022, which prohibits cities from imposing any minimum parking requirements on residential, commercial, or other development if the project is within one-half mile of a major transit stop unless it makes certain findings supported by evidence in the record. A Major Transit stop, as defined by Public Resources Code Section 21064.3, is an existing rail transit station, a ferry terminal

² Ibid., Appendix LU-B, p. 5

³ Town of Fairfax 2010-2030 General Plan, Appendix p. H-22.

served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and evening peak periods. As of this writing, Fairfax does not meet this definition, but could in the future with increased service from Marin Transit.⁴ Because of the extent to which parking requirements affect the cost and feasibility of housing, in lieu of allowing exemptions, the Code should be revised to provide alternatives such as shared parking or participating in a shuttle program. AB 2097 is the most recent of several State laws that eliminate or limit minimum parking requirements including SB 35 (2017), AB 744 (2015) and AB 1763 (2019).

In addition to the constraints posed by parking requirements, as of October 2023, Fairfax has other development standards that may constrain the development of housing. These include use regulations that limit the amount of land where multi-family development is allowed, the low maximum densities in zones where multi-family projects can be built, the extent to which duplex and multi-unit development requires approval of a conditional use permit, height restrictions, and limits on building coverage. For example, the General Plan and the Zoning Ordinance limit multi-family projects in the RM zone to a maximum of 12 units per acre in a building with a maximum of 28.5 feet and two stories and further restricts development potential by requiring front and rear setbacks of at least 40 feet and side setbacks totaling 25 feet. In the commercial districts which apply in most of the Town Center area, housing was a conditionally permitted use but permitted densities were not specified prior to 2024; however, the Town Council adopted zoning amendments in February 2024 that permit multifamily at 20 dwelling units per acre housing by right in commercial zones.

The maximum size of a building is further restricted by a requirement limiting maximum coverage in all residential zones to 35 percent of the gross lot area (Section 17.040.010) and by the 28.5-foot height limit, which applies throughout the town except for two districts, the Planned Development District (PDD), which requires a site of at least five acres unless the Planning Commission and Town Council approve an exception, and the Single Family Residential Master Planned District (SF-RMP). As the developer of Victory Village, explained when requesting increased height for an affordable senior housing development, the height restriction reduces economies of scale that are essential to affordable housing projects. The total floor area of a building and the number of units often need to be further reduced to meet the parking requirements (one to two parking spaces per unit and one guest parking space for every five units) and open space requirements. The cumulative effect of the zoning restrictions, the high land and construction costs in Marin County, and the cost of financing collectively act as a constraint on housing development in Fairfax. Programs to address these constraints, including Programs 2-A, 2-B, 2-C, 2-G 3-A, 3-C, have been added to Chapter 4, Housing Action Plan. Pursuant to Program 2-A, the Town Council adopted the Workforce Housing Overlay on February 7, 2024.

Accessory Dwelling Units (ADUs)

The State first enacted regulations for Accessory Dwelling Units (ADUs) in 1982 with the addition of Government Code Section 65852.2, which authorized local agencies to approve second units through a conditional use permit process. The law has been amended several times since then, most recently with the adoption of SB 897 and AB 2221, which specify that design and development

⁴ Marin Transit Services and Schedules, accessed December 15, 2022. [Marintransit.org](https://www.marintransit.org)

standards applicable to Accessory Dwelling Units (ADU) must be objective, increased the minimum heights limits, and made other changes to facilitate ADU development.

The Town of Fairfax adopted Ordinance 861 in January 2022 bringing the Fairfax Zoning Code into compliance with state law governing the development of accessory dwelling units (ADUs) and Junior Accessory Dwelling Units (JADUs) as of that date. The development and architectural requirements in Section 17.048: Residential Accessory Dwelling Units and Junior Accessory Dwelling Units were further amended on December 7, 2022, when the Town Council adopted Urgency Ordinance No. 876, related to ADUs and JADUs, which brought the regulations into compliance with further changes in State law regarding ADU height limits.

These revisions allow an ADU located within a half-mile of a major transit stop or high quality transit corridor (fixed route bus service with service intervals no longer than 15 minutes during peak commute hours on a lot with a single-family or multifamily dwelling to be up to 18 feet in height by right and up to two feet taller (for a maximum of 20 feet) if necessary to match the roof pitch of the ADU to that of the main house. An attached ADU may be up to 25 feet high or as high as a primary dwelling may be under the underlying zone, whichever is lower. Outside this radius the Code restricts the height of single-story attached or detached ADUs to 16 feet above grade measured to the peak of the structure and prohibits detached ADUs from exceeding one story.

The maximum permitted size of an attached or detached ADU is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. An attached ADU is limited to 50 percent of the floor area of the primary dwelling and no ADU may cause the total FAR of a lot to exceed 40 percent or the total lot coverage to exceed 35 percent unless such restrictions would preclude development of an ADU with a floor area of at least 800 square feet as stipulated by State law.

The Town adopted a Second Unit Amnesty Program allowing applicants proposing to legalize previously unpermitted ADUs to comply with the less restrictive State Housing Code requirements, rather than the Uniform Building Code (UBC). 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. ADUs and JADUs eligible for the amnesty program pay 50 percent of the \$500 fee established by the Zoning Code. The Council has extended this incentive to January 1, 2032. This also applies to any ADU/JADU being built in the Town. In addition, the Town does not assess penalties for legalizing these units through January 1, 2032.

All fees are 50 percent through January 1, 2032 for ADUs/JADUs including the following: in addition to the \$500 ADU permit fee, property owners pay Building Permit and Plan Check fees ranging from \$1,786 for a minor kitchen permit to \$6,020 for a detached ADU.⁵ The Housing Action Plan includes several additional programs intended to promote the development of ADUs by modifying development standards and providing technical assistance to applicants.

Affordable Housing Density Bonus

⁵ Town of Fairfax Master Fee Schedule, Exhibit B, Bldg. Plan Checks/Permits, FY22-23.

Fairfax has not established any provisions to implement the State density bonus law (California Government Code Section 65915) but the law still applies to proposed residential projects that are eligible for density bonuses and other incentives or concessions. Victory Village, a project on Sir Francis Drake Boulevard with 53 one-bedroom units for low-income adults aged 62 and older, was granted a density bonus. The project was built by Resources for Community Development under the Low-Income Housing Tax Credit program and all units receive Section 8 rental subsidies from the Marin Housing Authority. The Town also deferred payment of road impact fees for a period, and a payment plan starts after that time.

The Housing Action Plan includes a program to amend the Code to address the State requirements including allowing an applicant seeking a density bonus to have the request for a density bonus considered concurrently with the review of the underlying development application.

Another Program proposes to make work force housing projects eligible for density bonuses. The Town has defined such housing as projects affordable to households with incomes up to 180 percent of area median income in Marin County, which exceeds the maximum the State density bonus law, allows. Pursuant to State law, the Town could enact provisions that would provide incentives for such projects.

Transitional and Supportive Housing

Supportive housing is generally defined as permanent, affordable housing with on-site or off-site services that help residents who fall within the “target population” under state law improve their health status, and maximize their ability to live and, when possible, work in the community. Services may include case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy. Supportive housing is further defined as “housing with no limit on length of stay and that is occupied by a target population as defined in the Government Code and subdivision (d) of Section 53260 of the California Health and Safety Code, that provides, directly or indirectly, a significant level of on-site or off-site services to help residents retain housing, improve their health status, and maximize their ability to live and, when possible, work in the residents’ community. (California Health and Safety Code Section 50675.14 (b))

“Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Transitional housing units are “residential units operated under program requirements that call for (1) the termination of any assistance to an existing program recipient and (2) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future point in time, which point in time shall be no less than six months into the future.”

State law requires that transitional and supportive housing be treated as a residential use and be subject only to those restrictions that apply to other residential uses of the same development type in the same zone. This housing can take several forms, including group housing or multi-family

units, and typically includes a supportive services component to allow individuals to gain necessary life skills in support of independent living. For example, if the transitional housing is a multi-family use proposed in a multi-family zone, then zoning should treat the transitional housing the same as other multifamily uses in the proposed zone.

The State has enacted additional requirements that jurisdictions must address in their regulation of supportive housing. These include:

- Allowing supportive housing as a use by-right in all zones where multi-family and mixed-uses are permitted, including non-residential zones permitting multi-family uses, if the proposed development meets specified criteria in State law;
- Approval of an application for supportive housing that meets these criteria within specified periods; and,
- Eliminating parking requirements for supportive housing located within ½ mile of public transit.
- “Transitional housing” (California Health and Safety Code Section 50675.2 (h)) means buildings configured as rental housing but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

SB 2, which amended the State housing law effective January 1, 2008, clarified that transitional and supportive housing types must be treated as residential uses and subject only to those restrictions that apply to other residential uses of the same type in the same zone. The Fairfax Zoning Code is inconsistent with State law because transitional and supportive housing are only allowed as a use "by right" in areas zoned as PD (Municipal Code Section 17.130) and CC (Municipal Code Section 17.100).

To bring the Zoning Code into compliance with State law regarding transitional and supportive housing, Fairfax will amend the zoning code to clarify that transitional and supportive housing is subject only to those restrictions that apply to other residential uses of the same development type in the same zone. The regulations for each district in which residential uses are allowed should be revised to specifically identify transitional and supportive housing among the uses permitted by right or subject to a conditional use permit based on the requirements applicable to other residential projects configured in the same manner. The Zoning Code will also be revised to conform with the other recently enacted requirements mentioned above.

Residential Care Facilities and Group Homes

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. The current Zoning Code appears to exclude residential care facilities from the definition of Nursing Home, which is described as a “home for aged, chronically ill or incurable persons, in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation” excluding hospitals, clinics and similar institutions and groups such facilities with multi-unit residences, and senior housing with respect to common areas. (Section

17.008.020, Definitions). The Housing Action Plan includes a program that will bring the Zoning Code into compliance with State law by establishing provisions that include a definition for residential care facility consistent with applicable State requirements. The program also commits the Town to allowing residential care facilities by right, subject to objective standards for parking and other requirements applicable to residential structures of the same type allowed in specified districts.

Emergency Shelters

State law requires the Town to analyze the housing needs of its homeless population, including the need for emergency shelter, transitional and supportive housing. The State Department of Housing and Community Development defines an emergency shelter as housing that offers minimal supportive services, limits occupancy to six months or less, and is provided at no cost to the family or individual. Emergency shelter standards are intended to allow temporary shelter (six months or less) to be provided to homeless persons or others in need of shelter while ensuring that the shelter(s) is operated in a manner that is compatible with surrounding areas, in accordance with Government Code Section 65583.

Homelessness in Marin County increased from 1,034 people in 2019, to 1,121 people as of February 17, 2022, when the County conducted its federally mandated homeless census. The number of homeless persons in Fairfax as of 2019 was five, down from 17 in 2015. All these persons were unsheltered (i.e., living on the streets, in abandoned buildings, vehicles, encampments, or places other than an emergency shelter or transitional housing. At the time of the 2019 County Homeless Count, 73 percent of the individuals experiencing homelessness in Marin County reported living in Marin at the time of their most recent housing loss.⁶

Fairfax amended its Zoning Code in 2015 to allow emergency shelters by right in the CC (Central Commercial) and PD (Public Domain) districts subject to requirements for emergency shelters codified in Chapter 17.138. These regulations generally conform to the State mandate that jurisdictions with an unmet need for emergency shelters for persons experiencing homelessness identify a zone(s) where emergency shelters will be allowed as a permitted use without a conditional use permit or other discretionary permit. As reported in the Housing Sites Inventory, there are three sites in the CC district and 15 in the CH. The CC sites have a total area of 1.19, sufficient to accommodate 22 housing units; the CH sites comprise 3.75 acres with a potential capacity of 85 units. These sites have enough capacity to accommodate the shelter need and provide capacity for at least one year-round shelter, as required.

The standards for emergency shelters in are generally consistent with those the State authorizes in Government Code 65583 (a)(4)(A) but include some additional provisions that may conflict with State requirements. Shelters are required to comply with “all applicable provisions of the off-street parking and loading provisions applicable to the zoning district in which the shelter is located.” (Section 17.138.010 (D)) The existing Code requires one space per 200 feet of gross floor area plus one large off-street loading space in both the CC and the CH districts, but the CC standards also require approval of a traffic impact permit per Chapter 17.056, including preparation of a traffic study and impact mitigation plan, which would be a constraint to development of emergency

⁶ Applied Survey Research, “Marin County Homeless Count & Survey Comprehensive Report 2019” Marin County

facilities. Section 17.138 also includes a requirement that new construction or alterations proposed to an existing site or building require design review by the Planning Commission for conformance with the town's design guidelines, some of which are not objective requirements.

In addition to these requirements, the Town has enacted a provision stating, "Once the town's local need for providing emergency homeless shelters is satisfied (based on the most current homeless census data), a conditional use permit is required for any additional beds or emergency homeless shelters in any district." As written, this provision does not comply with section 4(C) of the State requirements, which stipulate that a local jurisdiction must demonstrate to the State Department of Housing and Community Development that existing facilities can accommodate the need for emergency shelters before imposing a requirement for conditional approval of facilities.

As of this writing, there are no emergency shelters in Fairfax. The closest shelter is in San Rafael's Canal District, according to Marin County's homelessness policy analyst who spoke at a meeting the Town and Marin County held in August, 2022, in response to complaints about a two-person homeless encampment near Peri Park in Fairfax.⁷ Chapter 15.16 of the Fairfax Buildings and Construction Code prohibits the use or occupancy of any camp car or trailer for living or sleeping on any lot or parcel in the town. The Code also bars the lease of any property for this purpose. This regulation would prohibit the use of so-called "tiny homes" as the Counties of Marin and Sonoma and some other California jurisdictions now allow as a way to provide affordable housing. The Town's Vehicles and Traffic Code prohibits overnight parking in the Town Center (Section 10.04.120 UTO Section 11.8) and nighttime use of parks is prohibited without the Town Clerk's permission. At present, these provisions limit options for unhoused persons in Fairfax.

Despite the concerns expressed by some Fairfax residents to the encampment near Peri Park, due to the decision by the Ninth Circuit Court of Appeals in *Martin et al. vs City of Boise* (2018), because Fairfax does not have any shelter beds for its small homeless population, the Town is likely precluded from enforcing a blanket prohibition on camping or sleeping on public properties.⁸ As of 2019, there were 88 unsheltered persons in San Anselmo, Corte Madera, Fairfax, Larkspur, Mill Valley and unincorporated Central Marin, none of which had emergency shelters at that time.⁹

Fairfax participates in the Marin Continuum of Care's Homeless Policy Steering Committee, which is working with EAH, the primary provider of Emergency Shelter in the County, to implement a safe, low-barrier, housing-focused shelter model.¹⁰ EAH partners with Homeward Bound of Marin and other organizations providing programs for households experiencing homelessness.¹¹ This collaboration might offer a medium for devising an interim approach to accommodating Marin County's homeless until more permanent solution is available. In addition, two Councilmembers are assigned to the Marin County Council of Mayors and Councilmembers (MCCMC) Homeless

⁷ "Marin County Residents Speak Out Against Small Homeless Encampment of Two People", *San Francisco Chronicle*, August 1, 2022.

⁸ <https://law.justia.com/cases/federal/appellate-courts/ca9/15-35845/15-35845-2019-04-01.html>

⁹ Applied Survey Research, op. cit., p. 12.

¹⁰ Marin County Continuum of Care, "A Response to Homelessness I Marin County: Assessing the Need & Taking Action" https://www.marinhhs.org/sites/default/files/boards/general/marin_homelessness_plan.pdf

¹¹ EAH Housing, Supportive Housing, <https://www.eahhousing.org/real-estate/management-expertise/supportive-housing/>

Committee which may be another medium for an interim approach – in fact the Housing First model was developed by this Committee in partnership with others in the County.

In 2019, the State enacted Assembly Bill 101, which amended the Government Code Section 65660 to require 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.

There are no emergency shelters in Fairfax and as of the end of the 2015-23 planning period, Fairfax had not amended the Municipal Code to include a definition or standards for the approval of LBNCs. As noted above, the Code's requirements for emergency shelters are generally consistent with those the State authorizes in Government Code 65583 (a)(4)(A) but include some additional provisions that may conflict with State requirements. These include a requirement that new construction or alterations proposed to an existing site or building require design review by the Planning Commission for conformance with the town's design guidelines, some of which are not objective requirements. The Town also enacted a provision stating, "Once the Town's local need for providing emergency homeless shelters is satisfied (based on the most current homeless census data), a conditional use permit is required for any additional beds or emergency homeless shelters in any district." As written, this provision does not comply with section 4(C) of the State requirements, which stipulate that a local jurisdiction must demonstrate to the State Department of Housing and Community Development that existing facilities can accommodate the need for emergency shelters before imposing a requirement for conditional approval of facilities.

A program has been included in the Housing Action Plan of this Housing Element to amend the Zoning Code to include procedures for processing low-barrier navigation centers including identification of the districts where they would be allowed. In November 2023, the Town revised the Code requirements for emergency shelters and navigation centers to waive the requirements for a traffic mitigation study and design review and to establishing parking requirements based on the number of staff working in the facility. The parking requirements for shelters and centers within a half mile of public transit were also revised to eliminate minimum parking standards consistent with Government Code Sections 65585 and 65863.2 as amended by AB 2097 (Friedman).

Employee and Work Force Housing

The State Employee Housing Act (Health and Safety Code Section 17000 *et seq.*) and associated regulations govern the requirements for construction, maintenance, use, and occupancy of privately-operated housing for five or more employees including living quarters provided in connection with any work, whether rent is involved or not, and housing in rural areas provided for agricultural workers. State law generally requires employee housing for six or fewer persons to be treated as a single-family structure and residential use. This provision applies not only to farmworkers but also to non-agricultural household employees, including those working for religious, educational, and other establishments.

The zoning ordinance, prior to November of 2023, requires a conditional use permit to allow either employee housing or agricultural uses in the RS 7.5, 6, and 5.5-7 districts but allows single-family

units by right in those districts, which is inconsistent with the State Employee Housing Act. Section 17021.5 of the State law requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. In November 2023, the Town amended the Code as necessary to allow employee housing as required by State law.

Even though there is no commercial agriculture in Fairfax, about 41 percent of Marin County's land area is in agricultural use including unincorporated areas just west of Fairfax. The American Communities Survey data for 2017-2021, reported that 1.1 percent of the Town's civilian employed population worked in agriculture, forestry and other resource-based industries compared with 0.6 percent countywide.¹² The majority of agricultural workers in West Marin live in housing provided on site by employers but some workers may seek housing in nearby towns like Fairfax, especially if their spouses work in non-agricultural jobs in those communities.

The 2017 US Department of Agriculture Census reported that 1,274 persons were employed as farmworkers, accounting for about 0.9 percent of the Marin County workforce. According to the U.S. Department of Agriculture Census of Farmworkers, the number of permanent farm workers in Marin County increased between 2002 and 2017 to a total of 697 and the number of seasonal farm workers increased during the same period to 577.¹³ Having a mean annual salary of \$41,321, most of the agricultural workers in Marin County are considered low or very low-income. (The 2021 HCD income limits are \$38,400 and \$63,950 for a one-person household for extremely low and very low income households) even if their spouses are employed.¹⁴

A related issue is the serious shortage of workforce housing for those individuals and families earning too much to qualify for traditional affordable housing, but not enough to afford market rate rents in the communities where they work. Workforce housing (sometimes referred to as middle-income or moderate-income housing) is housing for individuals and families typically earning between 60 percent and 120 percent of the Areawide Median Income (AMI). Housing for those earning more than 80 percent of the AMI is not eligible for tax credits, private activity bonds or most other federal, state or local government subsidies.

The CSCDA Community Improvement Authority (CSCDA CIA), an affiliate joint powers authority that acquires public benefit-oriented capital projects through the issuance of tax-exempt governmental purpose bonds, is taking steps to fill this gap.¹⁵ Through CSCDA CIA's Workforce Housing Program, government bonds are issued to acquire market-rate apartment buildings for conversion to income and rent-restricted units for moderate/middle income households. These units are targeted

¹² U.S. Census Bureau, 2017—2021 ACS 5-Year Narrative Profile, Fairfax town, California <https://www.census.gov/acs/www/data/data-tables-and-tools/narrative-profiles/2021/report.php?geo-type=place&state=06&place=23168>, https://data.census.gov/tables?tid=ACSDP5Y2015.DP03&g=0400000US06_0500000US06041

¹³ ABAG/MTC Staff and Baird + Driskell Community Planning, Fairfax Housing Needs Data Report, pp. 59-60.

¹⁴ Marin Countywide Plan, 2023-2031 Housing Element, p. 76

¹⁵ California Statewide Communities Development Authority (CSCDA), <https://cscda.org/workforce-housing-program/>

to households earning 80% to 120% of AMI. Annual rent increases are capped at no more than 4%, which is significantly less than the rent limits under AB 1482, the recently adopted State tenant protection legislation. CSCDA CIA now operates the largest workforce housing program in California and has acquired and converted more than 7,700 units for low- and middle-income tenants.

The Town has been exploring options for providing housing for employees who reside in Fairfax and those who commute in from outside the Town but are unable to find affordable units in Fairfax. Based on the state's 2022 income limits, a four-person household making between 60 and 180 percent of area median income (AMI) in Marin County would fall into the income range of \$99,600 and \$298,800. In most of the communities proposing workforce housing projects, those who would be eligible for this housing include teachers, health care workers and other essential workers.

The Housing Action Program commits the Town to amending the Zoning Code to include a definition for work-force housing and to a program that includes working with local religious, education, and other institutional employers in the community to explore potential sites and financing options for such projects. AB 2244 (Wicks), which the Governor signed in July, 2022, amended Government Code Section 65913.6 to make it easier for religious institutions to develop affordable housing on sites they own by expanding the provisions of AB 1851, enacted in 2020, to apply to housing on new or existing sites by allowing up to a 50 percent reduction in the parking required for the religious use. The current law applies to projects that qualify for a density bonus but the Town could enact an ordinance to implement the legislation or similar provisions to facilitate housing for those earning between 60 and 180 percent of AMI.

Single Room Occupancy (SRO)

Single-room occupancy (SRO) units are small, one-room units occupied by a single individual or couple that may have either shared or private bathroom and kitchen facilities. This type of housing is an alternative housing that is affordable to extremely-low-income households. The Fairfax Zoning Code does not define or establish any requirements specific to SRO housing although, as mentioned above, other chapters of the Municipal Code recognize these establishments as a type of multi-unit rental housing. As such, SRO housing would be allowed in the CL (Limited Commercial), CH (Highway Commercial), and CC (Central Commercial) zones subject to approval of a use permit. In the CH and CC zones, residential uses are only allowed above the ground floor.

Because of the potential SROs offer as an accommodation for very low-income individuals or couples, in November 2023, the Town amended the Zoning Code to include a definition and standards for developing SRO housing, especially to meet the Town's need to accommodate homeless and very low-income persons and households.

Manufactured and Mobile Homes

State law requires that mobile homes (or manufactured homes) on permanent foundations be permitted by right in residential zones, subject to the same development standards and processes as single-family homes but does not require municipalities to permit mobile home parks. The Town's Zoning Code includes definitions for Mobile Home Park and Mobile Home Lot but fails to include any reference to the State mandate allowing manufactured and mobile homes in all residential zones and doesn't identify Mobile Home Parks as a permitted use in any district.

The Housing Action Plan includes a program to bring the Zoning Code into compliance with State law regarding the treatment of manufactured and mobile homes in the same manner as single-family dwellings. In November 2023, the Town amended the Code to allow small residential structures on a mobile base (“tiny homes”) to be treated as a type of ADU.

SB 35 Streamlining

Government Code section 65913.4 allows qualifying development projects with a specified proportion of affordable housing units to move more quickly through the local government review process and restricts the ability of local governments to reject these proposals. The bill creates a streamlined approval process for qualifying infill developments in localities that have failed to meet their RHNA, requiring a ministerial approval process, removing the requirement for CEQA analysis, and removing the requirement for discretionary entitlements. The Town did not make sufficient progress toward its Above Moderate RHNA for the 5th cycle planning period (2015 – 2023) and is therefore subject to SB 35. The Action Plan proposes to amend the Zoning Code to establish regulations consistent with State law to review and make decisions on projects eligible for processing under SB 35 including applicable objective development standards. Associated programs include preparation of application forms that Staff can use to quickly determine whether projects are eligible for expedited processing.

Code Enforcement

Code enforcement activities related to existing residential housing stock occur in two primary ways: (1) Complaint-based outreach. Persons can file a complaint and code enforcement staff will investigate. Outreach to the property owner and/or residents will occur to seek voluntary corrections of any violation. Continued violations can result in citations, hearings and other enforcement; (2) Residential resale inspections. Prior to any sale of any property in Fairfax that contains a residential unit, an inspection process is required according to Chapter 15.08 (Reports of Residential Building Records). Called a residential resale inspection, all code deficiencies are identified and any that are considered a health or safety threat are re required to be corrected prior to property transfer.

SB9 California Housing Opportunity and More Efficiency (HOME) Act

SB9, also known as the California Housing Opportunity and More Efficiency (HOME) Act, requires cities to allow one additional residential unit onto parcels zoned for single-dwelling units. In December 2021, the Town adopted Ordinance 860, enacting regulations to permit duplexes in qualifying single family zoning districts (Chapter 17.049, Two-Unit Projects) and to allow subdivision of qualifying lots (Fairfax Municipal Code, Section 16.22.010, Urban Lot Splits) ministerially pursuant to SB9. Despite the number of relatively large lots in Fairfax, there is no information indicating that property owners have taken advantage of these new requirements. The Action Plan includes a program to provide information to familiarize owners with the SB 9 program and the Town’s requirements for implementing the State law.

Constraints for People with Disabilities

The Town has adopted Title 24 of the 2019 California Building Code (Fairfax Municipal Code, Section 15.04.010, Adoption of Construction Codes), which includes comprehensive standards covering most important areas of accessibility for persons with physical and sensory disabilities.

California's Building Standards Codes (Physical Access Regulations) are found in Title 24 of the California Code of Regulations (CCR) and are designed to comply with the requirements of the Americans with Disabilities Act (ADA) and State statutes. As of the end of the 2015-23 planning period, Fairfax had not, however, enacted 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.

A program has been included in the Housing Action Plan to 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. This program was completed in November 2023 with the adoption of related revisions to the Town Code.

Requests for a reasonable accommodation will require documentation of disability status, the specific accommodation request, and the necessity of the accommodation to ensure equal opportunity to use and enjoy the residence. The Director shall approve the reasonable accommodation if it is consistent with the federal and State laws based on the following:

1. The housing, which is the subject of the request, will be used by an individual who is disabled under the Acts.
2. The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
3. The requested accommodation would not impose an undue financial or administrative burden on the Town.
4. The requested accommodation would not require a fundamental alteration in the nature of the Town's land use and zoning program.
5. The requested reasonable accommodation would not adversely impact surrounding properties or uses.
6. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the Town's applicable rules, standards, and practices.
7. The accommodation would not alter the significance of a historic structure.

As noted above, the Town has also did not implement at least six programs the 5th Cycle Housing Element (2015-2023) included to bring Fairfax's zoning ordinance into compliance with State housing law and address certain governmental constraints regarding residential care facilities, supportive housing, and other provisions for persons with disabilities. A referendum was filed with the Town to block the Ordinance(s) implementing such at the time; the Council opted to repeal the Ordinance(s) at that time. The Housing Action Plan in this Housing Element includes a number

of programs to amend the Zoning Code to correct these deficiencies, which are constraints for persons with disabilities.

PROCESSING AND PERMIT PROCEDURES

Like all local jurisdictions, the Town of Fairfax has established procedures and regulations applicable to all or some residential projects. Generally, the time taken to review and approve a proposal is directly proportional to the magnitude and complexity of the project, but the time needed for review is also determined by whether the zoning regulations provide clear and objective standards that reduce the need for discretionary review and whether decisions require a public hearing before decision-making bodies, including the Planning Commission.

Residential projects proposed in Fairfax typically require a combination of reviews including zoning compliance, conditional use permit, design review as well as building permit plan checks. Many projects also require review by the Planning Commission however to streamline reviews the Town Council eliminated its separate Design Review Board in 2012 and combined its functions with the Planning Commission. Some projects may also require approval or modification of a development plan, master plan, and/or subdivision map or parcel map. In addition to these procedures, which are common to most cities, Fairfax has established some additional review requirements that 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), flood plain 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 (see Table C-7: Development and Planning Fees). Table C-5 lists typical residential project application types and the approximate length of time required to approve each type of application. Moreover, residential projects that the Zoning Code permits by right as shown in Table C-2 are subject to design review, a discretionary process based on highly subjective Design Review Criteria (Section 17.020.040) that requires a public hearing before the Planning Commission under the Town's Design Review Regulations (Fairfax Zoning Code Chapter 17.020). This review process, which this analysis discusses in greater detail below, creates a significant constraint to residential development.

On average, applications for single-family custom homes without any site constraints are found to be complete within 30 days of submission as required by State law. When proposed single-family development is not subject to special environmental constraints because of its location and the project meets all applicable zoning requirements, it is possible to process the required building permits in approximately three to four months. Multiple-family projects usually require environmental review, public hearings, and design review, which is clearly a constraint to affordable housing development. Environmental studies add 6 to 12 months to a project's approval.

Table C-5: Estimated Time for Processing Residential Projects

Item	Approximate Processing Timeline
Conditional Use Permit	3-4 months
Zoning Clearance	1-2 days
Minor Development /Design Review	3-4 months
Major Development /Design Review	6-12 months
Specific Plan	6-12 months
Tentative Tract Map/Parcel Map/Subdivision	6-12 months
Variance	3-4 months
Zone Change	3-6 months
General Plan Amendment	3-6 months
Environmental Review	6-12 months

Notes:

- I. Processing time is estimate of approximate length of time from submittal of complete application to public hearing.

Source: *Town of Fairfax 2010-2030 General Plan, Fairfax Town Staff, October 2023*

If an EIR is not required, Town permit processing could be accomplished in three to four months. Fairfax staff say that the Town's typical processing procedures and time frames do not pose undue constraints to the ability of project applicants to develop lower-income housing projects. The procedures, which are described in Table C-6, Typical Processing Procedures by Residential Project Type, do, at a minimum, increase the cost of obtaining planning approval and probably also increase the time required to secure approval.

Fairfax has received few housing applications, except for ADUs, in recent years. The application for the Victory Village senior housing project, the largest approved by the town in more than five years, was received on April 25, 2016, and approved in late April 2017. The 54-unit project, which is 100 percent affordable, required approval of a general plan amendment, zoning text and map amendments, a parcel map, design review, an excavation permits, and a traffic impact permit in addition to a density bonus. The project was approved with an initial study and negative declaration.

DESIGN GUIDELINES AND OBJECTIVE DESIGN STANDARDS

The Zoning Code requires design review approval of all projects, buildings, signs, and other facilities by the Planning Commission and provides a list of design review criteria that the Town uses to evaluate proposed projects. Fairfax Zoning Code, Chapter 17.020: Design Review Regulations) Section 17.020.040 establishes subjective design review criteria that currently apply to residential development including the following:

- The proposed development shall create a well-composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community;
- The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area;
- There shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance;
- The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance;
- The extent to which the structure conforms to the general aesthetics of other structures in the vicinity insofar as the character can be ascertained and is found to be architecturally desirable;
- The extent to which ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used.
- The extent to which natural features, including trees, shrubs, creeks and rocks and the natural grade of the site are to be retained;
- The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets.

Even though the Code states that design review is limited to” elements of design which have significant relationship to exterior appearance of structures and facilities....[including] height, arrangement on the site, texture, material, color, signs, landscaping and appurtenances” the absence of quantified standards is problematic and creates significant potential for violating State mandates for using objective standards as a basis for reviewing multi-unit residential projects.

The General Plan proposed the adoption of design guidelines, and the Zoning Code authorizes the Town to adopt guidelines to illustrate the design criteria. The Town began the process of preparing objective design standards in 2021 with a workshop to consider a set of design and development standards prepared under contract to the County and made available to local jurisdictions for their own use. In August 2022, the Planning Commission conducted a meeting to discuss how the County’s Objective Design and Development Standards Toolkit might be adapted for use by Fairfax. A revised version of the County’s Toolkit prepared by the Town’s consultants was reviewed and discussed by the Planning Commission in September 2022. The draft proposed several amendments to the Zoning Code to correct deficiencies; however, as of this writing, the Town has not adopted objective design standards that would meet the requirements of the State Housing Accountability Act, SB 35 or SB 9 (California Government Code Sections 65589.5, 65913.4, 65852.21, and 65913.4(a)(5)).

The Housing Action Plan includes a program committing the Town to revising the Zoning Code to include objective design and development standards based on the criteria in Section 17.020.040 or other General Plan policies. The program also proposes changes to design review procedures to reduce the time required to conduct review. This program will be assigned the highest priority.

SUBDIVISION ORDINANCE

The Subdivision Ordinance, Title 17 of the Fairfax Municipal Code, establishes the Town's procedures for approving and amending subdivisions in compliance with the State Subdivision Map Act (California Government Code, Section 66410 *et seq.*). In addition to procedural requirements that are generally the same as those included in the State law, the Town has enacted some provisions to respond to local conditions, which contribute to the cost of new development.

Design and Development Requirements

The subdivision and zoning ordinances include requirements to preserve native, indigenous vegetation or planting additional trees based on a tree plan prepared by a licensed landscape architect or arborist and approved by the Planning and Building Director, preparation of a land capacity report including a detailed resource conservation analysis, and design subdivisions to protect ridge-lines to implement Chapter 17.060 of the Zoning Ordinance and "assure adequate light, air, privacy and views on all parcels regardless of land use". The regulations do not define or provide a measurable and objective basis for determining adequacy.

Fairfax has adopted standards increasing the required width for roads to serve new development that are necessary to ensure access for fire protection to homes in remote hillside locations but increase the cost of development in outlying areas. The Town has adopted the following on- and off-site street improvement standards, which are generally consistent with the requirements imposed by other Marin County jurisdictions:

- Sidewalks: 4-foot minimum, with maximum 2 percent slope;
- Curbs, gutters, and streets as required by Marin County standards and/or Uniform Fire Code;
- Limited residential roads 20 feet with shoulders, 24 feet with curbs;
- Minor residential roads 28 feet;
- Residential roads 36 feet;
- Collector roads 40 feet;
- Curbs and gutters required by Town;
- Driveways 12 feet wide /1 DU; 16 feet wide /2-6 DUs;
- Driveways 20 feet long; and
- Sidewalks on both sides of road for projects greater than four DUs.

Subdivision Fees

As a condition to approval of a tentative or parcel map, the Town requires fees or dedication of land for park or recreation facilities as State law allows. Condominium conversions of existing apartments more than five years old are exempt from this requirement.

The Town's subdivision fees are in line with or less than charged by nearby communities. The required deposit for subdivision maps is \$5,000 plus a 20 percent administrative fee for any outside professional services compared with \$9,000 in Larkspur and \$7,978 in San Anselmo. If the subdivision would require environmental review and preparation of an initial study, the Town requires an additional \$5,000 deposit plus 20 percent of the cost charged by a consultant to prepare the environmental documents. Larkspur requires a \$5,000 deposit and San Anselmo charges \$6,120 for the first 16 hours of staff time for subdivision maps. Mill Valley's fee for Tentative and Parcel Maps for four lots or less is \$4,174 plus \$203 per hour for staff time after the first hour. These fees will affect the economic feasibility of single-family lot splits under SB 9, discussed above, which might otherwise be a way to provide additional housing in Fairfax. The Action Plan includes measures to reduce or mitigate the cost of subdivisions are included in the Housing Action Plan.

OTHER ORDINANCES

Fairfax has adopted other ordinances related to housing development that address local issues and improve the Town's capacity to meet its housing objectives.

- Fairfax is one of several Marin County municipalities that recently studied and adopted an inclusionary housing requirement and commercial linkage fee. Enacted on October 4, 2023, the regulations require multi-family rental and for sale projects to include a specific percentage of affordable units or pay an in-lieu fee to cover the difference between what households at different income levels can pay for housing and the cost of developing market rate housing. The ordinance establishes an inclusionary requirement of 20 percent for single family subdivision projects and 15 percent for rental projects. The commercial/nonresidential linkage fee is set at \$3 per square foot of net new gross floor area to generate funds to assist the development of affordable housing to help meet the housing needs of lower income workers in the community.

The housing impact fees will be deposited in a new Affordable Housing Fund to be used to increase and improve the supply of affordable housing in Fairfax. The Town had fee studies prepared for the inclusionary program for residential projects and the commercial linkage fee to comply with State law including Assembly Bill 602, which requires preparation and adoption of impact fee studies.¹⁶

- Rent Stabilization and Just Cause Eviction Program. Fairfax has enacted requirements to regulate rents and protect tenants from arbitrary eviction. Just causes for eviction include failure to pay rent, violation of lease provisions, illegal tenant activities, threat of a violent crime, and creating a nuisance or damaging the unit. The rent regulations apply to duplexes, multi-unit apartment buildings, dwelling units owned by corporations, and certain ADUs and JADUs. The eviction regulations do not apply to short-term rentals limited to less than 30 days, dormitories, publicly owned housing, or rent-restricted affordable ADUs/JADUs. Under State law, eviction from a rental unit that the landlord intends to permanently withdraw from the rental market is

¹⁶ Fairfax Town Council Meeting Staff Report, October 4, 2023. <https://storage.googleapis.com/proudcity/fairfaxca/uploads/2023/09/Item-2.-Ordinance-and-Resolutions-Inclusionary-Housing.pdf>

permitted by the Ellis Act. In such cases, the landlord must comply with several requirements including relocation payments pursuant to State law.¹⁷

- The Short-Term Rental Program (Municipal Code Chapter 5.57) established by Ordinance 866 in July 2022 is intended to minimize the potential adverse impacts of this use while providing additional income to homeowners that can help them remain in their homes. The program only allows short-term rental when the unit offered for use as a “tourist home” is the primary residence of a permanent resident of the dwelling. ADUs and income-restricted or deed-restricted affordable housing is not eligible for the program.¹⁸

BUILDINGS AND CONSTRUCTION CODE

The Town has adopted Title 24 of the California Code of Regulations as the construction code for Fairfax subject to some modifications based on local conditions and concerns. These include provisions regarding exterior fire resistive construction, automatic fire sprinkler systems, fire extinguishers and smoke alarms applicable to buildings in the Wildland Urban Interface Fire Area and some other areas.

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). The requirements apply to building permit applications for all newly constructed buildings located in whole or in part within the town. (Fairfax Municipal Code Chapter 15.05: All-Electric Construction in Newly Constructed Buildings). This regulation anticipates State mandates that will ban the sale of natural gas appliances in 2030. A change in the State Building Code that went into effect at the beginning of 2023 requires all new home to have electric supply panels and circuitry to support all-electric appliances and heating but allows the installation of gas appliances for cooking, heating, and cooling. The new energy code was approved by the California Energy Commission in August 2021 and the California Building Standards Commission in December 2021. The Town Council adopted updated Building Codes in December 2023 which are consistent with, and in some cases more stringent than, the State Building Code.

Although the cost difference between electric and gas appliances are not significant, the cost to operate electric appliances has historically been higher than the cost of gas, although this was not the case in 2022. According to the State Public Utilities Commission, the bill for typical residential customer using 500 kWh per month is about one and a half times the rate for a typical residential gas customer using 33 therms a month. A rate increase proposal now under consideration would raise PG&E’s revenues by 32% and would boost average customers’ monthly bills 18%, from \$217 to \$255.¹⁹ At PG&E’s cheapest rate (\$.033 per kilowatt hour) it would cost about 3.8 times as much

¹⁷ Town of Fairfax, Rent Stabilization and Just Cause Eviction FAQ’s. <https://www.townoffairfax.org/rent-stabilization-and-just-cause-eviction-faqs/>

¹⁸ Town of Fairfax, Short-Term Program <https://www.townoffairfax.org/short-term-rental-program/>

¹⁹ “Can Californians Afford All-Electric Zero Carbon Goals as Power Costs Skyrocket?” *GV Wire*, January 20, 2023 <https://gywire.com/2023/01/20/can-californians-afford-all-electric-zero-carbon-goals-as-power-costs-skyrocket/>

to use electric appliances.^{20 21} Many in Fairfax are MCE customers for electricity – MCE's rates are slightly lower than PGE's.

As mentioned above in the discussion about homelessness, the Buildings and Construction Code also prohibits the use or occupancy of any camp car or trailer for living or sleeping on any lot or parcel in the town. The Code also bars the lease of any property for this purpose. This regulation may prohibit the use of so-called “tiny homes” (those on wheels) as the Counties of Marin and Sonoma and some other California jurisdictions now allow as a way to provide affordable housing. The Housing Action Plan proposes several measures to make it easier to use small mobile dwelling units for residential use including amending the Town’s Building Code.

FEES AND EXACTIONS

Housing development is subject to permit processing and impact fees. These fees help to compensate the public for any impact associated with the new development. These fees are collected by the Town as well as other agencies providing public services in Fairfax. Table C-6, Development and Planning Fees (July, 2022-2023) summarizes permit processing and impact fees for new development in the Town of Fairfax. The adoption resolution approved by the Town Council in 2019 provides for annual increases effective July 1 of every year through FY 2025-2026. As Table C-8 shows, the building permit and design review fees Fairfax charges are lower than all nearby municipalities. However, in addition to the fees for planning and building permits, many residential projects are subject to additional impact studies and fees requiring applicants to engage special consultants and pay fees for outside services the Town requires to review the application. These include the requirements for traffic impact permits (Chapter 17.056), ridgeline scenic corridor permits (Section 17.060), flood plain development permit (Chapter 17.068) and hill area residential development permit (Chapter 17.072).

Table C-6: Development and Planning Fees (July 2022-2023)

Permit Processing Fees	Cost
Conditional Use Permit—Minor and Major	\$1,107
Variances	\$1,482
Design Review	
<i>Residential-Single Family</i>	\$1,107
<i>Multi-Family</i>	\$6,500
Hill Area Residential Development	\$9,800
ADU/JADU Permit Processing Fee	\$500

²⁰ See https://www.pge.com/pge_global/common/pdfs/your-account/your-bill/understand-your-bill/bill-in-serts/2022/0622-COC.pdf and https://www.pge.com/en_US/residential/rate-plans/how-rates-work/rate-changes/residential-rate-comparison.page?WT.mc_id=Vanity_ratemailer

²¹ PG&E, Residential Rate Plan Pricing, https://www.pge.com/pge_global/common/pdfs/rate-plans/how-rates-work/Residential-Rates-Plan-Pricing.pdf, Understanding Your Baseline Allowance https://www.pge.com/en_US/residential/rate-plans/rate-plan-options/tiered-base-plan/understanding-baseline-allowance.page

Table C-6: Development and Planning Fees (July 2022-2023)

Permit Processing Fees	Cost
Planned Development District	\$5,000 deposit plus 20 % administrative fee
Tentative Tract Map	\$5,000 deposit plus 20 % administrative fee
Traffic Impact Report	\$4,683 + outside consultant cost
Ridgeline Scenic Corridor	\$2,835
Environmental Review	\$5,000 deposit plus 20 % administrative fee
General Plan Text Amendment	\$5,000 deposit plus 20 % administrative fee
General Plan Map Amendment	\$5,000 deposit plus 20 % administrative fee
Rezoning and Pre-Zoning	\$5,000 deposit plus 20 % administrative fee
Impact Fees	Cost
General Plan Maintenance Fee	5% of Building Permit Fees
Technology Improvement Fee	5% of Building Permit Fees
Infrastructure Fee	5% of Building Permit Fees
Parks and Recreation	N/A
Building Plan Check/Permits	
New Home	\$6,020
Major Remodel	\$4,473
Major Kitchen Structural	\$3,332
Major Bath Structural	\$2,315
Minor Kitchen	\$1,786
Major Addition	\$3,332

Source: Town of Fairfax, Planning & Building Fees, Tables A and B; Zoning Code Section 17.048.010(D)(2)(b)

Table C-7: Comparison of Selected Marin Jurisdiction Fees (2022)²²

<i>Jurisdiction</i>	<i>Building Permit</i>	<i>Design Review</i>
Fairfax	\$6,020	\$1,107
Unincorporated Marin ¹	\$6,100	\$4,643
San Anselmo	\$6,834 Base Fee + \$4.60 for each additional \$1,000 - or fraction thereof - above \$1,000,000	\$955
Larkspur	\$9,710 Base Fee + \$6.30 for each additional \$1,000 - or fraction thereof - above \$1,000,000	\$4,000
Mill Valley	\$12,262 Base Fee + \$5 for each additional \$1,000 - or fraction thereof - above \$1,000,000	\$7,102
Ross	\$14,780 Base Fee + \$9.96 for each additional \$1,000 - or fraction thereof - above \$1,000,000	\$7,878

²² Marin County Community Development Agency, County of Marin HCD Draft Housing Element 2023-2031;

The total planning, building, and impact fees for a new 2,400 square foot single-family home is estimated at \$28,220.55, which is 1.68 percent of the construction cost assuming hard costs at \$700 per square foot. The estimated fees for a 10-unit multi-family project would be at least \$68,291.88 or 2.20 percent of the construction cost (estimated at \$365 per square foot). These estimates assume that neither project requires a use permit, and the single-family home is exempt from CEQA review. If a use permit is required the fees would increase by at least \$5,589, the minimum required deposit.

Table C-8: Planning, Building and Impact Fees for Custom Single-Family and 10-unit Multi-Family *

Fee Type	Estimated Fee Cost	
	Custom home (2400 square feet)	10-units multi-family (850 sq. ft./unit)
Design Review**	\$1,107	\$6,500 deposit
CEQA Initial Study/Negative Declaration	--	5000 min deposit
Building Permit	6,321	14,092
Road Impact	16,800	31025
Encroachment		\$817
Traffic Impact Report***	--	\$4,683 + outside consultant cost
Technology Improvement @ 0.05 % of permit	316.05	704.60
General Plan Maintenance @ 0.05% of permit	316.05	704.60
Infrastructure Improvement @ 0.05% of permit	316.05	704.60
State Seismic Fee	218.40	403.33
State Green Fee	68.00	125.00
TOTAL	\$28,220.55	\$68,291.88
Permits/Building Value	1.68 %	2.20%

* Assumes custom single-family with building construction value of \$1,680,000 and 10-unit multi-family with building value of \$3,102,500.

** Staff time charge at fully allocated hourly rate; outside professional services charged at actual cost plus 20 percent for contract administration; graphics charged at cost; additional deposit will be requested as needed to continue with project.

***Outside professional cost plus 20 percent fee for contract administration and reviewing work.

Source: Town of Fairfax, Planning & Building Fees, Tables A and B; Mark Lockaby, Fairfax Building Official, October 2023

TRANSPARENCY IN DEVELOPMENT REGULATIONS

Under State Government Code Section 65940.1, the Town is obligated to provide transparency in publicizing land use controls and fees. The Town of Fairfax home page <https://www.town-offairfax.org/> provides links to the Town Code, which includes the zoning and subdivision codes, and to the Planning and Building Department <https://www.townoffairfax.org/departments/planning-building/>. The Department page includes links to Planning Commission and Town Council agendas and to some documents and forms including a two-page summary of zoning requirements in single family and duplex zones, the building and planning fee schedule, planning and building permit application forms, the planning process for single-family residential units, and a few other documents. There are also links to information about the short-term rental and parklet programs and the General Plan and the housing element, update but there is no information about the design review process except for a reference to the role of the Design Review Board (which is now combined with the Planning Commission) and there is no mention of Accessory Dwelling Units/Junior Accessory Dwelling Units or the requirements for their development. Contact information for the Planning and Building staff is provided on the Department's webpage with information on hours of operation. The website needs updating to include information about ADUS/JADUs, applying for development under SB 35 and SB 9, and more detail about the design review process and design policies the Town uses for that review.

C.3 Non-Governmental Constraints

Non-governmental constraints to residential development in Fairfax range from environmental factors such as hazards from flooding, wildfires, and seismic and geological conditions to those created or affected by human activities like noise and air quality. Although affected by governmental actions, economic conditions like the cost and availability of financing, labor supply, the cost of materials and, more recently, supply chain problems are a major constraint to residential development throughout California. The cost of land in Marin County will also continue to be a critical factor limiting the development of affordable housing in Fairfax. Land costs include the raw land purchase price and financing costs. The cost of land is also affected by factors such as location, slope, availability and quality of infrastructure and the size and configuration of lots.

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 AND CONSTRUCTION COSTS

Land costs are often difficult to estimate, and there is no single publicly available database that records urban land prices. A study conducted by researchers from the Federal Housing Finance Agency (FHFA) has estimated the price of residential land based on appraisals of single-family parcels conducted between 2012 and 2019. From this assessment they have made available land prices for all census tracts and zip codes in the country. No data are shown for Fairfax specifically but the median value for a single-family parcel in Marin County was estimated at \$2,576,600 compared with \$2,047,500 for the entire Bay Area. Recent sales information for Marin County from Zillow

shows that the land costs for a large, relatively level site can be as much as \$2,700,000 per acre. On the other end, smaller lots run approximately \$700,000 per acre.

The median value of vacant land (lot) in Fairfax based on the price of four lots available for sale at this writing was \$677,649. The median price of single-family homes for sale was \$1,124,500 and the two condominium/townhouse units listed had an average price of \$832,000.²³ The US Census Bureau estimate of the median value of owner-occupied units in Fairfax during 2017 to 2021 was \$903,500, which was 19 percent lower than the median value for all of Marin County during the same period.²⁴

Construction costs, including both hard costs (i.e., labor and materials) and soft costs (i.e., development fees, architectural and engineering services, and insurance) are high throughout the San Francisco Bay Area. According to a report published by the Turner Center at UC Berkeley, trends in the prices of both labor and materials have likely contributed to hard cost increases over the 2009 to 2018 period. Costs in the Bay Area hovered between \$150 per square foot to \$280 per square foot from 2009 to 2017, and then climbed to the highest point in 2018, closing in at \$380 per square foot. The Bay Area region was identified as the most expensive region in the state, where average hard costs were \$81 more expensive per square foot than in other parts of the state. The estimated “hard cost” of building the least expensive custom home in the Bay Area, including anything related to the physical building and labor costs, is currently estimated at \$500 to \$700 per square foot.

Construction costs have also risen over the course of the COVID-19 pandemic, due in part to supply chain disruptions. The lasting impacts of this trend are not yet known, but it is likely to increase the cost of housing in at least the short to medium term.

- Utility Connections and Improvements. Includes municipal fees, hookup charges, offsite street improvements, and bringing utilities to the 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. Includes all labor and materials required over and above special foundation systems (i.e., 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;

²³ Realtor.com https://www.realtor.com/realestateandhomes-search/Fairfax_CA/type-single-family-home.condo.town-home

²⁴ United States Census Bureau, Quick Facts <https://www.census.gov/quickfacts/fact/table/marincountycalifornia,fairstowncalifornia/PST045221>

- Construction Overhead and Margin. Overhead can amount to about 5 percent and a contingency of at least 10 percent is also necessary for a private builder contractor, totaling 15 percent of total costs;
- Total Hard and Soft Construction Costs. Includes developer overhead and project contingency (15 percent), and consultants; and
- Builders Profit accounts for about 7 percent with an additional 5 percent overhead. This 12 percent cost can usually be reduced to between 7 percent and 10 percent total with a negotiated bid but can be as high as 20 percent for small projects.²⁵

HOUSING COST

Housing costs in Fairfax are lower than nearby towns but, like the prices in other Marin County communities, are higher than many locations in the Bay Area. According to the National Association of Realtors, the median home price in Marin County in the first quarter of 2022 was \$1,278,850, which was slightly less than San Mateo, Santa Clara, and San Francisco. Even though all the counties of the Bay Area showed gains in home prices in 2022 as compared to last year, Marin County was at the top of the list with an increase of 28.7 percent, just ahead of Napa at 25.2 percent.²⁰ The median price of homes in Fairfax at the end of 2022 was \$1,329,029, which was up 6.6 percent from the previous year. By way of comparison, the median price was \$4,302,149 in Ross and \$2,162,052 in Larkspur.²⁶ The median rent for all rental homes in Fairfax is \$2,798, which is also lower than most of the other central Marin cities.²⁷

A combination of factors, including rising labor and material prices because of inflation, supply-chain problems and worker shortages during the COVID-19, have pushed up the cost of building housing affordable to lower-income families, which now exceeds \$1 million per unit in many Bay Area jurisdictions. Although some of the higher costs for building affordable housing are due to constraints discussed above that may be within the control of local government, others are caused by external factors such as the costs of material and labor, labor shortages, and the higher cost of hiring general contractors.

COST OF CONSTRUCTION

The costs of labor and materials have a direct impact on the price of housing and are the main components of housing cost. Residential construction costs vary depending upon the quality, size, and the materials being used. Hard construction costs for a two-story, stucco on wood frame single family unit in the Bay Area range from \$500 to \$800 per square foot for a custom home, which is what projects in Fairfax would be, given the very limited availability of developable land and topographic conditions. These “hard” construction costs do not include costs associated with permits

²⁵ Hayley Raetz et al., “The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California” and Carolina Reid, “The Costs of Affordable Housing Production: Insights from California’s 9% Low-Income Housing Tax Credit Program”, Turner Center for Housing Innovation, March 2020. Download at <https://turnercenter.berkeley.edu/research-and-policy/the-cost-of-building-housing-series/>

²⁶ <https://www.zillow.com/home-values/24660/fairfax-ca/>, <https://www.zillow.com/home-values/6840/ross-ca/>, <https://www.zillow.com/home-values/25512/larkspur-ca/>

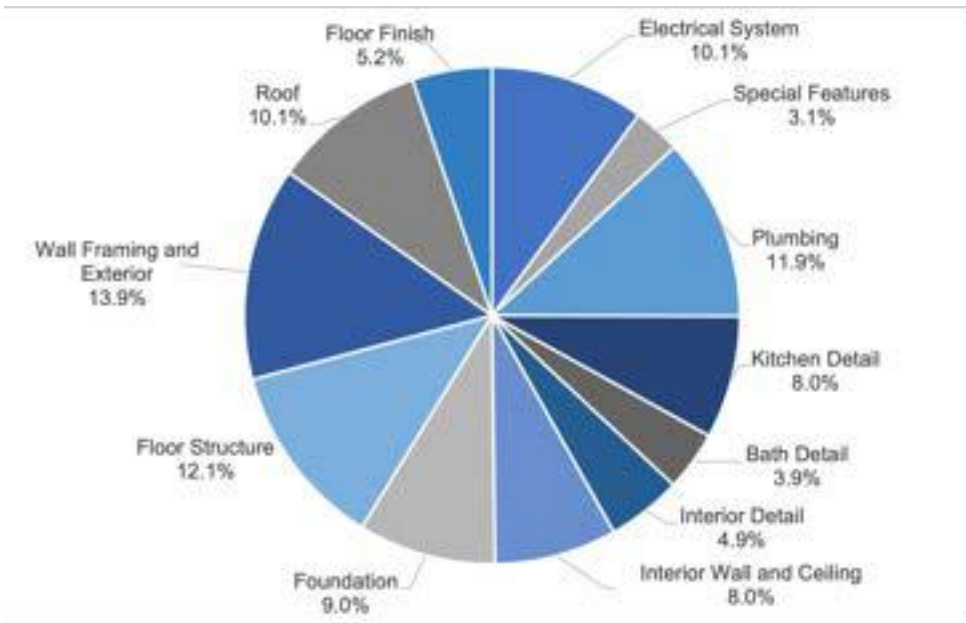
²⁷ Zillow Rental Manager <https://www.zillow.com/rental-manager/market-trends/fairfax-ca/>

and fees, land acquisition, site work and lot improvement, design, marketing, or administrative overhead (“soft” costs). Soft costs generally account for approximately 33 percent of overall construction costs.²⁸

A study by Economic and Planning Systems for the Marin County Housing Element estimated average construction costs for multi-family construction at \$345 per square foot based on analysis of several projects in Marin, Sonoma, and Napa Counties with an average of 63.27 units per acre.²⁹ Construction cost in Fairfax can be expected to be higher because projects would typically include fewer units, which would eliminate any economies of scale that would benefit the larger projects the study included.

While costs increase over the years to some extent, market factors dictate the extent to which prices change beyond inflation. From 2000 to 2004, construction costs increased annually at an average of less than three percent per year; from 2004 to 2005, costs increased 11 percent. Since 2005, the rate of cost increase has varied from three percent to seven percent as the housing market heated up. The current economic downturn has not spelled relief from cost increases, as from 2008 to 2009, construction costs are estimated to increase by over seven percent. Other regions of California have seen similar price jumps, so current construction cost conditions are not unique to Fairfax.³⁰

Figure C-1: Bay Area Single Family Hard Construction Costs



Source: Home Builder Digest, *How Much Does it Cost to Build a House in the San Francisco Bay Area?*
<https://www.homebuilderdigest.com/cost-guide/california-cost-guides/how-much-does-it-cost-to-build-a-house-in-california/>

²⁸ RSMeans. “Square Foot Construction Costs, 30th ed.” R. S. Means Company, Inc., 2008.

²⁹ Economic and Planning Systems, *Affordable Housing Financial Assessment Study: Marin County Housing Element Technical Support Document*, April 5, 2022.

³⁰ Ibid.

AVAILABILITY AND COST OF FINANCING

One of the most significant factors related to the provision of adequate housing for all segments of the population is the availability of financing –for both real estate development and homeownership. The cost of securing financing to either construct or buy housing in the community is an obstacle to creating new housing and, especially, housing affordable to low- and moderate-income households. There are several programs that might help to provide more affordable housing in Fairfax, but none of which developers or property owners appear to have used for projects in Fairfax.

The federal Home Mortgage Disclosure Act (HMDA) requires lending institutions to disclose information on the disposition of loan applications. Through analysis of HMDA data, an assessment can be made of the availability of residential financing within Marin County.

Table C-9, Disposition of Home Purchase and Improvement Loan Applications in Marin County, illustrates the home purchase and improvement loan activity in Marin County in 2020. Data for just the unincorporated areas are not readily available. Of the 23,703 total applications processed in 2020, a majority (80%) were for refinance loans. Overall, the approval rating for all types of loans was 69%, while the denial rate was 10%; 21% were either withdrawn by the applicant or closed for incompleteness. The highest approval ratings were for home purchase loans at 78% for conventional loans and 76% for government-backed loans. Refinance loan approvals were next with a 68% approval rating, while home improvement loans had the lowest approval rating at 56%.

Table C-9: Disposition of Home Purchase and Improvement Loan Applications in Marin County

<i>Loan Type</i>	<i>Total Applications</i>	<i>Approved %</i>	<i>Denied %</i>	<i>Other %</i>
Government-Backed Purchase	93	76.3	3.2	20.4
Conventional	3,465	78.4	5.6	16.0
Refinance	19,072	68.1	9.4	22.5
Home Improvement	1,073	56.4	29.6	14.0
TOTAL	23,073	69.1	9.8	21.1

Note: “Approved” includes loans originated and applications approved but not accepted. “Other” includes loans withdrawn by applicant or closed for incompleteness.

Source: 2020 Home Mortgage Disclosure Data. <https://ffiec.cfbp.gov/data-publication/aggregate-reports>

The cost of securing financing to purchase a home also affects the cost of housing and access to homeownership especially for low- and moderate-income households. The 30-year fixed-rate mortgage is now at its highest level since the year 2000. Since October 2020, mortgage rates have more than doubled rising to 7.31 percent at the end of September 2023 in response to moves by the Federal Reserve to control inflation. At the end of September 2020, a buyer would have paid around \$4,655 a month in principal and interest for an \$800,000 home loan at 2.88 percent.³¹ Today, that same loan would cost about \$6,494 a month.³²

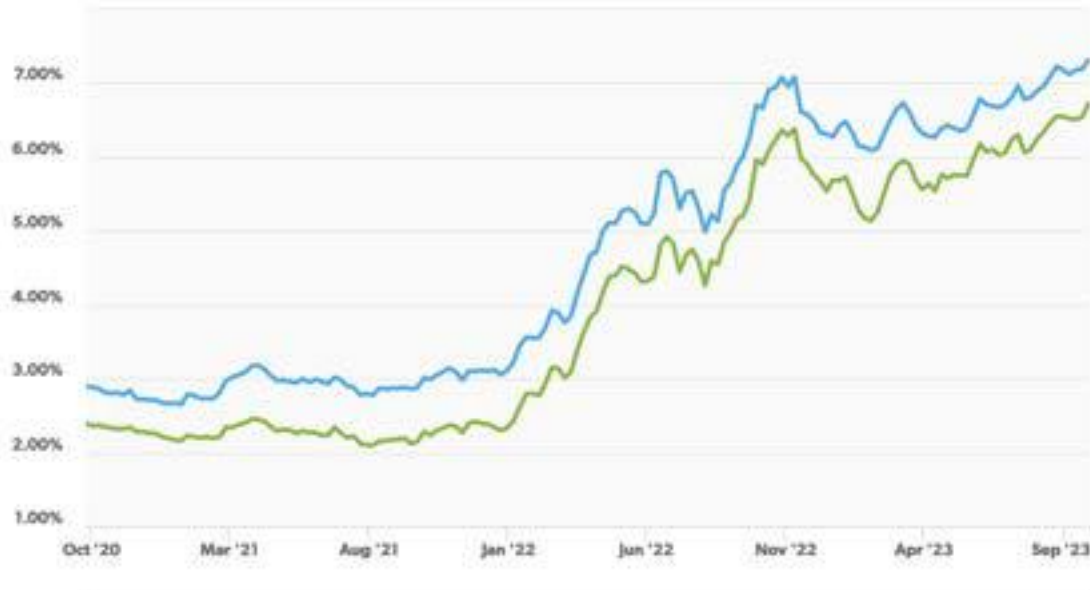
Since December 2021, mortgage rates have nearly doubled — rising to around 6 percent, the highest they've been since 2008 — in response to moves by the Federal Reserve to control inflation. In January 2022, a buyer would have paid around \$2,100 a month in principal and interest for a \$500,000 home loan. 12 months later, that same loan would cost about \$2,900 a month. (See Figure C-1 for the change in 30-year fixed rate mortgages from 2018 to 2022.)

The Marin Housing Authority operates several programs that provide financing for lower income home buyers and renters although funding is limited. The BMR Homeownership Program provides assistance to first-time home buyers whose income is at or below Moderate Income Household Limits based on the HUD Area Median Income (AMI), which is currently \$149,600 for a four-person family. BMR purchasers are selected through a lottery of eligible applicants and the household size must be appropriate for the unit size (i.e., minimum of one person per bedroom). Financing is available through BMR Program Participating Lenders certified by Marin Housing. Each BMR unit requires a recorded resale and refinance agreement in perpetuity and units can only be resold at the restricted resale price that generally appreciates based on the lesser of the consumer price index or the AMI.

Marin Housing has offered financing to eligible first-time homebuyers through the Marin County Mortgage Credit Certificate Program. As of this writing, there were no funds available from this program for new applicants. A Mortgage Credit Certificate (MCC) provides a federal income tax credit that reduces the amount of federal income tax a homebuyer pays. This reduction in income taxes provides more available income to homebuyers to qualify for a mortgage loan and to make their monthly mortgage payments. The tax credit can be taken as long as the homebuyer lives in the home as his/her principal residence. Under the Marin MCC program, the tax credit is equal to 20 percent of the annual interest paid on the homebuyer's first mortgage for selected below market-rate properties administered by Marin Housing.

³¹ FreddieMac, Mortgage Rates <https://www.freddiemac.com/pmms>

³² Bankrate, Mortgage Calculator <https://www.bankrate.com/mortgages/mortgage-calculator/>

Figure C-2: National 30-Year Fixed Rate Mortgages, 2020-2023

Source: Freddie Mac, Mortgage Rates <https://www.freddiemac.com/pmms>

The Marin Housing Authority operates several programs that provide financing for lower income home buyers and renters although funding is limited and wouldn't be sufficient to purchase a home in Fairfax unless it was deeply subsidized. The BMR Homeownership Program helps first-time home buyers whose income is at or below Moderate-Income Household Limits based on the HUD Area Median Income (AMI), which is currently \$149,600 for a four-person family. BMR purchasers are selected through a lottery of eligible applicants and the household size must be appropriate for the unit size (i.e., minimum of one person per bedroom). Financing is available through BMR Program Participating Lenders certified by Marin Housing. Each BMR unit requires a recorded resale and refinance agreement in perpetuity and units can only be resold at the restricted resale price that generally appreciates based on the lesser of the consumer price index or the AMI.³⁴

Marin Housing has offered financing to eligible first-time homebuyers through the Marin County Mortgage Credit Certificate Program. Mortgage Credit Certificate provides a federal income tax credit that reduces the amount of federal income tax a homebuyer pays. This reduction in income taxes provides more available income to homebuyers to qualify for a mortgage loan and to make their monthly mortgage payments. The tax credit can be taken as long as the homebuyer lives in the home as his/her principal residence. Under the Marin MCC program, the tax credit is equal to 20 percent of the annual interest paid on the homebuyer's first mortgage for selected below market-rate properties administered by Marin Housing.

Table C-10: FY2023 Marin County Income Limits for BMR Home Ownership

<i>Household Size</i>	<i>Median Income</i>	<i>Moderate Income</i>
1	\$122,500	\$147,000
2	\$140,000	\$168,000
3	\$157,500	\$189,000
4	\$175,000	\$210,000
5	\$189,000	\$226,800
6	\$203,000	\$243,600
7	\$217,000	\$260,400
8	\$231,000	\$277,200

Source: Marin Housing, <https://www.marinhousing.org/eligibility-requirements>

The California Housing Finance Agency also offers grants and loans for adding ADUs through a group of private lenders. Marin County homeowners with annual incomes less than \$300,000 are eligible to apply for up to \$40,000 in assistance for pre-development costs including architectural designs, permits, soil and engineering tests and other expenses. Grants may also be used to buy down the interest rate on financing.³³

The Bay Area Housing Finance Agency (BAHFA), established by the State under AB 1487 (2019, Chiu), is a new resource to support the production and preservation of affordable housing by placing new revenue options on the ballot. Although efforts to obtain the necessary approval of voters has been postponed due to the economic disruption caused by the COVID-19 pandemic, the decision was made not to place a revenue measure on the November 2020 ballot.) Any new BAHFA revenue source would require voter approval by a two-thirds vote. Possible future options include

- General obligation bond backed by property tax receipts (also known as a GO bond);
- Parcel tax;
- Gross receipts tax;
- Per-employee corporate “head tax”;
- Commercial linkage fee (authorized after voter-approved GO bond or parcel tax).³⁴

The County’s Housing Choice Voucher Program (formerly Section 8, veterans and disabled persons vouchers) aids qualified renters seeking housing in Marin County. Eligibility for a housing voucher is determined by the Marin Housing Authority (MHA) based on the total annual gross income and family size and is limited to US citizens and specified categories of non-citizens who have eligible immigration status. In general, the family’s income may not exceed 50% of the median income for the county or metropolitan area in which the family chooses to live. By law, MHA must provide 75 percent of its vouchers to applicants whose incomes do not exceed 30 percent of the area

³³ California Housing Finance Agency <https://www.calhfa.ca.gov/adu>

³⁴ BAHFA History <https://mtc.ca.gov/about-mtc/authorities/bay-area-housing-finance-authority-bahfa>

median income (Extremely Low Income).³⁵ The “Extremely Low,” “Very Low Income” and “Low Income” schedules shown are shown below.

Table C-11: FY2023 Marin County Income Limits for Public Housing, Section 8 and CDBG Programs

Household Size	Extremely Low	Very-Low	Low
1	\$39,050	\$65,050	\$104,100
2	\$44,600	\$74,350	\$118,950
3	\$50,200	\$83,650	\$133,800
4	\$55,750	\$92,900	\$148,650
5	\$60,250	\$100,350	\$160,550
6	\$64,700	\$107,800	\$172,450
7	\$69,150	\$115,200	\$184,350
8	\$73,600	\$122,650	\$196,250

Note: Dept. of Housing and Urban Development (HUD), effective 4/1/2021. The “Median Income” schedule shown above is based on the FY2021 median family income for the San Francisco HMFA of \$149,600 for a four-person household, issued by HUD effective 4/1/2021, with adjustments for smaller and larger household sizes.

Source: Marin Housing, <https://www.marinhousing.org/eligibility-requirements>

Table C-12: Martin County Voucher Program Standards (Eff. October 1, 2022)

Unit Size	Payment Standard
SRO	\$1,788
Studio	\$2,371
1 Bedroom	\$2,931
2 Bedroom	\$3,506
3 Bedroom	\$4,303
4 Bedroom	\$4,711

Source: Marin Housing Authority, Housing Choice Voucher Program Payment Standards <https://irp.cdn-web-site.com/4e4dab0f/files/uploaded/Payment%20Standard%20Eff%2010.1.2022%20-%20to%20use%20with%20clients.pdf>

The primary obstacle to finding in rental housing in Fairfax is simply the limited supply of housing available for rent. As of this writing, there were only two projects in Fairfax with units for rent within the income limits the voucher program allows (Table C-12).

³⁵ Marin Housing Housing Choice Voucher Program <https://www.marinhousing.org/housing-choice-voucher>

Construction Financing

Like loans for home purchases, construction loans for building new housing are also now increasingly difficult to obtain. In previous years, lenders would provide up to 80 percent of the cost of new construction (loan to value ratio). Recently, due to market conditions and government regulations, banks have started to require larger investments by the builder. Complicated projects such as mixed-use developments are among the more difficult to finance. Nonprofit developers may find it especially difficult to secure funding from the private sector. This makes limited construction financing a significant reason for the recent decline in new construction; while conditions may improve over the course of the planning period, it will remain a constraint in the short term.

Apartment owners and developers and affordable housing providers are also burdened by increasing property insurance rates. Premiums and deductibles for policies required by mortgage lenders have gone up two- to three-fold over the last five years due, in part to frequent and severe natural disasters. Multifamily housing developers in California, Florida, Louisiana and Texas are seeing triple digit increases in costs as insurance providers adjust to extreme weather connected to global climate change, according to industry leaders. But some increases appear to have little or no connection to risks related to wildfires, floodwaters or storm winds. Shifts in the way that insurers rate the risk of crime have hit projects with subsidized units with steep hikes for liability policies and deductibles.³⁶

Higher costs due to inflation, rising interest rates, and higher insurance costs have led to a decline in the number of multifamily project starts this year with an associated drop in the number of applications for housing construction subsidies. As of May 2023, the US Department of Housing and Urban Development had received 506 applications for \$12 billion in Federal Housing Administration loans for multifamily projects, about half the volume of the same eight-month period in FY 2022. If this decline continues, FHA multifamily loan applications would total as much as \$18 billion for FY 2023, compared with \$29 billion for FY 2022, \$51 billion for FY 2021 and \$45 billion for FY 2020.³⁷

The Bay Area Housing Finance Agency (BAHFA), established by the State under AB 1487 (2019, Chiu), is a new resource to support the production and preservation of affordable housing by placing new revenue options on the ballot. Efforts are underway to put a regional bond measure on the November 2024 ballot that would raise as much as \$20 billion through the issuance of bonds that would fund grants and loans to preserve or create affordable housing in all nine Bay Area counties over a 10-year period. Because builders could use the bond proceeds to qualify for other funding, it could leverage as much as an additional \$30 billion in funding from other programs. Under the State Constitution, any new revenue source to be placed on the ballot would require voter approval by a two-thirds vote but there may be a simultaneous proposal to amend the Constitution to reduce the vote threshold to 55 percent for

³⁶ “Rising Insurance Rates Are Crushing Affordable Housing Developers”, September 12, 2023 <https://www.bloomberg.com/news/articles/2023-09-12/insurance-rate-hikes-threaten-to-bust-the-us-apartment-building-boom>

³⁷ “Developers Forecast Major Affordable Housing Drought in 2025”, Bloomberg CityLab Housing, July 19, 2023 <https://www.bloomberg.com/news/articles/2023-07-19/affordable-housing-shortage-looms-amid-inflation-high-construction-costs>

local and regional ballot measure to authorize general obligation bonds and special taxes to pay for affordable housing and infrastructure.³⁸

Homeowners are often able to finance the construction of ADUs by refinancing their underlying mortgage or home-equity finance programs. This may not be feasible or desirable for many of the Fairfax homeowners who may be interested in building ADUs including those age 65 and older who comprise almost 24 percent of the population. Although many older residents own their homes, and in some cases have paid off their mortgages, many of these residents are spending more than 50 percent of their overall household income on housing and are not eager to take on additional debt.

The California Housing Finance Agency offers grants and loans for ADUs through a group of private lenders. Marin County homeowners with annual incomes less than \$300,000 are eligible to apply for up to \$40,000 in assistance for pre-development costs including architectural designs, permits, soil and engineering tests and other expenses. Grants may also be used to buy down the interest rate on financing.

REQUESTS TO DEVELOP AT DENSITIES BELOW THOSE PERMITTED

State Housing Element law now requires the non-governmental constraints analysis to evaluate developer requests to build at densities below the density identified in the Housing Element sites inventory.

To incentivize development that better implements densities planned in the Housing Element sites inventory, the Housing Element includes a program to ensure that there are adequate sites available throughout the planning period to accommodate the Town's RHNA. The Town has not received requests to develop at densities below those permitted.

LENGTH OF TIME BETWEEN APPLICATION APPROVAL AND BUILDING PERMIT ISSUANCE

The Housing Element law was amended in September 2022 by the passage of AB 2234 (Rivas) to require examination of the length of time between receiving approval for a housing development and submittal of an application for building permits. The law amended the housing element requirements to add Section 65913.3 mandating that cities and counties compile a list of information needed to approve or deny a post-entitlement phase permit, post an example of a complete, approved application and an example of a complete set of post-entitlement phase permits for at least five types of housing development projects, as defined, and to make those items available to all applicants for these permits. Once the applicant submits the required plans and other information, the law will allow 15 business days to review the submittal and notify the applicant in writing whether it includes all of the required items. If the application is complete, the law gives the agency an additional 30 days to review the materials and either provide the applicant with a full set of comments with a request for revisions or issue the required approval. The law allows 60 days for review of applications for housing projects with 26 or more units.

³⁸ "Game changer? Bay Area could get up to \$20 billion for affordable housing," *San Francisco Chronicle*, July 23, 2023.

The time between application approval and building permit issuance is influenced by several factors, some of which are not within a city’s control. These include the time the applicant needs to produce required technical or engineering studies; complete construction drawings and detailed site and landscape design; secure construction and permanent financing; and retain of a building contractor and subcontractors. The new law requires that once those plans and studies have been submitted, cities must review them and notify the applicant of the results of that review without delay. The decision on completeness is subject to appeal.

Once a project has received planning entitlements or if no planning entitlements are required (in the case of certain ADU projects), it is eligible to apply for building permits. Upon application, the building official will make a determination within 5 working days on whether to: (1) conduct the review of the building permit application in-house or (2) send it out for review by an outside consultant. Also during this initial period, the building official will also make the determination on whether geotechnical review is required (which is done by a separate outside consultant). The plan review and the geotechnical analysis can happen concurrently, so no extra time is required. Fairfax housing sites tend to have challenging topography so geotechnical review is typically required. The in-house review takes 2-3 weeks to complete. The outside review, which is generally for more complex projects, will take 4-6 weeks to complete. After review, the comments are transmitted to applicant for additional information and plan revisions. A second and sometimes third round of review is generally required, mostly depending on the competence and responsiveness of the applicant team. Each subsequent review adds additional time to the approval process. The following is the general timeline:

Building Permit Submitted	0	
<i>Preliminary Evaluation</i>	1 week	
<i>Plan Review</i>	2-3 weeks (internal)	4- 6 week (external)
Applicant revises and resubmits		
<i>Plan Review (2nd round)</i>	2-3 weeks (internal)	4- 6 week (external)
<i>Building Permit Issuance</i>	1 week	1 week
<i>Time from submittal to issuance</i>	6 to 8 weeks (internal)	9 to 14 weeks (external)

As described above, the Action Plan proposes several revisions to the Zoning Code to make more projects allowed by right (Programs 2-A, 2-B, 2-C, 2-G 3-A, 3-C), which will reduce the time it takes to obtain an entitlement. Reducing the time needed to obtain all necessary construction permits may be more difficult. The Town employs an outside consulting service to provide plan check services, which augments Town staff capacity and helps to reduce the time required for permit issuance. In order to meet the new deadlines, the Town may need to hire more staff or engage additional consultants. All of these remedies may create a need to increase fees.

The Housing Action Plan contains several programs that will require amending the Zoning Code in ways that will reduce the time required to obtain a planning entitlement (Programs 2-A, 2-B, 2-C, 2-G 3-A, 3-C). The additional requirements imposed by AB 234 will make it necessary to include an additional program to generate the list of information needed to approve or deny a post-

entitlement phase permit and complete sets of plans for five housing project types. The Plan also includes a program to project the anticipated effect of the requirements on the need for additional staff or consultant assistance, the cost of increasing staffing or consultants, and the impact of these changes on fees.

INFRASTRUCTURE CONSTRAINTS

Public infrastructure is sufficient to meet projected growth demands. Electric, gas, and telephone services have capacity to meet additional projected need. Water, sewerage, and drainage systems are in place within existing developed areas, and new residences typically need only to supply lateral connections to the water and sanitary sewer mains maintained by the Marin Municipal Water District (MMWD) and the Central Marin Sanitation Agency (CMSA). Pacific Gas and Electric (PG&E) provides natural gas and electric infrastructure in the town. In addition, the Town of Fairfax Department of Public Works (DPW) oversees the management, maintenance and construction of public facilities and infrastructure and the public rights-of-way. One hardline phone company, SBC, provides basic telephone service in the Planning Area. Residents have the option of choosing between various long distance telephone service providers. In addition, wireless telecommunication services are provided to county residents and businesses by a number of private companies. Among the users of telecommunication facilities are cable television companies. Comcast/Xfinity is the primary provider of cable television in the county. Some companies also provide cable television services either separately or bundled with telecommunication services.

Buildout of the inventory would primarily consist of infill development on underutilized commercial sites in the Town Center and ADUs in established residential neighborhoods. As such, there is already utility infrastructure in place to serve future development needs in these locations. The remainder of sites would involve low impact clustered residential development in undeveloped hillside areas. Such developments would be required to install new water mains and sewer connections within the street network and to install stormwater management BMPs to serve the needs of future. Final sizing of any particular line will be subject to modeling of the system that must rely on water use parameters of any particular project or group of projects once those details are known. Clustered development would focus roadway and utility infrastructure within smaller areas of the sites, minimizing potential environmental impacts, reducing development costs, and facilitating production of market rate housing as needed to meet the Town's RHNA obligations.

Overall, public utility infrastructure is in place in developed areas of Fairfax and new development would be required to provide connections. In hillside areas, the cost of extensions would be higher, but the introduction of development standards to facilitate low impact clustered residential development in these areas would minimize both costs and environmental impacts, as described above. Additionally, development in these areas would be of market rate housing and the costs would be factored into real estate sales prices. As such, overall there is adequate public infrastructure in place to serve the projected need and while extensions to new development would be needed, the provision of infrastructure does not pose an excessive constraint to development.

ENVIRONMENTAL CONSTRAINTS

This section contains information on current risks due to natural and environmental hazards, which are among the non-government constraints to providing housing in Fairfax.

Wildfire

The California Department of Forestry and Fire Protection (CAL FIRE) has developed maps at the county level for both State Responsibility Areas (SRA) and Local Responsibility Areas (LRA). The Town of Fairfax, because it is incorporated and maintains its own fire service through the Ross Valley Fire Department, is mapped as an LRA. The surrounding unincorporated area is mapped as an SRA. CAL FIRE and the Office of the State Fire Marshal have responsibility to publish fire hazard severity zone maps for SRAs and LRAs. The state produced a draft fire hazard severity zone map for the LRA areas of Marin. The map included very high, high, and moderate fire hazard severity zones. The CAL FIRE maps indicate that the incorporated area of Fairfax lies in a high fire hazard severity zone, except for a portion of the most northern part of Fairfax, which is undeveloped and classified as a moderate fire hazard severity zone. Most of the unincorporated land adjacent to the Town of Fairfax is mapped as a moderate fire hazard severity zone. A notable exception is the southwestern area in the vicinity of the White Hill and Cascade Canyon Open Space Preserves.

State and federal fire risk mapping efforts may underestimate the true fire hazard for the Town of Fairfax because they do not consider the specific vegetation types present in Fairfax and the surrounding area in their fuel model calculations. The models are based on a 50-acre grid which does not allow for the level of detail necessary to assess the local hazard. The Town of Fairfax Emergency Operations Plan identifies steep hill neighborhoods, such as Cascade Canyon, Forrest/Hillside, Oak Manor, Manor/Scenic Hill, and Willow/Upper Ridgeway, as being at the greatest risk from wildland fire due to the dense vegetation, trees dead/dying of sudden oak death, and the narrow access roads.

The Marin Wildfire Prevention Authority was enacted by the voters in March 2020; Fairfax, along with 16 other jurisdictions in Marin County (except Tiburon and Belvedere) are part of MWPA. MWPA conducts extensive wildfire prevention and mitigation work, all local jurisdictions also receive local monies. With local and Core MWPA monies, chipper days, shaded fuels breaks, and other vegetation management work has been conducted in and around Fairfax.

Seismic Activity

The Town of Fairfax does not contain any active faults as designated by the Alquist-Priolo Earthquake Fault Zoning Act; however, it is subject to moderate to high levels of ground shaking, which could cause significant damage and disruption to critical Town facilities, residences, businesses, and infrastructure. Aging infrastructure, such as bridges and pipelines, may suffer damage and result in local transportation, water, and sanitation disruptions.

Creekside and hillside areas, which comprise most of the built environment in the Town of Fairfax, are most vulnerable to damage caused by ground failure. Creekside development built on alluvial deposits can experience differential settlement caused by liquefaction. This vulnerability is increased during periods of intense or prolonged rainfall when soils become saturated. Most of downtown Fairfax falls within a high liquefaction zone. Most vacant lots in the Town of Fairfax are on steep slopes that are susceptible to landslides. Risk to new development can be minimized by

conducting thorough geotechnical investigations, incorporating findings into the design and construction, and strict compliance with current building codes.

Flood Hazards

The area subject to historic and future flooding lies in the floodplain adjacent to the confluence of Fairfax and San Anselmo Creeks. The Federal Emergency Management Agency (FEMA) produces maps of flood-prone areas to guide community floodplain management programs. These maps, known as Special Flood Hazard Areas (SFHA), report the area subject to a 1 percent per annum flood. Approximately 500 residential parcels are also located in the mapped SFHA. Modifications to existing structures can be made to reduce potential future damage, including elevating structures, installing flood gates, wet and dry proofing, and erosion control.

Historic records of flood events and their impacts on the community are not well documented. FEMA maps represent a projected probability of future events based on limited hydrologic studies. However, based on the general accounts of flooding over the past 100 years, the maps appear to under-represent the severity and extent of potential flooding for the Town of Fairfax. Further hydrologic studies of the complex upstream and downstream effects of development in the Ross Valley Watershed must be conducted to provide base data for land use planning.

There is an opportunity for new development and redevelopment of residential and commercial zoned vacant properties along Fairfax and San Anselmo Creeks. The potential for flooding and the desire to protect the scenic and biologic qualities of the creeks should be of paramount concern in reviewing all development and redevelopment proposals on these parcels. Fairfax Creek, San Anselmo Creek, Bothin Creek, Deer Park Creek, and Wood Lane drainage have also been identified as potential sources of flooding.

KEY FINDINGS

This section summarizes the key findings of this appendix. It is not intended for inclusion in the final draft of the Housing Element, but rather to inform programs in the Housing Action Plan and narrative language in the body of the draft Housing Element to assist staff. Key takeaways related to governmental and non-governmental constraints are provided below.

Governmental Constraints

- **General Plan Land Use Policies.** The Land Use Element proposes several policies that would affect residential development including the development of design guidelines to ensure that new residential development or alterations to development “to preserve and enhance the existing character of the Town’s neighborhoods in diversity, architectural character, size and mass.” The Element also includes subjective criteria for designing projects in such areas. The Housing Action Plan of this Housing Element commits the Town to identifying all the subjective policies, criteria, and standards now used to evaluate residential projects and revising or replacing them with objective design and development standards that will meet the requirements of State law. (Program 2-C)

The General Plan includes a Town Center Element that would require downtown projects to be consistent with the Element’s development standards. Except for limiting building height in the Town Center to 28.5 feet and two stories as the Zoning Code now requires in

the Central Commercial (CC) district which applies to most of the Town Center Planning Area, the Land Use Element does not specify any standards for residential density or development intensity or other objective standards for regulating development. The Element proposes that Fairfax prepare and adopt a Town Center Plan including Development Standards and Design Guidelines but the programs including these requirements have not been fully implemented. The Housing Action Plan includes a program for the preparation and adoption of a Town Center Plan including Development Standards and Design Guidelines that would allow increased heights for residential projects and other standards to promote residential development in the Town Center. (Program 1-A)

- **Residential Development Subject to Use Permit.** The maximum density the existing zoning code allows for residential projects is 12 units per acre except for the CL, CC, and PDD districts where higher densities are allowed subject to approval of a Use Permit. The CC regulations permit residential development by right above the ground floor, but this restriction and other regulations are a constraint to housing. The Housing Action Plan includes a program that would allow residential development, including free-standing residential buildings by right in the RM, CL, CC, and PDD districts subject to compliance with objective design and development standards.
- **Parking Standards for Residential Uses.** The Zoning Code will be amended to comply with AB 2097 (Friedman) by eliminating minimum parking requirements on all projects within a half mile of a major transit stop, without findings supported by evidence in the record. The program in The Housing Action Plan will also include provisions for allowing shared parking, participating in shuttle programs and other programs for residential projects outside this radius in RM, CL, CC, and PDD districts.
- **Accessory Dwelling Units.** Fairfax has approved measures applicable to ADUs and JADUs to comply with State requirements including the most recent changes in State law allowing increased height for ADUs located within a half-mile of a major transit stop or high-quality transit corridor. The Town has also enacted other programs, such as the Second Unit Amnesty Program, to promote the development of ADUs/JADUs and legalize unpermitted ADUs/JADUs. The Housing Action Plan commits the Town several additional actions to promote the development of ADUs and JADUs including modifying development standards, providing technical assistance to property owners, fee discounts and exemptions or waivers from locally-imposed taxes and impact fees.
- **Affordable Housing Density Bonus.** Fairfax has not established any provisions to implement the State density bonus law (California Government Code Section 65915). 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 city has codified the requirements. The Housing Action Plan includes a program to amend the Code to reference the State requirements. Such provisions could simply state that an applicant seeking a density bonus shall file an application with the Planning and Building Department for the Planning Commission to consider the request concurrently with its review of the underlying development application. The Town may also enact provisions providing incentives for work force housing projects in addition to any incentives to which a project may be entitled under State law for projects also including eligible units.

- **Transitional and Supportive Housing.** SB 2 amended the State housing law effective January 1, 2008, to clarify that transitional and supportive housing types must be treated as residential uses and subject only to those restrictions that apply to other residential uses of the same type in the same zone. The Fairfax Zoning Code is inconsistent with State law because transitional and supportive housing are only allowed as a use "by right" in areas zoned as PD (Municipal Code Section 17.130) and CC (Municipal Code Section 17.100). To bring the Zoning Code into compliance with State law regarding transitional and supportive housing, Fairfax will need to amend the zoning code to clarify that transitional and supportive housing are subject only to those restrictions that apply to other residential uses of the same development type in the same zone. The regulations for each district in which residential uses are allowed will be revised to specifically identify transitional and supportive housing among the uses permitted by right or subject to a conditional use permit based on the requirements applicable to other residential projects configured in the same manner. The Zoning Code will also be revised to conform with the other recently enacted requirements discussed above.
- **Residential Care Facilities and Group Homes.** 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 district. The Code defines Nursing Home as a "home for aged, chronically ill or incurable persons, in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation" excluding hospitals, clinics and similar institutions and groups such facilities with multi-unit residences, and senior housing with respect to common areas. (Section 17.008.020, Definitions). The Housing Action Plan includes a program that will bring the Zoning Code into compliance with State law by establishing provisions that define residential care facilities as defined by State law as a type of housing allowed by right subject to objective standards for parking and other requirements applicable to residential structures of the same type allowed in the same district.
- **Homelessness.** The Zoning Code's requirements for emergency shelters are generally consistent with those the State authorizes in Government Code 65583 (a)(4)(A) but include some additional requirements that may not comply with State law. These include requiring that new construction or alterations proposed to an existing site or building require design review by the Planning Commission for conformance with the town's design guidelines, most of which are not objective. The Town also enacted a provision stating, "Once the town's local need for providing emergency homeless shelters is satisfied (based on the most current homeless census data), a conditional use permit is required for any additional beds or emergency homeless shelters in any district." As written, this provision does not comply with section 4(C) of the State requirements, which stipulate that a local jurisdiction must demonstrate to the State Department of Housing and Community Development that existing facilities can accommodate the need for emergency shelters before imposing a requirement for conditional approval of facilities. As of this writing, there are no emergency shelters in Fairfax.

Also, the Town has enacted some additional regulations that create additional barriers for accommodating homeless persons in the community. Chapter 15.16 of the Fairfax Buildings and Construction Code prohibits the use or occupancy or any camp car or trailer for living or sleeping on any lot or parcel in the town. The Code also bars the lease of any

property for this purpose. This regulation would prohibit the use of so-called “tiny homes” (those on wheels) as the Counties of Marin and Sonoma and some other California jurisdictions now allow as way to provide affordable housing for formerly homeless people. The Town’s Vehicles and Traffic Code prohibits overnight parking in the Town Center (Section 10.04.120 UTO Section 11.8) but Fairfax has not provided any alternative for homeless persons living in vehicles. Moreover, Fairfax has not revised the Zoning Code to implement the mandate to allow a Low Barrier Navigation Center to be permitted by right in all mixed-use and non-residential zones permitting multi-family development (AB 101).

A program in The Housing Action Plan commits Fairfax to revising its Zoning Code to eliminate the identified conflicts with State law and to collaborate with nearby municipalities and the County to identify sites where overnight parking will be allowed and other measures to accommodate the needs of unsheltered persons in Fairfax and other Central Marin jurisdictions, none of which have emergency shelters.

- **Workforce, Employee and Agricultural Housing.** Even though there is no commercial agriculture in Fairfax, about 41 percent of Marin County’s land area is in agricultural use including unincorporated areas of just west of Fairfax. Census data for 2017-2021, reported that 1.1 percent of the Town’s civilian employed population worked in agriculture, forestry and other resource-based industries compared with 0.6 percent countywide. The majority of agricultural workers in West Marin live in housing provided on site by employers but some workers may seek housing in nearby towns like Fairfax, especially if their spouses work in non-agricultural jobs in those communities.

Workforce housing (sometimes referred to as middle-income or moderate-income housing) is housing for individuals and families typically earning between 60 percent and 120 percent of the Areawide Median Income (AMI). Housing for those in this income group is not eligible for tax credits, private activity bonds or most other federal, state, or local government subsidies.

The Housing Action Plan of this housing element includes a program for amending the Zoning Code to include a definition for work-force housing and work with local religious, education, and other institutional employers in the community to explore potential sites and financing options for such projects. AB 2244 (Wicks), which the Governor signed in July, 2022, amended Government Code Section 65913.6 to make it easier for religious institutions to develop affordable housing on sites they own to apply to housing on new or existing sites by allowing up to a 50 percent reduction in parking required for the religious use. The Town could enact an ordinance that would expand the law’s to apply to a wider range of institutional properties and to those earning between 60 and 180 percent of AMI. When developing programs to meet the needs of those who work in Fairfax but are unable to afford housing in the Town, Fairfax will take account of the needs of agricultural workers working in the adjacent unincorporated area and their families.

- **Single Room Occupancy Housing.** The Fairfax Zoning Code does not define or establish any requirements specific to SRO housing; these establishments could, however, be treated as a type of multi-unit housing. As such, SRO housing would be allowed in the CL (Limited Commercial), CH (Highway Commercial), and CC (Central Commercial) zones subject to approval of a use permit. In the CH and CC zones, residential uses are only allowed above the ground floor. This would appear to preclude the possibility of establishing an SRO in a

- building or buildings previously used as a motel or hotel. Because an SRO offers a potential accommodation for very low-income individuals or couples, The Housing Action Plan includes a program to establish provisions that would facilitate the establishment of SRO housing, especially to meet the Town's need to accommodate homeless and very low-income persons and households.
- **Manufactured Housing and Mobile Homes.** State law requires that mobile homes (or manufactured homes) on permanent foundations be permitted by right in residential zones, subject to the same development standards and processes as single-family homes but does not require municipalities to permit mobile home parks. The Town's Zoning Code includes definitions for Mobile Home Park and Mobile Home Lot but fails to include any reference to the State mandate allowing manufactured and mobile homes in all residential zones and doesn't identify Mobile Home Parks as a permitted use in any district. The Housing Action Plan includes a program to bring the Zoning Code into compliance with State law regarding the treatment of manufactured and mobile homes in the same manner as single-family dwellings.
 - **SB 35 Streamlining.** Government Code section 65913.4 allows qualifying development projects with a specified proportion of affordable housing units to move more quickly through the local government review process and restricts the ability of local governments to reject these proposals. The bill creates a streamlined approval process for qualifying infill developments in localities that have failed to meet their RHNA, requiring a ministerial approval process, removing the requirement for CEQA analysis, and removing the requirement for discretionary entitlements. 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. The Housing Action Plan includes a program to codify the requirements for SB 35 projects with applicable objective design and development standards.
 - **Constraints for People with Disabilities.** The Town has adopted Title 24 of the 2019 California Building Code (Fairfax Municipal Code, Section 15.04.010, Adoption of Construction Codes), which includes comprehensive standards covering most of the important areas of accessibility for persons with physical and sensory disabilities. California's Building Standards Codes (Physical Access Regulations) are found in Title 24 of the California Code of Regulations (CCR) and are designed to comply with the requirements of the Americans with Disabilities Act (ADA) and State statutes. Fairfax has not, however, enacted 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. The Housing Action Plan includes a program to 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). Additionally, through Program 2-K, the Zoning Code will be amended provide a barrier-free definition of "family" that provides zoning code occupancy standards specific to unrelated adults and complies with fair housing law.

- **Procedural Requirements.** Residential projects proposed in Fairfax typically require a combination of reviews including zoning compliance, conditional use permit, design review as well as 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 addition to these procedures, which are common to most cities, Fairfax has established some additional review requirements that 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), flood plain 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.

The Fee Schedule identifies Minor Use Permit as a type of planning approval but Chapter 17.032, Use Permits does not include any provisions referring to this planning entitlement. The Housing Action Plan includes a program for revising the Zoning Code to establish requirements for Minor Use Permits approved by the Planning and Building Director and to identify the uses that could be approved with such permits. The Action Plan also commits the Town to revising the Code to allow multi-family projects with up to four units to be developed by right subject to compliance with new objective standards. Such projects located within a half mile of public transit will also be exempt from the requirement for a transportation impact study and permit. The adoption of objective standards based on the design review criteria in Section 17.020.040, will facilitate this change in procedures and reduce the time and cost of processing residential projects. Because the four-unit projects will be allowed by right (i.e. ministerial approval), they would also not require environmental review.

- **Objective Design and Development Standards.** The Zoning Code requires design review of all construction projects other than minor additions based on a series of subjective design review criteria. Although the Code authorizes the Town to adopt design guidelines, it has not yet done so, creating significant potential for violating State mandates for using objective design and development standards as a basis for reviewing residential projects. The Town prepared a draft proposing several amendments to the Zoning Code to correct deficiencies; however, as of this writing, it has not adopted objective design and development standards that would meet the requirements of the State Housing Accountability Act, SB 35 or SB 9 (California Government Code Sections 65589.5, 65913.4, 65852.21, and 65913.4(a)(5)). The Housing Action Plan includes a program committing the Town to revising the Zoning Code to include objective design and development standards based on the criteria in Section 17.020.040 or other General Plan policies. This project will be assigned the highest priority.
- **Subdivision Requirements.** The Town's subdivision fees are in line with or less than those charged by nearby communities but include requirements for some studies and impact fees as a condition to approval of a tentative or parcel map that add to permit costs. The Housing Action Plan identifies actions the Town will take to reduce or mitigate the cost of subdivisions including developing specific standards, requirements, and checklists for preparing the required resource conservation analysis. The Action Plan also commits the Town

evaluating the feasibility and effect of eliminating or reducing locally-imposed impact fees for residential projects proposing permanently affordable housing.

- **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.

The Building and Construction Code prohibits the use or occupancy of any camp car or trailer for living or sleeping on any lot or parcel in the town. The Code also bars the lease of any property for this purpose. This regulation would prohibit the use of so-called “tiny homes” (those on wheels) as the Counties of Marin and Sonoma and some other California jurisdictions now allow as a way to provide affordable housing. The Housing Action Plan includes actions needed to allow the use of “tiny homes” as a type of ADU subject to conditions regarding the design and siting of such units.

- **Fees and Exactions.** Even though the fees Fairfax charges for reviewing housing development applications are comparable to or less than those charged by some nearby municipalities, the additional studies that the Town requires increase the time and cost of obtaining project approval. The Housing Action Plan includes programs that will require revisions to the existing Zoning Code and other municipal regulations to incorporate standards tied to measurable and objective standards. Such standards need to be based on technical studies the Town undertakes that should reduce the time and cost of preparing and evaluating studies on a case-by-case basis. The Town will also evaluate the feasibility and impact of deferring the payment of all or part of the fee for projects that include affordable housing.

Non-Governmental Constraints

- **Limited vacant land.** The Town is essentially built out with almost all the remaining vacant land in steeply sloped hillside areas with limited development potential and few vacant lots in the flatter portions of the Town. Fairfax has adopted regulations to implement SB 9, which could make it easier to divide lots and create lots that could be developed with additional housing would maximize the use of developable land with fewer environmental constraints.
- **Environmental constraints.** Major environmental constraints to development include flooding, topographic problems, liquefaction susceptibility, and wildfire concerns. Some of these constraints can be mitigated, while others provide a barrier to development. The Action Plan proposes that the Town undertake a focused geologic study in the Town Center areas to identify a range of measures that developers could incorporate in projects proposed in areas where these potential hazards exist to reduce project costs. Codifying specific standards for projects on sites subject to environmental constraints could reduce the time

- and cost of development in such areas 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.
- **Market constraints.** The cost of land in Fairfax is higher than many other Bay Area jurisdictions because of the Town's desirability but lower than other municipalities in Central Marin. Fairfax suffers from the same high construction costs as other Bay Area jurisdictions. The availability of financing is affected by factors that local government cannot control, including capital levels of banks and investors, credit worthiness of borrowers, and the willingness of investors to supply capital for real estate. Jurisdictions like Fairfax can, however, take advantage of the few federal and State programs that are available to subsidize the cost of financing development and assist lower-income first-time home buyers. The Housing Action Plan includes several programs that would allow the Town to take better advantage of programs that do exist and make sure that residents and property owners are aware of such programs.

Appendix D

Fifth Cycle Housing Element Accomplishments

Appendix D – Fifth Cycle Housing Element Accomplishments

This Appendix details the Town of Fairfax's achievements in implementing the goals, policies, and programs from the 2015–2023 Housing Element. The Town made important progress in addressing housing needs through the development of new units, including units affordable to lower-income and special needs households. A summary of the Town's key accomplishments and cumulative effectiveness of programs for special housing needs is provided below and a complete review of the Town's progress in implementing 2015–2023 policies and programs is provided in Table D-1.

Effectiveness of Special Housing Needs Programs

Special needs populations include farmworkers, large families, female-headed single parent households, people experiencing homelessness, persons with disabilities, seniors, households with extremely low incomes. As shown in greater detail in Table D-1, the Town made a diligent, consistent effort to achieve its housing goals that address special housing needs through the implementation of policies and programs from the 2015–2023 Housing Element. Following is a summary of the effectiveness of programs for special housing needs:

- Construction of Victory Village, an affordable senior housing project on Sir Francis Drake Boulevard with 53 one-bedroom units for low-income adults aged 62 and older, was completed in the summer of 2020.. The project was built by Resources for Community Development under the Low-Income Housing Tax Credit program and all units receive Section 8 rental subsidies from the Marin Housing Authority. The project makes an important contribution to housing for special needs groups in the community. Twenty-eight (28) apartments are designed for residents with mobility impairments and three (3) of these are also designed for residents with auditory or visual impairments. Additionally, five (5) apartments are restricted to households experiencing homelessness or at-risk of homelessness, and six (6) apartments are restricted to households that are homeless and have a serious mental disorder, as certified by the County under the State Mental Health Services Act (MHSA). To support project, the Town granted a density bonus and also deferred payment of road impact fees for a period, and a payment plan starts after that time.
- In 2018, the Town adopted ordinance 816 to prohibit landlords from discriminating against tenants based on source of income. Fairfax was the first town in the County to adopt this type of ordinance, which is based on the ordinance the county adopted in 2017. In 2019, the Town adopted Just Cause Evictions and Mandatory Mediation Ordinances (No. 870 and No. 871, respectively), which were subsequently amended in 2022 to further expand renter protections in Fairfax by capping annual rent increases at 60 percent of the increase in the regional consumer price index and limiting the annual adjustment to be no greater than 5 percent. Additionally, the updated ordinances strengthen protections for elderly, disabled, and other vulnerable populations – all statutorily-defined special needs groups.

- During the Fifth Cycle, the Town permitted 147 new housing units, exceeding its RHNA allocation for Very Low, Low, and Moderate income. Notably, the Town permitted more than 60 ADUs and JADUs during the period, with significant growth in permitting of ADUs and JADUs since 2018. ADU/JADU permitting trends received a boost when the Town instituted an ADU Amnesty Program, which provides a 50 percent reduction in processing and building permit fees to encourage legalization and creation of ADUs/JADUs. A total of 19 unpermitted ADUs were legalized during that planning period. Subsidized housing and ADU/JADU production is helping to diversify the housing stock in Fairfax and provide more affordable housing opportunities in the community, which also helps to provide for special needs populations.

Table D-1 Housing Programs Progress Report This table describes progress of all programs in the Town of Fairfax Fifth Cycle Housing Element, including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-1.1.1: Work with Housing Advocates. The Town will coordinate with local businesses, housing advocacy groups including the Marin Workforce Housing Trust, and the Chamber of Commerce to increase community understanding and support for workforce and special needs housing for lower-income households.	Create conditions that will foster the development of at least a total of 141 units for persons with a variety of incomes by 2022.	Annually and ongoing	The Town worked with housing advocates and providers on affordable housing projects throughout the RHNA period. The RHNA allocation was exceeded in every affordable category, as follows: very low, 17 built / 16 RHNA; low, 71 built / 11 RHNA; moderate 41 built / 11 RHNA. This program is being discontinued and replaced with programs that have more specific housing production objectives.
Program H-1.1.2: Prepare Public Information Material. Staff will continue to prepare community information material to improve awareness of housing needs, issues, and programs. Materials will include meeting materials and presentations as well as handouts at the planning counter.	Create conditions that will foster the development of at least a total of 141 units for persons with a variety of incomes by 2022.	2015 and as needed	This program will be discontinued and replaced with similar programs such as Program 1-J (Technical Assistance).
Program H-1.1.1.3: Conduct Community Outreach and Shared Responsibilities. The Staff will continue to implement a program providing public information and outreach to increase citizen awareness, including establishing a forum for discussion of housing issues. Specific actions include: <ul style="list-style-type: none"> • 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 lower-income and special needs housing developments. Town staff 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, nonprofit housing sponsors, the school district, faith-based organizations, and health and human services, to implement the 2015–2023 Housing Element.	Create conditions that will foster the development of at least a total of 141 units for persons with a variety of incomes by 2022.	Ongoing	This was implemented during the previous RHNA cycle and resulted in the construction of 147 units by 1-1-2023, greatly surpassing the RHNA allotment for Fairfax of 61 units. The RHNA allocation was exceeded in every income category, except for above moderate, but we are expecting more ADUs to be completed by the end of 2023. This program will be discontinued and replaced with programs that have more specific housing production targets.
Program H-1.1.1.4: Preserve Existing Lower-Income Units. The Town has two deed restricted housing projects, Bennett House and part of Creekside, but does not currently have any deed-restricted “at-risk” units at this time. Should there be affordable units at risk in the future, the Town will work with property owners of deed-restricted units that are at risk of converting to market rate housing to preserve the lower-	Create conditions that will foster the development of at least a total of 141 units for persons with a variety of incomes by 2022.	As needed	The Town does not have any deed restricted units at risk of conversion to market rate during the Sixth Cycle; however, in order to preserve existing affordable housing stock this program is being replace with Program 3-9, which requires the replacement of any existing housing removed through

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Program	Objective	Timeframe in H.E	Status of Program Implementation
<p>income housing by providing incentives or resources, such as providing funding from the Town’s trust fund, working with the County to target Section 8 vouchers for the units, or providing other funds for improvements.</p> <p>Additionally, when units become at risk, the Town will comply with all noticing requirements related to at-risk units, educate tenants about their rights, and contact all potentially interested nonprofits to develop a preservation strategy for the at-risk units.</p>			<p>redevelopment with affordable to the same or lower income level.</p>
<p>Program H-1.1.2.1: Establish Neighborhood Meeting Procedures. The Town will establish Neighborhood Meeting Procedures that encourage developers to conduct neighborhood meetings with the residents early in the project approval process as a requirement of major residential development applications. The Town will coordinate with nonprofit developers and others who would be affected by the procedures to ensure that there are no constraints to the housing development process.</p>	<p>Create conditions that will foster the development of at least a total of 141 units for persons with a variety of incomes by 2022.</p>	<p>Within one year of HE adoption</p>	<p>Complete. During the application review process, and prior to any action on projects, Town Staff requests that the neighbors are notified and consulted regarding future projects.</p>
<p>Program H-1.1.2.2: Outreach to Lower-Income Housing Developers. The Town will continue to reach out to potential developers of lower-income housing on the opportunity sites identified in this Housing Element, in particular those who may develop residential units on small underutilized parcels. The Town will seek to understand challenges associated with development of these units and work to reduce constraints associated with the challenges.</p>	<p>Create conditions that will foster the development of at least a total of 141 units for persons with a variety of incomes by 2022.</p>	<p>Annually and ongoing</p>	<p>The Town worked with housing advocates and providers on affordable housing projects throughout the RHNA period. The RHNA allocation was exceeded in every affordable category, as follows: very low, 17 built / 16 RHNA; low, 71 built / 11 RHNA; moderate 41 built / 11 RHNA.</p> <p>This program is being discontinued and replaced with programs that have more specific housing production objectives.</p>
<p>Program H-1.1.3.1: Adopt an Anti-Discrimination Ordinance. The Town will prepare, and the Council will adopt an Anti-Discrimination Ordinance.</p>	<p>Create conditions that will foster the development of at least a total of 141 units for persons with a variety of incomes by 2022.</p>	<p>Establish in 2016 and ongoing</p>	<p>Complete. In 2018, the Town adopted ordinance 816 to prohibit landlords from discriminating against tenants based on source of income. The Town also adopted Rent Stabilization and Just Cause Evictions Ordinances that went into effect on December 2, 2022. For the Sixth Cycle, new programs will focus on fair housing education, awareness, and enforcement.</p>
<p>Program H-1.1.3.2: Respond to Complaints and Develop a Program to Broadly Disseminate Information on Fair Housing. In order to promote equal housing opportunities for all persons, the Town provides means for the resolution of housing complaints and fair housing issues by referring phone inquiries to the Marin County Department of Health and Human Services. In addition, the Town provides Marin County brochures and Marin County Department of Health and Human Services information regarding fair housing and tenant rights at Town Hall and on the Town’s website.</p>	<p>Create conditions that will foster the development of at least a total of 141 units for persons with a variety of incomes by 2022.</p>	<p>Establish in 2016 and ongoing</p>	<p>Throughout the Fifth Cycle Town staff coordinated with Fair Housing Advocates of Marin to refer residents for services. Based on consultation with FHAM, housing discrimination remains a chronic problem throughout the county. This program is being continued as Program 4-F and augmented with Programs 4-C and 4-D.</p>

Table D-1 Housing Programs Progress Report This table describes progress of all programs in the Town of Fairfax Fifth Cycle Housing Element, including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Program	Objective	Timeframe in H.E	Status of Program Implementation
In addition, the staff will develop a program for additional distribution and display of fair housing information. Display areas will include the traditional locations in the Town including the post office, library, and the Women’s Club, and the Town will consider other locations, such as the Golden Gate transit vehicles, the markets, churches, community service centers, real estate and rental offices, and restaurants, cafes, and coffee houses.			
Program H-1.1.3.3: Identify Housing Programs and Funding Sources. Staff will continue to explore available housing programs and funding sources that are applicable to Fairfax. In particular, efforts will be made to identify funding for developments appropriate for the opportunity sites identified in this Housing Element.	Create conditions that will foster the development of at least a total of 141 units for persons with a variety of incomes by 2022.	2015-2023	The Town worked with Marin County and housing developers to help build the Victory Village project. This program is being discontinued and replaced with programs that focus on specific development sites.
Program H-2.1.1.1: Rezone two acres of the Christ Lutheran Church property (upon approval of subdivision of the site) at 2626 Sir Francis Drake Boulevard from UR 7 du/acre (UR-7) to PDD and thereby make it possible to accommodate a minimum of 40 units and a maximum of 41 units of senior housing. The maximum does not apply to any units granted under the State Density Bonus Law. Program H-4.1.1.5 proposes to revise the PDD district standards to require residential-only development at this Opportunity Site at a minimum of 20 units per acre and to put specific development standards in place. No discretionary review besides confirming compliance with objective design standards will be allowed on the site following rezoning. In addition, the standards will be revised to reduce the minimum acreage for this PDD parcel from 5 acres to 1 acre. If the rezoning and General Plan Amendment happens as a result of a submittal of a development application for the Christ Lutheran Church site the Town will cover the costs of the rezone and General Plan Amendment.	Housing opportunities for the Town’s residents with special needs, including 40 units of senior housing and 22 units of workforce housing.	Complete rezone by 1/31/2016	The Christ Lutheran Church property was rezoned and used to develop the Victory Village development for 47 affordable units. This program is no longer needed.
Program H-2.1.1.2: Rezone 10 Olema Road, the old “Mandarin Garden” restaurant site, from CL to PDD and thereby make it possible to accommodate a minimum of 22 units and a maximum of 23 units of workforce housing. The maximum does not apply to any units granted under the State Density Bonus Law. Program H-4.1.1.5 proposes to revise the PDD district standards to require residential- only development in the PDD zone on two specific Opportunity Sites (e.g., this Site and two acres of the Christ Lutheran Church Site at 2626 Sir Francis Drake Boulevard only) at a minimum of 20 units per acre and to put specific development standards in place. No discretionary review besides confirming compliance with objective design standards will be allowed on the site following rezoning. In	Housing opportunities for the Town’s residents with special needs, including 40 units of senior housing and 22 units of workforce housing.	Complete rezone by 1/31/2016	The 10 Olema Road site was not developed during the planning period. This program will be replaced with Program 2-A (Workforce Housing Overlay) and Program 2-B (Rezoning Sites from Prior Inventories).

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Program	Objective	Timeframe in H.E	Status of Program Implementation
addition, the standards will be revised to reduce the minimum acreage for a PDD parcel from 5 acres to 1 acre.			
<p>Program H-2.1.2.1: Assist in the Effective Use of Rental Assistance Programs. Develop and implement measures to make full use of available rental assistance programs. Actions include:</p> <ul style="list-style-type: none"> Encouraging owners of new apartment units to accept Section 8 certificates. Maintaining descriptions of current programs at the Town Hall to distribute to interested individuals. Posting notification of information regarding current programs at the usual places in the Town. Consider providing funding support, as possible and appropriate. Coordinating with the Marin Housing Authority on rental assistance programs, including Shelter Plus Care, AB 2034, Housing Opportunities for Persons with AIDS (HOPWA), HOME Investment Partnerships, the Rental Assist Line, Rental Deposit Program, Community Development Block Grants (CDBG), and Welfare to Work Program. 	Housing opportunities for the Town’s residents with special needs, including 40 units of senior housing and 22 units of workforce housing.	Annually and ongoing	<p>Marin County provides rental assistance programs and the Town coordinates with the county on providing those programs to Fairfax residents. Through Policy 3-5, the Town will continue to coordinate with Marin County to ensure that Fairfax residents are aware of and have access to available rental assistance funding. For the Sixth Cycle, the Town will focus staffing and financial resources on efforts to increase housing supply and diversify housing types in the community as well as efforts to prevent displacement.</p> <p>Strategies to create affordable housing:</p> <ul style="list-style-type: none"> Program 1-C Housing on Town-Owned Sites Program 2-E Affordable Housing Density Bonus Program 3-E Inclusionary Housing Program and Commercial Linkage Fee <p>Strategies to promote multifamily housing:</p> <ul style="list-style-type: none"> Program 1-A Develop and Adopt Town Center Plan Program 1-B School Street Plaza Program 2-A Workforce Housing Overlay Program 2-B Rezoning Sites from Prior Inventories <p>Strategies to expand the range of housing types in Fairfax:</p> <ul style="list-style-type: none"> Program 1-D Shopkeeper Housing Program 1-E Live-Work Units Program 1-F Home Sharing and Tenant Matching Program 1-H ADU/JADU Awareness Program 1-I Pre-Approved ADU Floor Plans Program 1-J Technical Assistance Program 1-K Fee Discounts Program 1-L Financial Assistance Program Program 1-M Zoning Incentives for ADUs/JADUs <p>Strategies to prevent displacement:</p> <ul style="list-style-type: none"> Program 4-C Mediation and Enforcement Program 4-D Anti-Discrimination/Fair Housing Training Program 4-F Fair Housing Information
Program H-2.1.3.1: Ensure Reasonable Accommodation. Consistent with Senate Bill (SB) 520, reduce barriers in housing for individuals with disabilities. Enact the following:	Housing opportunities for the Town’s residents with special needs, including 40 units of	2016-2017	Program continued as 3-D in the Sixth Cycle Element. Ordinance adopted in November 2023 to provide reasonable accommodations. Now complete.

Table D-1 Housing Programs Progress Report This table describes progress of all programs in the Town of Fairfax Fifth Cycle Housing Element, including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Program	Objective	Timeframe in H.E	Status of Program Implementation
<ul style="list-style-type: none"> 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. 	senior housing and 22 units of workforce housing.		
Program H-2.1.3.2 Assure Good Neighborhood Relations Involving Emergency Shelters and Residential Care Facilities. Encourage positive relations between neighborhoods and providers of emergency shelters and residential care facilities. Providers or sponsors of emergency shelters, transitional housing programs, and community care facilities shall be encouraged to establish outreach programs with their neighborhoods.	Housing opportunities for the Town's residents with special needs, including 40 units of senior housing and 22 units of workforce housing.	Ongoing	The zoning ordinance has been amended to allow for Emergency Shelters, Residential Care Facilities as required by state law. This program will be discontinued.
Program H-2.1.4.1 Work with housing providers to ensure that special housing needs are addressed for seniors, large families, female-headed households, single-parent households with children, persons with disabilities and developmental disabilities, and homeless individuals and families. The Town will seek to meet these special housing needs through a combination of regulatory incentives, zoning standards, new housing construction programs, and supportive services programs. Program H-4.1.2.1 contains incentives that the Town plans to implement. The Town will also continue to work with lower-income housing providers and funders to construct or acquire a variety of types of lower-income housing opportunities for individuals and groups with special needs and extremely low-income households. Specific housing types include: <ul style="list-style-type: none"> Smaller units, including single-room occupancy units (see Program H-2.1.6.3). 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. In addition, the Town may seek funding under, CDBG, HOME Investment Partnerships, the federal HOPWA, California Child Care Facilities Finance Program, and other state and federal programs designated specifically for special needs groups such as seniors, persons with disabilities, and persons at risk for homelessness.	Housing opportunities for the Town's residents with special needs, including 40 units of senior housing and 22 units of workforce housing.	Ongoing	The Victory Village project was completed during the planning period which provided 47 units of housing for low income seniors. This program will be discontinued.
Program H-2.1.4.2: To comply with the state Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6), the Town will amend the Town Code to treat employee housing that serves six or fewer persons as a single-family structure and permitted in the same	Housing opportunities for the Town's residents with special needs, including 40 units of	2016-2017	This program was not completed during the Fifth Cycle; however, in Nov 2023 the Town adopted a zoning ordinance update to bring the Town Code into compliance with State law

Table D-1 Housing Programs Progress Report This table describes progress of all programs in the Town of Fairfax Fifth Cycle Housing Element, including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Program	Objective	Timeframe in H.E	Status of Program Implementation
manner as other single-family structures of the same type in the same zone (Section 17021.5) in all zones allowing single-family residential uses. The Zoning Ordinance will also be amended to treat employee housing consisting of no more than 12 units or 36 beds as an agricultural use and permitted in the same manner as other agricultural uses in the same zone (Section 17021.6).	senior housing and 22 units of workforce housing.		regarding the treatment of employee housing that serves six or fewer persons.
Program H-2.1.5.1: Expand conditional use categories for group homes, through the following approach: <ul style="list-style-type: none"> Group homes for more than six individuals shall be added as a conditional use to all residential zones. Conditional use permits require a public hearing/approval by the Planning Commission. 	Housing opportunities for the Town's residents with special needs, including 40 units of senior housing and 22 units of workforce housing.	2016-2017	This program was not completed during the Fifth Cycle, so Program 3-A was included in the Sixth Cycle to bring the Town Code into compliance with State law. Program 3-A was completed in Nov 2023 with the adoption of a zoning ordinance update.
Program H-2.1.6.1: Revise the Town Code to Allow Transitional and Supportive Housing. Add to the Town Code definitions of transitional housing and supportive housing as a residential use. Transitional and supportive housing will be allowed in the same way other residential uses are allowed in all residential zones. The Town will simplify existing practices and clarify the zoning code.	Housing opportunities for the Town's residents with special needs, including 40 units of senior housing and 22 units of workforce housing.	Within one year of HE adoption	This program was not completed during the Fifth Cycle, so Program 3-B was included in the Sixth Cycle to bring the Town Code into compliance with State law. Program 3-B was completed in Nov 2023 with the adoption of a zoning ordinance update.
Program H-2.1.6.2: Modify Residential Care Facility Zoning. Town staff will prepare recommendations for review and approval by the Planning Commission and the Town Council to modify the Zoning Ordinance to establish care facilities as a residential use as compared to a commercial use. Apply inclusionary requirements, if any, to all licensed facilities. The Zoning Ordinance shall be amended to allow residential care facilities (group homes) for six persons or fewer by right in all residential districts. The Zoning Ordinance shall be amended to permit group residential uses in appropriate areas, in compliance with the General Plan, and with a review of the parking standards, as well as other applicable standards.	Housing opportunities for the Town's residents with special needs, including 40 units of senior housing and 22 units of workforce housing.	2016	This program was not completed during the Fifth Cycle, so Program 3-A was included in the Sixth Cycle to bring the Town Code into compliance with State law. Program 3-A was completed in Nov 2023 with the adoption of a zoning ordinance update.
Program H-2.1.6.3: Amend Zoning to Allow Single-Room Occupancy Units. Permit single-room occupancy dwelling units without a conditional use permit in the CC zone.	Housing opportunities for the Town's residents with special needs, including 40 units of senior housing and 22 units of workforce housing.	2016	This program was not completed during the Fifth Cycle; however, in Nov 2023 the Town adopted a zoning ordinance update to bring the Town Code into compliance with State law regarding SROs.

Table D-1 Housing Programs Progress Report			
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Program	Objective	Timeframe in H.E	Status of Program Implementation
<p>Program H-2.1.6.4: Amend Zoning to Allow Mobile Homes and Mobile Home Parks.</p> <p>Permit mobile homes (manufactured homes) on permanent foundations by without a conditional use permit in all residential zones, subject to the same standards as single-family dwellings and permit mobile home parks in all residential zones with a conditional use permit.</p>	<p>Housing opportunities for the Town’s residents with special needs, including 40 units of senior housing and 22 units of workforce housing.</p>	<p>Annually and ongoing</p>	<p>This program was not completed during the Fifth Cycle; however, in Nov 2023 the Town adopted a zoning ordinance update to bring the Town Code into compliance with State law regarding mobile homes.</p>
<p>Program H-2.1.6.5: Engage in a Countywide Effort to Address Homelessness-Related Needs. Continue to support countywide programs to provide a continuum of care for the homeless, including emergency shelter, transitional housing, supportive housing, and permanent housing.</p>	<p>Housing opportunities for the Town’s residents with special needs, including 40 units of senior housing and 22 units of workforce housing.</p>	<p>Annually and ongoing</p>	<p>Discontinue and replace with several more specific, actionable programs related to providing housing and services related to housing the homeless, including programs 3-B (Transitional and Supportive Housing) and 3-C (Low-Barrier Navigation Centers).</p>
<p>Program H-2.1.6.6: Address Town Homeless Needs. Continue to work on providing additional housing and other options for the homeless.</p>	<p>Housing opportunities for the Town’s residents with special needs, including 40 units of senior housing and 22 units of workforce housing.</p>	<p>Annually and ongoing</p>	<p>Discontinue and replace with several more specific, actionable programs related to providing housing and services related to housing the homeless, including programs 3-B (Transitional and Supportive Housing) and 3-C (Low-Barrier Navigation Centers).</p>
<p>Program H-3.1.1.1: Amend CH Zone. Rezone all CH zones to CC zones, which will allow housing on second floors without a conditional use permit instead of requiring conditional use permits.</p>	<p>Develop at least 62 units of lower-income housing within a convenient distance from transit access points, where reduced automobile usage and parking requirements are possible.</p>	<p>1/31/2016</p>	<p>This program was not completed during the Fifth Cycle. The program will be eliminated and replaced with the Workforce Housing Overlay district (Program 2-A) to better achieve the objective.</p>
<p>Program H-3.1.2.1: Identify and Designate Transit-Oriented Development Sites. The Town will identify TOD sites. Such opportunity sites were designated during the update of the Town General Plan and included in the Land Use and Housing Elements; if necessary, the Zoning Ordinance will be revised to accommodate the TOD sites.</p>	<p>Develop at least 62 units of lower-income housing within a convenient distance from transit access points, where reduced automobile usage and parking requirements are possible.</p>	<p>2016-2017</p>	<p>The program will be eliminated and replaced with the Workforce Housing Overlay district (Program 2-A) to better achieve the objective.</p>
<p>Program H-4.1.1.1: Rezone School Street Plaza from CL to PDD, thereby making it possible to accommodate a minimum of 9 units with a maximum of 10 units of housing. The maximum does not apply to any units granted under the State Density Bonus Law. Please note: The Town is also considering splitting the site into PDD zoning on the back one acre where the 9 units could be accommodated and approximately .8 acres of CC zoning fronting Broadway.</p>	<p>A closer link between housing and jobs; by creating housing close to where people work and by establishing commercial, office, and other nonresidential use contributions for workforce housing.</p>	<p>1/31/2016</p>	<p>This program was not completed during the Fifth Cycle. The property owner is actively planning redevelopment of the site with up to 175 housing units and Program 2-B has been included in the Sixth Cycle to facilitate that project.</p>

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1	2	3	4
Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-4.1.1.2: Revise the Town's Zoning Ordinance. Town staff will review, and if necessary, prepare Zoning Ordinance amendments, for consideration and action by the Planning Commission and the Town Council to facilitate and incentivize creation of lower- income housing especially on mixed-use and infill sites. Amendments will include: <ul style="list-style-type: none"> • A zoning designation allowing live/work residential units in the CC-zoned areas. • Opportunities for infill housing. • Waiving penalties for legalizing existing second units by bringing them up to code. • Enforcing affordability maintenance through deed restrictions. • Create an Inclusionary Zoning Ordinance applying a fee to new development including single-family residences and 50 percent remodels to create an affordable housing fund. 	A closer link between housing and jobs; by creating housing close to where people work and by establishing commercial, office, and other nonresidential use contributions for workforce housing.	By 1/31/16	The program will be eliminated and replaced with the Workforce Housing Overlay district (Program 2-A) to better achieve the objective.
Program H-4.1.1.3: Acceptance of Live/Work Developments. Town staff will prepare, for consideration and approval by the Planning Commission and the Town Council, flexible standards that provide opportunities for live/work developments, where housing can be provided for on- site workers and/or caretakers; other types of housing can be provided.	A closer link between housing and jobs; by creating housing close to where people work and by establishing commercial, office, and other nonresidential use contributions for workforce housing.	2017	This program was not completed during the Fifth Cycle; however, demand remains strong in Fairfax given the number of artisans and entrepreneurs in the community. Accordingly, for the Sixth Cycle Program 1-D Shopkeeper Housing and Program 1-E Live-Work Units have been added. Additionally, adoption of the Workforce Housing Overlay district (Program 2-A) will allow for mixed-use and live-work developments.
Program H-4.1.1.4: Review and Update Parking Standards. Town staff will review and consider updating parking standards, for review and possible approval by the Planning Commission, to allow for more flexible parking requirements to help facilitate infill, transit-oriented, and mixed-use development. The Town will review and consider reducing the parking space requirements for one-bedroom units. Recommendations will be made based on the review and action taken on the recommendations.	A closer link between housing and jobs; by creating housing close to where people work and by establishing commercial, office, and other nonresidential use contributions for workforce housing.	2017	Parking ratio was reduced for a one bedroom unit from 2.0 to 1.5 spaces per unit, consistent with this program. This program will be discontinued.
Program H-4.1.1.5 Amend the PDD Zone Standards for Specified Opportunity Sites. Amend Chapter 17.112 of the Fairfax Town Code to: <ul style="list-style-type: none"> • Reduce the minimum acreage for a PDD from 5 acres to 1 acre for the Lutheran Church and 10 Olema Road opportunity sites. • Specify that the 10 Olema Road opportunity site and a maximum of 2 acres on the Christ Lutheran Church opportunity site shall be reserved for residential development 	A closer link between housing and jobs; by creating housing close to where people work and by establishing commercial, office, and other nonresidential use contributions for workforce housing.	By 1/31/2016	This program is no longer needed. The Christ Lutheran Church has been used for affordable housing. The 10 Olema site remains vacant and available. It will be rezoned according to program 2A (Workforce Housing Overlay)

Table D-1 Housing Programs Progress Report This table describes progress of all programs in the Town of Fairfax Fifth Cycle Housing Element, including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
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<p>only at a minimum of 20 units and a maximum of 21 units per acre. The maximum does not apply to any units granted under the State Density Bonus Law. This change may also require revisions to other sections of Chapter 17.112 including the purpose and residential density policy sections.</p>			
<p>Program H-4.1.1.6 Land Monitoring Program to Meet the RHNA. The Town will implement a land monitoring program to ensure that the Town has enough land to meet its RHNA, throughout the planning period.</p> <p>The Town has identified two sites (10 Olema Road and two acres of the Christ Lutheran Church) to meet its current and previous planning period lower-income RHNA numbers. The PDD zone district standards will be amended for two of these sites (10 Olema Road and a portion of the Christ Lutheran Church site) to require a minimum of 20 and a maximum of 21 dwelling units per acre. The maximum does not apply to any units granted under the State Density Bonus Law. The Town will continue to maintain a list of available sites during the planning period. This program will ensure that two Opportunity Sites (10 Olema Road and two acres of the Christ Lutheran Church) are rezoned to appropriate minimum densities, and will identify additional sites to be rezoned if any of the proposed sites cannot be rezoned.</p> <p>All rezoned sites will permit owner-occupied and rental multi-family developments without a conditional use permit or any other discretionary review for allowing the housing units (though design review will still occur). The two Opportunity Sites (10 Olema Road and two acres of the Christ Lutheran Church) will accommodate a minimum of 20 units and a maximum of 21 units per acre and at least 16 units per site, per state law requirements.</p> <p>The maximum does not apply to any units granted under the State Density Bonus Law. In addition, the Town will ensure that at least 50 percent of its lower-income RHNA shortfall is accommodated on sites designated for exclusively residential uses.</p>	<p>A closer link between housing and jobs; by creating housing close to where people work and by establishing commercial, office, and other nonresidential use contributions for workforce housing.</p>	<p>2015-2023</p>	<p>One of the opportunity sites identified in this program (Lutheran Church site) was used to construct the Victory Village project, 47 affordable units for low income seniors. The 10 Olema site remains vacant and available. It will be rezoned according to program 2A (Workforce Housing Overlay)</p> <p>The Land Monitoring Program will be continued as part of programs 5A and 5B.</p>
<p>Program H-4.1.2.1: Enact Density Bonus Zoning and Other Incentives. Town staff will prepare amendments to the Zoning Ordinance, for review and approval by the Planning Commission and Town Council, to encourage an increase in the supply of well-designed housing for extremely low-, very low-, low-, and moderate-income households. The amendments will include adoption of a density bonus ordinance consistent with the State Density Bonus Law (GC Section 65915 et seq.). In addition, staff and decision-makers will evaluate the following:</p> <ul style="list-style-type: none"> Implementation of additional elements of a density bonus program (above and beyond those required by GC Section 	<p>A closer link between housing and jobs; by creating housing close to where people work and by establishing commercial, office, and other nonresidential use contributions for workforce housing.</p>	<p>2017</p>	<p>This program was not completed during the Fifth Cycle, so Program 2-E was incorporated into the Sixth Cycle Element and was implemented in November 2023 when the Town Council adopted Zoning ordinance amendments to implement the density bonus provisions.</p>

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1	2	3	4
Program	Objective	Timeframe in H.E	Status of Program Implementation
65915 et seq.), including establishing simplified density bonus provisions. <ul style="list-style-type: none"> • Inclusion of financially equivalent incentives, such as use of trust fund resources, expedited processing by Planning and Building Services, and waived or reduced fees to the extent possible for lower-income housing. • Updates to fee schedules to reduce and/or defer fees, to the extent possible, for lower-income housing. • Establishment of streamlined processing procedures and other mechanisms to fit with funding requirements and to facilitate desirable lower-income projects that have a significant portion of their total floor area committed to housing. 			
Program H-5.1.1.1: Prepare Recommendations and Guidelines. The Town will prepare informational materials to be distributed to developers, architects, and builders, listing and describing development and construction standards for energy conservation in the CalGreen portion of the Building Code.	Well-designed, energy-efficient housing units for a diverse population at compatible scales.	By 2016	The Town adopted a Climate Action Plan (CAP) and as part of the implementation of the CAP, has adopted energy efficient reach codes. Information is available on the City's web site at: https://www.townoffairfax.org/fairfax-efforts-to-go-green/ This program will be replaced with Program 2-I (Buildings and Construction Code Requirements).
Program H-5.1.2.1: Create Home-Sharing and Tenant Matching Opportunities. The Town will work with nonprofit 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: <ul style="list-style-type: none"> • 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 who do not have vehicles matched with locations that have limited parking facilities. • 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. 	Well-designed, energy-efficient housing units for a diverse population at compatible scales.	2017	Potential demand for this type of housing remains strong. Limited uptake is in part attributable to limited staff resources and limited promotional efforts. This program is to be carried over in the new Housing Element as Program 1-F. Program 5-D will help ensure adequate staff resources for implementation.

Table D-1 Housing Programs Progress Report

This table describes progress of all programs in the Town of Fairfax Fifth Cycle Housing Element, including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1 Program	2 Objective	3 Timeframe in H.E	4 Status of Program Implementation
<p>Program H-5.1.2.2: Engage with Nonprofit Housing Providers for Rehabilitation and New Construction. Substandard units may be rehabilitated and/or new units constructed between 2014–2022 by various nonprofit organizations such as Habitat for Humanity. Work may be conducted with the use of other state, federal, or regional funds.</p>	<p>Well-designed, energy-efficient housing units for a diverse population at compatible scales.</p>	<p>2015-2023</p>	<p>Leveraging funds from Marin County’s Affordable Housing Fund, Victory Village was built in Fairfax and opened in 2020. It provides 47 units to low-income seniors including 20% of the units for people transitioning from homelessness.</p>
<p>Program H-6.1.1.1: Reopen the Second Unit Amnesty Program and revise the ordinance without the requirement of fire suppression sprinkler systems in the non-Wildlife Urban Interface (WUI) area / up to a 30% slope, thereby “incentivizing” formalization of second units.</p>	<p>Well-designed, legal second units in all residential neighborhoods; applying reasonable parking and street capacity standards.</p>	<p>2015-2016</p>	<p>This program has been implemented and 19 ADUs were legalized during the planning period. The program is being discontinued and replaced with numerous programs to incentivize ADU and JADU production.</p>
<p>Program H-6.1.2.1: Modify Second Unit Development Standards and Permit Process.</p> <p>Modify and update the second unit development requirements to:</p> <ul style="list-style-type: none"> • Establish second units as a permitted use by right when the single-family lot, primary structure, and second unit meet all the established zoning and building development and density standards, when adequate traffic safety and parking are available. Attached second units approved by right should be limited in size to a maximum of 700 square feet in floor area. • To the extent that state law prohibits discretionary review, the Town shall create guidelines and standards for applications for second units, to be reviewed at the ministerial level. Such guidelines and standards shall be consistent with AB 1866, amending GC Sections 65852.2, 65583.1, and 65915. • Establish procedures for second unit applications that require review for second units that meet performance standards and design guidelines at a low cost, and allow processing of the application at the staff level with appropriate public notice. • Reduce per unit fees in recognition of the small size and low impacts of second units. • Enact an ordinance that provides for the creation of second units related to single-family residences. The ordinance, as specified by GC Section 65852.2, shall do any of the following: <ul style="list-style-type: none"> ○ Impose standards on second units that include but are not limited to parking, height, setbacks, lot coverage, architectural review, maximum unit size, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. ○ Provide that second units do not exceed the allowable density for the lot upon which the second unit is located, and that the second units are a residential use 	<p>Well-designed, legal second units in all residential neighborhoods; applying reasonable parking and street capacity standards.</p>	<p>2016-2017</p>	<p>In Nov 2023, the Town has revised the zoning ordinance in compliance with State ADU law. This program is no longer necessary and has been replaced with a number of programs to incentivize ADU and JADU production.</p>

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<p>that is consistent with the Town's General Plan and zoning designation for the lot.</p> <ul style="list-style-type: none"> • Provide for the granting of a variance or special use permit for the creation of second units if said unit complies with all of the following: <ul style="list-style-type: none"> ○ The second unit is not intended for sale and may be rented. ○ The lot is zoned for single-family or multi-family use. ○ The lot contains an existing single-family or multi-family dwelling. ○ The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling. ○ The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area. ○ The total area of floor space for a detached second unit shall not exceed 700 square feet. ○ 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. ○ Local building code requirements that apply to detached dwellings, as appropriate. ○ The owner of the property with a second unit must live in one of the units. 			
<p>Program H-6.1.2.2: Second Unit Affordability. When local funding is used to assist in the construction of a second unit, require use agreements as a condition of approval to ensure that second unit rents are affordable to lower-income households.</p>	<p>Well-designed, legal second units in all residential neighborhoods; applying reasonable parking and street capacity standards.</p>	<p>Ongoing</p>	<p>The Town permitted more than 60 ADUs and JADUs during the Fifth Cycle, with significant growth in permitting of ADUs and JADUs since 2018. The Town will continue to monitor ADU/JADU production and affordability through the Sixth Cycle with Program 5-C.</p>
<p>Program H-6.1.2.3: Second Unit Incentives. The Town will create guidelines and incentives to ensure affordability of second units.</p>	<p>Well-designed, legal second units in all residential neighborhoods; applying reasonable parking and street capacity standards.</p>	<p>2016 and ongoing</p>	<p>The Town instituted an ADU Amnesty program and has seen significant growth in permitting of ADUs and JADUs since 2018. For the Sixth Cycle, this program will be discontinued and replaced with numerous programs to incentivize the construction of ADUs and JADUs.</p>
<p>Program H-6.1.2.4: In-Lieu Fee/Second Dwelling Unit Program. Fairfax will establish an affordable housing in-lieu fee. This fee will be imposed on all new homes, and on major remodels and additions that result in a structure that exceeds over 2,000 square feet. The fee will be based upon a study to be commissioned by the Town. The affordable housing</p>	<p>Well-designed, legal second units in all residential neighborhoods; applying reasonable parking and street capacity standards.</p>	<p>2016</p>	<p>A fee study was completed in early 2023 and the Town has adopted an inclusionary ordinance and commercial linkage fee in place of this program.</p>

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<p>in-lieu fees shall be deposited in a housing trust fund or other similar repository.</p> <p>The affordable housing in-lieu fee shall be used to create lower- income housing units in the Town of Fairfax, in order to meet the Town’s lower-income housing needs as determined by the state and ABAG.</p> <p>Property owners shall have the option of creating a new second unit on the site or paying the in-lieu fee. The site must be suitable for creating a second unit and comply with applicable zoning regulations. Additionally, the property must be deed restricted so that the second unit shall be rented only to low- or moderate- income households.</p>			For the Sixth Cycle, this program will be replaced with number programs to incentivize the production of ADUs and JADUs.
<p>Program H-6.1.2.5: Projects Implemented with Affordable In-Lieu Fee Funds. The Town will explore the following possible projects in order to create lower-income housing.</p> <ol style="list-style-type: none"> 1. Work with Habitat for Humanity (or with a like kind entity or organization) to build 10–20 units of lower-income housing in cottages in groups of two to six dwellings. These cottages will be deed restricted and sold to those with 30 percent to 50 percent of median income. The homes will be built by Fairfax volunteers. If possible, the Town will assist in facilitating the purchase of the land and work with Habitat for Humanity to help entitle and build. 2. Town shall evaluate alternate options for the use of In-Lieu Fees that would benefit affordable housing goals. 	Construction of affordable housing projects.	2016-2023	No in lieu fees we generated during this planning period; however, in 2023 the Town adopted an inclusionary zoning requirement and commercial linkage fee to help generate funds for affordable housing. For the Sixth Cycle, the Town has committed to a number of programs to incentivize and facilitate housing production.
<p>Program H-6.1.2.6: Junior Second Unit Ordinance. Review and adopt zoning standards and fees that serve to incentivize the creation of junior second units. Standards and fee considerations should include, but not be limited to, the following:</p> <p>Zoning Standards to consider:</p> <ul style="list-style-type: none"> • Conversion of existing bedroom required – no building expansion; • Maximum 500 square-foot size; • Wet-bar type kitchen only with limitations on size of sink, waste line and counter area; • Cooking facility limited by electrical service (110v maximum) and prohibition of gas appliances; • Separate bathroom permitted, but not required; • Require external access and internal access to the remainder of the home; • No additional parking required if dwelling complies with current parking standards; 	Well-designed, legal second units in all residential neighborhoods; applying reasonable parking and street capacity standards.	Within one year of HE adoption	This program was completed. Further, in Nov 2023, the Town revised the zoning ordinance in compliance with State law. For the Sixth Cycle, the Town has committed to a number of programs to incentivize ADU and JADU production.

Table D-1 Housing Programs Progress Report This table describes progress of all programs in the Town of Fairfax Fifth Cycle Housing Element, including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Program	Objective	Timeframe in H.E	Status of Program Implementation
<ul style="list-style-type: none"> Owner occupancy required and established by recorded deed restriction; and Ministerial approval process. Fees considerations: Establish a minimal “flat fee” for a planning entitlement; No Town Development Impact Fees charged; and Work with special districts, e.g. water and sanitary, to reduce or waive fees. 			
Program H-7.1.1.1: Conduct an Annual Housing Element Review. The Town will review the Town’s Housing Element annually, with opportunities for public participation, in conjunction with the state requirement for a written review.	Establish standardized methods for the effective and efficient management of housing data among jurisdictions in Marin.	Annually starting in 2015	Annual reviews have been completed each year. The Town has met or exceeded the RHNA allocation in all very low, low, and moderate income categories. Continue as Program 5-B Annual Review.

Appendix E

Assessment of Fair Housing

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E. Assessment of Fair Housing

In 2017, California Assembly Bill (AB) 686 amended California Government Code Section 65583 to require all public agencies to affirmatively further fair housing (AFFH), defined as “taking meaningful actions, in addition to combat discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity” for persons of color, persons with disabilities, and other protected classes. AB 686 requires the Housing Element to assess fair housing, which includes the following components: a summary of fair housing issues and assessment of the Town’s fair housing enforcement and outreach capacity; an analysis of segregation patterns and disparities in access to opportunities; an assessment of contributing factors; and an identification of fair housing goals and actions.

Fairfax is located within the Bay Area Region and is a part of the San Francisco-Oakland-Berkeley Core Based Statistical Area (CBSA) which includes Marin County (where Fairfax located), Alameda County, Contra Costa County, San Francisco County, and San Mateo County. Marin County is located north of the Golden Gate Bridge, and contains 11 incorporated cities and towns: Belvedere, Corte Madera, Fairfax, Mill Valley, Larkspur, Novato, Ross, San Anselmo, San Rafael, Sausalito and Tiburon. These incorporated cities and towns are primarily located along the County’s urban east side. The County’s unincorporated areas include residential, agricultural and open spaces that are mostly regulated by the County of Marin. West Marin is the largest rural area of the County and includes seven unincorporated communities. The City of San Rafael is the County seat.

Conducting a regional analysis helps to identify fair housing issues in a broader context, setting jurisdictions up to address regional issues with scale-appropriate solutions. This assessment will contextualize its analysis of Fairfax with an analysis of Marin County and the Bay Area region, when applicable, for fair housing patterns and trends.

DATA/RESOURCES CONSULTED

This document relies on work prepared by the University of California Merced Urban Policy Lab for the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), the County of Marin Analysis of Impediments to Fair Housing Choice from January 2020 (2020 AI), the AFFH Mapping and Data Resources provided by the State Department of Housing and Community Development (HCD), and the Sixth Cycle Marin County Housing Element.¹²³⁴ Where necessary, additional regional and local data sources are used and cited to provide an assessment of fair housing in Fairfax. Public outreach within Fairfax was also conducted during the preparation of this document.

¹ <https://mtcdrive.app.box.com/s/d0kki6p26idiq81h5vxgqf77a5hsisdw>

² <https://www.marincounty.org/depts/cd/divisions/housing/fair-housing/analysis-of-impediments>

³ <https://www.arcgis.com/apps/webappviewer/index.html?id=4d43b384957d4366b09aeeae3c5a1f60>

⁴ <https://www.marincounty.org/-/media/files/departments/cd/housing/housing-element/2024-2032-he-docs/draft-he/adopted-version/marin-county-he-adopted-01242023.pdf?la=en>

E.I Fair Housing Enforcement and Capacity

Fair housing services ensure that housing options are accessible to State and federally protected groups, including those based on race, color, gender, religion, national origin, familial status, disability, age, marital status, ancestry, source of income, sexual orientation, genetic information, or other arbitrary factors. Fair housing enforcement and outreach capacity also relates to the ability of a locality and fair housing entities to disseminate information related to fair housing and provide outreach and education to ensure community members are aware of fair housing laws and their rights under those laws. Enforcement and outreach capacity includes the ability to address compliance with fair housing laws, such as investigating complaints, obtaining remedies, and engaging in fair housing testing.

FAIR HOUSING SERVICES

HUD has several programs that fund State and local agencies to conduct fair housing services and activities, including the Fair Housing Assistance Program (FHAP) and the Fair Housing Initiatives Program (FHIP). These groups communicate with housing providers, conduct investigations, perform testing to help determine if someone has experienced discrimination, and provide information and assistance. The FHAP contributes funding to the California Department of Fair Employment and Housing (DFEH), which uses these funds to enforce Federal fair housing laws in California.

Fair Housing Advocates of Northern California (FHANC), a non-profit agency whose mission is to actively support and promote fair housing through education and advocacy, is an FHIP with an office in San Rafael, approximately four miles from Fairfax. FHANC provides fair housing services, including fair housing counseling, complaint investigation, and discrimination complaint assistance, to Marin County residents. FHANC also hosts fair housing workshops in English and Spanish, which educate tenants on fair housing law and provide information on discriminatory practices, protections for immigrants, people with disabilities, and families with children, occupancy standards, and landlord-tenant laws, and provide information on home buying and affordable homeownership.

Marin County works in close partnership with the Fair Housing Advocates of Marin (FHAM) (a subdivision of FHANC). FHAM is the only HUD-certified Housing Counseling Agency in the County, as well the only fair housing agency with a testing program in the County. FHAM provides free services to residents protected under federal and state fair housing laws. FHAM helps people address discrimination they have experienced, increasing housing access and opportunity through advocacy as well as requiring housing providers to make changes in discriminatory policies. FHAM services include:

- Housing counseling for individual tenants and homeowners;
- Mediations and case investigations;
- Referral of and representation in complaints to state and federal enforcement agencies;
- Intervention for people with disabilities requesting reasonable accommodations and modifications;
- Fair housing training seminars for housing providers, community organizations, and interested individuals;

- Systemic discrimination investigations;
- Monitoring Craigslist for discriminatory advertising;
- Education and outreach activities to members of protected classes on fair housing laws;
- Affirmatively Furthering Fair Housing (AFFH) training and activities to promote fair housing for local jurisdictions and county programs;
- Pre-purchase counseling/education for people in protected classes who may be victims of predatory lending; and
- Foreclosure prevention.

FHANC reports they worked with 46 clients in Fairfax between 2015 and 2021. Of this total, 39 cases based on disability (84.8 percent of all cases), with 29 cases were based on disability alone and ten in combination with another form of discrimination. The other seven cases were based on age alone (1), familial status alone (2), source of income alone (2), gender alone (1), and race alone (1). Of the ten disability cases in combination with another form of discrimination, one case was based in combination with source of income, four cases were based in combination with gender, one case was based in combination with familial status, one case was based in combination with gender, marital status, and national origin, two cases were based in combination with age, and one case was based in combination with sexual orientation. Of the Fairfax clients served between 2015 and 2021, 17.4 percent were Latinx, 4.3 percent were Asian, 4.3 percent were Black, and 71.7 percent were non-Hispanic White. All other races did not report any cases. Forty-three of the clients were extremely low income, very low income, or low income (93.5 percent). Three clients were moderate or above moderate income.

Comparatively, 42.8 percent of FHANC's clients throughout all of Marin County were non-Hispanic White and 87.8 percent were extremely low income, very low income, or low income. Disability combined and alone accounted for 73.4 percent of all cases, 11.4 percentage points lower than in Fairfax.

Housing discrimination complaints are one method to evaluate the extent of fair housing issues in a community. Complaints can be filed directly with HUD or with the California Department of Fair Employment and Housing (DFEH), or with local housing providers such as FHANC. The primary basis for complaints nationally was disability (55 percent). In Marin County this basis was represented at a much higher rate (73.4 percent) and even higher in Fairfax (84.8 percent). Familial status represented eight percent of complaints nationally, similar to the 6.3 percent of cases in the County, and 6.5 percent of cases in Fairfax.

FAIR HOUSING TESTING

Fair housing testing is a technique the Department of Justice's Civil Rights Division began using in 1991. Fair housing testing involves the use of an individual or individuals who pose as prospective renters for the purpose of determining whether a landlord is complying with local, state, and federal fair housing laws.

During the 2018-2019 FY, FHANC conducted email testing, in-person site testing, and phone testing for the County. Sixty email tests were conducted to "test the assumption of what ethnicity or race the

average person would associate with each of the names proposed.” Email testing showed clear differential treatment favoring the White tester in 27 percent of tests, discrimination based on income in 63 percent of tests, and discrimination based on familial status in seven percent of tests. Three paired tests (six tests total) also showed discrimination based on both race and source of income. In 80 percent of tests (24 of 30 paired tests), there was some discrepancy or disadvantage for Black testers and/or testers receiving Housing Choice Vouchers (HCVs). In-person site and phone tests consisted of a Black tester and a White tester; of the ten paired in-person site and phone tests conducted, 50 percent showed differential treatment favoring the White tester, 60 percent showed discrepancies in treatment for HCV recipients, and 30 percent showed discrimination on the basis of race and source of income.

The FHANC fair housing tests in the Marin County AI showed that:

- Housing providers make exceptions for White HCV recipients, particularly in high opportunity areas with low poverty;
- Email testing revealed significant evidence of discrimination, with 27 percent of tests showing clear differential treatment favoring the White tester and 63 percent of tests showing at least some level of discrimination based upon source of income; and
- Phone/site testing also revealed significant instances of discrimination: 50 percent of discrimination based upon race and 60 percent based on source of income.

During the same period, FHAM led systemic race discrimination investigations in addition to complaint-based testing, with testing for race, national origin, disability, gender, and familial status discrimination. Additionally, FHAM monitored Craigslist for discriminatory advertising and notified 77 housing providers in Marin County during the year regarding discriminatory language in their advertisements.

The 2020 State AI did not report any findings on fair housing testing. However, the AI concluded that community awareness of fair housing protections correlates with fair housing testing as testing is often complaint-based, like it is for FHAM in Marin County. According to the 2020 State AI, research indicates that persons with disabilities are more likely to request differential treatment to ensure equal access to housing, making them more likely to identify discrimination. The 2020 State AI highlighted the need for continued fair housing outreach, fair housing testing, and trainings to communities across California, to ensure the fair housing rights of residents are protected under federal and state law and recommended increased fair housing testing to better identify housing discrimination.

The 2020 State AI also reported findings from the 2020 Community Needs Assessment Survey. Respondents felt that the primary bases for housing discrimination were source of income, followed by discriminatory landlord practices, and gender identity and familial status. These results differ from the most cited reasons for discrimination in complaints filed with DFEH and FHANC. The State survey also found that most (72 percent) respondents who had felt discriminated against did “nothing” in response. According to the 2020 State AI, “fair housing education and enforcement through the complaint process are areas of opportunity to help ensure that those experiencing discrimination know when and how to seek help.”

OUTREACH AND CAPACITY

The 2020 State AI concluded that fair housing outreach and education is imperative to ensure that those experiencing discrimination know when and how to seek help. FHANC organizes an annual fair housing conference and resource fair for housing providers and advocates, and provides housing rights workshops for landlords, property managers, and community members that present information on federal and state fair housing laws, common forms of housing discrimination, protected characteristics, unlawful practices, and fair housing liability.

A small percentage of the population in Fairfax five years and over speak English “Not well” or “Not at all” (3.4 percent or 243 residents), similar to the percentage in the County (3.9 percent or 9,402 residents). Although a small population, these residents can benefit from inclusive language options when communicating about housing resources. Currently, the Marin County Housing Authority website includes information about public housing, supportive housing programs, HCVs, and below market rate homeownership programs in 103 languages to close the language gap.

Marin County established a Fair Housing Community Advisory Group (CAO) in 2016. The Community Advisory Group provided advice and feedback on citizen engagement and communication strategies to County staff, participated in inclusive discussions on fair housing topics, identified fair housing issues and contributing factors, and assisted in developing solutions to mitigate fair housing issues. The County also established a Fair Housing Steering Committee consisting of 20 members representing public housing, faith-based organizations, the Marin County Housing Authority, Asian communities, cities and towns (there were only two Councilmembers selected for this Committee one was a Fairfax Councilmember), Black communities, business, persons with disabilities, children, FHANC, legal aid, persons experiencing homelessness, Latinx communities, and philanthropy. The Steering Committee advised on citizen engagement strategies, identifies factors contributing to fair housing impediments, incorporates community input and feedback, and provided information on a variety of housing topics to inform actions and implementation plans.

From 2017 to 2018, FHAM educated 221 prospective homebuyers and trained 201 housing providers on fair housing law and practice, a 28 percent increase from the previous fiscal year. From 2017 to 2018, FHAM also reached 379 tenants and staff from service agencies through fair housing presentations and 227 community members through fair housing conferences (a 37 percent increase); distributed 4,185 pieces of literature; had 100 children participate in an annual Fair Housing Poster Contest and 16 students participate in a Fair Housing Poetry Contest; and offered storytelling shows about diversity and acceptance to 2,698 children attending 18 storytelling shows.

As of 2021, FHAM’s outreach to those least likely to apply for services included:

- Translating its website and most of its literature into Spanish and some in Vietnamese;
- Continuing to advertise all programs/services in all areas of Marin, including the Canal, Novato, and Marin City, areas where Latinx and Black populations are concentrated and live in segregated neighborhoods;
- Maintaining bilingual staff, with capabilities in Spanish, Mandarin, and Portuguese;
- Maintaining a TTY/TDD line to assist in communication with clients who are deaf/hard of hearing

- Offering translation services in other languages when needed;
- Conducting outreach and fair housing and pre-purchase presentations in English and Spanish;
- Collaborating with agencies providing services to all protected classes, providing fair housing education to staff and eliciting help to reach vulnerable populations – e.g., Legal Aid of Marin, the Asian Advocacy Project, Canal Alliance, ISOJI, MCIL, Sparkpoint, the District Attorney’s Office, Office of Education, and the Marin Housing Authority.

Marin County’s Cycle 6 Housing Element states FHANC events are targeted at protected classes rather than specific jurisdictions. FHANC selects the location of their events by tracking the emergence of concentrations of groups using census data. FHANC utilizes connections with community-based organizations to ensure the target audience is in attendance. FHANC also focuses its outreach in areas with known violations by putting up posters and sending mailers and emails to those living in the areas. FHANC presented at Fairfax’s Community Workshop targeted toward low income renters and local workforce on September 10, 2022.

FAIR HOUSING COMPLIANCE

California Fair Employment and Housing Act (FEHA) (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2) FEHA Regulations (California Code of Regulations (CCR), title 2, sections 12005-12271) Government Code section 65008 covers actions of a city, county, city and county, or other local government agency, and makes those actions null and void if the action denies an individual or group of individuals the enjoyment of residence, landownership, tenancy, or other land use in the state because of membership in a protected class, the method of financing, and/or the intended occupancy.

- Government Code section 8899.50 requires all public agencies to administer programs and activities relating to housing and community development in a manner to affirmatively further fair housing and avoid any action that is materially inconsistent with its obligation to affirmatively further fair housing.
- Government Code section 11135 et seq. requires full and equal access to all programs and activities operated, administered, or funded with financial assistance from the State, regardless of one’s membership or perceived membership in a protected class.
- Density Bonus Law (Gov. Code, § 65915.)
- Housing Accountability Act (Gov. Code, § 65589.5.)
- No-Net-Loss Law (Gov. Code, § 65863)
- Least Cost Zoning Law (Gov. Code, § 65913.1)
- Excessive subdivision standards (Gov. Code, § 65913.2.)
- Limits on growth controls (Gov. Code, § 65302.8.)
- Housing Element Law (Gov. Code, § 65583, esp. subs. (c)(5), (c)(10).)

The Town of Fairfax does not receive direct federal funding allocations; instead, Community Block Development Grants (CBDG) and other federal funds are provided to Marin County by the U.S. Department of Housing and Urban Development (HUD) on an annual formula basis for use within constituent jurisdictions. The County acts as the administrative jurisdiction for these funds that are

available to support various services and activities, including housing related activities, that would benefit residents of urbanized areas. As a recipient of CDBG and HOME funds, the County is required to maintain Affirmatively Furthering Fair Housing (AFFH) certification and to demonstrate compliance through its Consolidated Plan and Annual Action Plans, which are submitted to HUD for approval prior to receipt of the CDBG and HOME funds. To the extent that funds are federal or State funds are directed to Fairfax in the future, compliance will be demonstrated and maintained through that mechanism.

The Town of Fairfax also complies with the Housing Accountability Act (Gov. Code, § 65589.5.) and the No-Net-Loss Law (Gov. Code, § 65863). Density bonus (State Density Bonus Law Gov. Code, § 65915.) provisions consistent with State law will be finalized in the first year of RHNA Cycle 6 as described in Program 2-E of the Housing Action Plan (Chapter 4). The Town has not denied any affordable housing project in its jurisdiction, and through its Housing Element, the Town is implementing a plan to ensure adequate sites to accommodate its RHNA obligations at all times during the planning period, and to comply with other legal requirements. In the course of preparing this Housing Element, the Town has conducted a review of the Zoning Code to identify and address potential constraints to housing development. As a result of this review, Program H1.2d (Revise ADU Ordinance); Program H2.3a (Modify Local Regulations to Permit Additional ADUs on Properties Exceeding Two Acres); Program H1.3b (Modify Local Regulations to Remove Barriers to Constructing ADUs and JADUs); Program H2.1a (Establish Higher Density Zoning Near Freeway Access; Program H2.1b (Revisit SB9 Unit Development Standards); Inform Residents of Program; H2.1c (Increase SB9 Density Limits); Program H3.2a (Rezone Sites Identified in the Housing Element, Table 3-4); Program H3.2b (Amend MFRD Zone Maximum Lot Size to 2,200 Square Feet=20 du/ac); Program H4.1b (Amend Zoning Ordinance to Expand Exceptions for People with Disabilities to Include ADUs); Program H4.1c (Group Home Permitting Procedures); Program H4.2b (Employee Housing); Program H4.2c (Workforce Housing); Program H4.3b (Amend Muni Coe for Supportive Housing in MFRD Zone); Program H4.3c (Amend Muni Code for Low Barrier Navigation Centers); Program H4.3d (Amend Muni Code for SRO Units in Commercial Zone); and Program H4.3e (Amend Muni Code to Allow Farmworker Housing have been added to the Housing Action Plan in Chapter 3 of this Housing Element to remove identified constraints.

Additionally, Fairfax has enacted several local ordinances that may help fair housing efforts by protecting renters. In 2018, Fairfax adopted a source of income ordinance designed to prohibit discrimination against renters holding Section 8 or other 3rd party rent voucher. Fairfax was the first town in the County to adopt this type of ordinance, which is based on the ordinance the county adopted in 2017.

In 2019, Fairfax introduced ‘Just Cause’ regulations prohibiting landlords from evicting tenants without cause. The law requires landlords to deliver a Notice of Termination to the tenant identifying reasons for eviction and provide notice to the Town of Fairfax within ten days. Fairfax Town Council also adopted a mandatory mediation program in 2019 to respond to escalating rent increases, promote community accountability, and support housing instability. Tenants and landlords who are party to rent increases greater than 5 percent over a one-year period were eligible for mandatory mediation.⁵ Fairfax was the first town in the County to adopt these ordinances, which are based on the ordinances

⁵ “Renter Protections”, 2022, Town of Fairfax, [<https://www.townoffairfax.org/renter-protections/>]

the county. The Just Cause and Mandatory Ordinances (No. 870 and No. 871, respectively) were amended in 2022 to further expand renter protections in Fairfax by capping annual rent increases at 60 percent of the increase in the regional consumer price index and limiting the annual adjustment to be no greater than 5 percent. Additionally, the updated ordinances strengthen protections for elderly, disabled, and other vulnerable populations. The protections they provide are described in greater detail below.

The Town has taken measures to protect those impacted by COVID-19. In 2021 and 2022, the Town temporarily prohibited residential evictions due to financial distress caused by COVID-19. Also, in 2021 and related to the pandemic, the Town created a rental assistance program for low-income residents to supplement the County's rental assistance program. Community-based organizations were utilized to distribute funds quickly and ensure renters met criteria.

In November 2022, Fairfax adopted the following new rent stabilization ordinance which included the following measures (this ordinance replaced the 2019 mandatory mediation for rent increases ordinance):

- Establishment of Town Council as the local Rent Control Board to ensure local enforcement
- Assure broad community education about the program for both tenants and landlords contracting with Legal Aid of Marin, including information that can be downloaded from the Town's website
- Landlords of eligible units shall be required to register their units and pay a business license fee and a Rental Housing Registration Fee
- A base rent for eligible units shall be the rent in effect at a previous date to adoption, or, if tenancy started after that date, the rent at the start of the tenancy
- There will be an Annual General Adjustment of rent established by the Rent Board; the rent adjustment stated in the model ordinance is equal to approximately 60% of the percentage increase in the Consumer Price Index for the local region; the Annual General Adjustment shall not be less than zero percent or more than 5%
- Landlords and Tenants can petition for adjustments up or down to the Annual General Adjustment
- A petition process via contract with a profession "Hearing Examiner", and appeal process to the Fairfax Rent Board, are cited for considering and acting on the petitions; a 30-day notice requirement by a landlord to a tenant is required for actions involving increases upwards of Maximum Allowable Rents before the increased rent becomes effective
- Landlords have the right to a Reasonable Return on their Investment – considerations include, but are not limited to, increases in property taxes; unavoidable increases in maintenance and operating expense; etc.

Fairfax also recently adopted a Just Cause Eviction ordinance (which replaced the 2019 just cause ordinance) to prohibit arbitrary evictions and enhance renter protections in the following areas:

- Establishing Right to Return, which entitles evicted renters to the right to return to the unit under certain circumstances, if that unit ever again becomes available for rent;
- Incorporating additional eviction protections, including protections for Elderly, Disabled, or Terminally Ill Tenants; School Year Eviction Protections for Educators and Students; and Ellis Act Withdrawal Protections;
- Relocation Payments, for tenants evicted for substantial repairs, the ordinance provides for relocation payments in the amount of two months' rent, with additional payments of up to \$3,000 for seniors (62 years or older) and for people with a disability, a terminal illness, or minor children in the household; and
- Short-Term Relocation Payments for Temporary Displacement, for tenants temporarily displaced for 30 days or less due to the need for substantial repairs, the ordinance provides for payments covering accommodations, meals, laundry and pets for each day of displacement.

The Rent Stabilization and Just Cause Evictions Ordinances went into effect on December 2, 2022, demonstrating meaningful actions on the part of the Town of Fairfax against the risk of displacement for at risk residents, including older adults, people with disabilities, students, and low-income residents.

BROKERAGE SERVICES

Real estate brokers or salespersons in the Fairfax area may belong to one of several associations, but most belong to the Marin Association of REALTORS (MAR). Like all real estate associations, MAR has a Multiple Listing Service (MLS)—MLSListings Inc—and is part of the NORCAL MLS ALLIANCE, an MLS data integration project across the seven leading MLSs in Northern California. MAR is bound by the Code of Ethics and Standards of Practice of the National Association of REALTORS (NAR), which explicitly states in Article 10 that members shall not discriminate against any person on the basis of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity. In addition to adopting the ethics standards set by the NAR, the state branch promotes its own diversity and inclusion programs, such as the Latino Initiative Voices in Action program, which provides educational materials for members on homeownership opportunities and fraud prevention.

E.2 Segregation and Integration

The United States' oldest cities have a history of mandating segregated living patterns—and Northern California cities are no exception. ABAG, in its recent Fair Housing Equity Assessment, attributes the segregation in the Bay area to historically discriminatory practices—highlighting redlining and discriminatory mortgage approvals—as well as “structural inequities” in society, and “self-segregation” (i.e., preferences to live near similar people).

Researcher Richard Rothstein's 2017 book *The Color of Law: A Forgotten History of How Our Government Segregated America* chronicles how the public sector contributed to the segregation that exists today. Rothstein highlights several significant developments in the Bay area region that played a large role in where the region's non-White residents settled. Throughout Marin County and the Bay Area in general, neighborhood associations and city leaders have historically attempted to thwart integration of communities. An investigation by Marin County found that more than 10 percent of the 3,101 parcels in Fairfax had restrictive covenants such as the restrictions recorded in 1929 with the Cascades Estate subdivision forbidding occupancy by any “person of African, Asiatic or Mongolian descent.”⁶ It was also not uncommon for neighborhood associations to require acceptance of all new buyers. Builders with intentions to develop for all types of buyers (regardless of race) found that their development sites were rezoned by planning councils, required very large minimum lot sizes, and/or were denied public infrastructure to support their developments or charged prohibitively high amounts for infrastructure. See Chart E-1 for a more detailed timeline of segregation's history in relation to fair housing practices.

Marin County had one of the first integrated housing projects built for workers and their families during the latter part of World War II. Market rate development boomed in Marin County during the post-war years, but it largely benefitted White homebuyers due to federally guaranteed developer loans that allowed race-restricted covenants in subdivisions and FHA policies that promoted restricting mortgages to exclude non-White buyers. In the 1960s, Marin County's environmental activists successfully restrained residential growth—just when the national civil rights movement outlawed discrimination in housing transactions. As such, intentional segregation was reinforced through growth restriction policies imposed by Marin County and most local jurisdictions. Many recent examples of higher density affordable housing projects in Marin County have been met with strong opposition, attributed to concerns about environmental impacts, traffic, and change more generally, but which may have racial undertones. Marin County has been working with HUD to advance racial equality in housing policies, including increased funding for low-income housing in traditionally White majority areas. Yet community concerns around parking, traffic congestion, and preservation of the County's aesthetic have complicated and constrained development of higher density and affordable housing.

⁶ Marin County, Restrictive Covenants Time Progression, <https://storymaps.arcgis.com/stories/f7cd3f8331fc4a7bbf72c9a59b028729>

Chart E-I: Timeline of Segregation Policies in United States

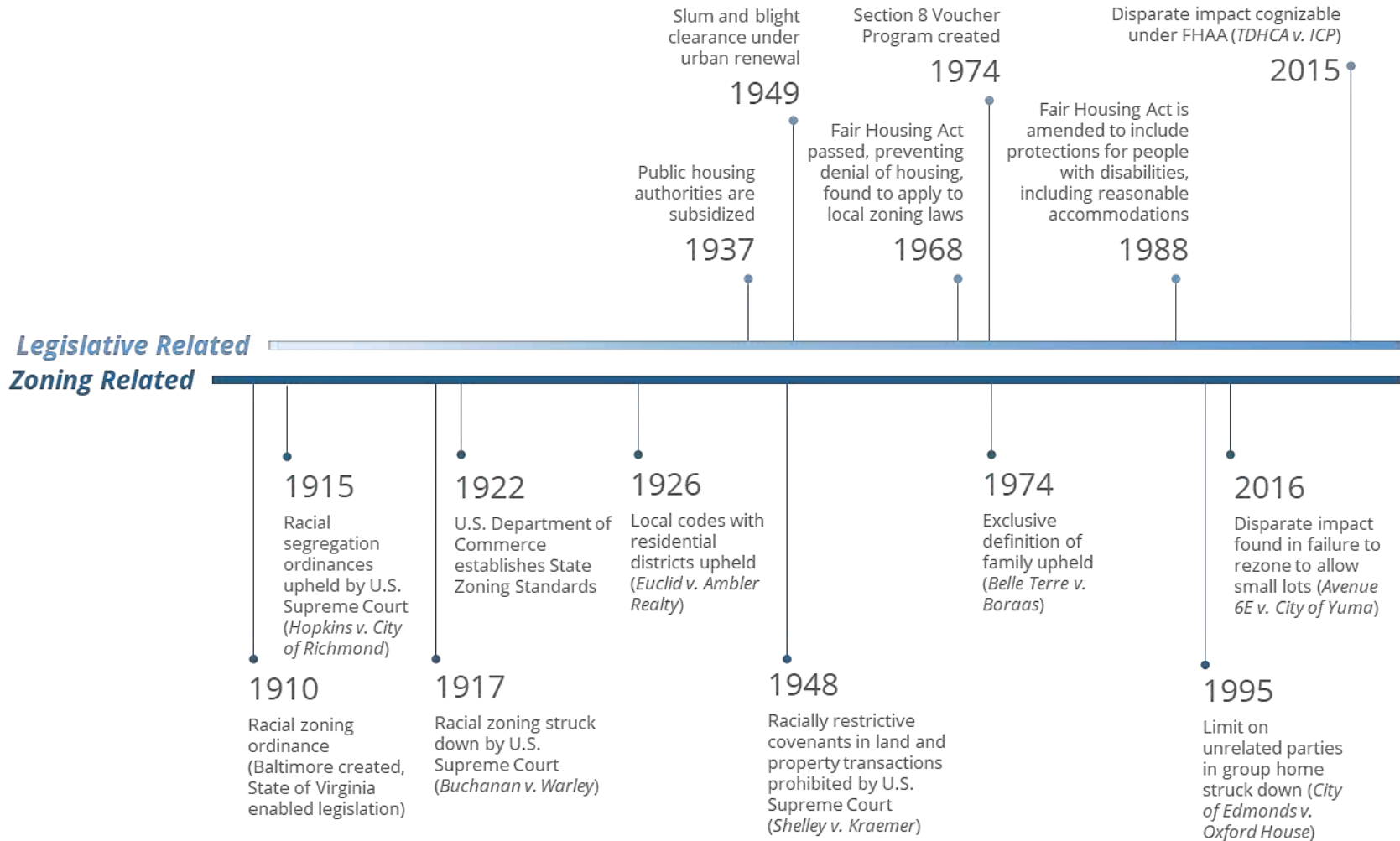


Table E-1: Change in Race and Ethnicity, 2010-2021

Race/Ethnicity	Fairfax			Marin County		
	2010	2021	Percent Change	2010	2021	Percent Change
White (NH*)	6,735	6,303	-6.4%	184,58	182,830	-1.0%
Hispanic/Latinx	621	660	6.3%	35,829	43,043	20.1%
Black (NH)	58	71	22.4%	7,054	5,508	-21.9%
Native American (NH)	0	0	0.0%	386	274	-29.0%
Asian (NH)	111	291	162.2%	13,885	15,693	13.0%
Native Hawaiian and OPI** (NH)	0	53	n/a	455	423	-7.0%
Other (NH)	0	51	n/a	632	2,596	310.8%
Two or More Races (NH)	274	176	-35.8%	5,777	12,020	108.1%

*NH stands for Non-Hispanic

**OPI stands for Other Pacific Islander

Source: U.S. Census Bureau, American Community Survey 5-Year Data, Table A04001

Table E-2: Racial Composition in Neighboring Cities, 2019

Race/Ethnicity	Neighboring Cities									
	Fairfax	Belvedere	Corte Madera	Larkspur	Mill Valley	Novato	Ross	San Anselmo	San Rafael	Tiburon
White (NH*)	82.3%	92.3%	78.5%	77.9%	86.2%	63.5%	89.1%	85.9%	57.0%	86.7%
Black (NH)	0.4%	0.0%	2.3%	0.7%	0.7%	3.4%	3.0%	0.8%	1.3%	0.9%
American Indian and Alaska Native (NH)	0.0%	0.0%	0.0%	0.4%	0.0%	0.2%	0.0%	0.0%	0.1%	0.2%
Asian (NH)	4.3%	2.0%	6.1%	5.4%	5.0%	7.7%	3.8%	3.3%	6.7%	3.2%
Native Hawaiian and Other Pacific Islander (NH)	0.4%	0.0%	0.0%	0.1%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%
Some other race (NH)	0.0%	0.0%	1.6%	0.5%	0.5%	2.3%	0.0%	0.3%	0.4%	0.6%
Two or more races (NH)	3.2%	0.6%	4.4%	4.0%	3.8%	3.9%	0.5%	3.6%	3.4%	0.4%
Hispanic or Latino	9.4%	5.1%	7.1%	11.0%	4.2%	18.9%	3.5%	7.1%	31.0%	8.1%
Total	7,578	2,134	9,838	12,319	14,330	55,642	2,290	12,525	58,775	7,116

*NH stands for Non-Hispanic

Source: Sources: American Community Survey, 2015-2019 (5-Year Estimates). ABAG Housing Needs Data Package.

RACE AND ETHNICITY

Racial and ethnic patterns of segregation in Fairfax should be understood in the context of changing regional and local demographics. As shown in Table E-1, the Black and Asian populations increased between 2010 and 2021, while, in the County, the proportion of Black population declined and increased at a much slower rate. In the County, the most notable change was between the Two or More Races and Other categories (108.0 percent and 310.8 percent increases, respectively). All other groups saw decreases in their populations at a smaller scale except for the Asian population which saw a 13.0 percent increase. Fairfax saw the Two or More Races population decrease by 35.8 percent while all other groups saw increases except for the non-Hispanic White population (6.4 percent decrease). As shown by Table E-2, as of 2019 Fairfax had the sixth highest share of White residents of ten neighboring cities in Marin County (82.4 percent).

One method to gauge the extent of segregation in a jurisdiction is the dissimilarity index. The dissimilarity index measures the degree to which two groups are evenly distributed across a geographic area and is a commonly used tool for assessing residential segregation between two groups. The dissimilarity index provides values ranging from 0 to 100, where higher numbers indicate a higher degree of segregation among the two groups measured. According to HUD, dissimilarity index values between 0 and 39.99 generally indicate low segregation, values between 40 and 54.99 generally indicate moderate segregation, and values between 55 and 100 generally indicate a high level of segregation. It is important to note that the dissimilarity index uses non-Hispanic White residents as the primary comparison group. Dissimilarity index values compare racial and ethnic groups against the distribution of non-Hispanic White residents in a community and do not directly measure segregation between minority groups.

Table E-3 shows dissimilarity indices for Marin County (dissimilarity data is available only at the County level, not the town level). County data for the last two decades suggests that the County had only moderate segregation until 2020 when it became high. Similarly, the non-White/White segregation had been low until 2020 when it increased to moderate. The Hispanic/White scores have mostly increased over time too, starting as low in 1990 and now moderate in 2020. The lowest dissimilarity is between the Asian or Pacific Islander/White group. Although there has been an overall increase, the score still indicates low segregation in 2020. This data indicates that Black and White residents are the least likely to live near each other, Hispanic and White residents also experience a moderate amount of segregation, and Asian and White residents are more likely to live near each other with low segregation scores. According to the Othering and Belonging Institute located in Berkeley, CA three Counties in the Bay Area were more segregated in 2020 than 2010: Napa, Sonoma, and Marin. Marin was the most segregated of the three. The high cost of housing drives racial segregation in the region.

Table E-3: Dissimilarity Indices for Marin County, 1990-2020

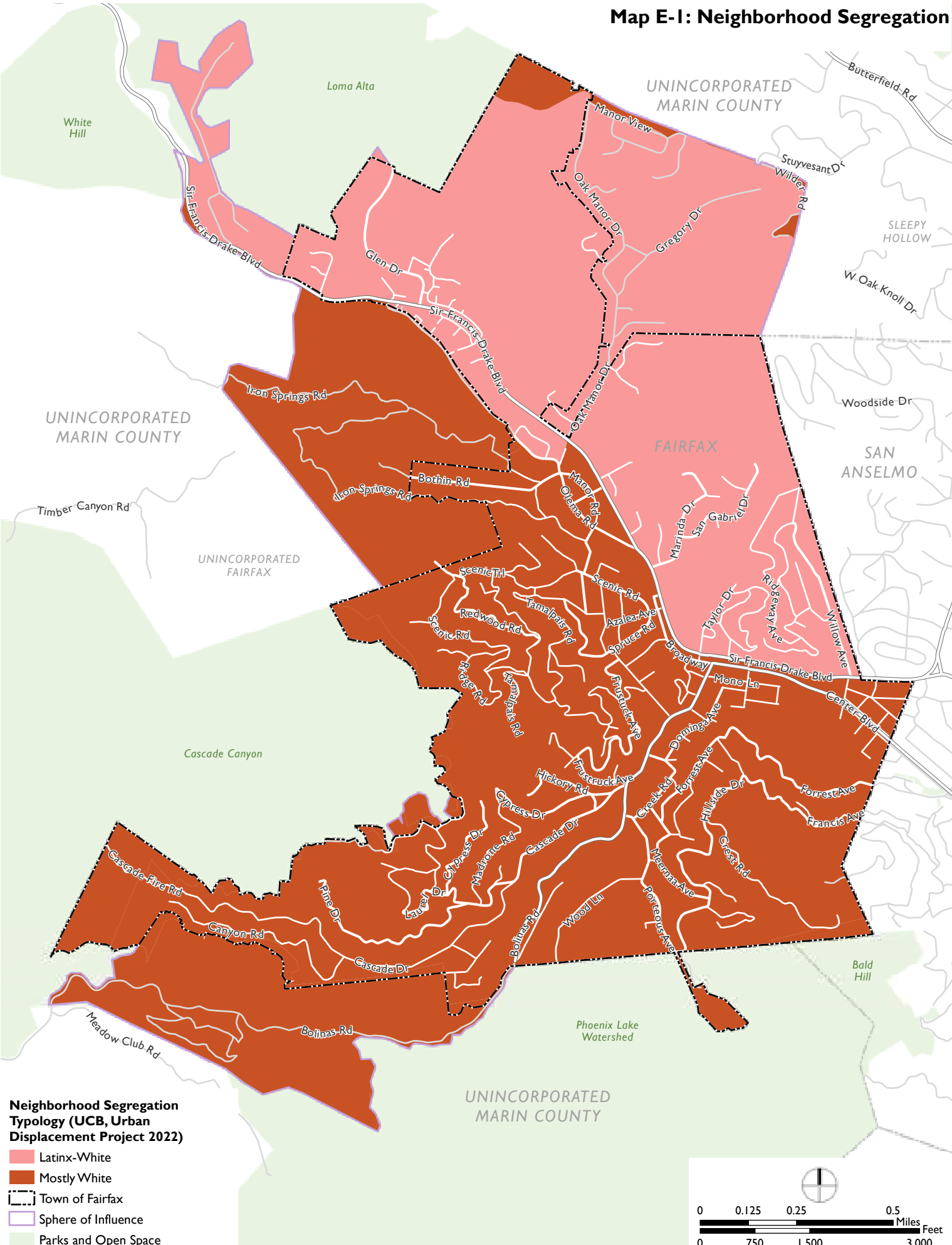
	1990	2000	2010	2020
Marin County				
Non-White/White	31.63	34.08	35.21	42.61
Black/White	54.90	50.87	45.61	57.17
Hispanic/White	36.38	44.29	44.73	49.97
Asian or Pacific Islander/White	19.64	20.13	18.55	25.72

Source: HUD Dissimilarity Index, 1990-2020

The shortcoming of the dissimilarity index is that it may not capture the nuances of segregation between minority groups within the Town. To capture these nuances, HCD has provided neighborhood segregation typologies developed by the UDP. These typologies identify tracts based on which racial/ethnic groups have more than 10 percent representation within a given census tract. The typologies consider five racial/ethnic groups including Black, Latinx, White, Asian, and Other.

Fairfax has two census tracts and as shown in Map E-1, the tract to the south and making up most of the Town is labeled by UDP as Mostly White and the tract forming the northeast corner of the Town

Map E-1: Neighborhood Segregation



Sources: HCD AFFH Data and Mapping Resources, 2021; California Urban Displacement Project, 2022; MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

is labeled as Latinx-White. Because these two groups are the two most populous in Fairfax, as presented in Table E-2, it is fitting they make up at least near ten percent of each census tract while other groups which are much less populous are distributed throughout the Town. According to a five-year ACS estimate for 2021, the northeast tract is 10.3 percent Latinx while the other tract is 7.3 percent Latinx. As indicated by these data, there are no over concentrations of any minority group within the Town (none exceed ten percent in either census tract).

Another tool available to understand the geographical distribution of race and ethnicity over time is the 2010 and 2018 ESRI Diversity Indices. Each year of the index captures the racial and ethnic diversity of a geographic area in a single number, from 0 to 100 determined by the likelihood that two people selected at random are of the same race. The most diverse block groups have scores 85 or greater while the least diverse have scores of 55 or less. In 2010, all of Fairfax (all block groups) are labeled as Lower Diversity (a score below 40) and in 2018 the score still fell below 40 (see Map E-2). Comparatively, the surrounding areas are also between 2010 and 2018 labeled as Low Diversity. Heading east, diversity increases starting in San Rafael.

LENDING PRACTICES

Discrimination in lending practices can be a major contributor to fair housing issues in a community, as this limits the ability of individuals to live in a location of their choosing. Loan denial rates can be derived from data provided by lending institutions in compliance with the Home Mortgage Disclosure Act (HMDA).

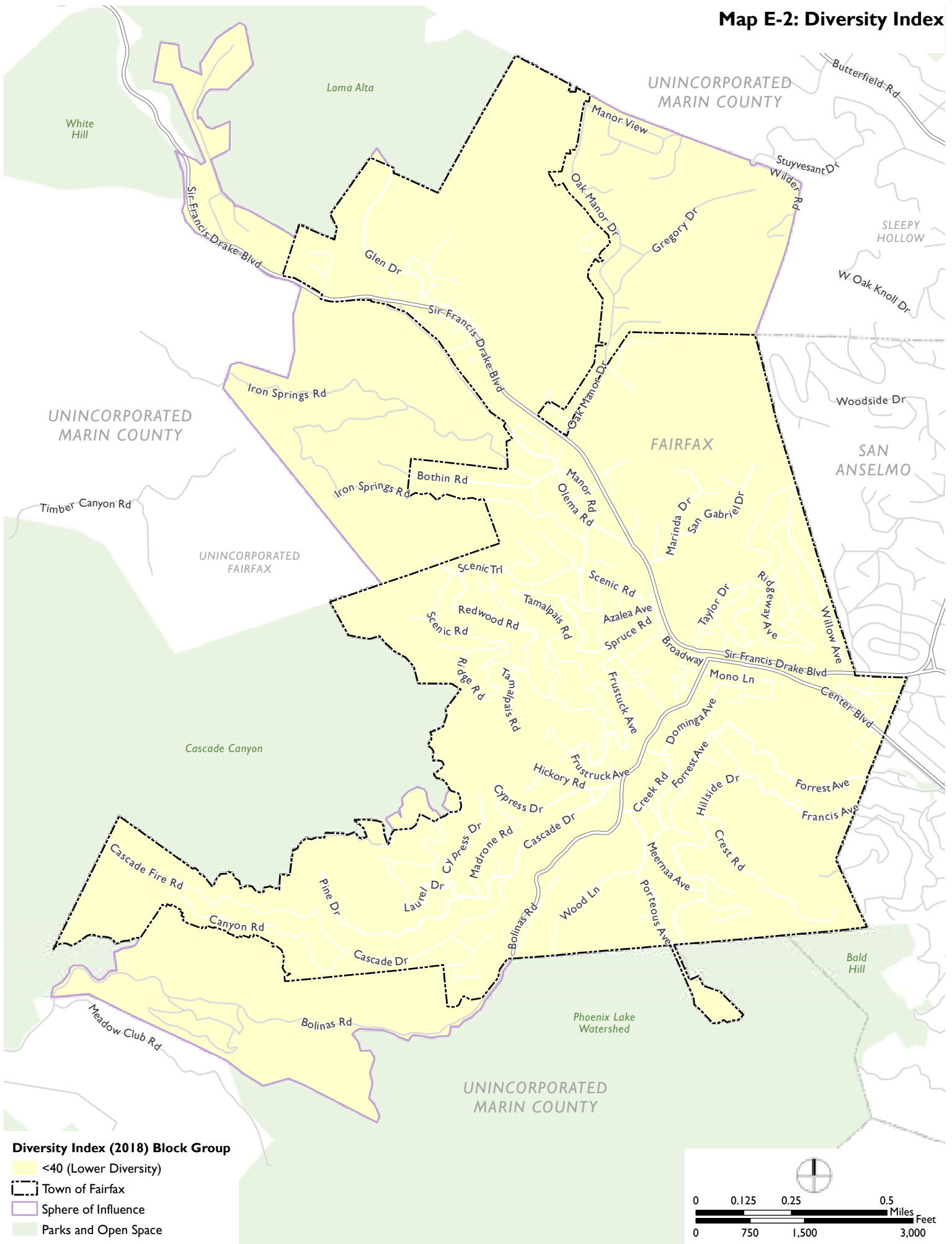
The 2020 AI examined lending practices across Marin County. According to HMDA, in 2017, there were a total of 11,688 loans originated for Marin properties. Of the 11,688 original loan applications, 6,534 loans were approved, representing 56 percent of all applications, 1,320 loans denied, representing eleven percent of the total applications, and there were 1,555 applicants who withdrew their applications, which represents 13 percent of all applications. Hispanic and Black residents were approved at lower rates and denied at higher rates than all applicants in the County.

According to the 2020 AI, there were several categories for reasons loans were denied. Under the category, “Loan Denial Reason: insufficient cash - down payment and closing costs,” Black applicants were denied 0.7 percent more than White applicants. Denial of loans due to credit history significantly affected Asian applicants more than others; and under the category of “Loan Denial Reason: Other”, the numbers are starkly higher for Black applicants.

The 2020 AI also identified many residents who lived in Marin City during the Marinship years⁷ were not allowed to move from Marin City to other parts of the County because of discriminatory housing and lending policies and practices. For those residents, Marin City has been the only place where they have felt welcomed and safe in the County.

⁷ Marinship is a community of workers created by the Bechtel Company which during World War II built nearly 100 liberty ships and tankers. Since Marinship faced a shortfall in local, available workers, Bechtel overlooked the workplace exclusions that were standard at the time and recruited African Americans from southern states such as Louisiana, Arkansas, Texas and Oklahoma. A thorough history of Marin City and Marinship is found in the local knowledge section.

Map E-2: Diversity Index



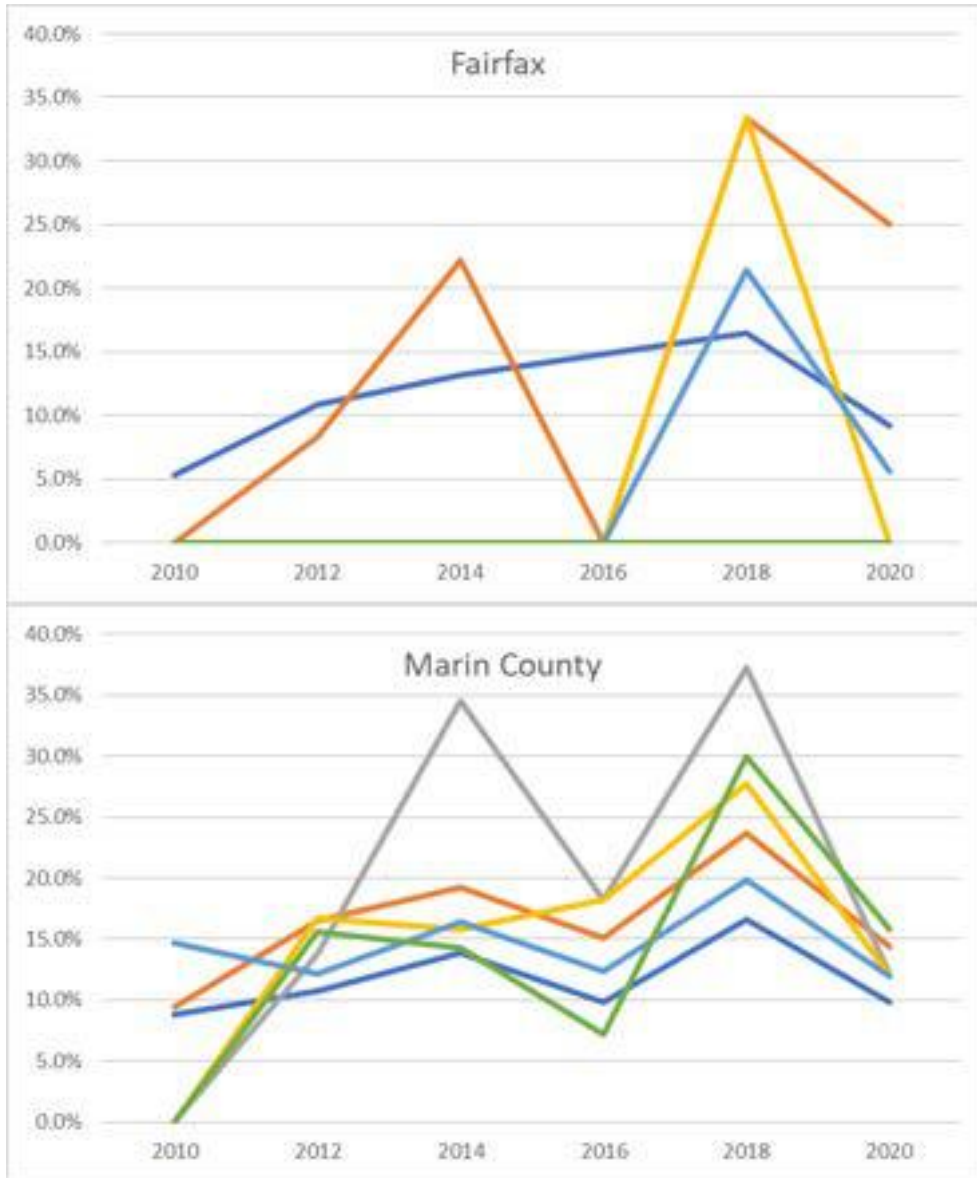
Sources: HCD AFFH Data and Mapping Resources, 2021; PlaceWorks 2021, ESRI; MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

Based on the identified disparities of lending patterns for residents of color and a history of discriminatory lending practices, the AI recommended further fair lending investigations/testing into the disparities identified through the HMDA data analysis. More generally, it recommended that HMDA data for Marin County should be monitored on an ongoing basis to analyze overall lending patterns in the County. In addition (and what has not been studied for this AI), lending patterns of individual lenders should be analyzed, to gauge how effective the Community Reinvestment Act (CRA) programs of individual lenders are in reaching all communities to ensure that people of all races and ethnicities have equal access to loans.

Chart E-2 illustrates the loan denial trend of both Marin County and Fairfax between 2010 and 2020. Not all groups follow a similar pattern between Fairfax and Marin County. As shown in the Marin County section of Chart E-2, non-Hispanic White applicants have the lowest denial rates over time. Non-Hispanic Black applicants had higher denial rates in specific years (2014, 2016, 2018) in the County. Although the Fairfax portion of the chart shows no denials for Black applicants, an extremely small sample size for the Fairfax data mean that one or two applications in a year can look like a huge impact. These charts are useful insofar as they indicate that Fairfax and the County can both focus on improving loan outreach and education specifically to non-White groups that had less consistent low loan denial rates in Fairfax or higher loan denial rates than the non-Hispanic White group in the County.

In summary, Fairfax has moderate segregation and low diversity. Although the availability of data to understand segregation is limited for within the Town, data on segregation for Marin County suggests segregation is moderate and levels are rising relative to all other counties except for other North Bay counties such as Napa and Sonoma. The high share of non-Hispanic White residents (82.3 percent) indicates the Town has low diversity. Compared to some of its surrounding cities, Fairfax has either a lower or higher percentage of non-Hispanic White residents and other groups, indicating it is neither the least nor the most diverse jurisdiction within Marin. During the last ten years, the Asian and Black populations have grown at much faster rates in Fairfax than in the rest of Marin, while the rates of the other groups between the Town and County are more similar. The second largest racial group behind non-Hispanic White in Fairfax is the Hispanic or Latinx population (9.4 percent). This group is distributed somewhat evenly throughout Fairfax. The northeast corner has greater than ten percent Latinx residents, indicating it is a White-Latinx tract (81.3 percent White and 11.8 percent Latinx) while the rest of Fairfax has almost the same percentage of non-Hispanic White residents but fewer Latinx residents (82.1 percent White and 7.6 percent Latinx).

Chart E-2: HMDA Loan Denial Rates by Race/Ethnicity, Fairfax



Race and Ethnicity:



*Fairfax’s data is from census tracts 1141 and 1142 which extends beyond the Town’s boundary

**chart only includes stated races and ethnicities

Source: Home Mortgage Disclosure Act Data, 2010-2020

PERSONS WITH DISABILITIES

Persons with disabilities have special housing needs because of the lack of accessible and affordable housing, and the higher health costs associated with their disability. In addition, many may be on fixed incomes that further limits their housing options. Persons with disabilities also tend to be more susceptible to housing discrimination due to their disability status and required accommodations associated with their disability.

As discussed in the Housing Needs Assessment and according to 2019 American Community Survey (ACS) estimates, 736 persons (9.7 percent of the non-institutionalized population) in the Town had a disability, compared to 23,346 (9.1 percent) of residents in Marin County and 9.6 percent of residents in the Bay Area. Fairfax has one census tract where the population of persons with disabilities is between 10 percent and 20 percent, with the remaining tracts having less than 10 percent (see Map E-3). Victory Village and Bennett House, subsidized housing projects designed for low-income seniors and formerly homeless individuals, are located in this census tract, as is Creekwood, a group home for adults with developmental disabilities. No single census tract contains a population with a disability that exceeds 20 percent of the tract's total population, which is the threshold typically used by HCD as an indicator of overconcentration.

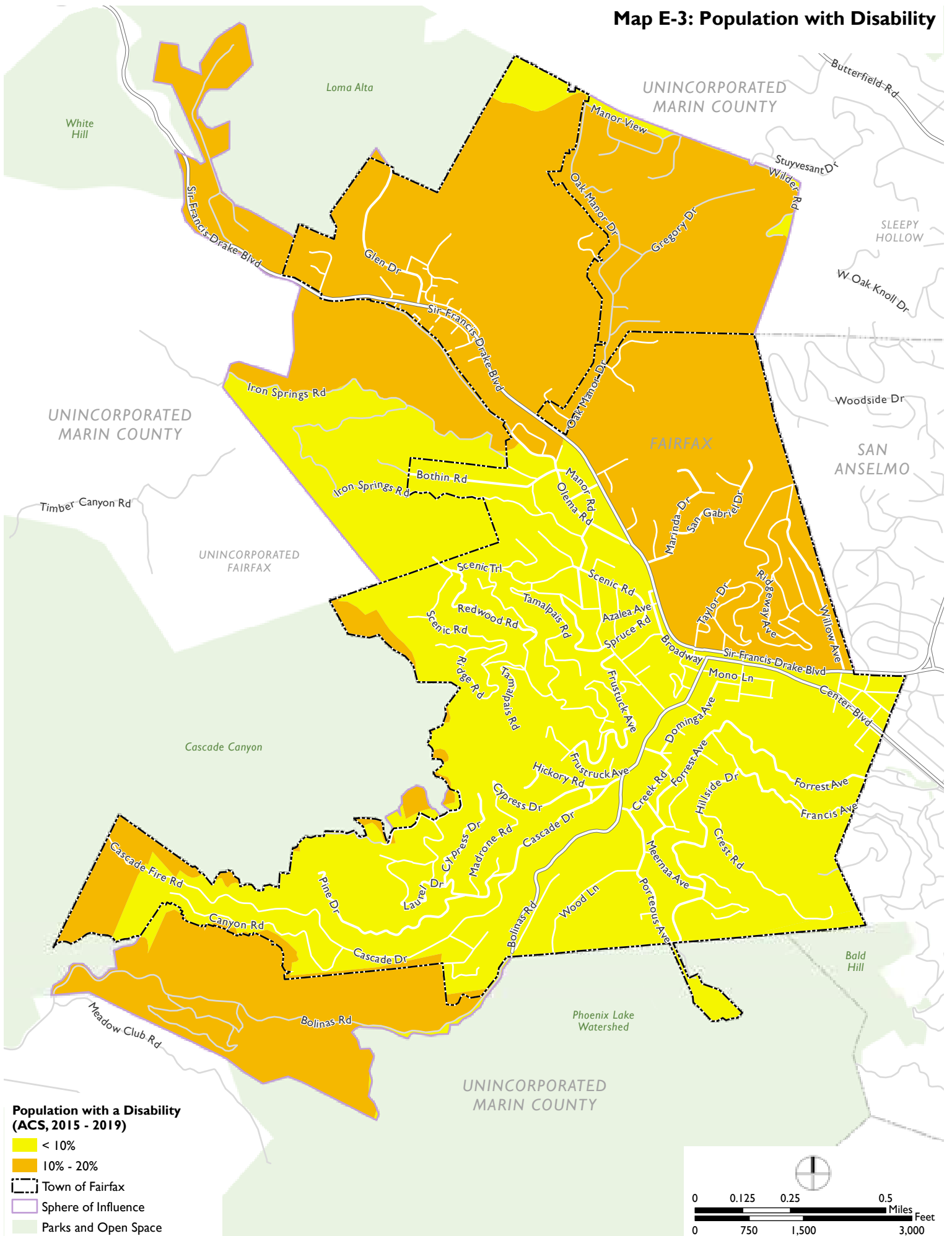
Black, American Indian/Alaska Native, and non-Hispanic White populations experience disabilities at the highest rates in both the Bay Area and in Marin County (16 percent, 18 percent, and 11 percent in the Bay Area and 15 percent, 12 percent, and 10 percent in Marin County, respectively). In Fairfax, American Indian/Alaska Native, Asian, Two or More Races, and Hispanic or Latino populations experience disabilities at the highest rates (100.0 percent, 17.3 percent, 14.3 percent, 13.6 percent respectively). In Fairfax, 47.7 percent of the population aged 75 and older have at least one disability and 16.4 percent of the population aged between 65 and 74 years do. Nearly 37 percent of Marin County's population aged 75 and older and 14.6 percent aged 65 to 74 have one or more disability, lower shares than in the Bay Area but higher than in Fairfax. Ambulatory and independent living difficulties are the most common disability types in Fairfax, Marin County, and Bay Area.

FAMILIAL STATUS

Federal and State fair housing laws prohibit housing providers from discrimination because of familial status. Familial status covers the presence of children under the age of 18, pregnant persons, any person in the process of securing legal custody of a minor child (including adoptive or foster parents). Examples of familial status discrimination include refusing to rent to families with children, evicting families once a child joins the family (e.g., through birth, adoption, or custody), or requiring families with children to live on specific floors or in specific buildings or areas. Single parent households are also protected by fair housing law.

Fairfax's households are comprised of one-person households (30 percent), two-person households (36 percent), 3-4 person households (32 percent), and 5+ person households (two percent). Fairfax's proportion of two-person households mirrors Marin County's (35 percent) and is slightly higher than the Bay area (32 percent). However, Fairfax has significantly fewer 5+ person households than both the Bay area (11 percent) and Marin County (seven percent).

Map E-3: Population with Disability



Sources: HCD AFFH Data and Mapping Resources, 2021; American Community Survey (ACS 2015-2019); MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

Married couple family households (48 percent) and single-person households (30 percent) make up most Fairfax's households (see Table E-4). Only a quarter of households have one or more children under the age of 18 (25 percent); 75 percent have no children living in the home. Fairfax and Marin County have a similar share of single-person households (30 percent) which is five percentage points higher than the Bay Area (25 percent). These statistics are probably related to an increase in the older population, which has changed from a higher number of residents aged 35-54 to a greater share of older residents since 2010.

Married couples tend to own houses in Fairfax rather than rent, at approximately a six-to-one rate (married couples comprise 62 percent of Fairfax homeowners). Approximately 57 percent of homeowners reside in 3 and 4-bedroom homes, more than all other housing types. Renters in Fairfax are fairly split between 1 bedroom (415 renters) and 2-bedroom housing units (618 renters).

Female householders with children may be targets of discrimination. Female householders are less common in Fairfax (6.7 percent) than in the County (7.7 percent). As shown in Map E-4, there are no tracts in Fairfax with an overconcentration of female householders with children under 18 years. Meanwhile, all census tracts have 60 to 80 percent of children living in married-couple households (Map E-5).

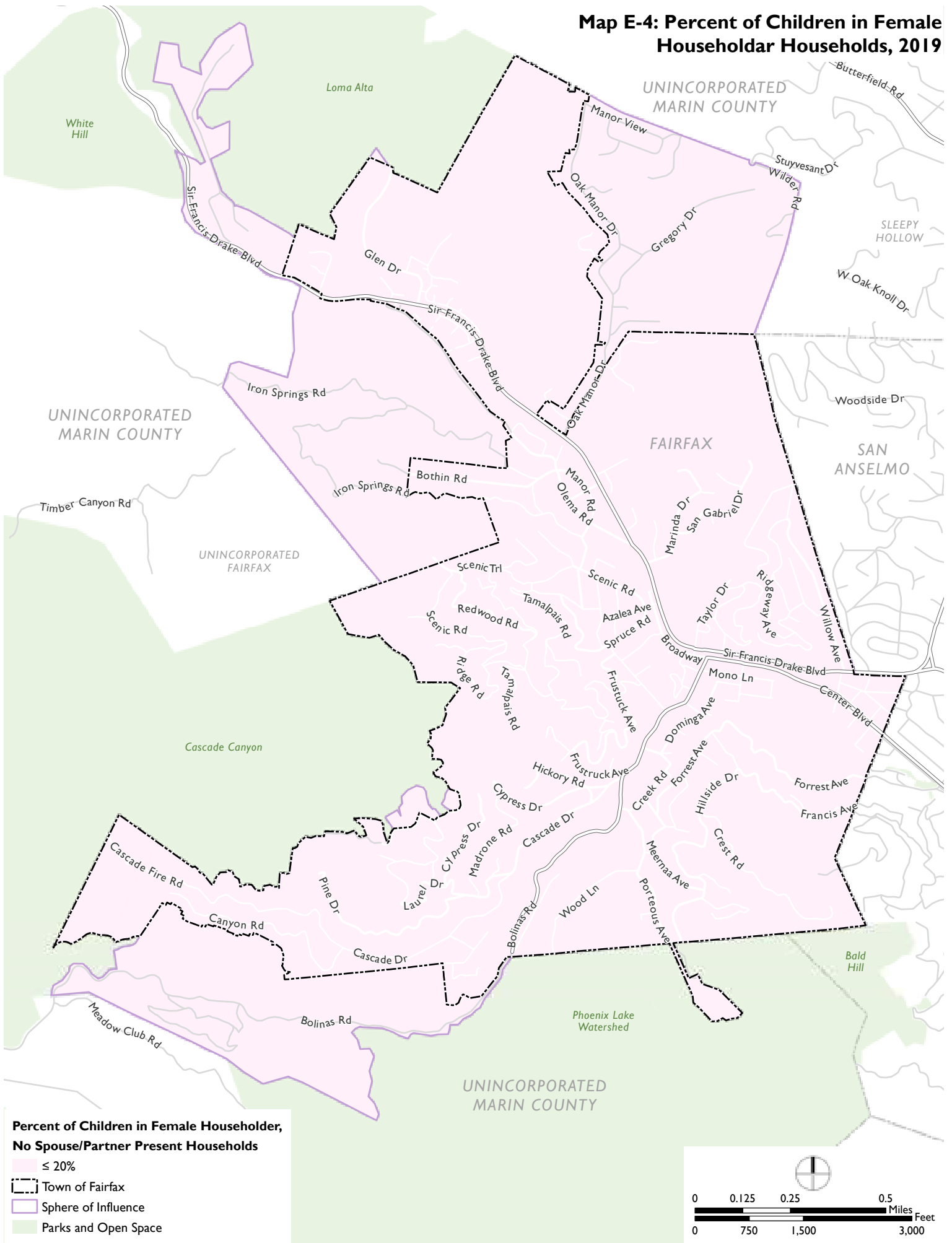
Table E-4: Households by Type, 2019

Household Type	Fairfax		Marin County	
	Number	Percent	Number	Percent
Married-Couple Family Households	2,622	60.0%	53,367	51.4%
Householders Living Alone	1,014	23.2%	31,548	29.9%
Female-Headed Family Households	295	6.7%	8,102	7.7%
Male-Headed Family Households	192	4.4%	3,776	3.6%
Other Non-Family Households	251	5.7 %	7,832	7.4%
Total	4,374	100.0%	65,764	100.0%

Notes: For data from the Census Bureau, a "family household" is a household where two or more people are related by birth, marriage, or adoption. "Non-family households" are households of one person living alone, as well as households where none of the people are related to each other.

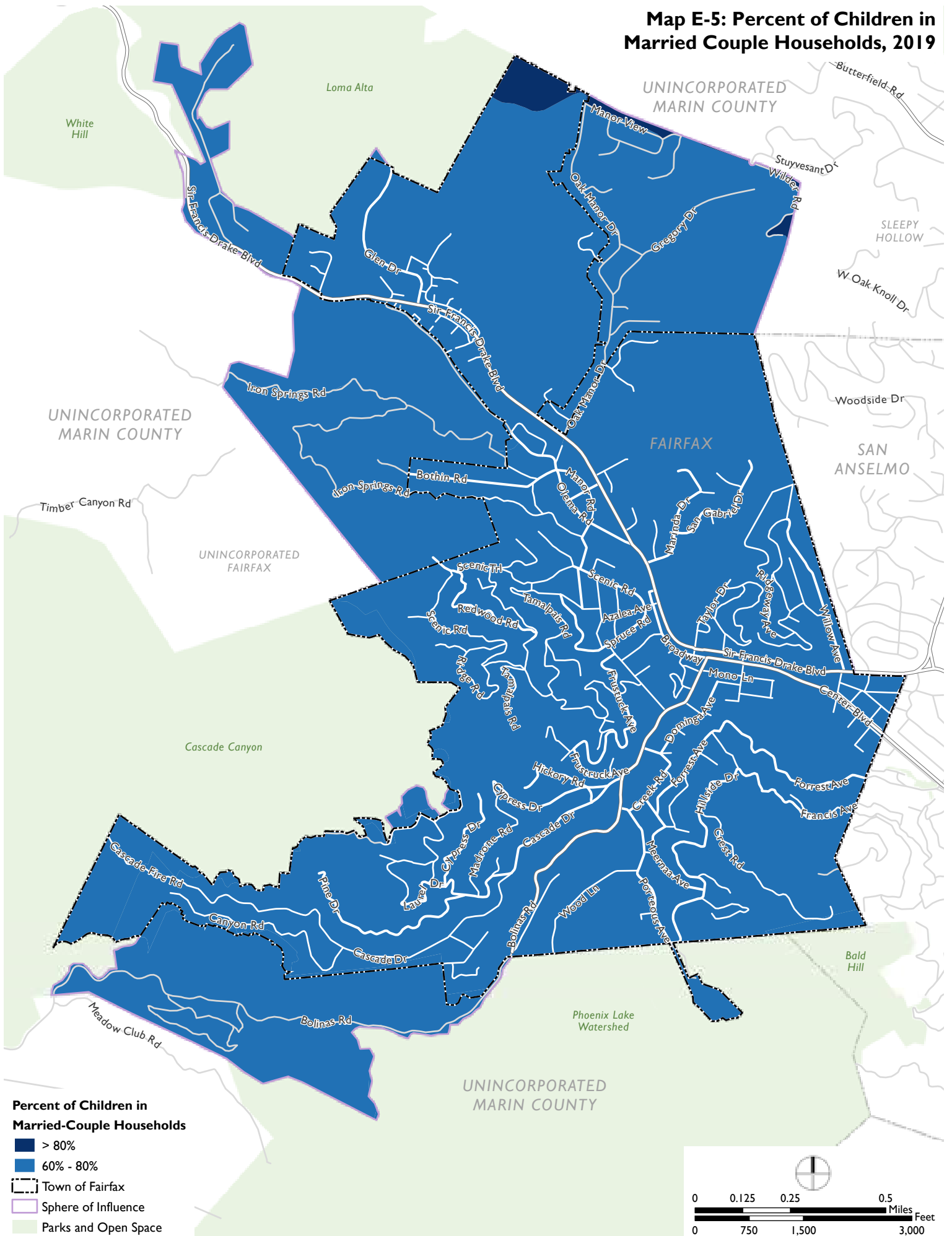
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25011

Map E-4: Percent of Children in Female Householder Households, 2019



Sources: HCD AFFH Data and Mapping Resources, 2021; American Community Survey (ACS 2015-2019); MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

Map E-5: Percent of Children in Married Couple Households, 2019



Sources: HCD AFFH Data and Mapping Resources, 2021; American Community Survey (ACS 2015-2019); MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

INCOME LEVEL

Geographic concentration by income, including concentration of poverty, is another indication that segregation may exist within a jurisdiction, and the concentration of low- or moderate-income (LMI) individuals provides another method to gauge the extent of segregation. HUD defines an LMI area as a census tract or block group where over 51 percent of the population is LMI, based on the HUD income definition of up to 80 percent area median income (AMI). Map E-6 shows the distribution of LMI block groups across Fairfax. It also shows that in most of the block groups, 25 percent to 51 percent of the population have a low- or moderate-income. In the most northwestern part of the Town, the share of the population experiencing low- or moderate-income is greater than 51 percent. As already identified, this area is also less White than the rest of the Town and is where two subsidized senior housing complexes are located. Compared to the region, Fairfax has less of a range in the share of LMI. Further east in areas around San Rafael a greater percentage of the population is LMI but there are also areas such as Ross and San Anselmo with lower percentages.

Poverty rates and the concentration of poverty over time can provide an insight into the economic wellbeing of households and individuals in the County and in the Town. As of 2021, the Town had a poverty rate of 10.1 percent and the County had a poverty rate of 6.9 percent, both of which are lower than the State poverty rate of 12.6 percent. Poverty is also unevenly distributed by race/ethnicity in both jurisdictions (see Table E-5). Also, poverty rates are lower in Fairfax than they are in the County across race and ethnicities except for the non-Hispanic White group. Between 2014 and 2019, poverty in the Town shifted and increased as seen in Map E-7 and Map E-8. In 2014, no tracts had poverty rates greater than 20 percent, but a few tracts had rates greater than 10 percent; by 2019, all tracts had poverty rates lower than 10 percent, indicating that concentration of poverty lessened over time.

Table E-5: Poverty Status in the Past 12 Months by Race/Ethnicity, 2021

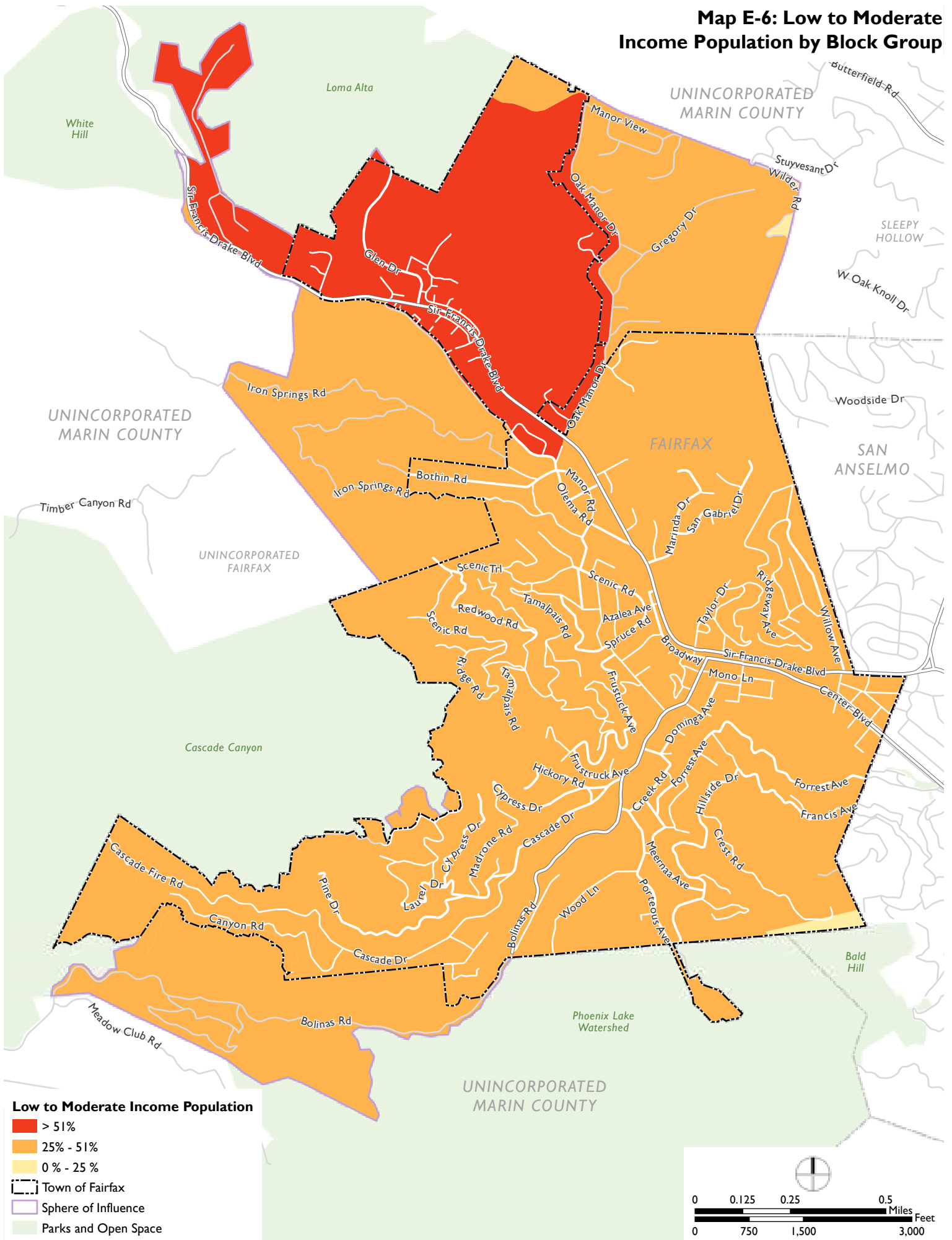
<i>Race/Ethnicity</i>	<i>Marin</i>	<i>Fairfax</i>
White (NH*)	5.2%	11.9%
Black	15.9%	1.6%
American Indian or Alaska Native	16.6%	0.0%
Asian	6.7%	0.3%
Native Hawaiian or Other Pacific Islander	16.0%	3.8%
Some Other Race	17.9%	0.0%
Two or More Races	8.8%	3.7%
Hispanic or Latinx (of any race)	13.0%	2.0%

*NH stands for Non-Hispanic

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2017-2021), Table A13005 (A-G)

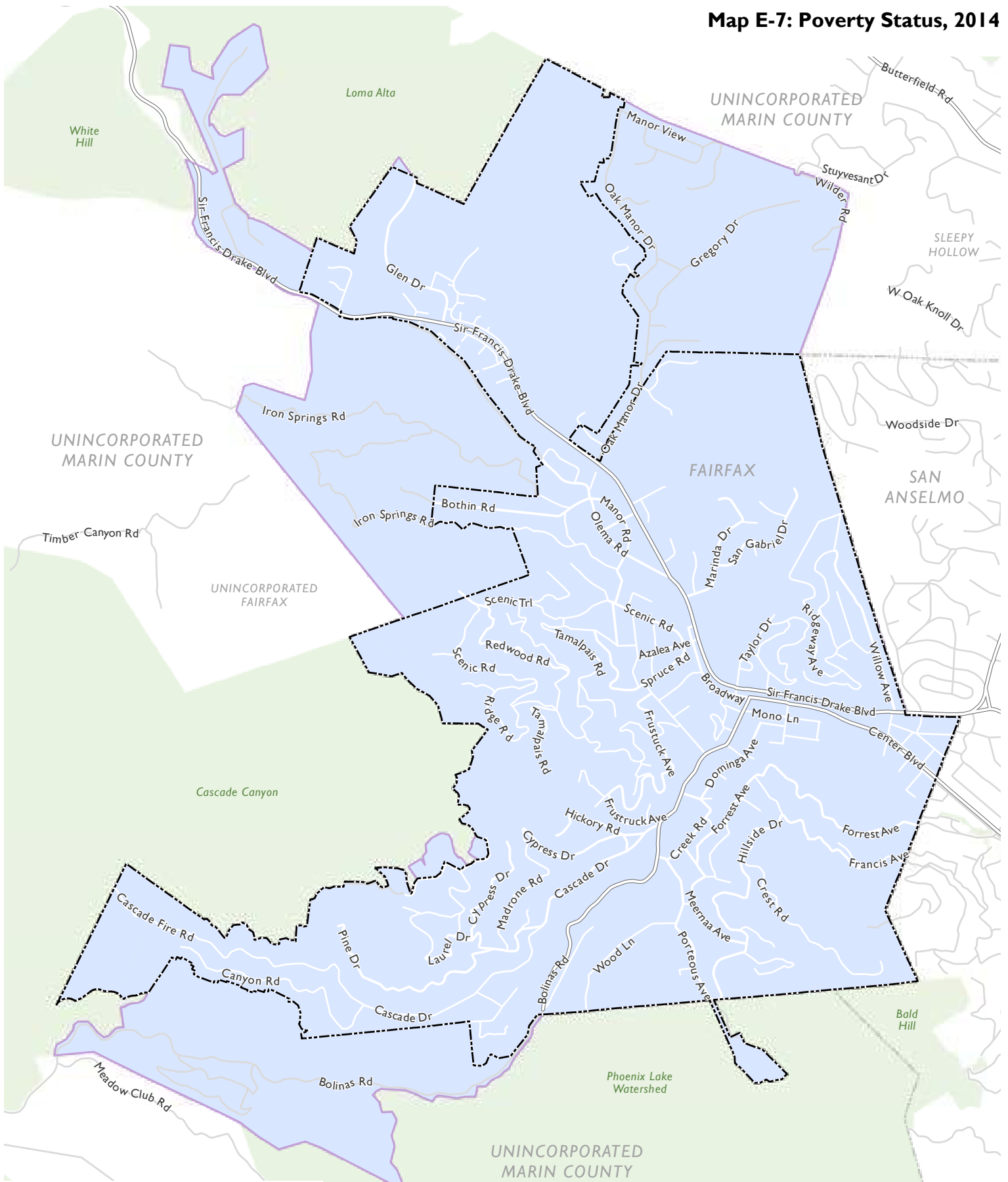
Fairfax households earning more than 100 percent of AMI have incomes about three percent lower than the Bay Area (49 percent and 52 percent, respectively) and two percent lower than Marin County (51 percent). Households earning less than 80 percent of the median income (considered low-income) make up 38.3 percent of Fairfax, 40.5 percent of Marin County, and 38.6 percent of Bay Area households. A smaller percentage of Fairfax and Marin County households (36.9 percent and 36.3 percent, respectively) are renters than in the Bay Area (43.9 percent). Renters as a group have lower incomes and a higher level of housing insecurity.

Map E-6: Low to Moderate Income Population by Block Group



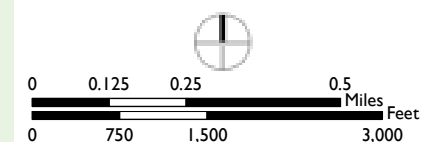
Sources: HCD AFFH Data and Mapping Resources, 2021; PlaceWorks 2021, HUD 2020; MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

Map E-7: Poverty Status, 2014



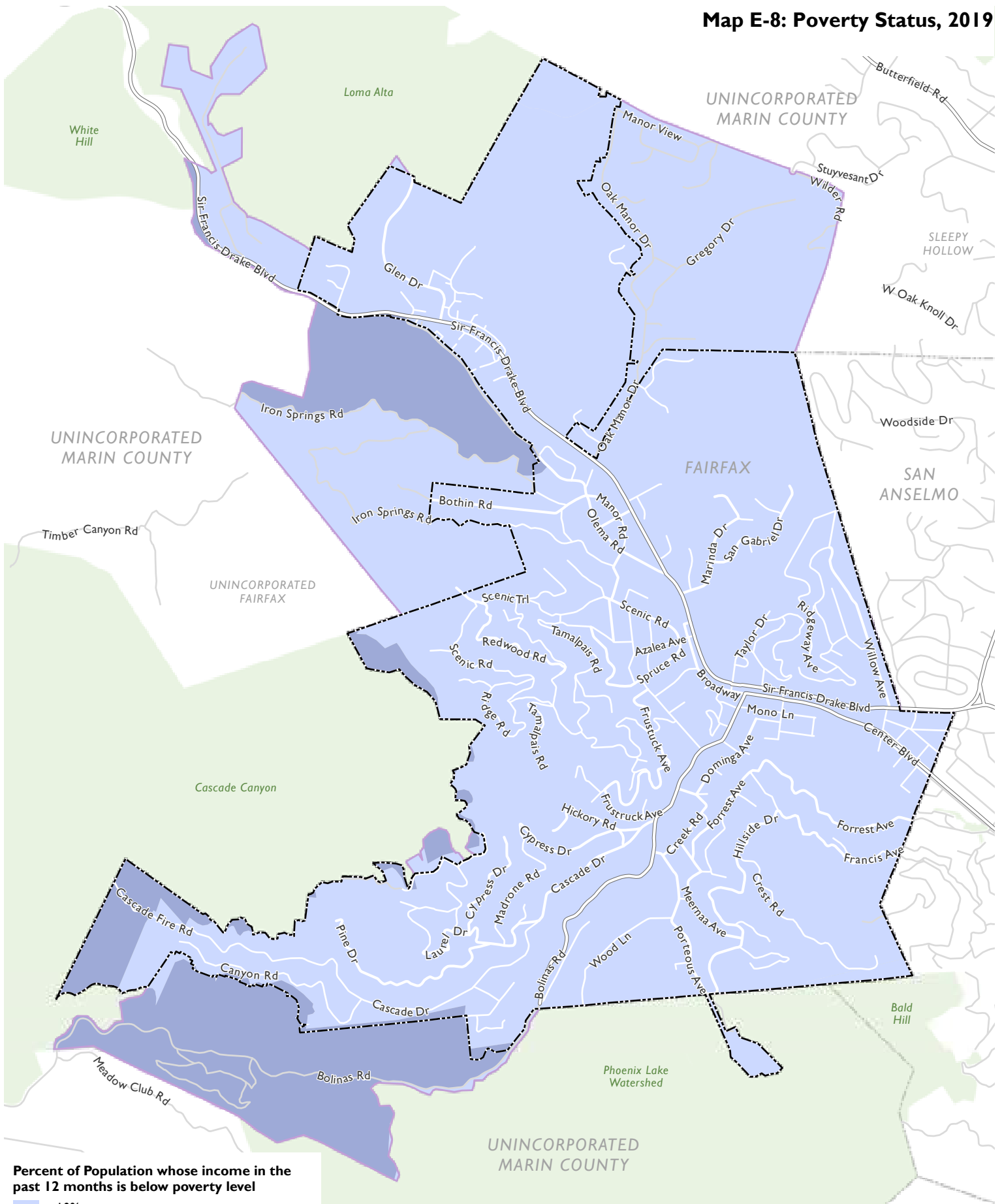
Percent of Population whose income in the past 12 months is below poverty level

- < 10%
- Town of Fairfax
- Sphere of Influence
- Parks and Open Space



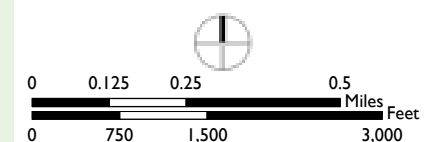
Sources: HCD AFFH Data and Mapping Resources, 2021; American Community Survey (ACS 2010-2014); MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

Map E-8: Poverty Status, 2019



Percent of Population whose income in the past 12 months is below poverty level

- < 10%
- 10% - 20%
- Town of Fairfax
- Sphere of Influence
- Parks and Open Space



According to the AFFH Data Viewer, Fairfax's median income increases from less than \$125,000 to greater than \$125,000 moving South and West. There are no areas showing block groups making less than a median income \$87,000 in Fairfax.

HOUSING CHOICE VOUCHERS

An analysis of the trends in use of housing choice vouchers (HCV) concentration can be useful in making sense of segregation and integration within a community. The HCV program aims to encourage participants to avoid high-poverty neighborhoods and promote the recruitment of landlords with rental properties in low poverty neighborhoods. A study prepared by HUD's Development Office of Policy Development and Research found a positive association between the HCV share of occupied housing and neighborhood poverty concentration and a negative association between rent and neighborhood poverty⁸, indicating that HCV use was concentrated in areas of high poverty where rents tend to be lower. In areas where these patterns occur, the program has not succeeded in moving holders out of areas of poverty.

HCV programs are managed by Public Housing Agencies (PHAs), and the programs assessment structure (SEMAPS) includes an "expanding housing opportunities" indicator, that shows whether the PHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration⁹. In Marin County, the Landlord Partnership Program aims to expand rental opportunities for families holding housing choice vouchers by making landlord participation in the program more attractive and feasible, and by making the entire program more streamlined.

Overall, Marin County has a relatively low proportion of renters using housing vouchers in comparison to the Bay Area, with no tracts in the county having greater than 15 percent renters using vouchers. In all Fairfax Census tracts, between five and fifteen percent of renters use housing vouchers. Comparatively, other jurisdictions in Marin County have similar or fewer housing voucher users as a percentage of renters. Based on data from the AFFH Data Viewer, only a few tracts in North Bay counties have greater than 15 percent of renters using housing vouchers while tracts in San Francisco, the East Bay and South Bay have tracts with 15 to 60 percent of renters using housing vouchers and some reaching between 60 and 100 percent (San Francisco and San Jose). As of December 2020, 2,100 Marin households were receiving HCV assistance from the Marin Housing Authority (MHA). HCV use is concentrated in tracts in North Marin (Hamilton and the intersection of Novato Boulevard and Indian Valley Road). In these tracts, between 15 and 30 percent of the renter households are HCV holders. In most Central Marin tracts and some Southern Marin tract (which are more densely populated), between 5 and 15 percent of renters are HCV recipients. As presented in Map E-9, both census tracts in Fairfax have 5-15 percent of renters using vouchers (102 households total). Most of the surrounding jurisdictions also fall within this range. A census tract to the east within San Anselmo had fewer voucher users with 3.7 percent of its renters using vouchers (16 households).

⁸ Devine, D.J., Gray, R.W., Rubin, L., & Taghavi, L.B. (2003). *Housing choice voucher location patterns: Implications for participant and neighborhood welfare*. Prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research, Division of Program Monitoring and Research.

⁹ For more information of Marin County's SEMAP indicators, see: the County's Administrative Plan for the HCV Program. <https://irp.cdn-website.com/4e4dab0f/files/uploaded/Admin%20Plan%20Approved%20December%202021.pdf>

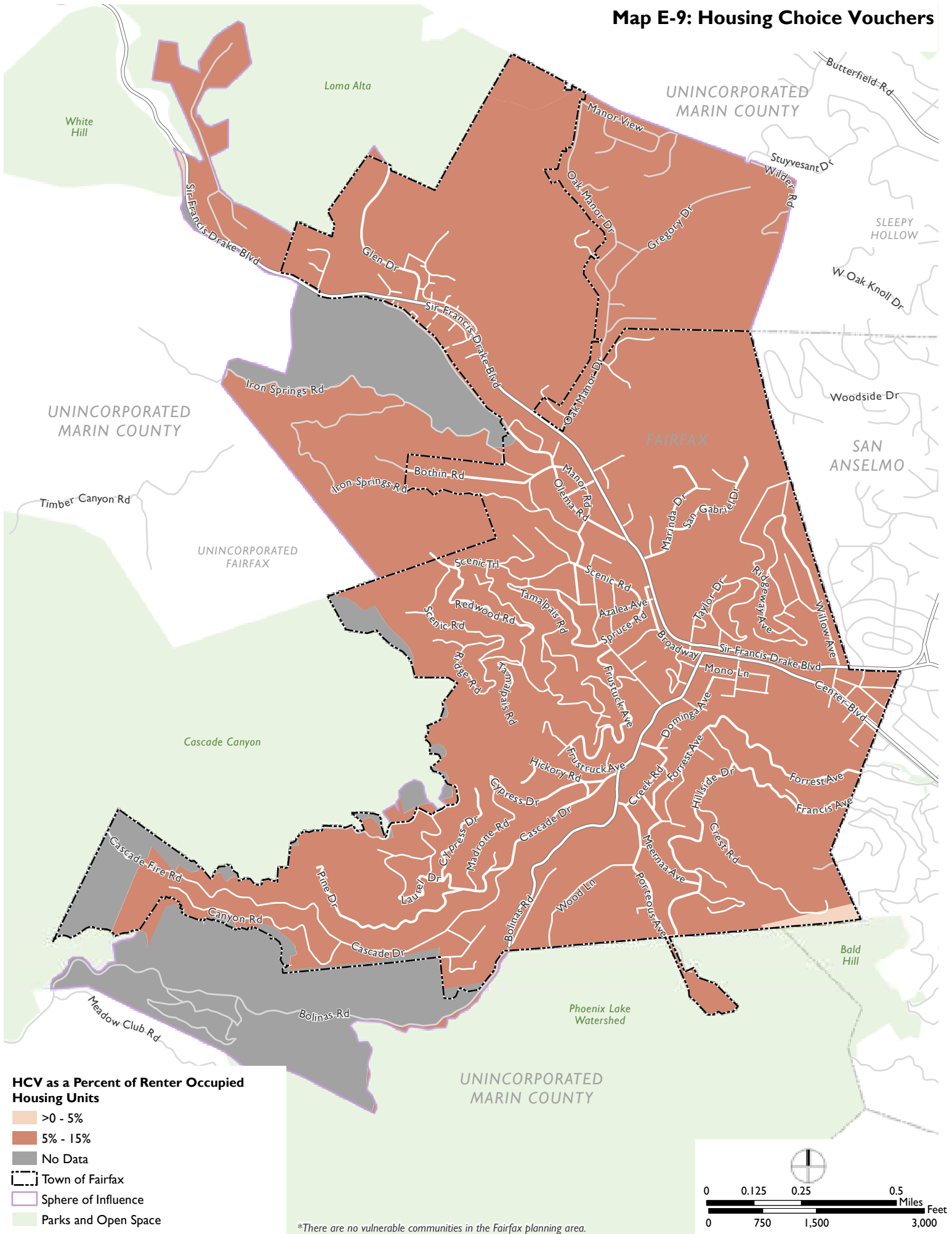
SUBSIDIZED HOUSING

The Marin Housing Authority (MHA) serves both the unincorporated area and Marin cities. Funded primarily by HUD, MHA operates and administers 496 property units in six locations. It is a public corporation authorized to provide decent, safe, and sanitary housing for low-income people. Approximately five percent (6,125 units) of the County's total housing units are affordable housing units that have received a combination of local, federal, or State assistance. Nearly 3,000 of the units use MHA's Section 8 and public housing programs. As of October 2021, the Section 8 (Housing Choice Voucher) waiting list had 793 active applicants. Only 124 applicants were housed between 2019 and 2021. Some Marin County Cycle 6 Housing Element focus group participants identified the need for additional Section 8 housing as an issue, particularly in West Marin.

There are five subsidized housing developments in the northern part of Fairfax, three of which are restricted to seniors and disabled persons. Rents in this housing is usually 30 percent of adjusted monthly income, 10 percent of unadjusted monthly income, or, if receiving welfare assistance, the housing costs portion of this assistance, whichever is highest.

- **Vest Pocket.** Fairfax Vest Pocket is a group of six homes in the town of Fairfax. They provide shared living (Single Room Occupancy) to persons with disabilities, single parents, and senior citizens. Residents of each community home share a kitchen, living room, dining room and bathroom.
- **Victory Village.** Victory Village provides 54 independent living, affordable homes for Seniors aged 62 and older. There are 53 one-bedroom apartments (all Section 8) and one two-bedroom apartment, which is a staff unit. Twenty-eight apartments are designed for residents with mobility impairments and three of these are also designed for residents with auditory or visual impairments. It opened in 2020.
- **Piper Court Apartments.** Piper Court is in the Oak Manor section of Fairfax and is an affordable housing community for families. It is conveniently close to public transportation, a public library, schools, shopping and downtown. The property consists of 27 two- and three-bedroom units. It opened in 2018.
- **Creekwood.** Adults with developmental disabilities live in a group home setting at Creekwood. The property has 12 bedrooms, and tenants share common areas. All units are rented through Buckelew Programs. Since this property was built or renovated using funding from HUD's Section 202 Supportive Housing for the Elderly program, residency is usually restricted to households earning 50% of the Area Median Income (AMI) or less with at least one member age 62 years or older.
- **Bennett House.** Bennett House is an Independent Living (IL) senior housing community with programming from both Mercy Housing staff and other 3rd party agencies. Staff conduct outreach to all residents to assess needs and connect to resources that enable residents to live independently. It has 70 units all of which are Section 8.

Map E-9: Housing Choice Vouchers



E.3 Racially/Ethnically Concentrated Areas of Poverty and Affluence

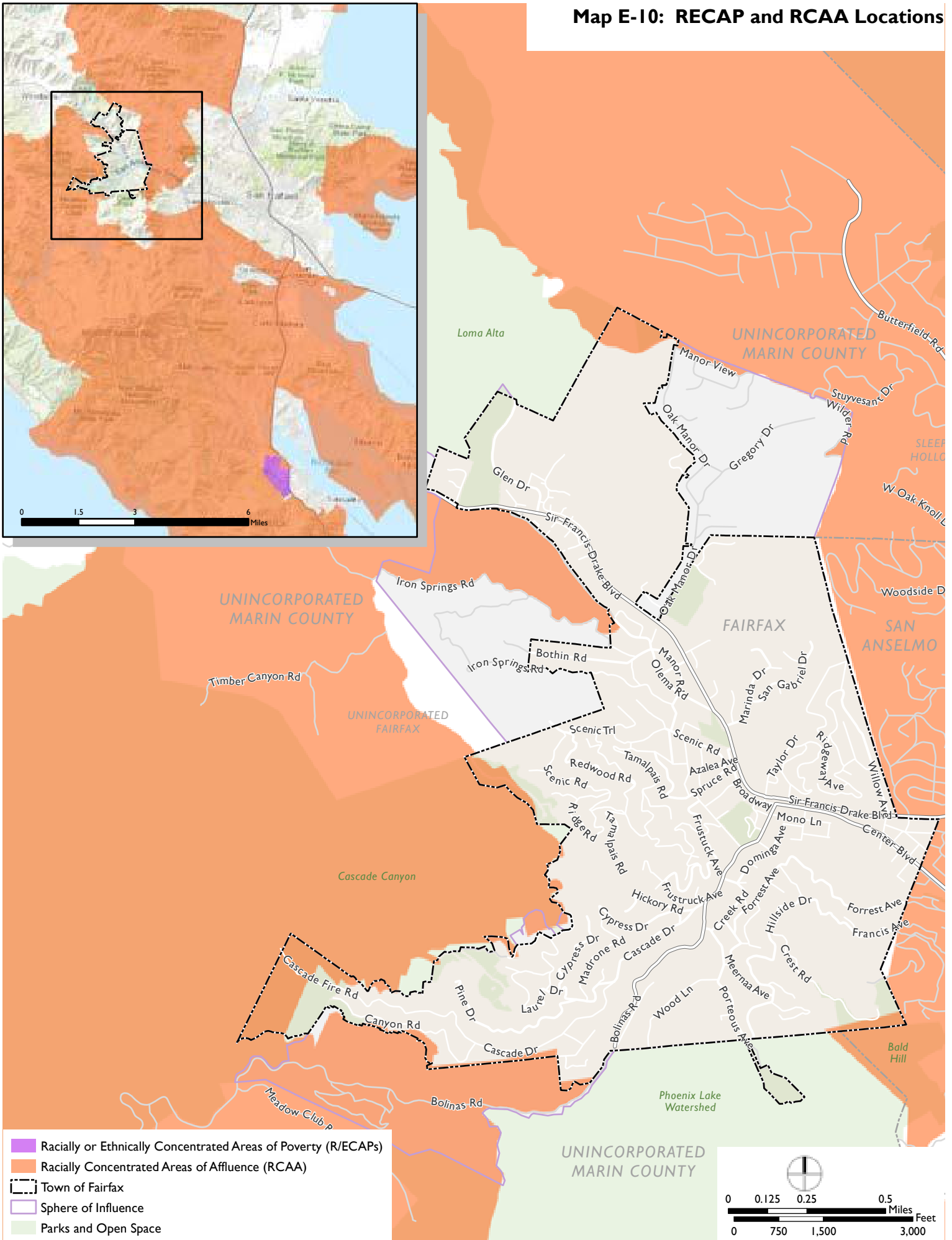
To help communities identify racially or ethnically concentrated areas of poverty (R/ECAPs), HUD has developed a census tract-based definition: R/ECAPs must have a non-White population of 50 percent or more, and the poverty rate must exceed 40 percent or be three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower. According to HUD estimates provided by HCD, during the 2009-2013 period there were no R/ECAPs in Fairfax and based on 2020 HUD AFFH data, there were no R/ECAPs in Fairfax. As shown on Map E-10, as of 2020, there is one R/ECAP in the County located in Marin City.

The R/ECAP in Marin City is west of State Highway 101. The Marin City CDP tract is characterized by a concentration of Black residents. Approximately 22 percent of Marin City's residents are Black, which is significantly higher than in Marin County overall and in unincorporated Marin County (two percent and three percent, respectively). Marin City residents also earn lower median incomes (less than \$55,000), especially compared to neighboring jurisdictions where median incomes are higher than \$125,000. Marin City, which has Marin County's only family public housing, also has the highest share of extremely low-income households in the County; about 40.0 percent of households earn less than 30 percent the Area Median Income, compared to only 14.0 percent of unincorporated County households who are extremely low income.

There are no census tracts identified as high segregation and poverty tracts in Fairfax or the County on the TCAC/HCD Composite Opportunity Map (Map E-11). Instead of a threshold for race, the TCAC/HCD approach uses a location quotient for racial segregation. The poverty threshold is 30 percent of the population living below the poverty line and the location quotient is essentially a measure of the concentration of race in a small area compared to the County level. For this study, the poverty threshold used to qualify a tract as an R/ECAP was three times the average census tract poverty rate countywide, or 21.6 percent.

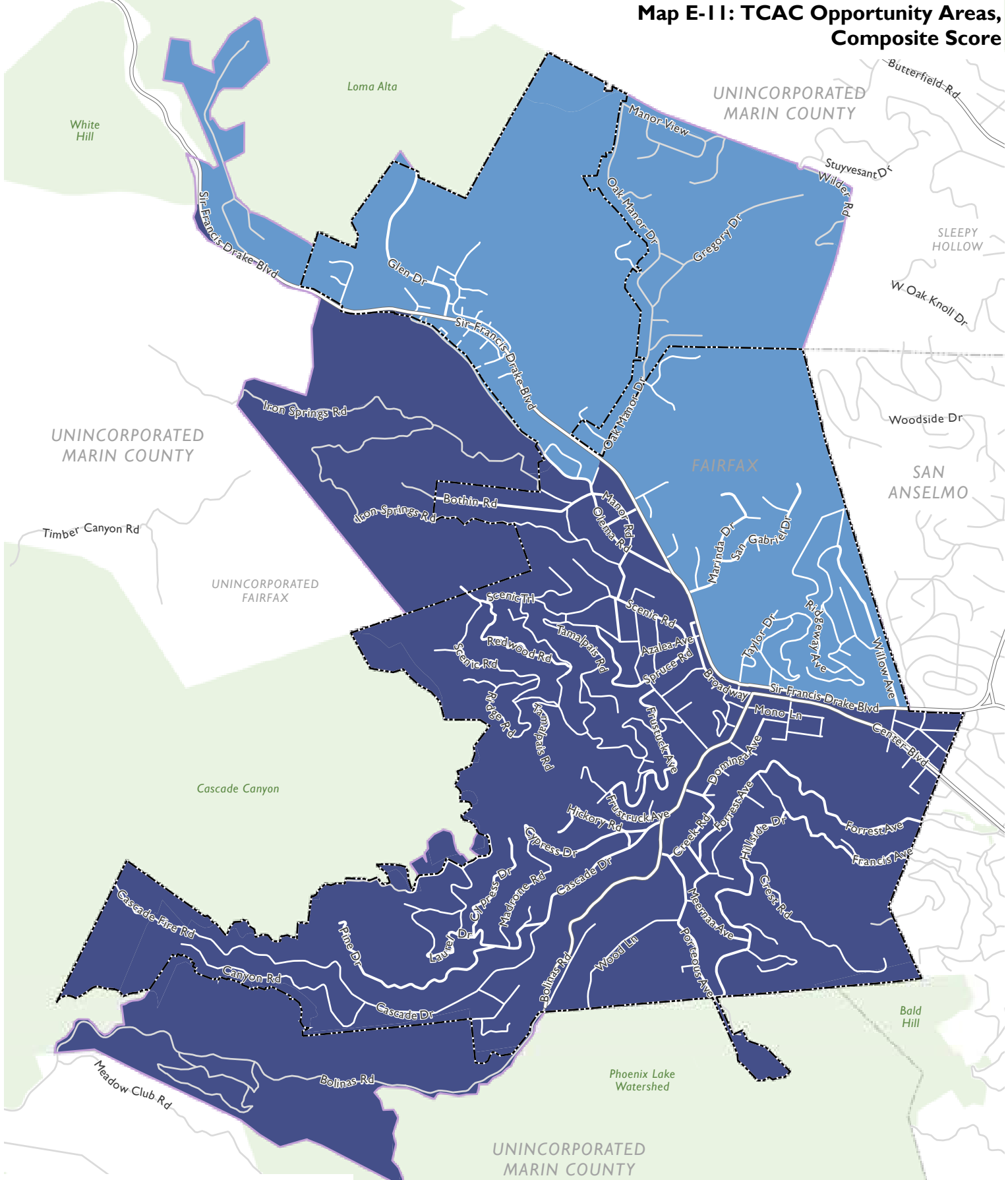
Racially/Ethnically Concentrated Areas of Affluence (RCAAs) are not formally defined by HUD or the State HCD but are generally considered to be areas with high concentrations of wealthy, White residents. An RCAA is defined as a census tract in which 80 percent or more of the population is non-Hispanic White and has a median income of at least \$125,000. There are a few tracts with an over 80 percent non-Hispanic White population located throughout the County, primarily in Southern Marin, parts of Central Marin, coastal North Marin, and central West Marin. The cities of Belvedere, Mill Valley, Fairfax, Ross, and some areas of San Rafael and Novato are also predominantly non-Hispanic White. However, of all these predominantly non-Hispanic White areas (incorporated jurisdictions and unincorporated communities), only Belvedere, Mill Valley, Tam Valley, Black Point- Green Point and the eastern tracts of Novato are census tracts with a median income over \$125,000. Although not all census tracts have the exact relationship of over 80 percent non-Hispanic White and median income over \$125,000 to qualify as "RCAAs," throughout the County, tracts with higher non-Hispanic White populations tend to have greater median incomes.

Map E-10: RECAP and RCAA Locations



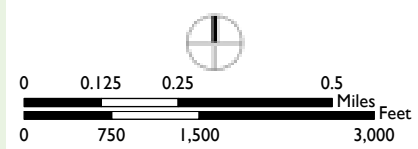
Sources: HCD AFFH Data and Mapping Resources, 2021; PlaceWorks 2021, ACS 2015 - 2019; MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

Map E-11: TCAC Opportunity Areas, Composite Score



TCAC Opportunity Areas 2022 - Composite Score

- Highest Resource
- High Resource
- Town of Fairfax
- Sphere of Influence
- Parks and Open Space



Sources: HCD AFFH Data and Mapping Resources, 2022; TCAC 2022, PlaceWorks 2022; MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

No census tract in Fairfax is designated as an RCAA. However, it is important to note that Fairfax is still an area of advantage and exclusion, predominantly non-Hispanic White overall, and surrounded by RCAAs in other cities. Fairfax does not meet the RCAA threshold because most of the Town does not have a median income of at least \$125,000; according to the United States Census Bureau, the median income for Fairfax residents in 2019 (the year RCAAs were designated by HCD) was \$104,112, below the HCD's definition of a RCAA. This fact is likely tied to the number of Fairfax residents who are older and retired households living on fixed incomes in single-family detached homes worth considerably more than their original purchase price (and the high percentage of renters in Fairfax who tend to be lower income).

E.4 Disparities in Access to Opportunity

To help quantify access to opportunity within a jurisdiction, HCD and the California Tax Credit Allocation Committee (TCAC) convened the California Fair Housing Task Force to “provide research, evidence-based policy recommendations, and other strategic recommendations to HCD and other related state agencies/departments to further the fair housing goals (as defined by HCD).” The Task Force developed a series of Opportunity Maps to determine areas with the highest and lowest resources by census tract. Highest resource tracts are the top 20 percent of census tracts with the highest index scores relative to the region, while high resource tracts are the next 20 percent. The remaining tracts are then evenly divided into the low resource and moderate resource categories. Index scores are compiled by domain, as outlined in Table E-6 below. The economic, environmental and education domains were further aggregated to create a composite index, which determines each tract's resource level.

Table E-6: Domain and Indicators for HCD/TCAC Opportunity Maps

<i>Domain</i>	<i>Indicator</i>
Economic	Poverty Adult Education Employment Job Proximity Median Home Value
Environmental	CalEnviroScreen 4.0 indicators
Education	Math Proficiency Reading Proficiency High School Graduation Rates Student Poverty Rate
Filter	Poverty and Racial Segregation

Source: California Fair Housing Task Force, Methodology for the 2022 TCAC/HCD Opportunity Map, December 2021

Understanding disparities in access to opportunity within a community requires an assessment of the regional as well as the local context. The following section provides a summary of regional opportunity at the County and the greater Bay Area region when applicable, in addition to opportunity in Fairfax.

Town-wide opportunity is broken down into the distinct categories of educational, economic, and environmental opportunity based on metrics provided by HCD shown in Table E-6.

TCAC composite scores categorize the level of resources in each census tract. Categorization is based on percentile rankings for census tracts within the region. The highest concentrations of highest resource areas are in the counties of Sonoma and Contra Costa. Marin and San Francisco counties also have a concentration of high resource tracts. High segregation and poverty tracts are most prevalent in the cities of San Francisco and Oakland. There is only one census tract in Marin County considered an area of high segregation and poverty is in Central Marin within the Canal neighborhood of the City of San Rafael.

HCD provides data for the entire County that explores the distribution of five types of opportunity: educational, employment, transportation, access to low poverty neighborhoods, and access to environmentally healthy neighborhoods. Analysis is based on indices provided by the HUD AFFH tool. The higher the index score, the better an area's access to opportunity. Throughout the sections below on local opportunity, the County indices are incorporated to give regional context. HUD AFFH data for Fairfax is not available because the tool did not include it as a jurisdiction. The indices are defined as follows:

- Environmental Health — Summarizes potential exposure to harmful toxins at a neighborhood level;
- Jobs Proximity — Quantifies the accessibility of a given residential neighborhood as a function of its distance to all job locations within a Core Based Statistical Area (CBSA);
- Labor Market — Provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood;
- Low Poverty — A measure of the degree of poverty in a neighborhood, at the census tract level;
- Low Transportation Cost — Estimates of transportation costs for a family that meets the following description: a 3-person single-parent family with income at 50% of the median income for renters for the region;
- School Proficiency — School-level data on the performance of 4th grade students on state exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing schools; and
- Transit — Trips taken by a family that meets the following description: a 3-person single-parent family with income at 50% of the median income for renters.

According to the 2022 TCAC Opportunity Areas composite score (see Map E-11), Fairfax has no census tracts that are low resource, high segregation and poverty, or moderate resource. There is one tract in the southwestern half of town classified as Highest Resource while the other tract is classified as High Resource adjacent to unincorporated Marin and San Anselmo. There is only one census tract in Marin County considered an area of “high segregation and poverty” located in Central Marin in the Canal neighborhood of the City of San Rafael. In the County, low resource areas are concentrated in West Marin, from Dillon Beach to Nicasio including the communities of Tomales, Marshall, Inverness, and Point Reyes Station. In Central Marin, low resource areas are concentrated in San Rafael. All of Southern Marin is considered a highest resource area, except for Marin City, which is classified as moderate resource.

Economic Opportunity

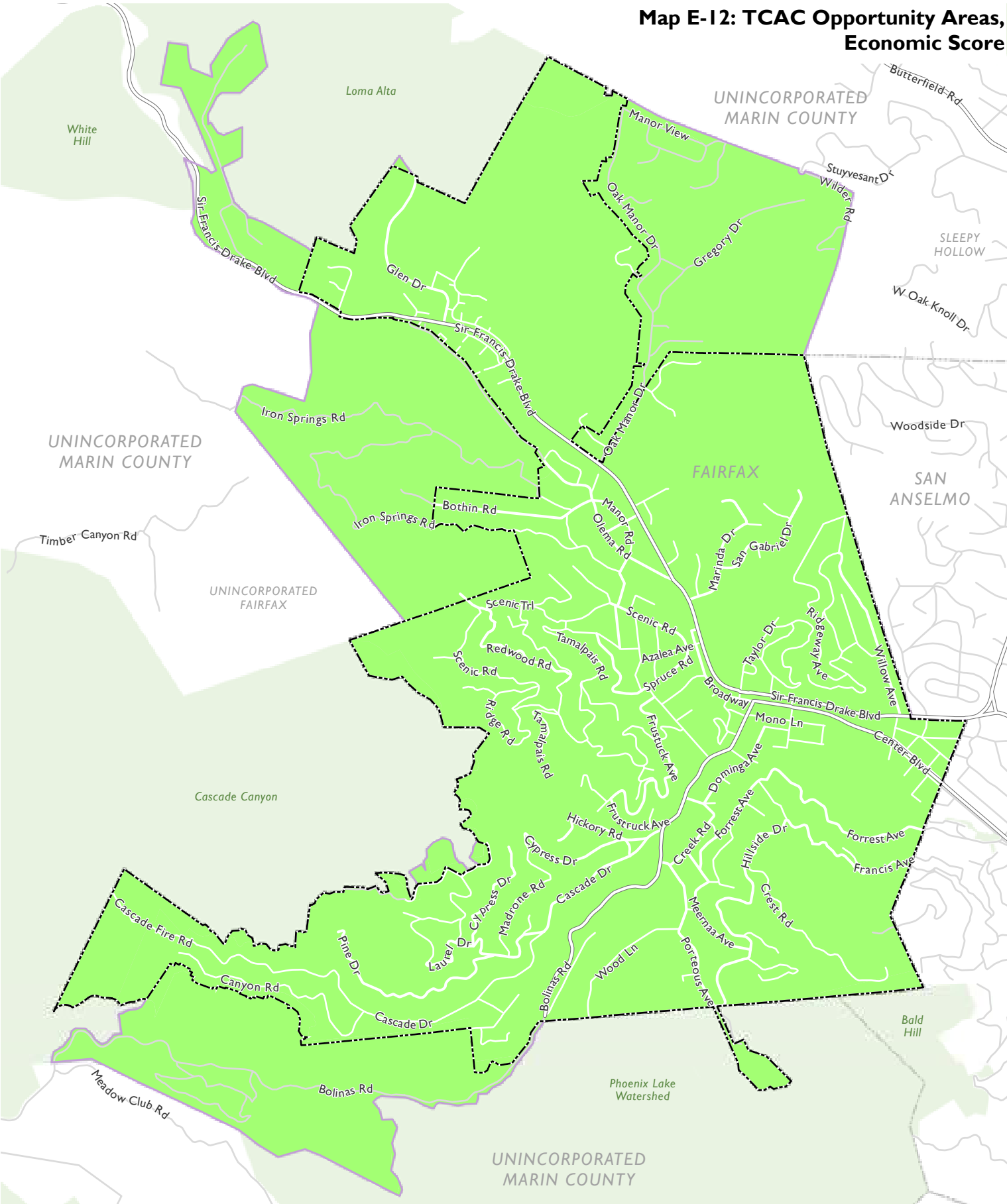
The 2022 TCAC Opportunity Areas economic score, as shown in Map E-12, summarizes access to economic opportunity in Fairfax. Indicated by the AFFH viewer data, the Town experiences higher economic opportunity scores while the areas to the east experience lower economic opportunity scores in Marin County. All census tracts in Fairfax have moderate levels of economic opportunity (0.5 – 0.75). In the region, the lowest economic scores are in San Pablo, Richmond, San Leandro, and Hayward as well as in southern Sonoma County and Solano County. In Marin County, the lowest economic scores are in northern West Marin and North Marin, as well as some census tracts in Central Marin and at the southern tip of the County (Marin Headlands). The highest TCAC economic scores are in Southern Marin and parts of Central Marin including the cities of Larkspur, Mill Valley, Corte Madera, Sausalito, and Tiburon.

Jobs to household ratio is lower in Fairfax than in Marin County and the Bay Area but has steadily increased since 2015. While the Bay Area has 1.5 jobs per worker, Marin County has 1.1 job per household. Fairfax, lower still, has approximately 0.6 jobs per household. Most job holders in Fairfax work in Health and Education Services (top industry in Fairfax), Arts, Recreation, and Other Services, and Professional and Managerial Services. In 2002, the Finance and Leasing industry was the second highest employing industry in Fairfax; since 2005, the industry has witnessed a drop in nearly 1,000 jobs.

In terms of wage range, the jobs to worker ratio has remained stable for higher wage jobs (more than \$3,333/month), indicating that workers have been consistently able to afford to live in the Town. While there has been more variation in lower wage jobs, the jobs to workers ratio for wages \$1,250-\$3,330/month have consistently increased since 2015 and the ratio for wages less than \$1,250/month slightly increased between 2017 and 2018. These trends are indicative of a housing market that is becoming more challenging for low wage workers to afford. Unemployment in Fairfax spiked significantly in 2020, but less than in the Bay Area and Marin County. This trend is expected; however, unemployment rates have not reached pre-pandemic levels.

HUD's jobs proximity index quantifies the accessibility of a neighborhood to jobs in the region. Index values can range from 0 to 100 and a higher index value indicates better the access to employment opportunities for residents in a neighborhood. County jobs proximity index values range from 65 to 75 and are highest for Hispanic and Black residents. Regionally, tracts along the northern San Pablo Bay shore and northern San Francisco Bay shore (Oakland and San Francisco) have the highest job proximity scores. In Marin County, the highest values are in Central Marin at the intersection of Highway 101 and Highway 580 from south San Rafael to Corte Madera. Some census tracts in North and Southern Marin along Highway 101 also have high jobs proximity values, specifically in south Novato and Sausalito. The City of Tiburon in Southern Marin also has the highest scoring census tracts. Western North and Central Marin and some West Marin tracts, including the unincorporated Valley community (west of Highway 101) have the lowest jobs proximity scores.

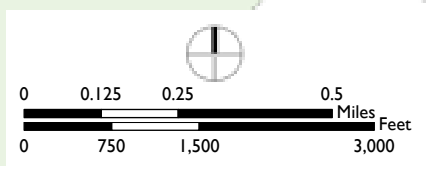
Map E-12: TCAC Opportunity Areas, Economic Score



TCAC Opportunity Areas 2022 - Economic Score

< .25 (Less Positive Economic Outcome)*	Town of Fairfax
0.25 - 0.50*	Sphere of Influence
0.50 - 0.75	Parks and Open Space
> .75 (More Positive Economic Outcome)*	

*No census tracts contained in this category.



Sources: HCD AFFH Data and Mapping Resources, 2021; American Community Survey (ACS 2015-2019); MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

There are groups within the County that aim to stimulate business activity, particularly the Marin Economic Forum, which enables Marin's economic stakeholders to collaborate on improving the County's economic vitality, focusing on Marin's targeted industries while enhancing social equity and protecting the environment. Services they offer include original, independent research and data on information for local governments and business that support economic development. Members of the forum include private sector companies, chambers of commerce, County and municipal governments, educational institutions, organizations, housing and similar economic-related activities and consumer groups.

In conclusion, Fairfax is in a county with fewer employment opportunities than other parts of the Bay Area and housing prices that limit the ability of lower income workers employed in the county to live there. Over the last ten or so years, while the ratio of high wage workers and jobs has been stable, there are increasingly fewer low wage workers for how many low wage jobs are available in Fairfax. Economic opportunity within Fairfax is not concentrated in one census tract, indicating no geographical discrepancy to accessing economic opportunity. But variation in economic opportunity between areas in the County is present, primarily influenced by proximity to freeways that enable access to job centers such as San Francisco.

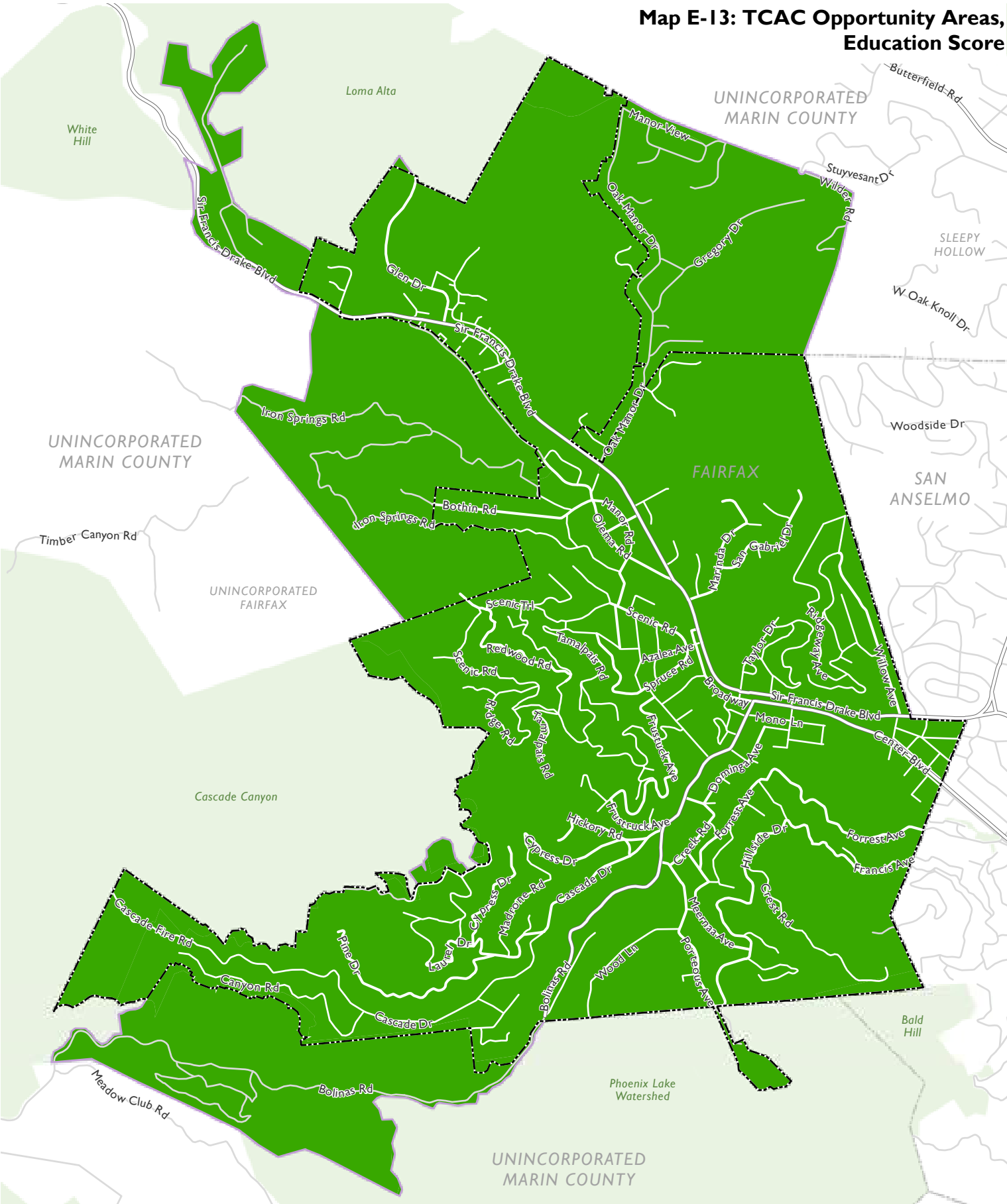
Educational Opportunity

The 2022 TCAC Opportunity Areas education score, which quantifies access to educational opportunity, is provided in Map E-13. The education score is based on a variety of indicators including math proficiency, reading proficiency, High School graduation rates, and student poverty rates. The education scores range from 0 to 1, with higher scores indicating more positive education outcomes. Fairfax experiences the highest score range possible (More Positive Educational Outcome) in all Town tracts. As discussed in Marin County's Cycle 6 Housing Element, there are concentrations of both low and high education scores in the Counties surrounding the San Francisco Bay. In San Francisco County, the western coast has a concentration of high education scores while the eastern coast has a concentration of low education scores. In Marin County, low education scores are concentrated in Novato and San Rafael along the San Pablo Bay and along the western coast.

Marin County has some of the highest graduation rates in the Country but according to the 2020 AI, Marin County "has the greatest educational achievement gap in California." Discrepancies between the success of students of color and White students is indicated by data from the nonprofit Marin Promise. According to the nonprofit, 71 percent of White students met or exceeded common core standards for 8th grade math, while only 42 percent of students of color met or exceeded those standards. About 64 percent of White students met or exceeded the college readiness standards, defined as completing course requirements for California public universities, while only 40 percent of students of color met or exceeded those requirements.

Fairfax is served by the Tamalpais High School District and Ross Valley Elementary School District. The High School District is approximately 70 percent White and 14 percent Hispanic. Asian students account for five percent of students and Black students account for less than two percent. The Elementary School District, which draws from a smaller area, is less diverse, with White students accounting for 77 percent of total students, Hispanic ten percent, and Two or More Races six percent. Remaining students identifying as Asian, Black, or Native American.

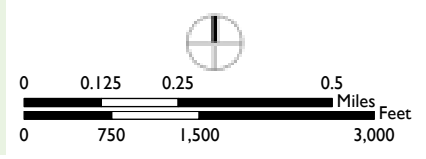
Map E-13: TCAC Opportunity Areas, Education Score



TCAC Opportunity Areas 2022 - Education Score

Town of Fairfax	Sphere of Influence
< .25 (Less Positive Education Outcomes)*	Parks and Open Space
0.25 - 0.50*	
0.50 - 0.75*	
> .75 (More Positive Education Outcomes)	

*No census tracts contained in this category.



Sources: HCD AFFH Data and Mapping Resources, 2022; MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

Table E-7 compares the scores of relevant schools for Fairfax to the County and California using 2022 California Assessment of Student Performance and Progress (CAASP) scores. For both Math and English, the elementary and high school score higher than the County and California indicating high educational opportunity in Fairfax.

Although Fairfax students of color on average received higher test scores than the State average and similar scores to the County average, students of color in Fairfax scored lower than White students. At Tamalpais High, 83.2 percent of White students met or exceeded the English language arts test and 66.1 percent of White students met or exceeded the Mathematics test while 69.5 percent of students of color met or exceeded the English language arts test and 46.9 percent of students of color met or exceeded the Mathematics test. At Ross Valley Elementary, 78.9 percent of White students met or exceeded the English language arts test and 69.0 percent of White students met or exceeded the Mathematics test while 64.8 percent of students of color met or exceeded the English language arts test and 53.9 percent of students of color met or exceeded the Mathematics test.

The barriers to access at the County level and the lower scores at the Town level indicate access to educational opportunity within the Town is affected by race and ethnicity. Because access is spread evenly by census tract, other barriers such as language, economic factors, and other educational resources may be needed to close the educational gap between White students and students of color in Fairfax.

Table E-7: CAASP Scores, 2022

<i>District/Region</i>	<i>Percent Met or Exceeded Standard</i>	
	<i>English Language Arts</i>	<i>Mathematics</i>
State of California	47.1%	33.4%
Marin County	62.1%	51.3%
Tamalpais High School	78.7%	59.7%
Ross Valley Elementary	74.6%	64.8%

Source: California Department of Education, CAASPP, Smarter Balanced Summative Assessments, 2021-2022

Transportation Opportunity

The Bay Area struggles with a mismatch between employment growth relative to housing supply, resulting in a disconnect between where people live and work. Since 1990, the Bay Area has added nearly two jobs for each housing unit built. Slow building of housing and rapid job growth has led to high-income communities along the Peninsula and Silicon Valley and less housing for lower- and middle wage workers. Freeway congestion and crowding on transit systems in the Bay Area is another symptom of this disconnect.

HUD's opportunity indicators the transit index and low transportation cost scores provide an understanding of transit use and access in Marin County. Index values range from zero to 100 and are reported per race. In the County, transit index values range from 61 to 69. White residents received the lowest scores while Black and Hispanic residents scored highest. Regardless of income, White residents have lower index values for both transit and low transportation cost.

Transit in the County is found throughout North, Central, and South Marin along the City Centered Corridor from Novato to Marin City/Sausalito. Eastbound connections extend from San Rafael to

Contra Costa County via the 580 Richmond Bridge and from Novato towards Vallejo via the 101 and 37. In Marin, public transit is offered along Sir Francis Drake Boulevard from Olema to Greenbrae. In Fairfax, Marin Transit Authority (MTA) offers a stop between the Canal and Downtown Fairfax. The stop is located on Sir Francis Drake Boulevard and Claus Drive in the commercial center of the Town.

In addition to its fixed routes, MTA offers other transportation options and some that are available for specific populations:

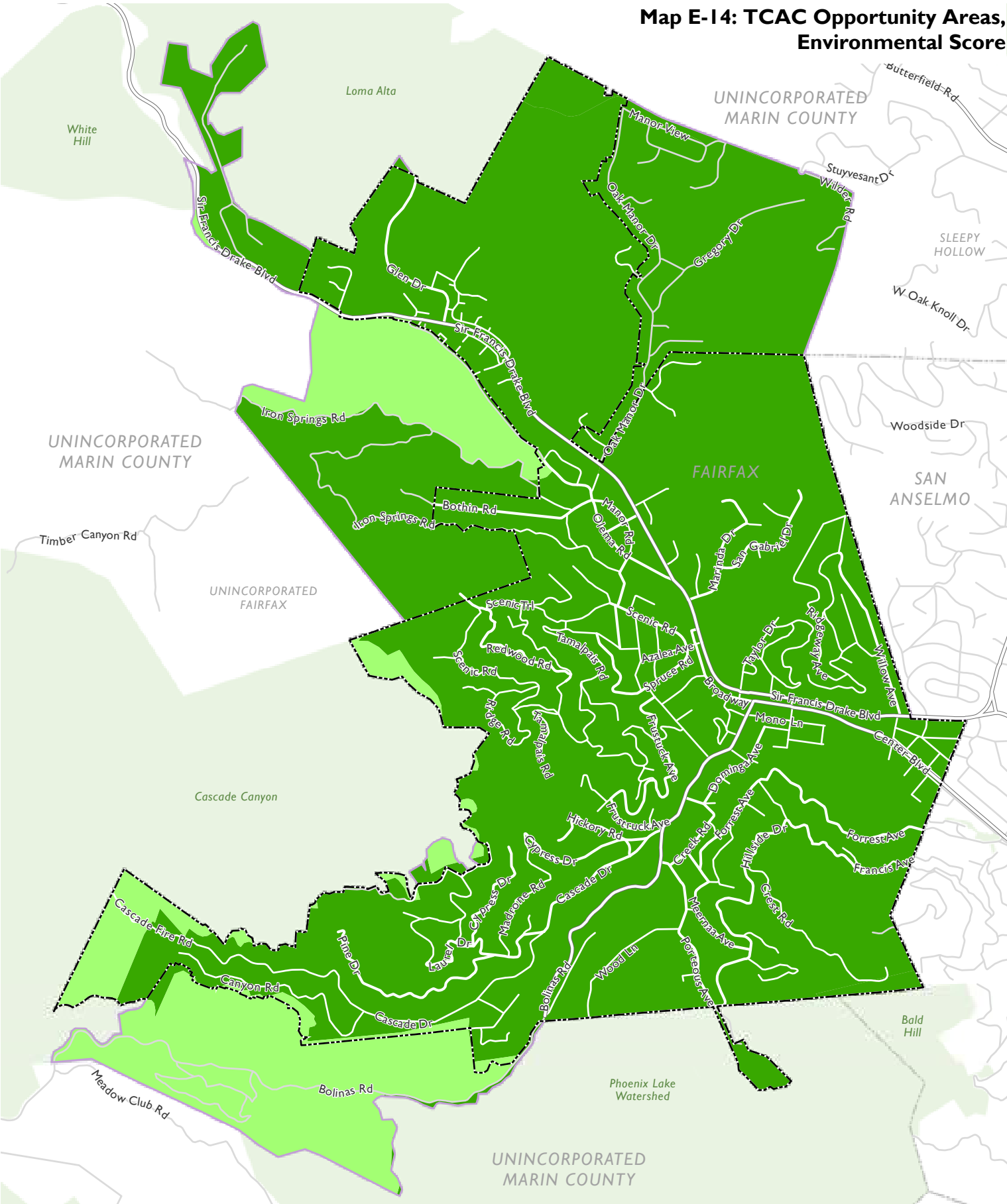
- **Marin Access** – A program run by MTA to enhance independence through mobility. The program offers applications to become clients of Marin Access. Clients must be residents of Marin County that are 65 or older or a person with a disability who cannot independently use regular Marin Transit or Golden Gate Transit bus service. Services they offer include teaching how to ride the fixed route bus or sign up for alternative transportation services.
- **ADA Paratransit Service** – provides transportation for people unable to ride regular bus and trains due to a disability. It serves and operates in the same areas, same days and hours as public transit.
- **Discount Taxi Program** – called Marin-Catch-A-Ride, it offers discount rides by taxi and other licensed vehicles if you are at least 80 years old; or are 60 and unable to drive; or you are eligible for ADA Paratransit Service.

Environmental Opportunity

The environmental opportunity score in the TCAC Opportunity Map is based on CalEnviroScreen 4.0 pollution indicators and values (see Map E-14). CalEnviroScreen 4.0 is a mapping tool that helps identify areas in the state that are most impacted by various sources of pollution. The score considers four major indicators: exposure (e.g., air quality, lead risk, etc.), sensitive populations (e.g., cardiovascular disease, asthmas, etc.), environmental effects (e.g., cleanup sites, groundwater threats, etc.), and socioeconomic factors (e.g., poverty, unemployment, etc.). There are no disadvantaged communities as defined by CalEnviroScreen 4.0 data in Marin County. As such, neither Fairfax nor the County are required to adopt an environmental justice element.

Within Fairfax, as shown in Map E-14, some areas of the Town experience more positive environmental outcomes (majority of the Town), while small areas, mostly in the Sphere of Influence (SOI), experience a positive environmental outcome but with a score between .50 and .75 rather than .75 and 1. Regionally, environmental scores are lowest in the tracts along to the San Pablo and San Francisco Bay shores, except for the coastal communities of San Rafael and Mill Valley in Marin County. Inland tracts in Contra Costa and Solano County also have low environmental scores. In Marin County, environmental scores are lowest in the West Marin areas of the unincorporated County from Dillon Beach in the north to Muir Beach in the South, east of Tomales Bay and Shoreline Highway. Census tracts in Black Point-Green Point, Novato, and south San Rafael have “less positive environmental outcomes.” More positive environmental outcomes are located in tracts in the City-Centered Corridor along Highway 101, from North Novato to Sausalito.

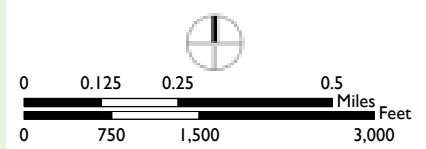
Map E-14: TCAC Opportunity Areas, Environmental Score



TCAC Opportunity Areas 2022 - Environmental Score

- < .25 (Less Positive Environmental Outcomes)*
- .25 - .50*
- .50 - .75
- .75 - 1 (More Positive Environmental Outcomes)

- Town of Fairfax
- Sphere of Influence
- Parks and Open Space



Sources: HCD AFFH Data and Mapping Resources, 2021; American Community Survey (ACS 2015-2019); MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

The Healthy Places Index (HPI) is a tool that allows local officials to diagnose and change community conditions that affect health outcomes and the wellbeing of residents. The HPI tool was developed by the Public Health Alliance of Southern California to assist in comparing community conditions across the state and combined 25 community characteristics such as housing, education, economic, and social factors into a single indexed HPI Percentile Score, where lower percentiles indicate lower conditions. In Marin County, most tracts are above 80 percent except in Southern San Rafael and Marin City. Fairfax is ranked higher than 96 percent of other California tracts in the HPI.

Other Disparities in Access to Opportunity

The Social Vulnerability Index (SVI) provided by the Center for Disease Control (CDC)—ranks census tracts based on their ability to respond to a disaster. It includes four themes of socioeconomic status, household composition, race or ethnicity, and housing and transportation. Fairfax and all of Marin County have no “disadvantaged communities.” As defined under SB 535 disadvantaged communities are “the top 25 percent scoring areas from CalEnviroScreen along with other areas with high amounts of pollution and low populations.”

As discussed in Section A.2, ten percent of Fairfax’s population is living with at least one disability. Twenty percent of Fairfax residents with a disability are unemployed, significantly higher than unemployed residents without a disability (3 percent). Overall, Fairfax has a higher rate of unemployment for persons with disabilities than Marin County which is approximately 13 percent. Higher concentrations of residents with a disability (10 percent to 20 percent) are above Sir Francis Drake Boulevard, where subsidized senior housing is located.

Chart E-3 summarizes key findings related to access to opportunity in Fairfax and protected groups.

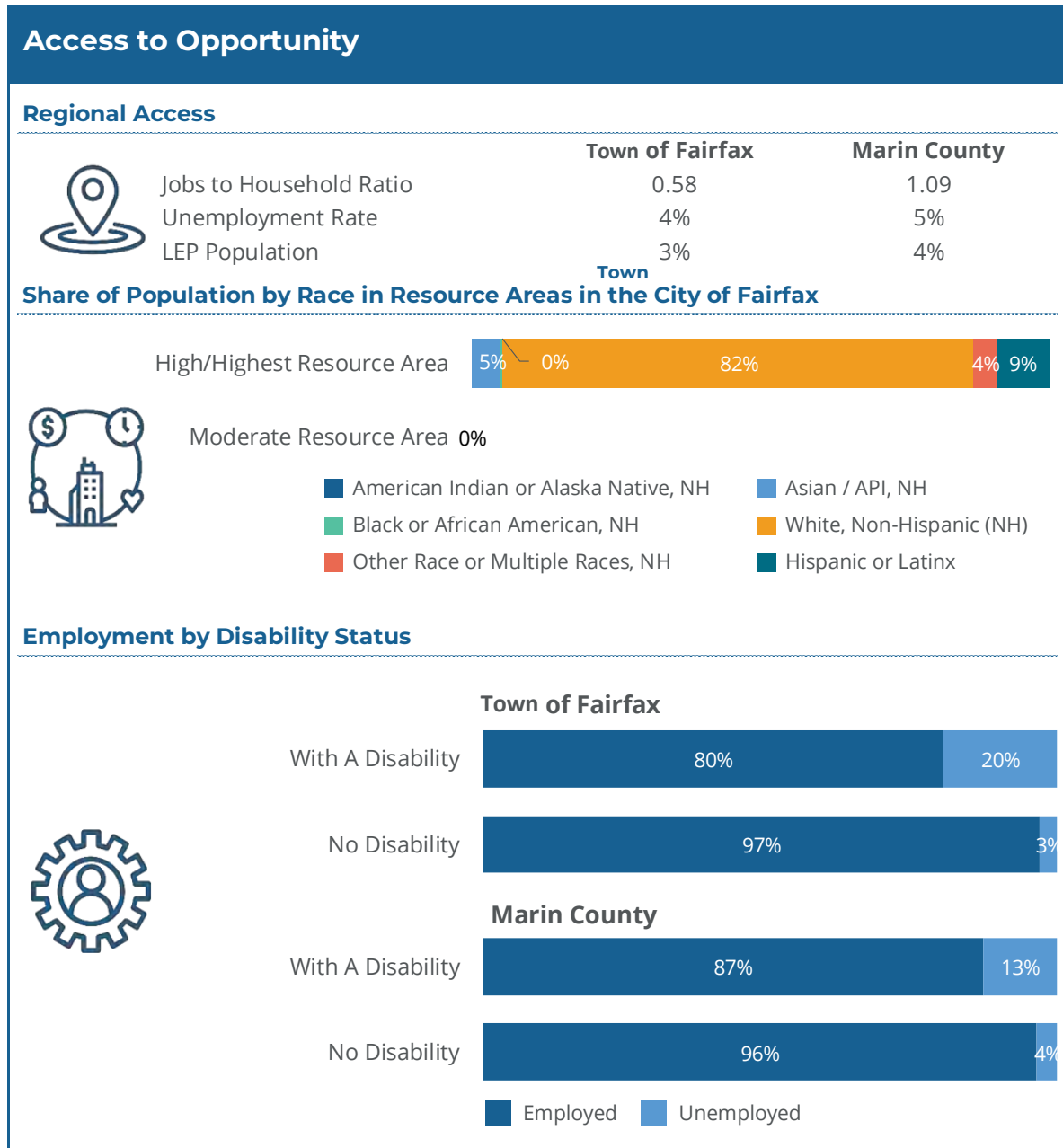
E.5 Disproportionate Housing Needs & Displacement Risk

According to HCD’s AFFH Guidance Memo, disproportionate housing need “generally refers to a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups, or the total population experiencing that category of housing need in the applicable geographic area.” Consistent with HCD guidance, this analysis evaluates disproportionate housing need in Fairfax through the assessment of cost burden, overcrowding, and displacement risk. These needs are analyzed within Fairfax and compared to Marin County and the Bay Area region when applicable.

COST BURDEN AND SEVERE COST BURDEN

According to the HCD, cost burden is the fraction of a household’s total gross income spent on housing costs. There are two levels of cost burden: (1) “Cost Burden” refers to the number of households for which housing cost burden is greater than 30 percent of their income; and (2) “Severe Cost Burden” refers to the number of households paying 50 percent or more their income on housing.

Chart E-3: Access to Opportunity Summary



Source: HCD AFFH Data and Mapping Resources (HCD & TCAC Opportunity Areas Mapping Analysis, 2022)

Approximately 37.7 percent of households in Marin County experience cost burden of some type. Renters experience cost burden at a higher rate than owners (47.7 percent compared to 32.2 percent), regardless of race. Among renters, American Indian and Pacific Islander households experience the highest rates of cost burden (62.5 percent and 85.7 percent, respectively). In Fairfax, 38.5 percent of households experience cost burden of some type. Renters experience cost burden at a higher rate than owners in Fairfax and at similar rates as the County (48.7 percent and 32.6 percent, respectively).

Cost burden is not distributed evenly across race and ethnicity in Fairfax. As presented in Table E-8, the Asian/API (NH) group experiences much greater cost burden (76.9 percent) than most other groups other than the Hispanic or Latinx group (67.4 percent).

Table E-8: Cost Burden by Race/Ethnicity, Fairfax

Race/Ethnicity	0%-30% of Income	30%-50% of Income	50%+ of Income	Total
White (NH*)	66.3%	14.0%	19.8%	2,830
Asian/API (NH)	23.1%	15.4%	61.5%	130
Black (NH)	100.0%	0.0%	0.0%	15
American Indian or Alaska Native (NH)	0.0%	0.0%	0.0%	0
Other Race or Multiple Races (NH)	72.7%	0.0%	27.3%	110
Hispanic or Latinx	32.7%	42.9%	24.5%	245

*NH stands for Non-Hispanic

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release

Cost burden is not distributed completely evenly across Marin or Fairfax. Cost burdened renter households are concentrated in census tracts in North and Central Marin in Novato and San Rafael. Cost burdened homeowner households are more prevalent in census tracts in Larkspur and Tiburon. In both Fairfax tracts, between 40 and 60 percent of renter households experience cost burden while between 20 and 60 percent of homeowner households experience cost burden. As shown in Map E-15, the census tract northwest of Sir Francis Drake Boulevard experiences greater cost burden than the census tract to the south for homeowners (40 to 60 percent and 20 to 40 percent, respectively). Renters experience high cost burden evenly across the Town (see Map E-16).

Seniors are a particular protected group affected by cost burden. 75.3 percent of renters above the age of 62 (305 of 475) are in the 0 percent to 30 percent AMI income group. Of these seniors, 43.2 percent of them use 50 percent or more of their income for housing. This indicates the seniors might benefit from targeted measures to ease the cost of modifying their homes to accommodate age related disability or increased support for senior resources within Fairfax.

OVERCROWDING

According to HUD, households having between 1.0 to 1.5 persons per room are considered overcrowded and those having more than 1.5 persons per room are considered severely overcrowded. The person per room analysis excludes bathrooms, porches, foyers, halls, or half-rooms, but includes rooms like living rooms and dining rooms.

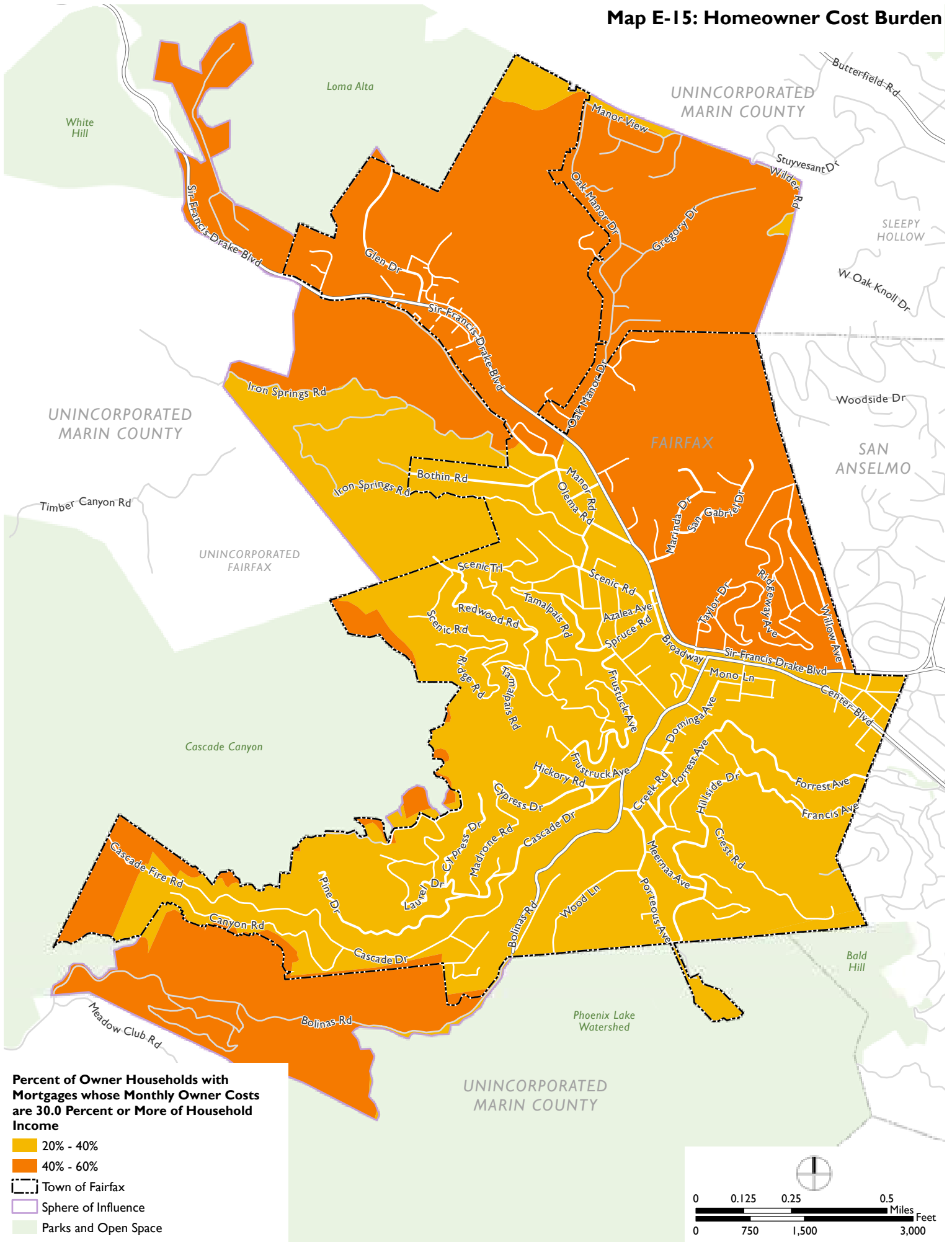
According to the County Housing Element, about 6.5 percent of households in the Bay Area region are living in overcrowded conditions. Around 11.0 percent of renter households are living in overcrowded conditions in the region, compared to three percent of owner households. Rates of overcrowding in Marin County are lower than the Bay Area (four percent and 6.5 percent, respectively) and like regional trends, Marin County has a higher proportion of renters experiencing overcrowded conditions compared to renters. Overcrowded households in the region are concentrated in Richmond, Oakland, and San Francisco.

The majority of households (98.0 percent) in Fairfax are not overcrowded, which is defined as more than one occupant per room. According to Comprehensive Housing Affordability (CHAS) data, 1.5 percent of owners are overcrowded (1.0 and 1.5 occupants per room) and 0.8 percent are severely overcrowded (more than 1.5 occupants per room). For renters, 0.7 percent are overcrowded and none are severely overcrowded. In Fairfax, renters are less likely to be overcrowded than owner households (0.0 percent vs. 1.5 percent).

Rates of overcrowding are unevenly distributed by race and ethnicity in the Town. Hispanic or Latinx residents experience more overcrowding (6.5 percent) while non-Hispanic White residents experience 1.4 percent overcrowding and all other groups do not experience any overcrowding. The Town's wealthiest households (100 percent+ AMI) experience moderate overcrowding, but the residents earning 51 percent to 80 percent AMI experience the most overcrowding overall (3.6 percent). No where in Marin County overall or Fairfax does overcrowding reach a rate above 8.3 percent which was the statewide average in 2019. As presented in Map E-17, there is no overconcentration of overcrowded households in Fairfax. Nearby cities in Marin County also do not have concentrations of overcrowded households with the exception of San Rafael which has one census tract with greater than 20 percent of households experiencing overcrowded conditions.

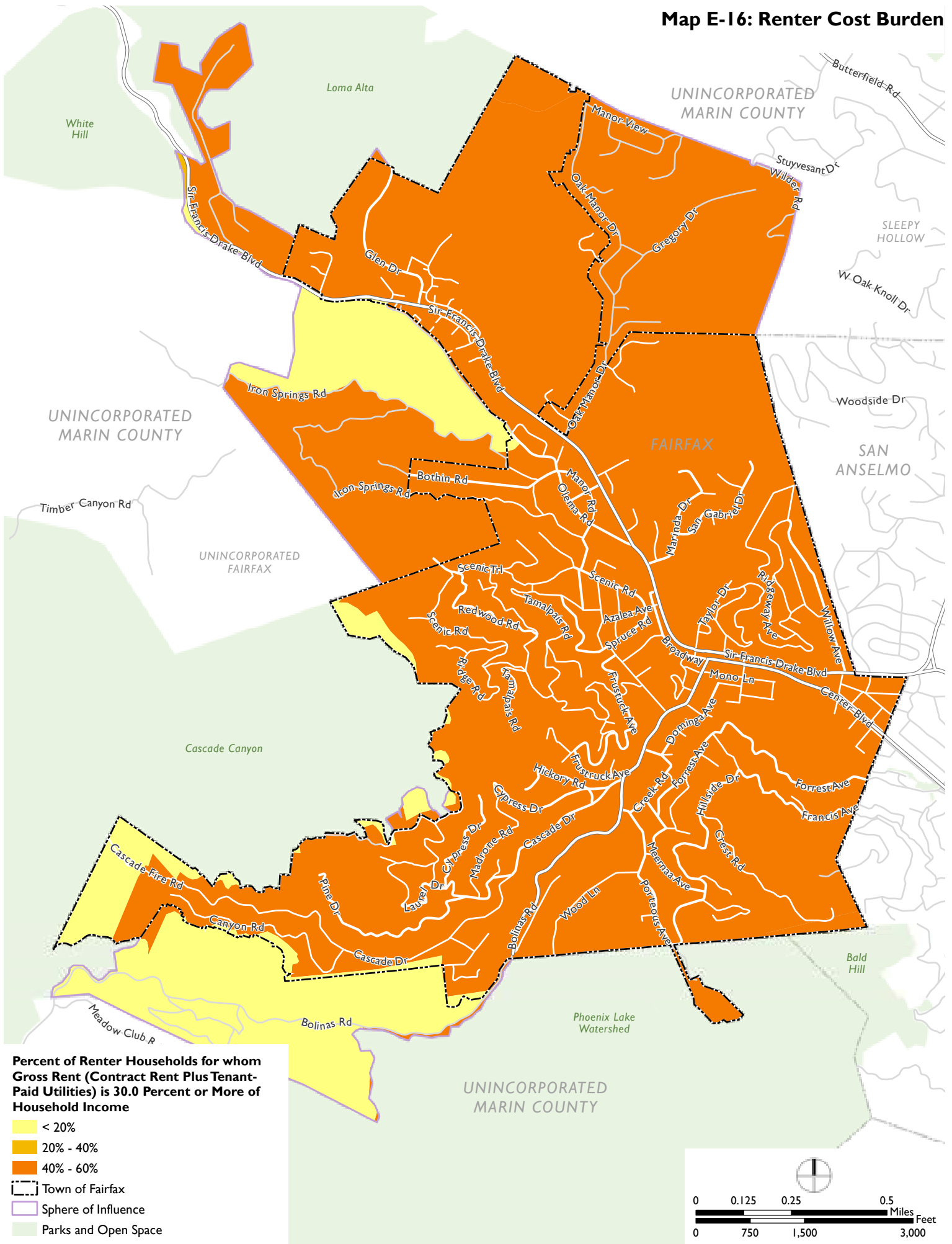
Large families, defined as households of five or more related individuals, are a special need category under State law because they are at higher risk for overcrowding if the jurisdiction's housing stock doesn't have sufficient larger units with an adequate number of rooms. According to the 2019 ACS, there are 59 large households with five or more members (1.8 percent) in the Town, including 50 owner-occupied households and nine renter-occupied households. About 2.4 percent of owner-occupied households and 0.7 percent of renter-occupied households were considered large households. This is compared to 7,157 (6.9 percent) large households in the County. Of the large families within Fairfax, 100 percent are considered above moderate income. This is greater than the proportion for all other household types at 47.1 percent. All other household types have a similar proportion of extremely-low and very-low-income households at 18.0 and 18.9 percent, respectively. This is expanded upon and presented in charts and tables in the Housing Needs Assessment.

Map E-15: Homeowner Cost Burden



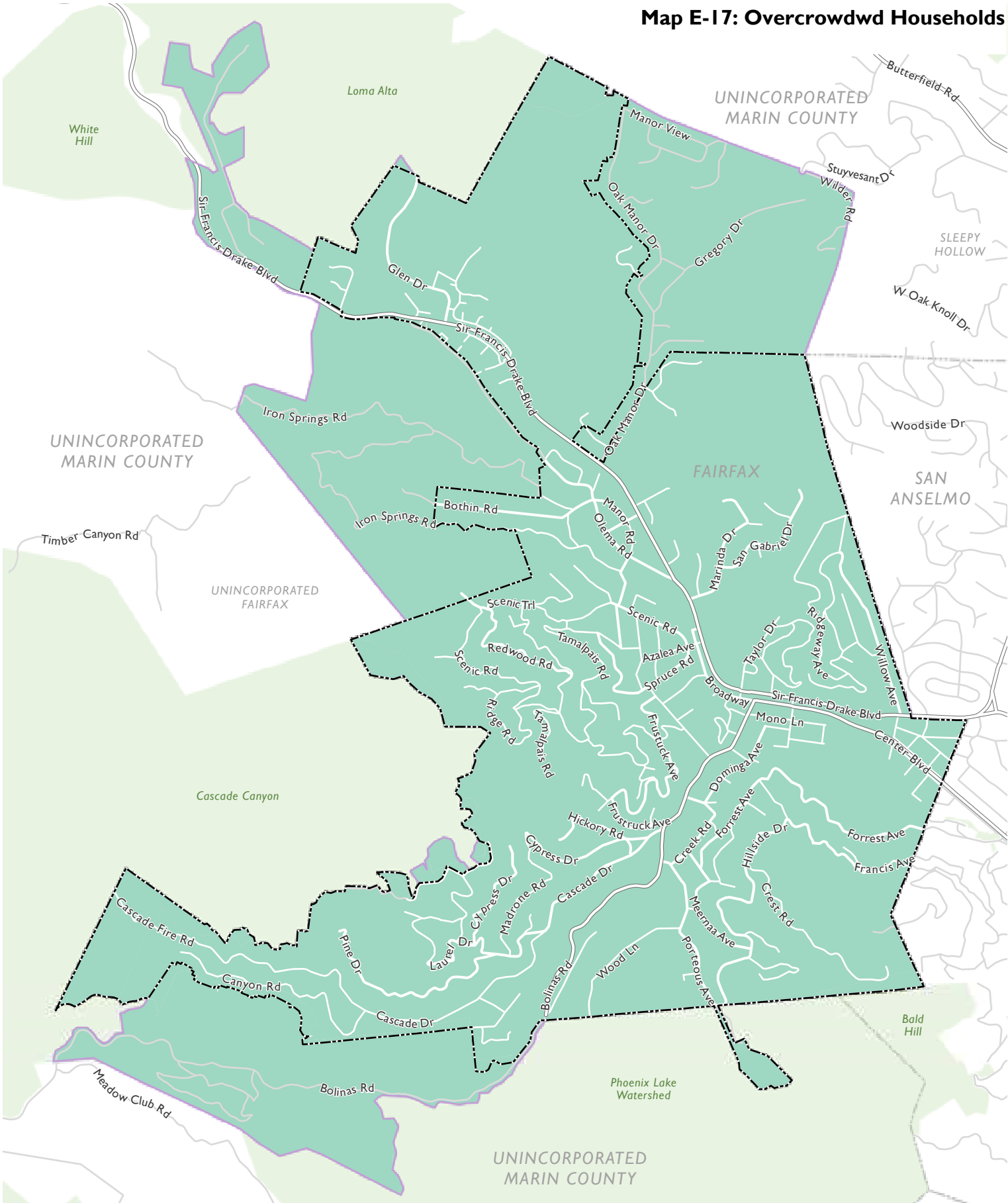
Sources: HCD AFFH Data and Mapping Resources, 2021; American Community Survey (ACS 2015-2019); MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

Map E-16: Renter Cost Burden



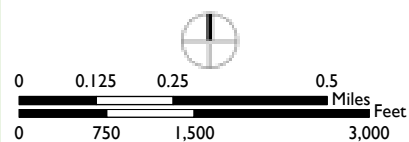
Sources: HCD AFFH Data and Mapping Resources, 2021; American Community Survey (ACS 2015-2019); MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

Map E-17: Overcrowded Households



Percent of Overcrowded Households

- ≤ 8.2 (Statewide Average)
- Town of Fairfax
- Sphere of Influence
- Parks and Open Space



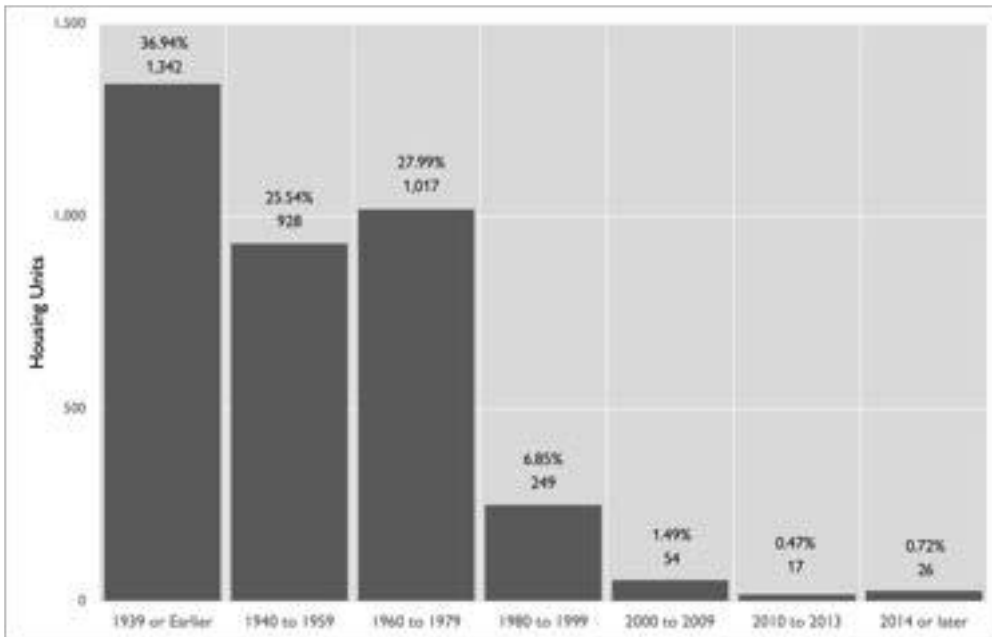
Sources: HCD AFFH Data and Mapping Resources, 2021; American Community Survey (ACS 2015-2019); MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

SUBSTANDARD HOUSING

A high proportion of older buildings, especially those built more than 30 years ago, may indicate that substandard housing conditions may be an issue. In general, residential structures over 30 years of age require minor repairs and modernization improvements, while units over 50 years of age are likely to require major rehabilitation such as roofing, plumbing, and electrical system repairs. Housing is considered substandard when physical conditions are determined to be below the minimum standards of living, as defined by Government Code Section 17920.3. Chart E-4 presents potential substandard housing in Fairfax based on age of housing. A building is considered substandard if any of the following conditions exist:

- Inadequate sanitation;
- Structural hazards;
- Nuisances;
- Faulty weather protection;
- Fire, safety or health hazards;
- Inadequate building materials;
- Inadequate maintenance;
- Inadequate exit facilities;
- Hazardous wiring, plumbing or mechanical equipment;
- Improper occupation for living, sleeping, cooking, or dining purposes;
- Inadequate structural resistance to horizontal forces; or
- Any building not in compliance with Government Code Section 13143.2.

Chart E-4: Age of Fairfax Housing Stock, 2019



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25034

Incomplete plumbing or kitchen facilities can be used as a proxy to measure substandard housing conditions through data available from 2015-2019 ACS.

According to 2015-2019 ACS estimates, shown in Table E-9, only about one percent of households in the Bay Area and Marin County lack complete kitchen and plumbing facilities. In both the Bay Area and Marin County renter households are more likely to live with incomplete kitchen facilities than owner households. In Marin County, one percent of households lack complete kitchen facilities and 0.4 percent lack complete plumbing facilities. More than two percent of renters lack complete kitchen facilities, compared to less than one percent of renter households lacking plumbing facilities.

Table E-9: Substandard Housing Indicators by Tenure, 2019

	Bay Area		Marin County	
	Lacking complete kitchen facilities	Lacking complete plumbing facilities	Lacking complete kitchen facilities	Lacking complete plumbing facilities
Owner	0.3%	0.2%	0.2%	0.3%
Renter	2.6%	1.1%	2.4%	0.6%
All Households	1.3%	0.6%	1.0%	0.4%

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25034

Like overcrowding, ACS data may not reflect the reality of substandard housing conditions in Fairfax and the broader County. Low rates for substandard housing within Fairfax are generally echoed in other available data, including the ABAG Housing Needs data, but Town staff has heard unofficial comments on substandard conditions relating to lack of landlord upkeep/care (e.g. moldy carpets, delays in getting hot water repaired), especially from the Latinx community.

In the County, 86.0 percent of the housing stock was built prior to 1990, including 58.0 percent built prior to 1970. Ross, Fairfax, and San Anselmo have the oldest housing in the County, while Novato, Black Point-Green Point, Nicasio, Muir Beach, and Marin City have the most recently built housing.

HOMELESSNESS

Individuals and families experiencing homelessness have 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 siting of housing that serves homeless clients. Homelessness is a countywide issue that demands a strategic, regional approach that pools resources and services.

A common method to assess the number of homeless persons in a jurisdiction is through a Point-in-Time (PIT) Count. The PIT Count is a biennial census of sheltered and unsheltered persons in a Continuum of Care (CoC) completed over a 24-hour period in the last ten days of January. The unsheltered PIT Count is conducted annually in Marin County and is a requirement to receive homeless assistance funding from HUD. The PIT Count does not function as a comprehensive analysis and should be considered in the context of other key data sources when assessing the state of homelessness in a community.

Homelessness in Marin County increased from 1,034 people in 2019, to 1,121 people as of February 17, 2022, when the County conducted its federally mandated homeless census. In the 2019 PIT Count, there were 326 sheltered homeless persons and 708 unsheltered persons in Marin County including 94 homeless youth and children. In Fairfax, there were five unsheltered persons in 2019 and 13 in 2017 while in Central Marin there were 363 total, with 318 in San Rafael, 39 in Corte Madera, 17 in unincorporated Central Marin, and 0-2 in all other Central Marin jurisdictions. Central Marin compared to other Marin County areas had the highest count with North Marin the next highest. At the time of the 2019 County Homeless Count, 73 percent of the individuals experiencing homelessness in Marin County reported living in Marin at the time of their most recent housing loss. Table E-10 presents that people with and without children take advantage of available housing or are unsheltered. Notably, there is a significantly greater number of unsheltered people than people in emergency shelters or transitional housing indicating Marin County could increase availability and access to shelters.

Table E-10: Homelessness by Household Type and Shelter Status in Marin County, 2019

Shelter Status	People in			Total
	People in Households Composed Solely of Children Under 18	Households with Adults and Children	Households without Children Under 18	
Sheltered - Emergency Shelter	0	32	140	172
Sheltered - Transitional Housing	0	98	56	154
Unsheltered	8	17	683	708

Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019).

The PIT Count can be further divided by race or ethnicity, which can illuminate whether homelessness has a disproportionate racial impact within a community. The data from HUD on Hispanic/Latinx ethnicity for individuals experiencing homelessness does not specify racial group identity. Accordingly, individuals in either ethnic group identity category (Hispanic/Latinx or non-Hispanic/Latinx) could be of any racial background. Homelessness in Marin County increased from 1,034 people in 2019, to 1,121 people as of February 17, 2022, when the County conducted its federally mandated homeless census.

The racial/ethnic breakdown of Marin County's homeless population is shown in Table E-11. In Marin County, White (Hispanic and Non-Hispanic) residents represented the largest proportion of residents experiencing homelessness and accounted for 66.2 percent of the homeless population, while making up 77.8 percent of the overall population. Notably, those who identify as Black (Hispanic and non-Hispanic) represent 16.7 percent of the unhoused population in the County, but only 2.1 percent of the overall population. Additionally, those who identify as Other Race or Multiple Races are represented disproportionately among the unhoused population, as they make up 10.5 percent of the homeless Marin County residents, but only 4.7 percent of its overall population.

Table E-11: Racial/Ethnic Group Share of General and Homeless Population in Marin County

<i>Racial/Ethnic Group</i>	<i>Number of Homeless Population</i>	<i>Percent of Homeless Population</i>
American Indian or Alaska Native (Hispanic and Non-Hispanic)	36	3.48%
Native Hawaiian or Other Pacific Islander (Hispanic and Non-Hispanic)	15	1.45%
Asian (Hispanic and Non-Hispanic)	17	1.64%
Black (Hispanic and Non-Hispanic)	173	16.73%
White (Hispanic and Non-Hispanic)	684	66.15%
Other Race or Multiple Races (Hispanic and Non-Hispanic)	109	10.54%
Hispanic/Latinx	194	18.76%
Non-Hispanic/Latinx	840	81.24%

Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports, 2019

DISPLACEMENT RISK

UC Berkley’s Urban Displacement Project (UDP) defines residential displacement as “the process by which a household is forced to move from its residence or is prevented from moving into a neighborhood that was previously accessible to them because of conditions beyond their control.” As part of this project, the research has identified populations vulnerable to displacement (named “sensitive communities”) in the event of increased redevelopment and drastic shifts in housing cost. They defined vulnerability based on the share of low-income residents per census tract and other criteria share of renters above 40 percent; share of people of color more than 50 percent; share of low-income households severely rent burdened; and proximity to displacement pressures. Displacement pressures were defined based on median rent increases and rent gaps. Using this methodology, sensitive communities in Marin County were identified in the cities of Novato and San Rafael, and the unincorporated areas of Marin City, Strawberry, Northern and Central Coastal West Marin and Nicasio in the Valley.

Gentrification pressures, including increased risk of displacement, are a central component of the Bay Area housing market. Fairfax is not identified by UDP as a vulnerable community (see Map E-18) but nearby San Rafael is identified as one in addition to cities of Novato and San Rafael, and the unincorporated areas of Marin City, Strawberry, Northern and Central Coastal West Marin and Nicasio in the Valley. In addition to the sensitive communities typology, UDP has also produced displacement typologies that more precisely describe the risk of displacement based on 2019 ACS data. The California Estimated Displacement Model (EDR) identifies varying levels of displacement risk for low-income renter households in all census tracts in California. Displacement risk means that in 2019 a census tract had characteristics which, according to the model, are strongly correlated with more low-income renter population loss than gain. In other words, the model estimates that more low-income households left these neighborhoods than moved in. As presented in Map E-19, Fairfax is classified as having Lower Displacement Risk for overall displacement. Meanwhile, parts of some nearby cities such as San Rafael are classified as at risk of Probable Displacement and High

Displacement. Because the model uses 2015-2019 data, the correlations between tract characteristics and low-income renter population loss are only based on this time period. Tracts are assigned to one of the following categories:

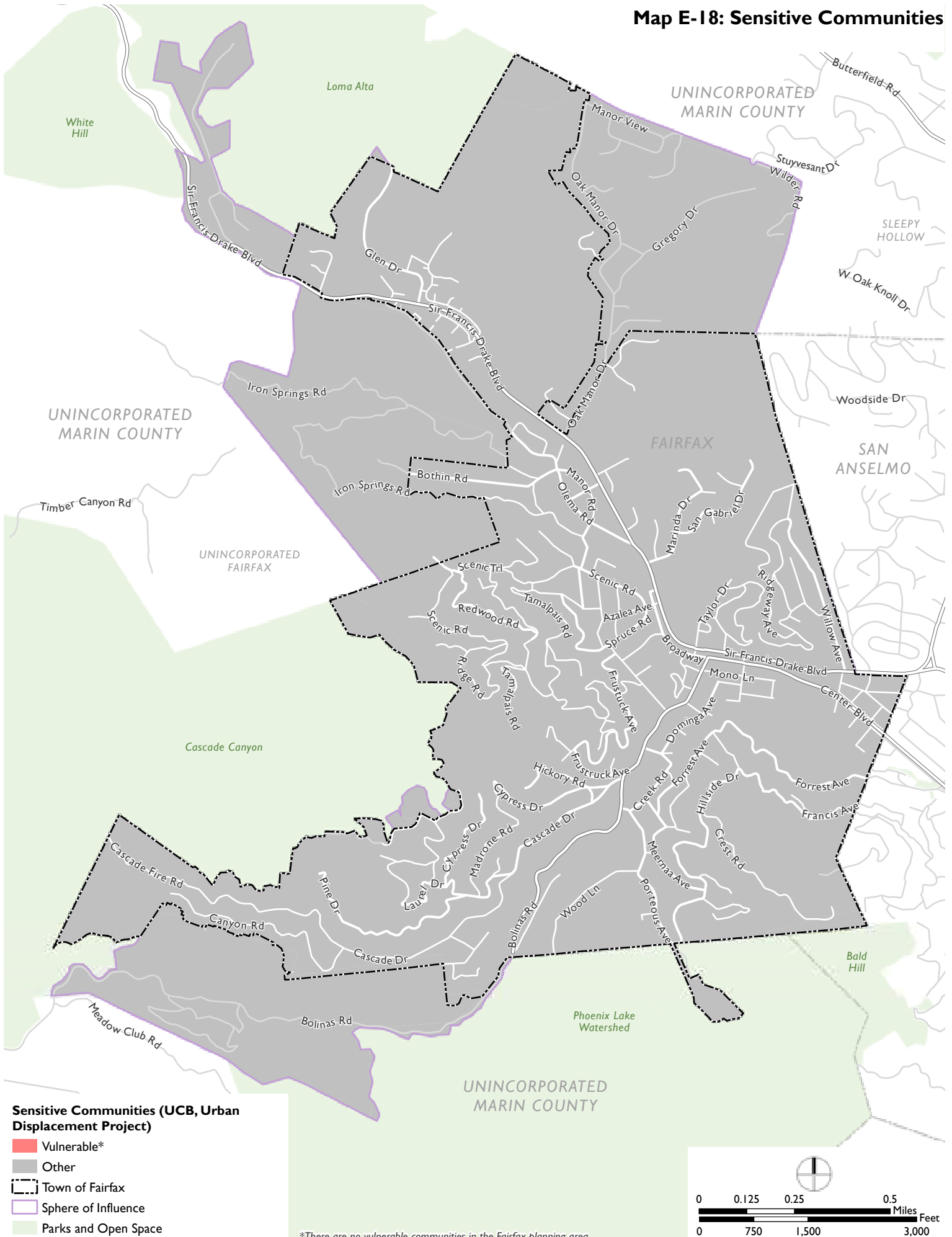
- **Low Data Quality:** the tract has less than 500 total households or the census margins of error were greater than 15% of the estimate (shaded gray).
- **Probable Displacement:** the model estimates there is potential displacement of the given population in these tracts.
- **Elevated Displacement:** the model estimates there is a moderate amount of displacement (e.g., 10%) of the given population.
- **High Displacement:** the model estimates there is a relatively high amount of displacement (e.g., 20%) of the given population.
- **Extreme Displacement:** the model estimates there is an extreme level of displacement (e.g., greater than 20%) of the given population.

Another risk of displacement concerns the potential of assisted units being converted to market rate properties. As described by HCD, the conversion of federally-and-state-subsidized affordable rental developments to market-rate units can constitute a substantial loss of housing opportunity for low-income residents. There are approximately 149,000 units of privately owned, federally assisted, multifamily rental housing, as well as tax-credit and mortgage revenue bond properties, often with project-based rental assistance. As the subsidy contracts or regulatory agreements expire, a large percentage of these units may convert to market-rate. These at-risk units are home to seniors and families with low incomes who are at risk of displacement if the developments convert. Fairfax reports there are 160 units in the Town and all are at low risk of conversion, with no units at moderate, high, and very high risk. Low risk is defined as affordable homes that are at-risk of converting to market rate in ten plus years and/or are owned by a large/stable non-profit, mission-driver developer.

Natural hazards in California can also cause significant displacement, and some communities are at greater risk than others. As described below, Fairfax is at relatively high risk to several natural hazards, due to its proximity to forested areas, multiple fault lines, and bodies of water.

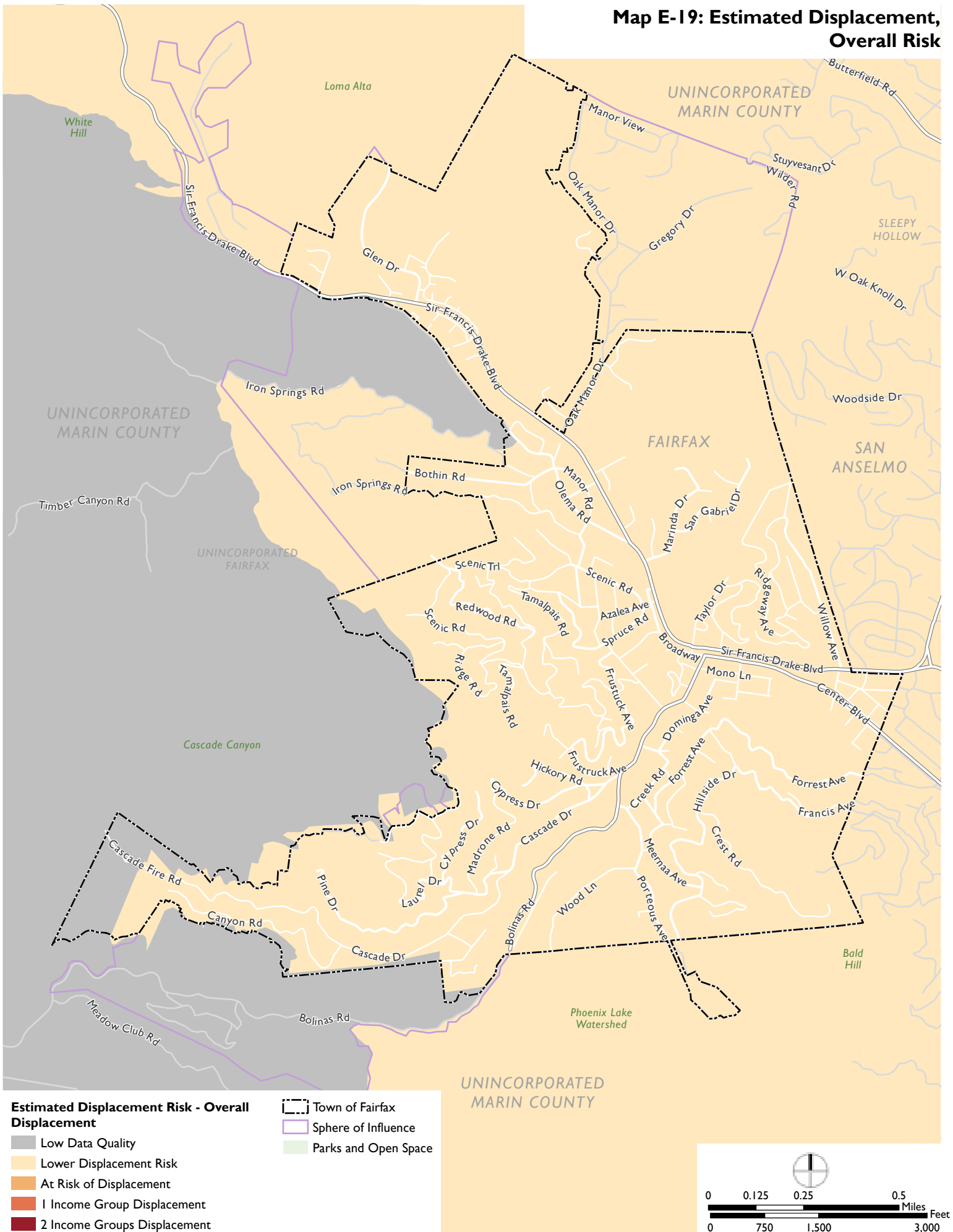
- **Earthquake:** According to the 2018 Marin County Local Hazard Mitigation Plan, in the event of a major earthquake, all single and multifamily structures in Fairfax could be lost; according to the Marin County Sheriff's Office, there is a 70% probability of at least one magnitude 6.7 or greater quake, capable of causing widespread damage, striking the San Francisco Bay region before 2030.
- **Flood:** In the event of a major flood, up to 10 percent of single-family homes and up to 15 percent of multi-family homes could be lost. Corte Madera Creek has a history of flooding and causing severe damage in Marin County; during a major flood event in January, 2006, Fairfax, San Anselmo, Ross, and Mill Valley were heavily impacted: power outages impacted 10,000 customers; nine schools were closed due to mud, water, and road damages; over 20 major roads were closed; and over a thousand homes, apartments and businesses were damaged or destroyed. Flood Zone 9 conducts actions to mitigate floods. The recent opening of Sunnyside Detention Basin in unincorporated Fairfax paid for by residents of Ross Valley through property taxes should help ease the potential damage from a flood event.

Map E-18: Sensitive Communities



Sources: HCD AFFH Data and Mapping Resources, 2021; PlaceWorks 2021, UC Berkeley Urban Displacement Project; MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

Map E-19: Estimated Displacement, Overall Risk



Sources: HCD AFFH Data and Mapping Resources, 2021; California Urban Displacement Project, 2022; MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

- **Wildfire:** In the event of an uncontrolled wildfire, up to 88 percent of single-family homes and up to 84 percent of multi-family homes could be lost. The State classifies Fire Hazard Severity Zones (FHSZ) into three classifications: moderate, high, and very high; according to the November 2021 FHSZ map, parts of Fairfax are classified as moderate and high fire severity areas. And to the west and south of Fairfax, there are large very high severity zones near Pine Mountain Ridge and Alpine Lake, east of Bolinas Ridge, which could lead to stronger nearby blazes that are more difficult to contain. Recently enacted by voters in March 2020, the 17 member Marin Wildfire Agency (of which Fairfax is a member) is provided with approximately \$20 million a year for 10 years to take mitigation actions to prevent wildfires.
- **Landslide:** A major landslide could cause the loss of up to 20 percent of single-family homes and up to eight percent of multi-family homes; much of the Town is built on steeply-sloped hillsides.

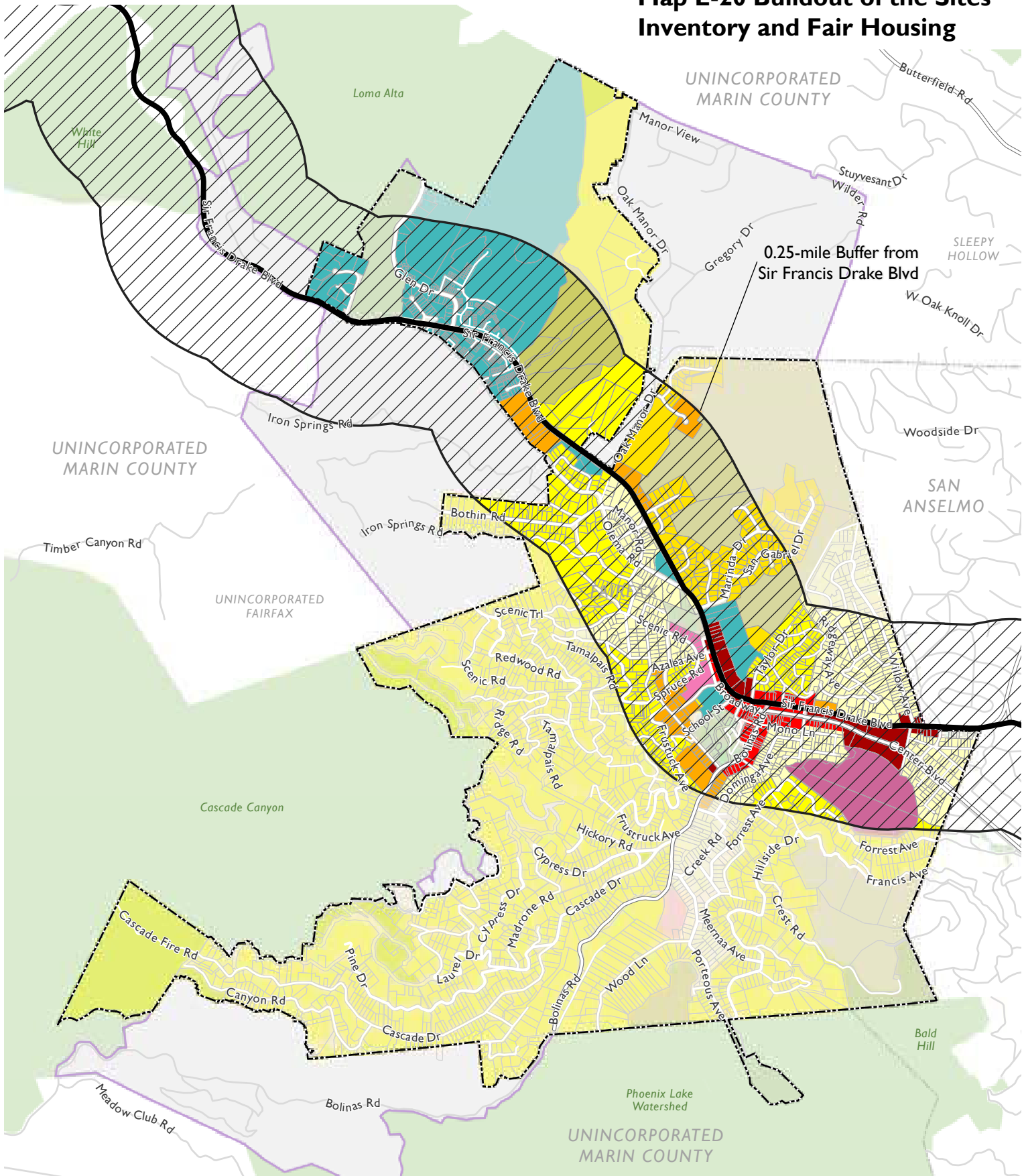
E.6 Sites Inventory

State law requires a jurisdiction to identify sites to meet its Regional Housing Needs Allocation (RHNA) throughout the community in a manner that is consistent with its duty to affirmatively further fair housing. This includes ensuring that sites are located in portions of the jurisdiction to redress any patterns of segregation and increase access to environmental, social, and economic opportunity for disadvantaged segments of the population. This will allow households at all income levels, especially lower-income households, to enjoy an equitable distribution of opportunity and a close proximity to jobs, transit, a high-quality education, and environmental benefits.

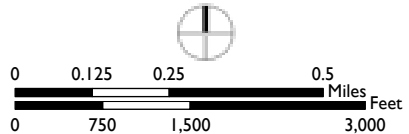
Access to Opportunity

Fairfax does not meet the threshold for RCAA designation and there are no RECAPs in or adjacent to the Town. All of the town is designated as either a High or Highest Resource area on T/CAC maps. Sir Francis Drake Boulevard, which bisects the community and runs along the relatively flat Ross Valley floor, is the primary transit corridor in the town and the surrounding area. The Town Center area, which encompasses Downtown Fairfax and other commercial areas of the community is oriented along Sir Francis Drake Boulevard and Bolinas Avenue, which intersects it (see Map E-20). Given the existing concentration of shops and services in this part of Fairfax and its proximity to transit, the Town Center area is the logical place to focus new high density housing in a variety of typologies and formats as needed to meet the needs of restaurant employees, service workers, teachers, public servants and other members of the local workforce. Accordingly, approximately 64 percent of the projected capacity of the inventory (about 370 new units) would be integrated into the Town Center, and as a result the share of multifamily housing units within a quarter mile of Sir Francis Drake Boulevard would increase from 43 percent to 52 percent by 2031 (see Table E-12). All these new multifamily units would be at densities deemed affordable for lower income households in Marin County, and the combination of regulatory incentives (Programs 2-A Workforce Housing Overlay, 1-D Shopkeeper Housing, 1-E Live-Work Units) and inclusionary requirements (Program 3-E Inclusionary Housing Program and Commercial Linkage Fee) to be enacted with implementation

Map E-20 Buildout of the Sites Inventory and Fair Housing



Zoning Districts Permitting Residential Uses		PDD Planned Development District	Sir Francis Drake Blvd
RD-5.5-7 Residential	CL Limited Commercial	Quarter Mile Buffer along Sir Francis Drake Blvd	Town of Fairfax
RS-6 Single Family Residential	CC Central Commercial	Sphere of Influence	Parks and Open Space
RS-7.5 Single Family Residential	CH Highway Commercial		
RM Multifamily Residential	CS Service Commercial		
UR-10 Upland Residential (10 ac/du)	CR Recreational Commercial		
UR-7 Upland Residential (7 ac/du)			



Sources: MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

Table E-12: Single Family and Multifamily Residential Units within 1/4-Mile of Transit

	<i>Within Quarter Mile</i>		<i>East of Sir Francis Drake</i>		<i>West of Sir Francis Drake</i>	
	<i>Units</i>	<i>Percent</i>	<i>Units</i>	<i>Percent</i>	<i>Units</i>	<i>Percent</i>
Existing						
Single Family	1131	56.7%	487	59.4%	644	54.8%
Multifamily	864	43.3%	333	40.6%	531	45.2%
Subtotal	1995		820		1175	
Workforce Housing Overlay						
New Multifamily	367		106	28.9%	261	71.1%
Distribution at Buildout						
Single Family	1131	47.9%	487	52.6%	644	44.8%
Multifamily	1231	52.1%	439	47.4%	792	55.2%
Subtotal	2362		926		1436	

of the Housing Element would further support the creation of affordable workforce housing in Fairfax. Additionally, of the 370 new multifamily units to be integrated into the Town Center, approximately 70 percent would be constructed on the west side of Sir Francis Drake in the area of town classified as Highest Resource, while approximately 30 percent of the new units would be built on the east side of Sir Francis Drake, which is classified as High Resource. As such, buildout of the inventory would also increase access to opportunity for lower and moderate income households in Marin County.

Buildout of the inventory would also involve construction of 10 affordable units on two adjacent Town-owned properties just west of the Town Center and within a quarter mile of Sir Francis Drake. Implementation of the Housing Element would also involve construction of 160 ADUs and JADUs throughout the community, 60 percent of which are projected to be affordable to households making less than 80 percent of the countywide AMI. The addition of these units in established single-family neighborhoods would help expand the range of housing types available within the community and further objectives for "housing mobility."

Overall, buildout of the 2023-31 housing sites inventory would help achieve a better balance of housing types within the community, would increase access to opportunity for lower and moderate income households, and would have a beneficial effect on the prevailing pattern of concentrated affluence in Central Marin County.

Segregation and Integration

In summary, Fairfax has moderate segregation and low diversity. During the last ten years, the Asian and Black populations have grown at much faster rates in Fairfax than in the rest of Marin; however, the share of non-Hispanic White residents (82.3 percent) in the Town remains high. The northeast corner has greater than ten percent Latinx residents, indicating it is a White-Latinx tract (81.3 percent White and 11.8 percent Latinx) while the rest of Fairfax has almost the same percentage of non-Hispanic White residents but fewer Latinx residents (82.1 percent White and 7.6 percent Latinx). Most

Census block groups in town have between 25 percent and 51 percent low-or moderate-income households, but the share of LMI households in an area in the north of town - generally north of Oak Manor Drive and northeast of Sir Francis Drake Boulevard - is higher than 51 percent. This area is also less White than the rest of Fairfax and three of the five subsidized housing projects in Fairfax are located in or adjacent to this area.

The inventory would integrate a mix of lower, moderate and above moderate housing in this area, with two sites (58 units) identified for lower income RHNA and three large sites (22 units) identified for above moderate RHNA. Single-family sites in the area could also accommodate ADUs and JADUs. The balance of the lower and moderate income sites (with capacity for 119 lower and 60 Moderate RHNA units) are located further south along Sir Francis Drake Boulevard in the downtown area and at the eastern commercial gateway to Fairfax, near the San Anselmo Town limit. As such, the Town's RHNA strategy does not exacerbate existing patterns of segregation in Fairfax.

Disproportionate Needs and Displacement Risk

Overall, Fairfax is classified as having Lower Displacement Risk for displacement, but Hispanic and Asian residents, while relatively few in number, experience disproportionate rate of housing burden. Renters experience high cost burden evenly across town, but a higher share of homeowners are cost burdened in the northern part of Fairfax. Additionally, this same area has a higher share of disabled residents, likely linked to the fact that it is where two subsidized housing projects designed for low-income seniors and formerly homeless individuals (Victory Village and Bennett House) are located. This area also the most racially and ethnically diverse part of Fairfax. As discussed above, buildout of the sites inventory would integrate 58 new lower income RHNA units and 22 above moderate units on sites in this area, together with single-family sites that can accommodate ADUs and JADUs, and the balance of the lower and moderate income sites (with capacity for 119 lower and 60 Moderate RHNA units) are located further south along Sir Francis Drake Boulevard. As such, the Town's RHNA strategy would not exacerbate existing concentrations of populations with disproportionate needs in Fairfax.

E.7 Summary and Conclusions

State law requires that jurisdictions identify fair housing issues as well as contributing factors and priority levels for each factor. Further, a jurisdiction must identify specific goals and actions it will take to reduce the severity of fair housing issues within that jurisdiction. This section fulfills these requirements based on the assessment provided above. Goals and actions related to AFFH are incorporated into the broader Housing Action Plan contained within Chapter 4 of this Housing Element.

Disparities in housing choice and access to opportunity between non-Hispanic White and non-White groups are present in Fairfax and stem from historical actions, socioeconomic factors that limit employment and growth, broad barriers to open housing choice and, resources to respond to needs. One of the most pressing issues is the low production of homes for a variety of incomes in Fairfax. According to the Housing Needs Data Report completed by ABAG for Fairfax, the number of new homes in Fairfax has not kept pace with demand, resulting in longer commutes, increased prices, and issues of displacement and homelessness. Fairfax's high desirability, combined with its limited housing production, creates a challenging environment for furthering housing choice. Although the Town has remained relatively affordable compared to the County overall, lack of housing production will compromise affordability in the future.

Based on the findings of this Assessment, Table E-13 presents a summary of existing fair housing issues and their contributing factors, as well as a description for each. Issues that are primarily related to environmental justice or economic development and do not have a direct bearing on fair housing will be addressed in these respective elements when the General Plan is updated. Priority levels were assigned as follows:

- **High** – Designates contributing factors that limit or deny fair housing choice (i.e., has the potential to violate the Fair Housing Act).
- **Medium** – Designates contributing factors which should be addressed in the near term. These issues do not violate the Fair Housing Act but may increase fair housing issues in the Town. These factors may be beyond the Town's immediate capabilities to address.
- **Low** – Designates contributing factors that either do not need to be or cannot be addressed immediately by the Town, but should be addressed later on during the eight-year planning period.

Table E-13: Summary of Fair Housing Issues

Priority Level	Fair Housing Issue	Description	Contributing Factor(s)	Meaningful Actions	Geographic Targeting	2023-2031 Metrics and Timing
High	Segregation and Integration	Fairfax has a predominantly White population (82.3%), and while it is neither the least nor the most diverse jurisdiction within Marin, overall diversity is low. All Census block groups in the town are classified as Lower Diversity (score of below 40) and areas generally west of Sir Francis Drake Boulevard have the highest rate of White segregation; however, Fairfax is not classified as a RCAA.	<ul style="list-style-type: none"> Fewer rental properties than Bay Area average; Zoning and land use practices resulting in single-family residential neighborhoods that are predominately occupied by White non-Hispanic homeowners with higher median household incomes 	<p>Strategies to promote multifamily housing:</p> <ul style="list-style-type: none"> Develop and adopt a Town Center Plan with policies and incentives that promote residential and mixed-use development (Program 1-A) Support high-density, mixed-income residential development at the School Street Plaza site (Program 1-B) Adopt Workforce Housing Overlay District zoning code amendments to promote construction of workforce housing (Program 2-A) Rezone several non-vacant commercial sites to allow development by right when there are 20% or more affordable units (Program 2-B) <p>Strategies to create affordable housing:</p> <ul style="list-style-type: none"> Redevelop town-owned sites into workforce housing (Program 1-C) Include density bonus regulations and provide additional bonuses for workforce housing projects (Program 2-E) Adopt an inclusionary housing requirement and commercial linkage fee (Program 3-E) Facilitate production of affordable housing for special needs populations and extremely low-income households (Program 3-H) <p>Strategies to expand the range of housing types in Fairfax:</p> <ul style="list-style-type: none"> Allow shopkeeper units as a type of residential use and on designated streets in commercial districts (Program 1-D) Allow live-work units in all commercial districts (Program 1-E) Actively promote participation by Fairfax homeowners in the Home Match Marin Home Sharing Program (Program 1-F) Initiate program to increase awareness of benefits and incentives for the development of ADU and JADUs (Program 1-H) Provide pre-approved ADU Floor Plans on the Town website (Program 1-I) Provide additional technical assistance for ADU/JADU construction (Program 1-J) Offer 50 percent reduction in application fees and 75 percent reduction in any impact fees (Program 1-K) 	<ul style="list-style-type: none"> Town Center Townwide Town Center Townwide Townwide Townwide Townwide Townwide 	<ul style="list-style-type: none"> Adopt Town Center Plan by the end of 2026 Complete construction of 175 housing units by 2028 including 35 affordable units Adopt the Workforce Housing Overlay by January 31, 2024; 159 moderate and lower income RHNA units by 2030 Complete rezoning by January 31, 2024; 159 moderate and lower income RHNA units by 2030 Prepare and release RFP for non-profit developers by Q2 2024; 10 lower income units by 2030 Complete rezoning by January 31, 2024 (this program was completed in November 2023) Adopt ordinance by end of Q4 2023 (this program was completed in November 2023); achieve 25 percent increase in Marin CIL programs/services 75 units affordable to ELI households; begin implementation in Q1 2024 with outreach to affordable developers by end of Q4 2024 and annually thereafter in each year of the planning period Adopt Code amendments by Q3 2025; 5 shopkeeper units by 2031 Adopt Code amendments by Q3 2025; 5 live-work units by 2031 10 home sharing matches over the planning period Launch program in Q4 2023 with updates via APRs; 20 ADU/JADU construction permits annually over the planning period Solicit floor plans by Q2 2024; pre-approve selection by end of Q3 2024; 20 new ADUs annually over the planning period Launch program in Q4 2024 with updates via APRs; 20 new ADUs annually over the planning period 20 new ADUs annually over the planning period

Table E-13: Summary of Fair Housing Issues

Priority Level	Fair Housing Issue	Description	Contributing Factor(s)	Meaningful Actions	Geographic Targeting	2023-2031 Metrics and Timing
				<ul style="list-style-type: none"> Offer additional financial assistance to homeowners willing to make an ADU/JADU available to Moderate or Lower Income households (Program I-L) Offer zoning incentives for ADUs/JADUs (Program I-M) <p>Strategies to prevent displacement:</p> <ul style="list-style-type: none"> Support Fair Housing Advocates of Northern California efforts for mediation and enforcement of fair housing rights (Program 4-C) Support groups focused trainings for anti-discrimination and fair housing practices for realtors and lenders (Program 4-D) Take steps to educate relevant parties on fair housing information (Program 4-F) <p>Other strategies to promote housing mobility:</p> <ul style="list-style-type: none"> Affirmatively market lower income housing opportunities and conduct targeted outreach to affordable developers (Program 4-A) Encourage wider acceptance of Housing Choice Vouchers by rental property owners (Program 4-B) Provide residents with the opportunity disavow racially restrictive covenants in home deeds and provide updated information to homeowners (Program 4-G) 	<ul style="list-style-type: none"> Townwide Townwide Townwide Townwide Townwide Townwide Townwide 	<ul style="list-style-type: none"> Identify lending partners by Q3 2024; launch program in Q2 2025; 32 new ADUs/JADUs for lower income households over the planning period Update Zoning Code to enact incentives by January 31, 2024 20 new ADUs/JADUs annually over the planning period Assist 400 households during the planning period; publish information by Q3 2023 and update annually as appropriate Contact non-profit groups by Q4 2023; annual coordination on support activities throughout the planning period Prepare informational materials and post to Town website by end of Q4 2023; update annually thereafter 149 Very Low and 86 Low Income units by 2031 Conduct one event in Fairfax annually and each year throughout the planning period Participation of 50 homeowners in County program by 2031
High	Access to Opportunity	Areas generally to the west of Sir Francis Drake Boulevard are classified on T/CAC maps as Highest Resource, while areas to the east are classified as High Resource. Access to educational and environmental opportunities are excellent in Fairfax. As such, fair housing access can be improved by providing more opportunities for a wider range of socio-economic diversity in the community, thereby allowing a broader range of people to enjoy greater access to opportunity.	<ul style="list-style-type: none"> Chronic underproduction of housing to meet the needs of the local workforce Discriminatory real estate practices past and present 	<p>Strategies to promote multifamily housing:</p> <ul style="list-style-type: none"> Develop and adopt a Town Center Plan with policies and incentives that promote residential and mixed-use development (Program I-A) Support high-density, mixed-income residential development at the School Street Plaza site (Program I-B) Adopt Workforce Housing Overlay District zoning code amendments to promote construction of workforce housing (Program 2-A) Rezone several non-vacant commercial sites to allow development by right when there are 20% or more affordable units (Program 2-B) <p>Strategies to create affordable housing:</p> <ul style="list-style-type: none"> Redevelop town-owned sites into workforce housing (Program I-C) Include density bonus regulations and provide additional bonuses for workforce housing projects (Program 2-E) 	<ul style="list-style-type: none"> Town Center Town-Owned Sites Townwide 	<ul style="list-style-type: none"> Adopt Town Center Plan by the end of 2026 Complete construction of 175 housing units by 2028 including 35 affordable units Adopt the Workforce Housing Overlay by January 31, 2024; 159 moderate and lower income RHNA units by 2030 Complete rezoning by January 31, 2024; 159 moderate and lower income RHNA units by 2030 Prepare and release RFP for non-profit developers by Q2 2024; 10 lower income units by 2030 Complete rezoning by January 31, 2024 (this program was completed in November 2023)

Table E-13: Summary of Fair Housing Issues

Priority Level	Fair Housing Issue	Description	Contributing Factor(s)	Meaningful Actions	Geographic Targeting	2023-2031 Metrics and Timing
				<ul style="list-style-type: none"> Adopt an inclusionary housing requirement and commercial linkage fee (Program 3-E) Facilitate production of affordable housing for special needs populations and extremely low-income households (Program 3-H) <p>Strategies to expand the range of housing types in Fairfax:</p> <ul style="list-style-type: none"> Allow shopkeeper units as a type of residential use and on designated streets in commercial districts (Program I-D) Allow live-work units in all commercial districts (Program I-E) Actively promote participation by Fairfax homeowners in the Home Match Marin Home Sharing Program (Program I-F) Initiate program to increase awareness of benefits and incentives for the development of ADU and JADUs (Program I-H) Provide pre-approved ADU Floor Plans on the Town website (Program I-I) Provide additional technical assistance for ADU/JADU construction (Program I-J) Offer 50 percent reduction in application fees and 75 percent reduction in any impact fees (Program I-K) Offer additional financial assistance to homeowners willing to make an ADU/JADU available to Moderate or Lower Income households (Program I-L) Offer zoning incentives for ADUs/JADUs (Program I-M) <p>Strategies to prevent displacement:</p> <ul style="list-style-type: none"> Support Fair Housing Advocates of Northern California efforts for mediation and enforcement of fair housing rights (Program 4-C) Support groups focused trainings for anti-discrimination and fair housing practices for realtors and lenders (Program 4-D) Take steps to educate relevant parties on fair housing information (Program 4-F) <p>Other strategies to promote housing mobility:</p> <ul style="list-style-type: none"> Affirmatively market lower income housing opportunities and conduct targeted outreach to affordable developers (Program 4-A) Encourage wider acceptance of Housing Choice Vouchers by rental property owners (Program 4-B) 	<ul style="list-style-type: none"> Townwide Townwide Town Center Townwide Townwide Townwide Townwide Townwide Townwide Townwide Townwide Townwide Regional and Countywide Townwide Regional and Countywide Townwide 	<ul style="list-style-type: none"> Adopt ordinance by end of Q4 2023 (this program was completed in November 2023); achieve 25 percent increase in Marin CIL programs/services 75 units affordable to ELI households; begin implementation in Q1 2024 with outreach to affordable developers by end of Q4 2024 and annually thereafter in each year of the planning period Adopt Code amendments by Q3 2025; 5 shopkeeper units by 2031 Adopt Code amendments by Q3 2025; 5 live-work units by 2031 10 home sharing matches over the planning period Launch program in Q4 2023 with updates via APRs; 20 ADU/JADU construction permits annually over the planning period Solicit floor plans by Q2 2024; pre-approve selection by end of Q3 2024; 20 new ADUs annually over the planning period Launch program in Q4 2024 with updates via APRs; 20 new ADUs annually over the planning period 20 new ADUs annually over the planning period Identify lending partners by Q3 2024; launch program in Q2 2025; 32 new ADUs/JADUs for lower income households over the planning period Update Zoning Code to enact incentives by January 31, 2024; 20 new ADUs/JADUs annually over the planning period Assist 400 households during the planning period; publish information by Q3 2023 and update annually as appropriate Contact non-profit groups by Q4 2023; annual coordination on support activities throughout the planning period Prepare informational materials and post to Town website by end of Q4 2023; update annually thereafter 149 Very Low and 86 Low Income units by 2031 Conduct one event in Fairfax annually and each year throughout the planning period

Table E-13: Summary of Fair Housing Issues

Priority Level	Fair Housing Issue	Description	Contributing Factor(s)	Meaningful Actions	Geographic Targeting	2023-2031 Metrics and Timing
				<ul style="list-style-type: none"> Provide residents with the opportunity disavow racially restrictive covenants in home deeds and provide updated information to homeowners (Program 4-G) 	<ul style="list-style-type: none"> Townwide 	<ul style="list-style-type: none"> Participation of 50 homeowners in County program by 2031
High	Fair Housing Enforcement	Housing discrimination complaints in Fairfax are overwhelmingly made on the basis of disability. From 2015-21, nearly 85 percent of all complaints in Fairfax were on the basis of disability, which is notably higher than the countywide rate (73.4%) and the national rate (55%).	<ul style="list-style-type: none"> Age of housing stock (requires remodeling for ADA compliance) Share of population aged 65+ 	<p>Implement anti-discrimination measures:</p> <ul style="list-style-type: none"> Actively promote participation by Fairfax homeowners in the Home Match Marin Home Sharing Program (Program 1-F) Facilitate financing, design, and construction of innovative and 'non-traditional' housing approaches and types (Program 1-G) Establish procedures to provide reasonable accommodation for persons with disabilities (Program 3-D) Affirmatively market lower income housing opportunities and conduct targeted outreach to affordable developers (Program 4-A) Support Fair Housing Advocates of Northern California efforts for mediation and enforcement of fair housing rights (Program 4-C) Support groups focused trainings for anti-discrimination and fair housing practices for realtors and lenders (Program 4-D) Partner with Marin Center for Independent Living (CIL) to promote programs and services available for individuals with disabilities (Program 4-E) Take steps to educate relevant parties on fair housing information (Program 4-F) 	<ul style="list-style-type: none"> Townwide Townwide Townwide Regional and Countywide Townwide Regional and Countywide Regional and Townwide Townwide 	<ul style="list-style-type: none"> 10 home sharing matches over the planning period Ongoing Complete rezoning by January 31, 2024 (this program was completed in November 2023) 149 Very Low and 86 Low Income units by 2031 Assist 400 households during the planning period; publish information by Q3 2023 and update annually as appropriate Contact non-profit groups by Q4 2023; annual coordination on support activities throughout the planning period Annually throughout the planning period starting Q3 2023 Prepare informational materials and post to Town website by end of Q4 2023; update annually thereafter
High	Disproportionate Needs	Although relatively few in number, Hispanic and Asian residents of Fairfax experience disproportionate rate of housing burden. Nearly 43 percent of residents devoting 30-50 percent of their income to housing are Hispanic and more than 60 percent of residents devoting over 50 percent of their income to housing are, even though these groups represent just 9.4 percent and 4.3 percent of the population respectively. Cost burdened homeowners are more likely to live northeast of Sir Francis Drake Boulevard, while cost burdened renters live throughout the community.		<p>Strategies to create affordable housing:</p> <ul style="list-style-type: none"> Redevelop town-owned sites into workforce housing (Program 1-C) Include density bonus regulations and provide additional bonuses for workforce housing projects (Program 2-E) Adopt an inclusionary housing requirement and commercial linkage fee (Program 3-E) Facilitate production of affordable housing for special needs populations and extremely low-income households (Program 3-H) 	<ul style="list-style-type: none"> Town-Owned Sites Townwide Townwide Townwide 	<ul style="list-style-type: none"> Prepare and release RFP for non-profit developers by Q2 2024; 10 lower income units by 2030 Complete rezoning by January 31, 2024 (this program was completed in November 2023) Adopt ordinance by end of Q4 2023 (this program was completed in November 2023); achieve 25 percent increase in Marin CIL programs/services 75 units affordable to ELI households; begin implementation in Q1 2024 with outreach to affordable developers by end of Q4 2024 and annually thereafter in each year of the planning period

Table E-13: Summary of Fair Housing Issues

Priority Level	Fair Housing Issue	Description	Contributing Factor(s)	Meaningful Actions	Geographic Targeting	2023-2031 Metrics and Timing
				Strategies to prevent displacement: <ul style="list-style-type: none"> • Support Fair Housing Advocates of Northern California efforts for mediation and enforcement of fair housing rights (Program 4-C) • Support groups focused trainings for anti-discrimination and fair housing practices for realtors and lenders (Program 4-D) • Take steps to educate relevant parties on fair housing information (Program 4-F) 	<ul style="list-style-type: none"> • Townwide • Regional and Countywide • Townwide 	<ul style="list-style-type: none"> • Ongoing • Contact non-profit groups by Q4 2023; annual coordination on support activities throughout the planning period • Prepare informational materials and post to Town website by end of Q4 2023; update annually thereafter
Medium	Fair Housing Enforcement	Fair housing testing revealed significant evidence of discrimination on the basis of race and income against renters in Marin County, although there were relatively few cases investigated in Fairfax.	<ul style="list-style-type: none"> • Lack of awareness of fair housing law among landlords and real estate professionals 	Raise awareness of fair housing rights and connect residents with available resources: <ul style="list-style-type: none"> • Implement rent stabilization and just cause evictions ordinance and disseminate information on tenant protections (Program 3-F) • Affirmatively market lower income housing opportunities and conduct targeted outreach to affordable developers (Program 4-A) • Encourage wider acceptance of Housing Choice Vouchers by rental property owners (Program 4-B) • Support Fair Housing Advocates of Northern California efforts for mediation and enforcement of fair housing rights (Program 4-C) • Support groups focused on trainings for anti-discrimination and fair housing practices for realtors and lenders (Program 4-D) • Take steps to educate relevant parties on fair housing information (Program 4-F) 	<ul style="list-style-type: none"> • Townwide • Regional and Countywide • Townwide • Townwide • Regional and Countywide • Townwide 	<ul style="list-style-type: none"> • Enhance protections for 530 renter-occupied lower-income households experiencing cost burden in Fairfax • 149 Very Low and 86 Low Income units by 2031 • Conduct one event in Fairfax annually each year throughout the planning period • Assist 400 households during the planning period; publish information by Q3 2023 and update annually as appropriate • Contact non-profit groups by Q4 2023 and coordinate annually on support activities throughout the planning period • Prepare informational materials and post to Town website by end of Q4 2023; update annually thereafter

Appendix F

Public Outreach Materials

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Town of Fairfax Community Workshop November 20th, 2021



Welcome!

6th Cycle Housing Element Update

- **Ben Berto, Director of Planning & Building Services**
- **Tamela Fish, Communication Specialist**
 - Ande Flower, Principal Planner EMC Planning Group
 - Lauren Hoerr, Associate Planner EMC Planning Group
 - Samantha Suter, Metta Urban Design
 - Rachel Cain, More Sky Less Ceiling
 - Kristin Masters, Santa Cruz Nonviolent Communication

Agenda

Introduction & Zoom Details (15 minutes)

PART 1: What is the Housing Element?

Leading with Equity (15 minutes)

Introduction to Housing Element (Q&A) (30 minutes total)

Introduction to Sites Inventory (Q&A) (50 minutes total)

- 10 Minute Intermission -

PART 2: Create your own Housing Plan

Plan Fairfax Housing Tool (1 hour)

Next Steps & Questions (30 minutes)

Optional Tech Support (30 minutes)

*Interactive
Exercise!*

**Opportunities for
feedback throughout
presentation!**

Be sure to take breaks, stretch, and take care of your personal needs throughout the Workshop.

Zoom Logistics: Chat



How To: write comments to other attendees



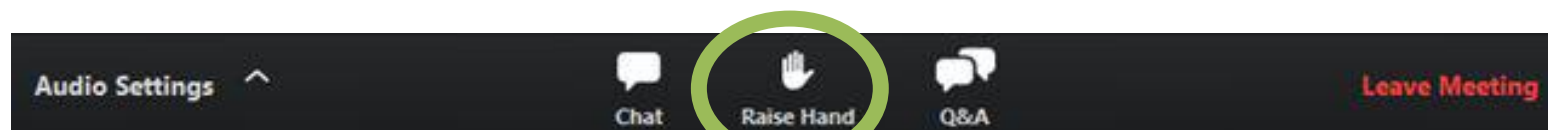
Click the “Chat” button

As an online attendee in this webinar you may chat with everyone in the group. Type your message into the text box and press enter.

Zoom Logistics: Raise Hand



How To: join the virtual stage, and share your comments or questions



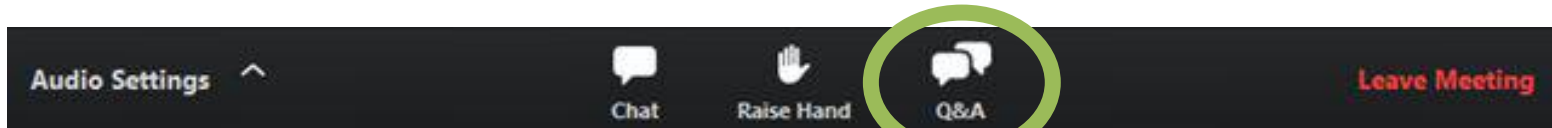
Click the “Raise Hand” Button

The meeting organizer may recognize you and your mic will be enabled. Your virtual hand is now raised. If the meeting organizer recognizes you, the host will open audio. Please unmute yourself and speak. You may lower your hand by clicking the same button.

If you are calling in via telephone, press *9 to raise your hand *6 to unmute yourself.

Your microphone will be disabled after comment to limit background noise.

How To: Communicate with Host and Panelist



Click the “Q&A” Button

As an attendee you may ask questions and receive answers.

Enter your question in the Q&A text box and click Send.

The host may reply to your question live (out loud) or reply in the Q&A box.

Attendees may also “upvote” questions.

As an attendee you may also thumbs up other attendees' questions, making it more likely for the question to be answered out loud.

*Within this meeting, we are allowing attendees to **ask questions anonymously**, however questions that attack panelists, are deemed inappropriate, or questions that have already been answered will be removed from the list.*

Ground Rules for Participation Today:



- Speak from your own experience
(and social location)
 - Share space with brevity:
move-forward, move-back
 - Listen to understand what
matters to each speaker
 - No right or wrong answers
 - Please, no interruptions.

We aim for an atmosphere that is respectful of each person's dignity.

Anything you'd like to add?

**Who's in the room?
Which part of the home do
you feel represents you
today?**

PART 1

Housing Element



Caring for your Neighbors

Ensure fellow residents can
continue to live here

Caring for your Community

Become a more inclusive Fairfax by
creating housing opportunities for
all community members

A shared understanding of the Housing Element process!

Where we are



- What a Housing Element is
- Why it matters
- Equity in the Housing Element
- What the Sites Inventory is
- Your Role

Where we're going...



... Next Steps

Where are we in the process?



Initial Goal =
Clarity about sites

- Assess path for environmental review.

Once we know what sites will be included in the inventory, we can start the environmental review.

Future Discussions:
Policy options and affordability.

1.1 Leading with Equity



- **Affirmatively Furthering Fair Housing (AFFH)**
 - New law known as AB 686
 - Goal: **create a more inclusive Fairfax**

- **The Housing Element process must:**
 - consider the **impacts of past segregation**
 - Create **specific** programs and policies to address equity goals

Your Participation



is essential to creating a plan that:

- Represents Fairfax's **core values**
- Represents Fairfax's **vision of future housing**
- Creates a more **inclusive Fairfax community**
- Meets regional and state-mandated **housing goals**



**How confident do you feel about
your knowledge of the Housing
Element Update process?**

1.2

Introduction to Housing Element



What is a **Housing Element**?

- A **plan for the housing needed** in a community
- The Town of Fairfax doesn't build the housing
- The Town of Fairfax creates the **programs and policies** to plan where new housing should go and how many units could be on potential sites

It is required by State law:

- Part of the General Plan
- Updated every 8 years
- Fairfax's 6th Cycle timeline: 2023-2031

Regional Housing Needs Allocation (RHNA)

- A **target number** for homes needed
- Assigned to Fairfax by the State

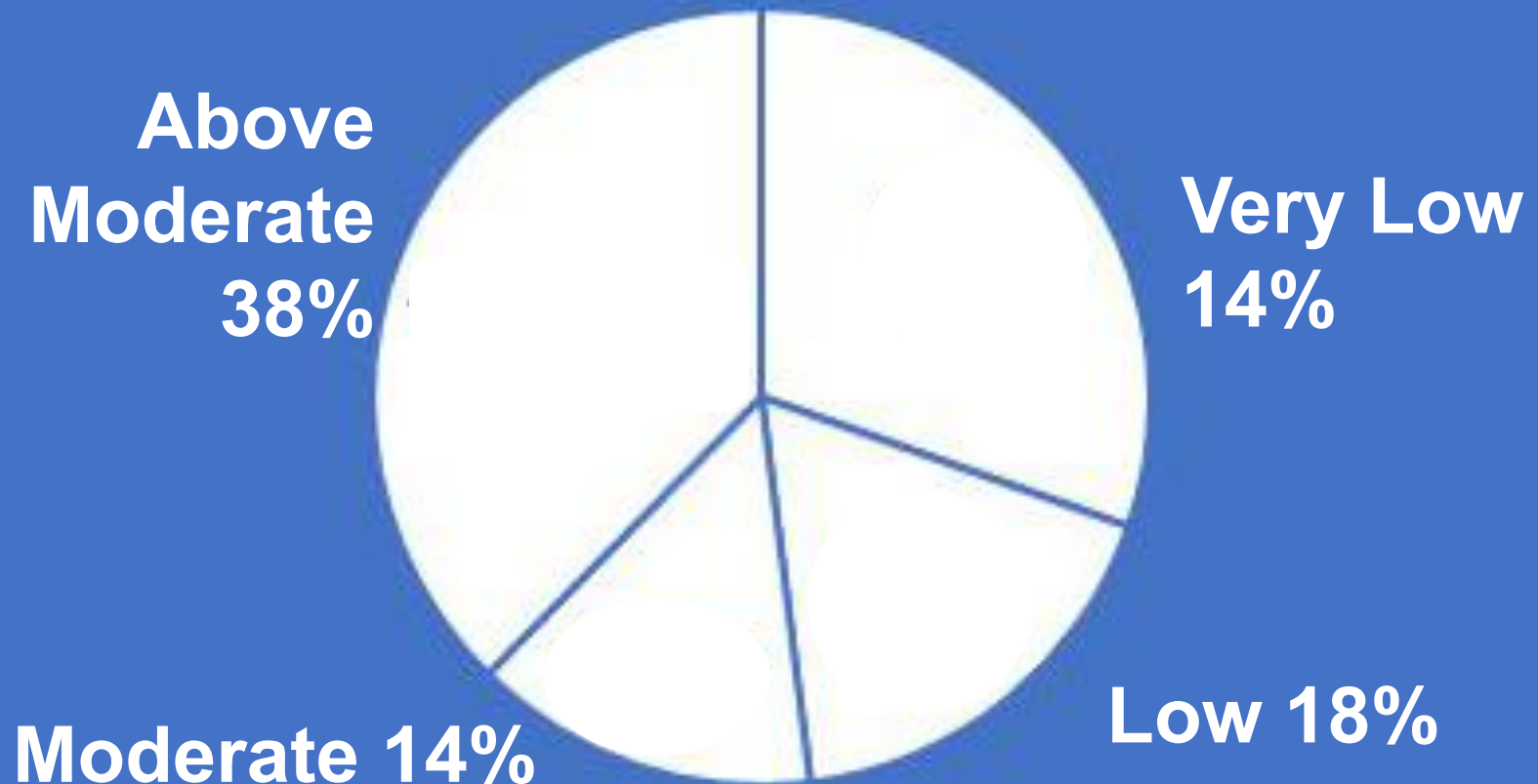
How many future units?

	Fairfax	All jurisdictions within Marin County
Income Group	Units	Units
Very Low Income (<50% of AMI)	149	4,156
Low Income (50%-80% of AMI)	86	2,389
Moderate Income (80%-120% of AMI)	71	2,182
Above Moderate Income (>120% of AMI)	184	5,653
Total	490	14,380

Fairfax needs to plan for **490** housing units across income levels

How many affordable future homes?

FUTURE HOUSING INCOME DISTRIBUTION



What's in a Housing Element?



- Equity & public feedback
- Looking at Fairfax's housing needs
- Looking at challenges and opportunities
- Identifying sites
- Updating the existing housing plan for Fairfax
 - Specific goals, policies, and programs to create housing at various affordability levels

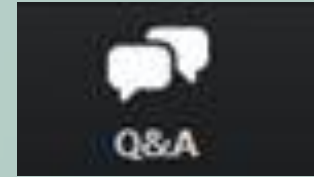
- Limited access to state funding
- Court-imposed fines (up to \$10,000 per day)
- Lawsuits and court mandated compliance
- Receivership (loss of local control)

- Past cases against state mandates:
 - Jurisdictions settled court cases by amending their housing element and/or zoning ordinance to accommodate more housing



**How comfortable do you feel about
adding 490 housing units
in Fairfax?**

Your Questions!



**Do you have any questions
about the
Housing Element?**

1.3

Introduction to Sites Inventory



What is a Sites Inventory?



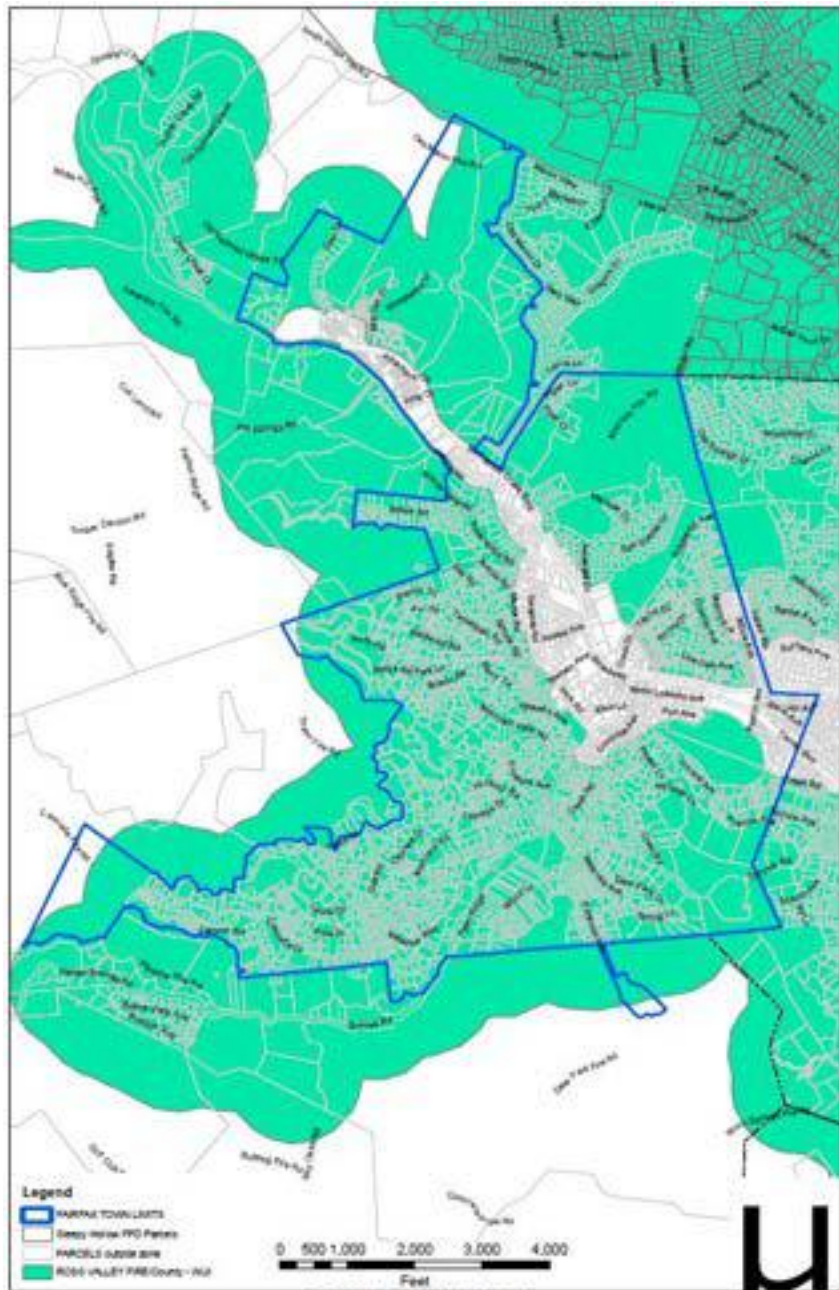
- **Purpose:**
 - identify specific sites that are **available and reasonable** for at least 490 housing opportunities from 2023-2031
- **Rezoning and/or adopting programs and policies will likely be necessary**

“Everything is on the table”

- **Factors considered:**
 - **Public comments**
 - Environmental and safety constraints
 - Sites used in previous Housing Elements
 - Zoning capacity
 - Property owner intentions
 - Objective Design & Development Standards (ODDS)
 - ADUs opportunities throughout the Town

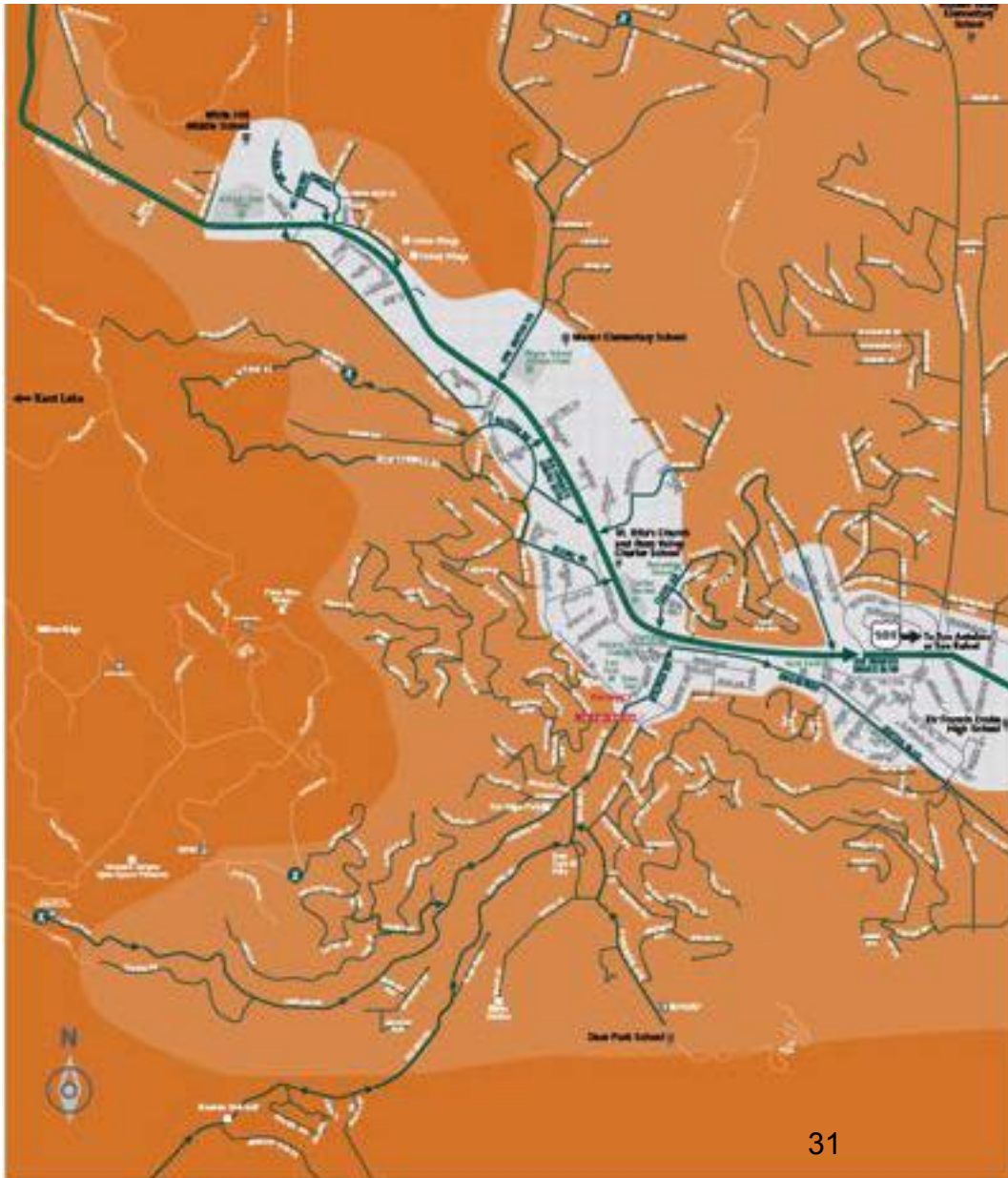
Housing Element & Safety Element

- Required by State law
- Review of safety concerns throughout update process:
 - Fire hazard
 - Evacuation
 - Flood hazard



TOWN OF FAIRFAX
Wildland-Urban Interface Zones

Housing Element & Safety Element



SCAN THIS QR CODE TO
DOWNLOAD THESE MAPS

EMERGENCY NOTIFICATIONS

EVACUATION ORDER:

Moving community members out of a defined area due to an immediate threat to life and property from an emergency incident. An Evacuation Order should be used when there is potential or actual threat to civilian life within 1 to 2 hours or when the IC deems it necessary to protect civilians.

EVACUATION WARNING

Alerting of community members in a defined area of a potential threat to life and property from an emergency incident. An Evacuation Warning may be issued when the potential or actual threat to civilian life is more than 2 hours away.

Town of Fairfax

- Severe Fire Risk
- High Fire Risk
- Moderate Fire Risk
- Evacuation Routes
- Safe Route
- (over 15 MPH)
- Fire Dept
- Schools
- X Gate / No Access

ROSS VALLEY FIRE DEPT
www.rossvalleyfire.org

TOWN OF FAIRFAX
www.townoffairfax.org

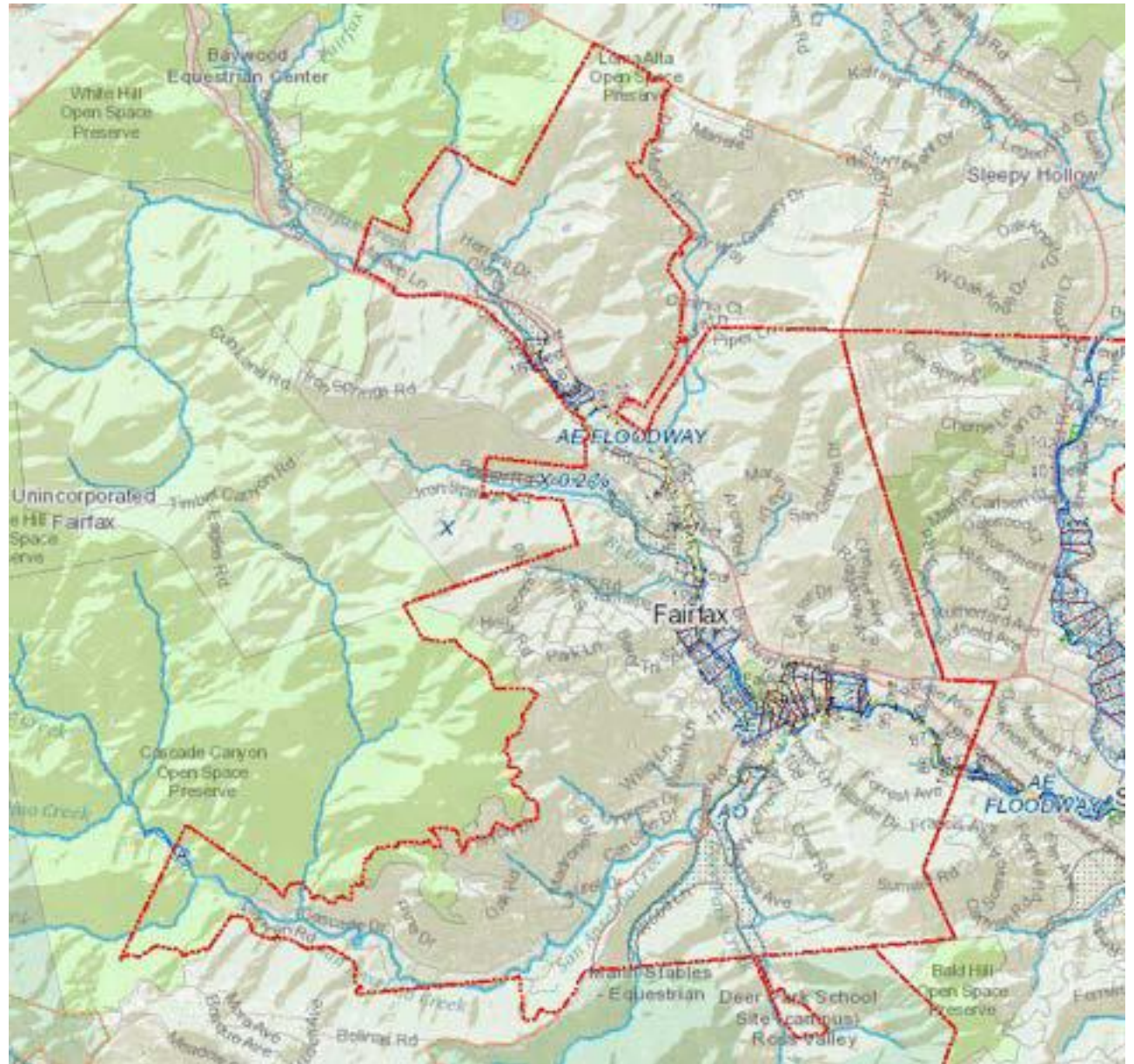
FIRE Safe
MARIN
www.firesafemarin.org



DESIGN AND FIRECLEAR MAP PROVIDED BY CLAUDINE MENCHER
DESIGN NETWORK FOR EMERGENCY MANAGEMENT

Housing Element & Safety Element (FEMA)

Most flooding concerns can be mitigated with design elements and building code requirements.



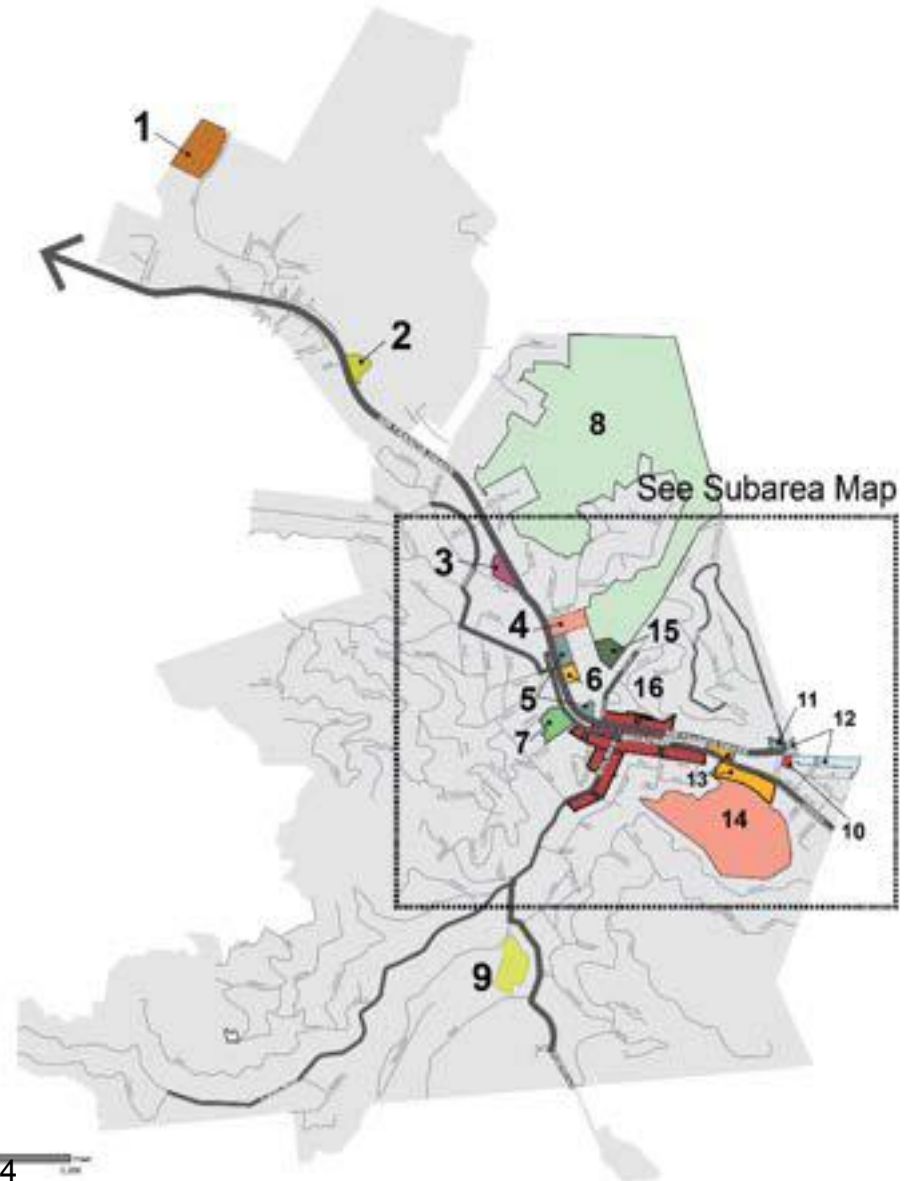
Summary of Potential Sites

# Site	Site Address
1 White Hill School	101 Glenn Drive
2 Portion of Kingdom Hall	2600 Sir Francis Drake Blvd
3 10 Olema Rd	2170 Sir Francis Drake Blvd
4 St. Rita's Church	100 Marinda Dr
5 Westside Commercial	2100, 2096, 2094, 2090, 2084, 2082 Sir Francis Drake Blvd
6 Fairfax Market	2040 Sir Francis Drake Blvd
7 School Street Plaza	6-12 School Street Dr
8 Marinda Heights, aka Wall Property	no address (large site)
9 Deer Park Villa	367 Bolinas Road
10 Former Pancho Villa's	1625 Sir Frances Drake Blvd
11 O'Donnell's Nursery	1700 Sir Frances Drake Blvd
12 Eastside Commercial	1569 - 1599, 1616, 1620 Sir Frances Drake
13 Fair-Anselm Shopping Center	701-760 Sir Francis Drake
14 Town and Country	40 Pastori Avenue
15 Jolly Hill	Open space adjacent to 53 Taylor Ave (Bennett House)
Central Commercial Downtown	All sites zoned Central Commercial
16 (all CC zoned sites)	in the Downtown area
ADUs/JADUs	Various locations

Map of Potential Sites

TOWN OF FAIRFAX Sites Inventory Map

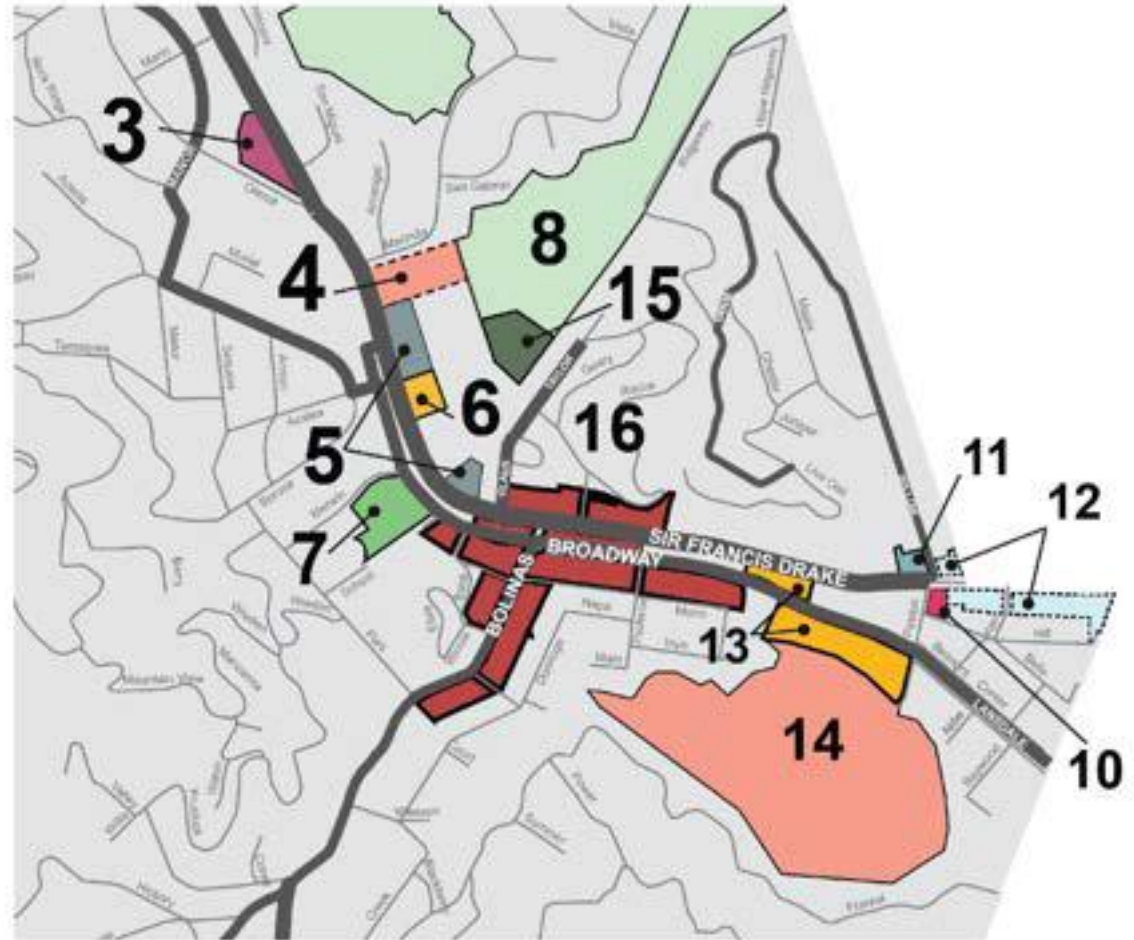
- 01 - WHITE HILL SCHOOL
- 02 - KINGDOM HALL (Portion of site)
- 03 - 10 OLEMA ROAD
- 04 - ST. RITA'S CHURCH
- 05 - WESTSIDE COMMERCIAL
- 06 - FAIRFAX MARKET
- 07 - SCHOOL STREET PLAZA
- 08 - MARINDA HEIGHTS (aka Wall Property)
- 09 - DEER PARK VILLA
- 10 - FORMER PANCHO VILLAS
- 11 - O'DONNELL'S NURSERY
- 12 - EASTSIDE COMMERCIAL
- 13 - FAIR-ANSELM SHOPPING CENTER
- 14 - TOWN AND COUNTRY
- 15 - JOLLY HILL
- 16 - CENTRAL COMMERCIAL DOWNTOWN



Map of Potential Sites - Subarea Map

TOWN OF FAIRFAX Sites Inventory Map

- 01 - WHITE HILL SCHOOL
- 02 - KINGDOM HALL (Portion of site)
- 03 - 10 OLEMA ROAD
- 04 - ST. RITA'S CHURCH
- 05 - WESTSIDE COMMERCIAL
- 06 - FAIRFAX MARKET
- 07 - SCHOOL STREET PLAZA
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- 10 - FORMER PANCHO VILLAS
- 11 - O'DONNELL'S NURSERY
- 12 - EASTSIDE COMMERCIAL
- 13 - FAIR-ANSELM SHOPPING CENTER
- 14 - TOWN AND COUNTRY
- 15 - JOLLY HILL
- 16 - CENTRAL COMMERCIAL DOWNTOWN



Site 1: White Hill School

- 101 Glen Dr
- 50-80 possible units

Rationale:

- Housing for Marin's 18 school districts' employees
- No re-zoning needed

Constraints:

- Potential fire safety and egress issues but can be addressed



Site 2: Portion of Kingdom Hall

- 2600 Sir Francis Drake Blvd
- 15-25 possible units

Rationale:

- Successful example of Victory Village in past
- May be an under-used site with potentially developable 1.3 acres

Constraints:

- Re-zoning required



Site 3: 10 Olema Road

- 2170 Sir Francis Drake Blvd
- 22-30 possible units

Rationale:

- Long-standing vision for affordable housing
- Used in previous housing element updates
- No re-zoning needed

Constraints:

- Floodplain regulations
- Possible historic resource



Site 4: St. Rita's Church

- 100 Marinda Dr
- 40-60 possible units

Rationale:

- About 2 flat acres of site (church, rectory, and meeting hall) that may be under-used
- No re-zoning needed

Constraints:

- Existing and active Catholic church
- May need to design around historic designated buildings



Site 5: Westside Commercial

- Multiple properties fronting on Sir Francis Drake Blvd
- 30-40 possible units

Rationale:

- Long-standing vision for affordable housing
- Used in previous housing element updates

Constraints:

- Avoid displacing existing commercial tenants
- Geological regulations
- May require re-zoning



Site 6: Fairfax Market

- 2040 Sir Francis Drake Blvd
- 20-40 possible units

Rationale:

- Long-standing vision for affordable housing
- Used in previous housing element updates
- Shared parking possible

Constraints:

- Avoid displacing existing commercial tenants
- May require re-zoning



Site 7: School Street Plaza

- 6-12 School Street Dr
- 100-140 possible units

Rationale:

- High transit access
- Close to downtown commercial area
- Property owner interested in affordable housing
- No re-zoning needed

Constraints:

- Avoid displacement of existing residential and live/work tenants



Site 8: Marinda Heights, aka Wall Property

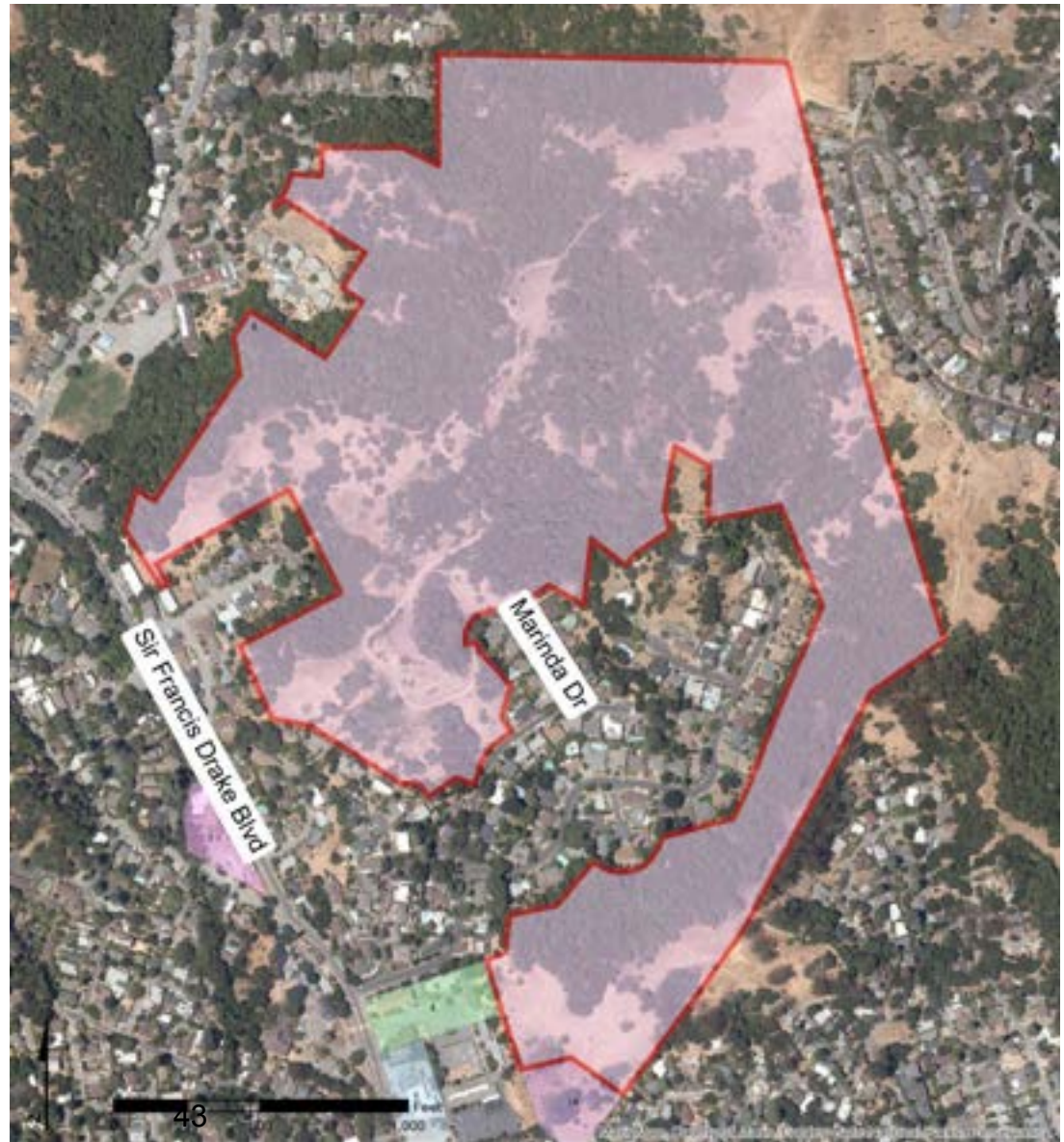
- Marinda Drive and Upper Ridgeway Ave
- 10-30 possible units

Rationale:

- 10 lots possible
- Single-family home, and ADU and JADU could be on each lot
- Current application for development

Constraints:

- Environmental and infrastructure challenges
- Requires Environmental Impact Report



Site 9: Deer Park Villa

- 367 Bolinas Rd
- 30-70 possible units

Rationale:

- Flat site with several developable acres
- No re-zoning required

Constraints:

- Surrounded by existing residential zoning
- Egress limited to one-way-in/one-way-out



Site 10: Former Pancho Villa's

- 1625 Sir Francis Drake Blvd
- 10 possible units

Rationale:

- Vacant, flat, under-used site
- Walking distance to community amenities
- Bus stop in front of site
- Developers previously expressed interest

Constraints:

- Relatively small site
- Re-zoning required



Site 11: O'Donnell's Nursery

- 1700 Sir Francis Drake Blvd
- 10-20 possible units

Rationale:

- Vacant and level site
- Property owner willing to consider adding housing

Constraints:

- Relatively small site
- Analysis of traffic circulation needs required
- Re-zoning required



Site 12: Eastside Commercial

- Sir Frances Drake Blvd east from Pastori Ave
- 20 possible units

Rationale:

- Long-standing vision for additional housing
- Used in previous housing element updates

Constraints:

- Avoid displacement of existing residential and commercial tenants
- Re-zoning required



Site 13: Fair-Anselm Shopping Center

- 711 & 760 Center Blvd
- 50-90 possible units

Rationale:

- Large and flat site with
- High feasibility for building housing
- Developers have expressed interest

Constraints:

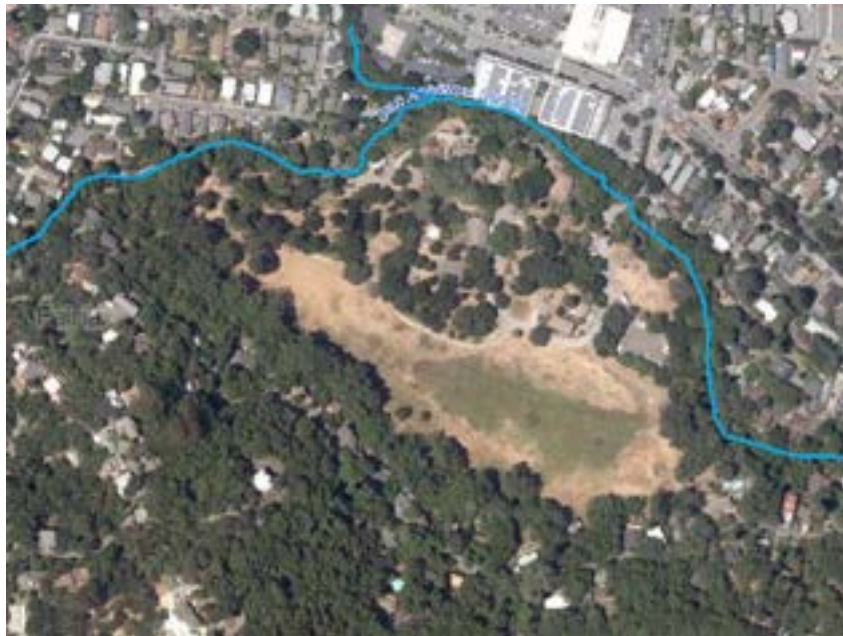
- Avoid displacement of existing commercial tenants.
- Re-zoning required



Site 14: Town and Country

Rationale:

- 25 mostly undeveloped acres
- Close to central transit, services
- Property owner is advocate
- Housing can occupy small area, leaving rest of site undeveloped or have other purpose



- Area: Pastori Avenue
- 100-450 possible units

Constraints:

- Rezoning requires voter approval or legal proceeding
- Portion of site is within 100 year floodplain
- Potential historic and environmental resources
- Needs new access point for traffic/egress
- Past proposals for reuse of the site have not been successful

Site 15: Jolly Hill

- Open space adjacent to 53 Taylor Ave (Bennett House)

More Details:

- Jolly Hill is **not currently being considered** as a potential site due to its open space status and potential as a park
- **If there is strong public support**, it could be added as a potential site



Site 16: Central Commercial Downtown

- 10-30 possible units

Rationale:

- Near services/amenities
- Direct access to transit
- Sites with possible upstairs housing

Constraints:

- Few under-used sites
- Small parcel sizes
- Lack of onsite parking
- Needs careful design to match downtown visual styles





Raise Hand



Q&A

What questions do you
still have about the
Sites Inventory?

3:50-4:00

10 MINUTE
-INTERMISSION-



PART 2

Create Your Own Housing Plan



Eco-Village Ideas + Tiny Homes or Micro-units



Missing Middle Opportunities



Carriage House/ ADU



Main St. Building



2.1

Introduction to the **Plan Fairfax Housing Tool**



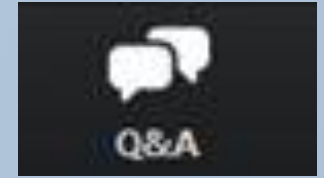
What is the Plan Fairfax Housing Tool?

A way for you to be an Ambassador to:

- See which sites Fairfax is considering
- Choose which sites you'd like to see future housing built
- Select how many units you'd like to see for each potential housing site
- Will be available through 12/4/2021

2.3

Optional Support with Plan Fairfax Housing Tool



Do you have any questions
about using the tool?

2.2

Next Steps & Questions



Next Steps

- The mapping exercise will be available through the next two weeks.
- After December 4th, we will collate all submitted plans.
- Updates on our sites inventory process will be on the website.
- A draft sites inventory report will be available.
- Town Council meeting for Safety Element & Sites Inventory December 15th.





**How confident do you feel about
your knowledge of the Housing
Element Update process?**

When and How to Participate

- When: Next two weeks and throughout the year
- How:
 - Today's workshop
 - *FairfaxSpeaks.com* website
 - ◆ Polls, surveys, etc.
 - Look for a link to the Plan Fairfax Housing tool from the website! We'll send a follow-up invitation and share a link with social media.
 - Town Council, Planning Commission, and other public meetings
- More to come!



**Thank you for your
participation!**

**Please visit the
Fairfax Speaks.com
website**

Question & Answer Session



Heading out?
Take our Exit Survey!

Workshop Summary Report

September 10, 2022



[Agenda](#)

[Meeting Notes](#)

[Common Themes](#)

Agenda

1. **Welcome**
 2. **Overview of the Housing Element Update**
 3. **Breakout Group Discussion #1: Introductions & Racial Equity Exercise**
 4. **County of Marin Tenant Resources Panel + Q&A**
 5. **Breakout Group Discussion #2: Housing Discussion Prompts**
 6. **Wrap Up & Next Steps**
-

Meeting Notes

2. **Overview of the Housing Element Update**
 - a. Public Comments/Questions:
 1. Can you please make available all of the income requirements to qualify for affordable housing in Fairfax?
 - Note: the Housing Element Update project team will make this information available on the project website.
 2. Following up on the above, what are the rental rates for affordable units in Fairfax?
 - Note: the Housing Element Update project team will make this information available on the project website.
 3. It is important to include income guidelines within the Housing Element due to historical, systemic issues with people not meeting the requirements. It is important to include income levels and to prioritize units for those who are the most vulnerable.
 4. It is important for the Housing Element to have information about affordable housing and the differences between the various types of affordable housing. There are really different types of affordable

housing. For instance, sometimes it is affordable for families with multiple income streams but not for an individual with one source of income.

5. There are multiple definitions of affordable housing. It is important to be clear about what we in Fairfax mean by affordable housing in the Housing Element.
6. I would like to know the percentage of current renters in Fairfax so that figure can be directly represented within the new units being offered.
7. Is there a way to build into the plan preferences for those who have been living within Fairfax for a long time, so they are prioritized for the new affordable units?
8. Historically I have seen members of a community not want affordable housing units due to arguments with stereotypical and racist undertones. How do we talk about affordable housing in a way that respects the individual?
9. Marin County is grouped by HUD with San Francisco and other more affluent counties, so the Area Median Income for a very low income household is ~\$83,000/year in Fairfax. That is still very high.
10. Look at the new San Quentin affordable housing development. How did they get it done? We could use it as a model for development in Fairfax.
11. How do we ensure that new units are prioritized for specific populations or existing residents (i.e., local preference or workforce preference policies)?
12. Other communities have resisted affordable housing developments, citing untrue, negative narratives about their effect on the surrounding community. What legal or social strategies can we use to deal with that?
13. We should use the term “educator housing”, instead of “teacher housing,” in the Housing Element, to be inclusive of all educational institution staff, not just teachers.
14. Local residents are not excluded from accessing new housing units. We need to be clear about that in the Housing Element.
15. Is it still an option to set aside housing for specific workforce designations (e.g., educator housing, housing for healing arts practitioners)?

16. I am concerned about character. I want to keep this feeling/vibe of Fairfax. Are you looking at building height and design already? When will there be opportunities to provide feedback on design considerations?
17. What considerations will be given to the housing needs/design of persons living with disabilities?
18. Will Fairfax need to incorporate a buffer when trying to meet the mandated number of new housing units?
19. How are we proposing to reduce homelessness and also make the housing respectful for formerly homeless people? We need to include in the Housing Element how Fairfax will provide housing for persons living with illnesses, policies for construction on hazardous sites, and our commitment to increase environmental justice. You should engage and get direct feedback from persons living with illnesses about their housing needs and recommendations.
20. When does the 30-day public comment period begin for the draft Housing Element Update?

5. Breakout Group Discussion #2: Housing Discussion Prompts

a. What are your housing needs?

1. Affordable housing
2. Rent that is not burdensome
3. Inclusivity: address the local attitude toward folks who do not live here
4. Housing repairs
5. Contractors
6. Housing for retirement
7. Shorter housing waitlists (e.g., waitlist has been closed for 5 years)
8. Housing security
9. Home retention
 - Income and other support for repairs
 - Support for Accessory Dwelling Units (ADUs)
 - Landlord protections
10. Community members who need to be heard cannot attend these workshops
11. People who take care of one other, show kindness and solve injustices together

12. Better treatment for those experiencing homelessness
13. Greater accessibility within units

b. What have been the challenges, obstacles and difficulties in getting your housing needs met in Fairfax?

1. You have to have good credit in order to pass a background check
2. Discrimination based on race and age is rampant
3. Victory Village housing requires Section 8 vouchers, but no vouchers have been available since 2008
4. Housing availability
5. High move-in costs (i.e., first, last, current month = \$\$\$)
6. Application fees
7. I feel anger and frustration that we have not addressed the needs of low-income households and homeless residents
8. I am a commuter. I work in Fairfax but I do not live here. I hear locals ask “Do you live here?,” which is a real negative experience. I would love for us to figure out a way to be more inclusive in Fairfax. The attitude if you work here but do not live here is that there is something wrong with you
9. So many workers cannot afford to live here. Good Earth Natural Foods store employees are an example of this

c. What policies, programs and resources could help Fairfax protect its tenants facing housing insecurity and at risk of displacement?

1. Possibility of short-term affordable and/or subsidized housing for people with health challenges or in a training program
2. Concerns that rent control may/will diminish the housing supply
3. Funding to keep people where they are currently living instead of trying to find other locations (e.g., governmental rental assistance is not counted against Supplemental Security Income)
4. Renter protections
5. Registration on renter protections to get actual data. The Town Council is working on this now
6. Acknowledge the housing crisis and identify long-term housing needs in order to find sustainable solutions
7. Explore alternative funding models started by cities and towns. A Town Council committee is looking into funding

8. Rent control results in landlord cost increases rather than large rent increases when the unit vacates. I would like programs to recognize landlords as “mom and pop” small business owners
9. Tiers and policies for different categories of landlords (e.g., number of units, headquartered out of the area, large corporations different than local, small scale)
10. The housing issue is not one size fits all
11. Ordinances that are easily “amendable”
12. Hire a housing official/enforcer
13. Reduce burden of application fees
14. A place to list all available rentals - "Rooms for Rent”
15. Laws to protect landlords who rent one place versus a few places
16. Vacancy tax
17. Laws to protect renters/tenants
18. Finding out how many units are available and what obstacles keep them from being on the market
19. Changing the permit process to account for unique properties that do not meet the criteria for new units/developments
20. Greater use of the COVIA Home Match program
21. Include units for all income levels so all people have a chance to access housing in Fairfax
22. Subsidized rent to help people save up for homeownership
23. I am turning my garage into an Accessory Dwelling Unit (ADU) that is accessible to a person living with a disability. I want policies that will keep the ADU manageable and affordable for both the landlord and the tenant
24. I am a mom and I would love for my children, the next generation to be able to come back home and live in Fairfax
25. We need to make housing more affordable. Implement rent control (using the strongest standard set in San Francisco). We could control rents to not exceed increases in the cost of living index.
26. We should figure out how to start using land grant funders (municipal land trusts) for financing, instead of HUD and state funding
27. Explore tiny homes. There may be challenges with assessments

Common Themes

- 1. Right size the amount of affordable housing units available with the demand/need**
- 2. Look into protections/policies that are advantageous for both landlords and tenants**
- 3. Look for ways to incentivize homeownership within Fairfax and Marin County**
- 4. Implement protections/policies that discourage discrimination and promote more inclusivity/equity/equality**



**TOWN OF FAIRFAX
AFFORDABLE HOUSING COMMITTEE
PUBLIC MEETING NOTICE and AGENDA
2:00 PM, THURSDAY JANUARY 7, 2021
MEETING VIA ZOOM WEBCONFERENCE**

IMPORTANT NOTICE REGARDING PUBLIC MEETINGS

Town of Fairfax public meetings will be conducted using teleconferencing or webconferencing consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

The Town of Fairfax is not offering in-person meetings for the public until further notice.

How to observe and participate in the meeting: In accordance with Executive Order N-29-20, the public may view the January 7, 2021 Affordable Housing Committee meeting only online.

Members of the public may join or watch the meeting live using the following:

Via **Zoom:** Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86319664655> Refer to Zoom Meeting ID Number **863 1966 4655**

Call-in option: 1 (669) 900-9128 or 1 (346) 248-7799 Refer to Zoom Meeting ID Number **863 1966 4655**

Members of the public may provide public comment during the meeting using ONE of the following options:

- On Zoom, select the Raise Hand function during the public comment time and you will be unmuted when it is your turn.
- If you are calling in, press *9 during the public comment time to raise your hand and *6 to be unmuted to speak.

Notice is hereby given that on Thursday, January 7, 2021, at 2:00 p.m. or as soon thereafter as the matter may be heard, the Fairfax Affordable Housing Committee will hold a public meeting to discuss the following topics:

Agenda

- Fairfax 2022-2030 Housing Element Update
- Inclusionary Housing
- Potential future housing sites

Conduct: All interested persons are invited to participate. In order to give all interested persons an opportunity to be heard and to ensure the presentation of all points of view, members of the audience should: (1) Limit presentation to three minutes; and/or (3) Provide written comments prior to the meeting to the Town Hall front desk during normal business hours, addressed to the Affordable Housing Committee, or via email addressed to Ben Berto bberto@townoffairfax.org.

Staff reports: Any staff reports and associated materials will be available for public review on the Town website at www.townoffairfax.org the Saturday before the meeting.

Accommodation: If you need accommodation to attend or participate in this meeting due to a disability, please contact the Town Clerk at (415) 453-1584 a minimum of 48 hours prior to the meeting.

I, Ben Berto, Director of Planning and Building for the Town of Fairfax, County of Marin, State of California, do hereby certify that I posted a copy of this notice at three public places in the Town of Fairfax, to wit: 1) Bulletin Board, Town Hall Offices; 2) Bulletin Board, Fairfax Post Office; and 3) Bulletin Board, Fairfax Women's Club and that each of the postings was completed on or before January 4, 2021.

Date: December 31, 2020

Ben Berto



Town of Fairfax

AFFORDABLE HOUSING COMMITTEE MEETING

Conference Room Fairfax Town Hall – 142 Bolinas Road
Thursday May 6, 2021, 3:00 – 5:00 p.m.

AGENDA

3:00 PM – CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING

REGULAR AGENDA

1. Introduction to the Housing Element process, and to EMC Planning – *Planning Director*
2. Site analysis process – *EMC Planning*
3. Fairfax Listens (goals for online platform and engagement) – *EMC Planning*
4. Committee Members' comments and/or requests.

ADJOURNMENT

AFFIDAVIT OF POSTING

I, Ben Berto, Director of Planning and Building Services for the Town of Fairfax, County of Marin, State of California, do hereby certify that I posted a copy of this Agenda at three public places in the Town of Fairfax, to wit: 1) Bulletin Board, Town Hall Offices; 2) Bulletin Board, Fairfax Post Office, and 3) Bulletin Board, Fairfax Women's Club and that each of said postings was completed on the 5th day of May, 2021.

Meeting Notes 01

Town of Fairfax 6th Cycle Housing Element and Safety Element Update

Affordable Housing Committee Meeting

May 6, 2021

COMMITTEE MEMBERS:

Tamela Fish
Barbara Coler
Lisel Blash

Scott Hochstasser
Renee Goddard
Mallory Geithem

ATTENDEES:

Ben Berto, Town of Fairfax Director of Planning and Building Services
Richard James, EMC Planning Group
Ande Flower, EMC Planning Group

FOCUS

Overview of the components of a Housing Element and the Town of Fairfax's existing housing stock and its needs.

IDEAS TO CARRY FORWARD

- 1) Incentives may be established for online participation.
- 2) Pursue ways to reach out/engage those who can't use the platform, including a street banner, post cards, fliers, bulletin board notices at several outlets including Good Earth, the library, post office, etc.
- 3) Need widespread notification to Fairfax community prior to the web launch.
- 4) Consider how to characterize housing income levels (i.e., "above moderate" may mean mansions).

COMMENTS

Ande Flower, with EMC Planning Group, presented to the committee an introduction of the site analysis process. Ande discussed Marin County's and the Town of Fairfax's regional housing needs allocation and how the Town's allocation is separated among income levels. Ande provided a brief overview of the components of updating a Housing Element, which requires examining demographic, employment and housing trends and conditions that affect the housing needs of the community. It was discussed how much of the older population of Fairfax are aging in place and that the Town exports workers especially those at higher income levels, based on the data provided by Association of Bay Area Governments (ABAG).

Several ideas were brought up about where notices about the General Plan updates can be placed (e.g., Town newsletter, downtown vendors, farmer's market, library, police office, post office, Chambers of Commerce, banners, Good Earth table, can use QR codes, etc.). Discussions also occurred trying to discover ways to incentivize participation by the community.

Since the 5th Cycle Housing Element, HCD designated Fairfax as "conditional" regarding compliance due to rezoning incompleteness, though they were impressed with the positive housing outcome with Victory Village.

During the meeting, it was mentioned not to use a “chat” feature during the AHC meetings due conflicts with the Brown Act. Determinations were also made to launch the information section to the public first and then follow with forums and additional items.

QUESTIONS

- What progress has been done on each of the 22 sites identified as available in the previous housing element update?
 - Should participants be anonymous or identified? Can we keep the online platform a safe place from bots?
- Can tiny homes be a focus? Can family-focused housing be a focus in discussions?
- What is considered “senior” for the age group.
- Do the older homes meet the current Town needs?
- What does “other vacant” mean in Slide 26 of the presentation?
- How do we work towards building housing that complements what’s here in Fairfax?

CONSULTANT REPORTS

None.

ANNOUNCEMENTS

None.



**TOWN OF FAIRFAX
AFFORDABLE HOUSING COMMITTEE
PUBLIC HEARING AGENDA
3:00 PM, TUESDAY JULY 13, 2021**

VIA TELECONFERENCE ONLY

Consistent with State of California Executive Order Nos. N-25-20 and N-29-20 there will be no in-person physical meeting location. The public will be able to view the meeting as follows:

- **Zoom:** click on the following link: <https://us02web.zoom.us/j/83111347296>
Zoom telephone call in: 1 669 900 6833 or 1 346 248 7799
Webinar ID: 831 1134 7296

Members of the public may provide public comment during the meeting using ONE of the following options:

- On Zoom, select the Raise Hand function during the public comment time and you will be unmuted when it is your turn.
- If you are calling in, press *9 during the public comment time to raise your hand and *6 to be unmuted to speak.

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

MEETING PROTOCOL

Meetings shall be conducted in accordance with Robert's Rules of Order and the Affordable Housing Committee has the responsibility to be a model of respectful behavior in order to encourage community participation and citizen input at Committee meetings. The Committee and the audience are expected to refrain from using profane language and/or ridiculing the character or motive of Committee members, staff, or members of the public and to maintain the standards of tolerance and civility.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Anyone wishing to address the Committee on matters ***not on the agenda***, but within the jurisdiction of the Committee, must do so in person via Zoom in the manner described above. Presentations will be limited to **three minutes, or as otherwise established by the Committee.**

Conduct: All interested persons are invited to participate in public hearings. In order to give all interested persons an opportunity to be heard and to ensure the presentation of all points of view, members of the audience should: (1) Limit presentation to three minutes;

(2) Provide their comments by e-mail as described above; (3) State view and concerns succinctly; and (4) Submit any new documents to the Planning Staff, first, via e-mail to be entered into the record.

CONSENT CALENDAR

There are no items on the consent calendar.

PUBLIC HEARING ITEMS

1. Sites inventory strategy discussion
2. Safety Element update
3. AB 686 compliance discussion
4. Followup discussion items

COMMITTEE COMMENTS AND REQUESTS

ADJOURNMENT

Accommodation: If you need accommodation to attend or participate in this meeting due to a disability, please contact the Town Clerk at (415) 453-1584.



**TOWN OF FAIRFAX
AFFORDABLE HOUSING COMMITTEE
PUBLIC HEARING AGENDA
3:30 PM, WEDNESDAY SEPTEMBER 8, 2021**

VIA TELECONFERENCE ONLY

Consistent with State of California Executive Order Nos. N-25-20 and N-29-20 there will be no in-person physical meeting location. The public will be able to view the meeting as follows:

- **Zoom: click on the following link: <https://us02web.zoom.us/j/89018670987>
Zoom telephone call in: 1 669 900 6833 or 1 346 248 7799
Webinar ID: 890 1867 0987**

Members of the public may provide public comment during the meeting using ONE of the following options:

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CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

MEETING PROTOCOL

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succinctly; and (4) Submit any new documents to the Planning Staff, first, via e-mail to be entered into the record.

CONSENT CALENDAR

There are no items on the consent calendar.

PUBLIC HEARING ITEMS

1. Sites inventory
2. "Missing Middle" housing approach
3. Outreach and engagement
4. AB 686 compliance discussion
5. Followup discussion items

COMMITTEE COMMENTS AND REQUESTS

ADJOURNMENT

Accommodation: If you need accommodation to attend or participate in this meeting due to a disability, please contact the Town Clerk at (415) 453-1584.

Meeting Notes 03

Town of Fairfax 6th Cycle Housing Element and Safety Element Update

Affordable Housing Committee Meeting

September 8, 2021

COMMITTEE MEMBERS:

Councilmember Barbara Coler, Liesl Blash, Mallory Geitheim, Renee Goddard, Rick Hamer

ATTENDEES:

Ben Berto, Town of Fairfax Director of Planning and Building Services

Richard James and Lauren Hoerr of EMC Planning Group

PUBLIC ATTENDEES

Michelle Rodriguez, Chris Perrando

AGENDA ITEMS & PUBLIC COMMENT

Sites Inventory

Site Inventory Table Discussion

- Note that the Fairfax RHNA is 490 and we need to create buffer beyond that
- Which privately owned sites has Fairfax reached out to?
 - With the exception of O'Donnell Nursery, who we haven't heard back from, everyone on list has either been contacted or are already in previous housing element
- Add column if it needs rezoning for each site
- Higher densities than what I was expecting, in larger public forum, it will be important to understand that people are open to low and very low housing options rather than market rate
 - Ben: feedback from PC is that they'd like to see affordability as emphasis and priority (304/490 units required to be affordable), one of the ways to achieve that is to limit unit size
 - Combined with approach of ODDS, some of the higher density sites,
- Why is Schoolstreet Plaza 100-140 unit, people may be concerned based on previous experience
 - Ben: Schoolstreet has been interested in higher density designation, these are still details we'll need to work out in terms of floodplain and proximity to Fairfax creek
- Is there any consideration of public land to be used for housing?
 - Ben: public land for housing, with rare exceptions, public land is small and very hilly and therefore not viable for new housing. Jolly Hill is a larger site, adjacent to Bennett House affordable housing.
- Are there any thoughts of proactively reaching out to affordable housing developers to look at specific sites. Some years ago, O'Donnell mentioned being open to affordable housing, so will be interesting to see what he says now.
 - Ben: before reaching out to developers, will want to have site inventory more developed
- How have we factored in AB 9 and AB10, in terms of the content around increasing density in residential neighborhoods without obligation to be affordable

- we'll get further into integrating housing into residential neighborhoods which is related to potentially pending legislation
- SB 9 affects Fairfax, is similar to #13 on Table and does. Could allow for 6 units/ lot.
- There are a couple of newer definitions for "transit rich" that will be important to factor in.
- Isn't Glen Drive the one we rezoned and it limits the number?
 - Ben: yes, it is 1 per 5 or 1 per 10. Would need to rezone to get the density listed on the table.
 - we're talking about ordinance we put slope and density. How would we rewrite ordinance to allow for this without getting an immediate backlash from community?
 - this Glen Drive site is controversial and will get into credibility issue.
- Is artist studio between bike museum and Fairfax market included in Westside Commercial?
 - Ben will revise to make this edit. Sites in this item would cut off at gas station/auto store.
- Important to consider deed restrictions that may apply to some sites.
- Consider Deer Park Village and Jehovah's Witness site but not sure of size and zoning.
- How does potential inclusionary zoning ordinance play into Jehovah's Witness site?
- Fair Anselm Shopping Center: does haz mat apply to this?
 - Committee member: cannot clean it up enough for residence due to this and will be deed restricted.
- Committee member talked with guy on deed restriction, only cover the dry cleaners and 6500 vacant space, carve off from gym over including laundromat, but it looks like we might have potential on second floors above bike store and what's on that side.

Potential Sites Map Discussion

- Ben: this map represents a combination of things. It includes 12 sites that are specifically called out in table. It also reflects conversations we've had with Age Friendly Fairfax, Climate Action Committee, and Planning Commission. These potential developments show two levels of residential parcels. One of the questions for AHC: does your group recommend exploring the options shown on map to achieve more housing and getting more housing that Mr. Hammer is talking about like encouraging people to put in smaller units to be more affordable.
- greens and blues on map: are non-buildable ones removed or is this everything and we have to refine?
 - Ben: we'll need to refine it to update for non-buildable

Public Comment/Discussion

- Map should be paired with text, add street names. More details: existing zoning and proposed zoning. Duplex and quadplex concept: don't place on one way out, WUI, and protected species zone.
- Add distinction to table to show what's already on current HE and which ones are new and text that explains total units in table are over 700, but RHNA is 490, so this table includes a buffer.
- White Hill has some challenges due to one way out, intersection traffic, adjacent open space fire risk.
- 4,5, 6 are separately owned so would need to be separate projects, not one project.
- Likes that Bike Museum is not included, already intersection problems in this area.
- Fairfax Market is ideal site, has transit and flat lot, keep accessibility for senior use behind it.
- Suggests not touching Miranda Hill or give clear reasons for why due to geology and views.
- Additional non-historical downtown buildings: behind Mas Masa, or on top of dance studio

Committee Response

- inventory of units downtown, how are we handling that, not marked on potential RHNA sites
 - Ben: nuanced conversation, needs to be held with legal experts on implications of state statutes

- if we look for SF dwelling this would get us another 40 or so potential units
- could sell to SF home, in Michele's letter to group, how is appeal process factored into process, she explained timeline, there is real interest re: SB9 the definition of affordability, this will be key to implementing SB 9, we need to have a clear definition of what's affordable amongst us
- how will environmental constraints analysis refine map, this may be brought up at 9/22 meeting
 - Ben: Hazard map did affect the map shown today, PC has looked at map that lists streets showing One Way Out, example is we've taking out upper Willow area from consideration
- agrees with public comment to add "this list is for discussion purposes only" to table and map before 9/22 meeting, table needs total row at bottom, people will need to understand it's a brainstorming list and some sites will fall off, agrees with Michele about some downtown sites
- California law fire code update, what it says is developments with more than 50 units require two separate access routes, so the OWO will surely be a limit on development opportunities

"Missing Middle" Housing Approach

- Lauren introduced the concept of the "Missing Middle" housing approach and how it could help Fairfax achieve implementing housing units that still keep the aesthetics and feel of existing neighborhoods.
- does this concept incorporate both rental and owner opportunities? Recent NPR article mentioned the nationwide issue of lack of starter homes.
- agree that drought of starter homes have become a real issue. Designs he likes for designs he doesn't like. Optico website has graphics of sites that look nice, but they're catered to sites wider than a single-family lot, and Fairfax has narrow lots. Some cottage complexes from past haven't aged well.
- Ben: Fairfax does have some multi-family buildings and a duplex zone district, but by and large the zoning is just set up for single family or multi-family, not fully allowing for house-scale massing and architectural details. Our zoning proposals would make it so that it is something you would want to live by.
- helpful to have pictures, stay away from acronyms at 9/22 meetings. Define ODDS.
- easement issue, if subdividing two lots, you need to have driveway. Can we make permeable pavement a pre-requisite for all these new driveways to prevent further stormwater runoff issues?
- have clear definition to prevent misunderstanding, it is a low-rise building, and ideas for locations, emphasize that it will be a walkable and near transit, will incorporate open space and build community
- Ben: Wall property, generically no progress on site, doesn't want to get into specifics.
- One challenge for these types of units is that typically impact fees are based on units. Agrees on importance of clarifying terms and providing visual examples at future meetings.

Outreach and Engagement

- Ben: The City has made a concerted effort to reach out to different groups, can see 10 different groups represented in the staff report summary. The next step on Fairfax Speaks website is to roll out Balancing Act interactive tool to help public get a sense of the potential sites and garner their feedback. We are working with Chamber of Commerce and plan to take flyers to various businesses and make sure it is in Spanish, important to note website can self-identify as renters to have a private group discussion
- in terms of registration on Fairfax Speaks, we do really need people to register. For the Banner advertising the website, it says Q&A, we need to change so that people don't think we already have a prescribed path, we want people to feel their input matters, let's focus attention on making sure we think about how to get people to commit to engagement.

- suggest with farmer's market or The Picnic (9/18), ideal to have Balancing Act ready to demonstrate if the tool is ready. Even if not ready, demonstration of how it works would allow for ease of access at the Picnic or the farmer's markets which closes at end of October.

AB 686 (Affirmatively Furthering Fair Housing) Compliance discussion

- sites on CDBG (Community Development Block Grants) committee, which is for HUD funds/grants, and there are some important milestones to highlight within Housing Element Update:
 - Fairfax was the first City to bring anti-discrimination for renters on Section 8
 - 2019 just cause eviction and mandatory mediation for rental increases over 10%/year
 - Housing Authority made agreement with work on voucher program to get more landlords to accept section 8 voucher holders like paying for any repairs after people move out
- thought articles were interesting, extremely important for disability rights as well, would like to know general schedule on AB686 and how to make this a community discussion
- how would AB 686 be implemented and what exactly would they require for a small town like Fairfax:?
- request to look at language in General Plan, make sure to delete any reference to "character," which has traditionally an exclusionary way to pick certain populations
 - Ben: We will avoid terminology that construes or alludes or refers to discriminatory language
- using San Anselmo as a template does work but not perfect, don't use Ross as an example, go West for templates and don't use more wealthy places or more populated places
- Online interaction is good, but Fairfax does tend to lean towards in-person interaction. This is especially important when we build affordable housing, as it is usually houses people who have historically been excluded from typical public engagement efforts.
- final thought on 686, we want to avoid consolidating more segregation in the county, what we want to do is attract folks to come to Fairfax from more diverse areas, reduce commute times, how to retain younger folks who leave because Fairfax is not as affordable. Make sure to expand outreach to people outside of Fairfax as well.



**TOWN OF FAIRFAX
AFFORDABLE HOUSING COMMITTEE
PUBLIC HEARING AGENDA
3:00 PM, TUESDAY NOVEMBER 9, 2021**

VIA TELECONFERENCE ONLY

Consistent with State of California AB 361 and Fairfax Town Council Resolution 21-40, there will be no in-person physical meeting location. The public will be able to view the meeting as follows:

- **Zoom: click on the following link: <https://us02web.zoom.us/j/84927974496>
Zoom telephone call in: 1 669 900 6833 or 1 346 248 7799
Webinar ID: 849 2797 4496**

Members of the public may provide public comment during the meeting using ONE of the following options:

- On Zoom, select the Raise Hand function during the public comment time and you will be unmuted when it is your turn.
- If you are calling in, press *9 during the public comment time to raise your hand and *6 to be unmuted to speak.

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

MEETING PROTOCOL

Meetings shall be conducted in accordance with Robert's Rules of Order and the Affordable Housing Committee has the responsibility to be a model of respectful behavior in order to encourage community participation and citizen input at Committee meetings. The Committee and the audience are expected to refrain from using profane language and/or ridiculing the character or motive of Committee members, staff, or members of the public and to maintain the standards of tolerance and civility.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Anyone wishing to address the Committee on matters ***not on the agenda***, but within the jurisdiction of the Committee, must do so in person via Zoom in the manner described above. Presentations will be limited to **three minutes, or as otherwise established by the Committee.**

Conduct: All interested persons are invited to participate in public hearings. In order to give all interested persons an opportunity to be heard and to ensure the presentation of all points of view, members of the audience should: (1) Limit presentation to three minutes;

(2) Provide their comments by e-mail as described above; (3) State view and concerns succinctly; and (4) Submit any new documents to the Planning Staff, first, via e-mail to be entered into the record.

CONSENT CALENDAR

There are no items on the consent calendar.

PUBLIC HEARING ITEMS

1. Needs analysis
2. AB 686 followup
3. Outreach and engagement
4. November 20 workshop
5. Followup discussion items

COMMITTEE COMMENTS AND REQUESTS

ADJOURNMENT

Accommodation: If you need accommodation to attend or participate in this meeting due to a disability, please contact the Town Clerk at (415) 453-1584.

Community Comment Letters on the Public Review Draft

— M E M O R A N D U M —

Re: Summary of Community Comments on the Town of Fairfax
2023-31 Public Review Draft Housing Element

Date: May 4, 2023

The Town of Fairfax Draft Housing Element was released for a 30-day public review period on March 31, 2023. Written comments were accepted via email through March 3, 2023. Additionally, on April 19, 2023 during the public comment period, a Special Town Council Meeting was held to introduce the Draft to the community provide an opportunity for public comment. The meeting was structured as a hybrid open house meeting with opportunity for community members to participate in person or via Zoom.

In total, 35 written comment letters were received and 17 oral comments were made at the April 19 community open house event. This memo summarizes key themes from public comment on the Draft Housing Element below.

Key Themes

- Support for workforce housing and ADUs/JADUs: In total 14 commenters expressed support for additional housing, including 12 commenters who wrote in support of workforce housing and increasing options for older adults, the disabled, lower income residents, and other vulnerable segments of the local population.
- Opposition to State mandates: 19 commenters expressed opposition to State mandates for housing, including six commenters who urged the Town to take legal action against the State and 13 commenters who expressed concern that additional housing would negatively impact community character, increase homeowner tax burden, and exceed the capacity of existing infrastructure.
- School Street Plaza. This pipeline project had both supporters and detractors. Seven people expressed concern for the scale of the project and the risk that residents of the existing live/work units could be displaced, while five people expressed support for the project and for expanding local housing opportunities through infill development.
- Marin Town and County Club (MTTC) Site. The property owner reiterated strong interest in developing housing on the site, and ten other commenters supported multifamily housing development at the MTTC, expressing preference for that site over School Street Plaza. However, the MTTC site is not currently zoned for residential uses and rezoning is subject to approval of Town of Fairfax voters. Given this constraint, HCD has advised Town staff that the site may only be included on the sites inventory if the inventory demonstrates a capacity to meet the Town's RHNA obligations with other sites and strategies. Accordingly, consistent with a suggestion from the community during the comment period, a program will be added to the Land use Element to explore the future of the property with the community separately from implementation of the Sixth Cycle Housing Element.
- 615 Oak Manor Drive. The property owner of an approximately 40-acre site that extends from Sir Francis Drake Boulevard up through hilly terrain to the eastern

Town limit submitted several comment letters and spoke at the April 19 open house meeting. The owner outlined a development concept for the site which could involve single-family homes and ADUs on relatively flatter upland portions of the site with higher density apartments, potentially affordable to lower income households, on a 1-acre portion of the site that fronts Sir Francis Drake. Single-family and ADU development is permitted under current zoning for the site; however, subdivision and rezoning would be required to permit development of the apartments. Therefore, based on property owner interest and direction from Town of Fairfax decision-makers, the 1-acre portion of the site was added to the list of properties to receive the proposed workforce housing overlay (Program 2-A).

- **Environmental Constraints.** A total of 12 commenters expressed concern for environmental constraints, including the availability of water supply to serve new development (4 comments), fire response capability (2 comments), landslide risk (3 comments), and the availability and cost of roads and other infrastructure (3 comments) needed to serve both infill and hillside development. Appendix C, Housing Constraints discusses these topics and programs to address them have been included in Chapter 4, Housing Action Plan. Additionally, the Safety Element update currently being prepared will include policies to address these issues, and the EIR for the project may also identify additional mitigation measures, if appropriate.
- **Fair Housing.** Five commenters advocated for the Housing Element to develop sufficient housing protections for disabled, seniors, low income, and other vulnerable populations. Nine members of the public wanted to amend the Rent Stabilization and Just Cause Eviction ordinances to prevent discrimination against landlords and the removal of existing rental units. Two commenters supported programs for fair housing education and enforcement and tenant protection.
- **ADUs/JADUs.** Five commenters were concerned about how the existing rent control ordinances and loss of current rental units were factored into estimates for ADU development. Several of them advocated for the Housing Element to incentivize ADU development.
- **Hillside Development and Open Space Preservation.** By far the topic that elicited the most comment from the community was hillside development and open space preservation. Commenters underscored the importance of open space to the character of the community and emphasized the importance of open space preservation and ridgeline protection. Program 2-D has been added to the Housing Action Plan to facilitate clustered hillside residential development on relatively flatter portions of six large hillside sites while preserving open space and protecting ridgelines. The program would involve adopting amendments to the existing hillside development standards without increasing permitted density. Clustered development would facilitate development by limiting the need for the extension of infrastructure and roads.

Fairfax Housing Element Comment Letter Index

Letter ID	Commenter
20230404	Hannah Ake
20230405	<i>Rob Schwartz</i>
20230409 1	Madison Ardgall
20230409 2	<i>Corvus Corax</i>
20230413 1	Teliha Draheim
20230413 2	<i>Teliha Draheim</i>
20230413 3	Lynnette Shaw
20230414	<i>Rob Schwartz</i>
20230418	Lynnette Shaw
20230419 1	<i>Robert Schwartz</i>
20230419 2	<i>Michael Sexton</i>
20230419 3	<i>Julie Sullivan</i>
20230420 1	Kevin Curtis
20230420 2	<i>Kevin Curtis</i>
20230424	Scott L. Hochstrasser
20230425	<i>Jean Schatz</i>
20230426 1	Morgan Cantrell
20230426 2	Michael Mackintosh
20230426 3	Artem Shnyder
20230428 1	Michael Mackintosh
20230428 2	Michael Mackintosh
20230430 1	Caroline Peattie
20230430 2	Susan Pascal Beran
20230430 3	Jessica Herbol
20230430 4	Christopher Tonry
20230430 5	Jack Judkins
20230430 6	Jennifer Silva
20230501 1	Frank Egger
20230501 2	<i>Barbara Petty</i>
20230501 3	<i>Barbara Petty</i>
20230502 1	<i>Meredith Parnell</i>
20230502 2	<i>Michele Gardner</i>
20230502 3	<i>Bob Pendoley</i>
20230503	Greenbelt Alliance
20230508	<i>Rob Schwartz</i>

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Housing /homelessness
Date: 13.04.2023 15:14:18 (+02:00)

From: Hannah Ake <ake.hannah@gmail.com>
Sent: Tuesday, April 4, 2023 12:04 PM
To: Housing <Housing@townoffairfax.org>
Subject: Housing /homelessness

I am very concerned about the increasing number of homeless camps in Fairfax, CA. Many of these folks do not come from Fairfax, but instead move here to set up camps. Please ensure this housing element addresses homelessness in Fairfax, and does not allow long term camping in any of our public spaces.

Thank you.

Hannah

From: **Heather Abrams** <habrams@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: FW: some questions regarding new Housing Element Draft
Date: 19.04.2023 21:56:41 (+02:00)

Regards,

Heather Abrams

Town of Fairfax | Town Manager

www.townoffairfax.org

From: robert schwartz <robmschwartz@yahoo.com>

Sent: Wednesday, April 5, 2023 10:40 AM

To: Andrew Hill <andrew@dyettandbhatia.com>; Heather Abrams <habrams@townoffairfax.org>; Barbara Coler <bcoler@townoffairfax.org>

Subject: some questions regarding new Housing Element Draft

Good morning Andrew, Heather, and Barbara,

Surely you are all fielding many questions regarding the recently released new draft of the Housing Element. However, I couldn't help but notice and feel the need to comment on a number of important changes to this new draft and some possible inaccuracies that I wanted to point out and hopefully have you address before perhaps submitting further comments.

First, let me say that the apparent new strategy of more infill development in the downtown area makes overall sense to me. Nonetheless, you might imagine my surprise to see that my property was no longer listed as an "opportunity site" (which we recently met about with David Woltering) for 40 units as indicated in the last draft information - to now just 10 units as listed in **Table 3-3: Vacant Single-Family** on the entire "39.34" acre site and **Map 3-5 labeled "Sites Available for Housing"**

Therefore, my preliminary comments and/or questions are as follows:

- Please note that my property is listed as 39 acres in Table 3-3, though 50.2 is shown on the county's parcel map and that number was listed in the Title Report: However, I had a survey done recently that roughly indicates that it may in fact be closer to 45 acres.
- Regardless of size, how did you arrive at just 10 units? Is that arrived at through subdividing, through the possible housing clusters that were discussed in the new draft element, or through some other means? How are you reducing the number of presumably legally entitled units under its current RS-6 zoning? Are you including ADU's or JADU's? One way or another, with RS-6 zoning, the math doesn't seem to make sense with even just 39 acres (as incorrectly stated). Please explain.
- The recently revealed Environmental Hazard Risk Map shows many relevant parts of my land as being of "mostly or many landslides" character: Please note some of those areas have been deemed not only stable enough to build by the

same geologist that the town uses, but they would not characterize much of those areas the same way - and building technologies can be employed that mitigate many conditions.

- Areas deemed "high or very high fire risk" are characterized by the state map as not being of high or very high fire risk, leaving me to wonder what source is being relied on for this information. Please confirm what sources are being used.
- It seems that the southern narrow strip of land-area fronting Sir Francis Drake Blvd may have been left out of the maps: Please note that most maps, due to the irregular boundaries of my property, are substantially inaccurate, and that section is left out of most town maps. Likewise, please note, that the same geologist the town uses did say that it was geologically feasible to build there. And importantly, that area has a bus stop, and there is ample interest expressed in the housing element to build along that transit corridor. Surprised that it has been dropped as a possible site for workforce or affordable housing. Or perhaps it is an oversight.

Finally, in order to help me think about how to move forward with assisting the Town with meeting it's RHNA requirements during this next planning period by developing these essential units (whatever the number), I will need more information about the above questions as well as perhaps a few more in the near future.

Once again, I realize you are very busy, but I do hope that you or someone can take a few minutes to respond to these questions, so that I can plan accordingly.

much thanks
Rob Schwartz

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Assassination, Federal Investigations--unfair, Housing
Date: 13.04.2023 15:13:43 (+02:00)

From: Corvus Corax <pantherareclusa@gmx.com>
Sent: Sunday, April 9, 2023 11:18 PM
To: Housing <Housing@townoffairfax.org>
Subject: Assassination, Federal Investigations--unfair, Housing

Dear Fairfax

I have written the police about what happened to Robert Gash, whose dad and his family were long time residents and business owners, was assassinated in San Francisco California on May 8, 2023. Moreover, the homicide has been handled poorly, and serious crime ensued that has resulted in Catastrophic injuries to me his mom

Amongst all of the tragedy there is possible deep state causation of the crimes I have suffered and a blatant cruel and unusual manner of under the color of law, all relief was denied to me. Worse, is that these people added me to the targeted individual program, without real reason to do so, in fact they under the color of law, illegally forced me into homelessness after being stably housed for 22 years.

The SFPD forced me into the streets into the hands of the alleged gang that killed my son. Yes, the police and sheriff have with intent placed my life and safety as risk.

Oddly, I am under federal investigation why? I never even thought of contacting terrorists or ever did I ever belong to any organized criminal ring or want to engage in terrorist activity. The federal investigation is in response to my persistent demand the my son Robert Gash's coconspirators be held accountable, along with the new evidence. That's why they are trying to criminalize me.

As it turns out, the SFPD, SFDA, my son's attorney, and other policing agencies have refused to investigate the new evidence which are fotos of bullet holes on the front hood of my son's car, that were photoshopped to cover the bullet holes, cyber criminals got access of the murder trial case number, these two incidents were reported, the first for sure. Also, Facebook's picture of the vehicle was photoshopped altered and refused to even respond. The same has been true of the aforementioned characters. Why?

The SFPD Mission Station then out of disrespect to me and my deceased son, responded to my call to report burglaries in my home, for which all of the evidence against the landlord were stolen, along with the improperly performed sheriff's lock out, my personal property, and my security cameras were disabled, this is what I wanted to to report. The records which I recently received show the response as a CAD t and the number is my son's birthdate. These people have disrespected me as a person, to the extent it that has placed me in danger, for defending my son's dignity and my own, too.

A lot of people made poor choices, now to get away with their crime, they have chosen to sacrifice me. Denying my son, who was born in Greenbrae, a full time pesticide applicator technician and responsible young man, was denied the right to life because he refused to go along with the corruption that has enveloped California.

Things become seriously corrupted. I was poisoned with carbon monoxide, by Micheal Campesino, who is also the cyber criminal that altered the photo of my son's car, with forensic evidence of what type of gun fired those shots at my son, days prior, to his assassination, before he died . He was not driving the night he was shot in the back of the head with three bullets off, Polk and Fern, which back then from my observations was a gang and biker bar on Friday, the night my son was killed. This whole situation is totally unfair and why everyone protects Micheal Campesino is leading me to think he is military or CiA and on an operation to cover my son's murder.

San Francisco Building Inspection, SFFire, SF planning all covered up the crimes of Micheal Campesino during the chemical poisoning. They protected him, as he entered my home, to remove PGE original reports to replace them, to remove incriminating evidence, such as, that they left me inside without capping of pipes, after shutting off the gas at its source, located in the bottom of the building. I breathed in all the dead gas in the pipes. It gets worse.

I am starting a blog to raise money for my living expenses, since, the state and many, will keep me homeless and deny me the rights others enjoy, but conspired to be denied to me, at least that is my opinion. I ask that you help me raise funds for my survival and for my son's non profit which I would like to found. If you can support me in making my story known in Marin, that would be great. Donations not

required, of course. I am writing to make you aware of the element, present in California, caused by corruption, and to PREVENT residents, in particular, vulnerable people like me, the disabled from similar calamities. Your young people too, need protection, so they don't end up, assassinated like Robert.

If you speak with deep state agencies about Robert or I, remember the SFPD, and the FBI gang task force, failed to notify me of Robert's involvement with gangs, alleged involvement. As far as I know he was not a gang member, there failure to notify me, which shows they failed to follow their own gang policies, is unfortunately, a costly mistake. My son would be alive if the police, or probation, and other responsible parties had done their job.

At any rate, while reviewing the tampered and missing documents from my files, I discovered that Leo Martínez had been removed from the evidence I had in my file folder. He lived in San Jose, and did associate with bikers. Why my landlord would remove his name from my records perplexes me.

The police reports I had downloaded on my home desktop were remotely accessed and printed. The person that broke in was Micheal Campesino, his handymen, too would carry out some misdeeds. The neighbors and later, the gang stalkers, were breaking inside my home, like I didn't exist.

The abuse of the disabled is horrible in the city. There are homeless people with terminal illness's, homeless, after an unfair eviction. I have been called derogatory terms for the disabled, my landlord loved to talk really bad about my mental health to everyone. Then, he used the sheriff, the SF mobile crisis unit to change my PGE account of over 21 years, by making false allegations. To alter my bill he had to lie, and say, it was impossible to reach me. He claimed it was weeks, which was impossible, since I lived on his property. Next, and this fact shows conspiracy about their intentions in SF to evade the legal and financial consequences for denying my son the right to life. The SF Crisis unit neglected to provide me support like they are funded to do, to provide emotional support for families that have lost their family to gun violence. They showed up to support Micheal Campesino illegally change my PGE bill. It's so weird. Then Cynthia Yanaonne of Calle 24th showed up in their place. She came as a friend and not representing the city of SF, she works for them.

I met her in college. I am sure she has a lot to do with why I am being investigated. See, she sells financial tools for Transamerica. She tried to sell me financial products, unfortunately, I had her meet my son, and she sold him various financial tools. I suspect large numbers of this criminal ring are involved in investing at Transamerica in SF, located in the pyramid.

Fairfax should take away from my input that opening your city to unknown strangers with affiliations to unknown actors poses a safety risk for many reasons. As is evident with my story, the corruption directly linked to criminal enterprises which includes sex trafficking, drugs, murder, firearms and terrorist activity, in particular these days, is a risk that Fairfax should not take---a Marinite male, gainfully employed, and not in gangs was killed. His mom, my person, has been tortured and UCSF and Ritter denied me treatment for torture and meds, respectively.

My cat was poisoned, my work, home and son's vehicle and his property all killed, tampered, destroyed or stolen by my landlord. The SFPD enabled his criminal activity, and refused to investigate him as a suspect in my son's murder.

Marin, must do it's best to stay safe, and prevent this type of activity from occurring to anyone in Marin.

I hope my input helps, feel free to reach out anytime, I support the ability for cities in Marin and elsewhere, to protect themselves and their children from experiencing cruel and unusual treatment with the acquiescence and support of legal departments, and other government staff---due to the length of my lived nightmare, I will stop.

Before, I go, I want to seek support recovering my son's ashes, please, which were in the trunk of his vehicle which were stolen from me 1/2021. My work supplies, and a client's property were taken. Honda, the police and possibly the sheriff illegally removed the car from my custody although I had caught up with the payments.

Prevent the corruption from spreading, into Marin. Block them from harming children, and women. Also, keep your son's and male staff safe from potentially deadly attacks, which from my case are being enabled and possibly carried out by the deep state.

Please visit targetedjustice.com for more information on targeted individuals before making an assumption, based on lack of knowledge about the facts.

I am available to you anytime to answer questions.

I'm starting a consulting business to help people understand what human experimentation by the deep state is like in fact, I am a human cyborg, since I am remotely connected to a device that reads my thoughts and according to my latest read, the government can use what I think against me and as evidence in a court of law.

I am a human guinea pig. I never gave consent to this.

Thank you for reading my input, God bless, and protect, Fairfax.

A mourning mother
Madison Ardgall

--

Sent from my Android phone with GMX Mail. Please excuse my brevity.

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: I object to building new housing
Date: 13.04.2023 15:13:31 (+02:00)

From: Corvus Corax <pantherareclusa@gmx.com>
Sent: Sunday, April 9, 2023 11:22 PM
To: Housing <Housing@townoffairfax.org>
Subject: I object to building new housing

The real estate industry and construction industry caused me to loose my home because of the greed generated by investors. Moreover these industries are largely or often used to launder money legally procured.

Preserve affordable housing instead.

Madison

--

Sent from my Android phone with GMX Mail. Please excuse my brevity.

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: HOUSING ELEMENT FEEDBACK
Date: 13.04.2023 18:11:51 (+02:00)

From: Teliha Draheim <tdraheim@imagewestdesign.com>
Sent: Thursday, April 13, 2023 10:15 AM
To: Housing <Housing@townoffairfax.org>
Subject: HOUSING ELEMENT FEEDBACK

Why has the Fairfax Town Council has removed the most eligible 25 acre, level plot of land, referred to as the Marin Town and Country Club (MTCC), from properties being considered for the Housing Element? The owner wants to sell, and the property already has an existing utility infrastructure and access road ready for development. This property is key to the Housing Element, yet the Town Council elected to remove it. State zoning laws have precedence over local zoning. This property alone would satisfy the majority of the Housing Element requirements. Why is our Town Council creating this roadblock? Instead, the Town Council has approved development of 175 multi-family units on a lot less than 2 acres in size. This will result in a building that is 5 to 7 stories high, which is out of character and out of place within the small town environment of maximum 2-story buildings. It will displace multiple local businesses and live/workspace occupants and eliminate valuable public parking from the downtown area. Added populations in this location will significantly add to downtown traffic congestion and parking problems, further limiting access to main fire/emergency exits on Sir Francis Drake Blvd. Additionally, the Fairfax Town Council has passed local 'rent stabilization' and 'just cause' eviction ordinances that are the most punitive and strictest in the State, resulting in laws which are so discriminatory against landlords that new data shows approximately 30% of Fairfax landlords will be permanently removing their rental units from the market, resulting in a loss of affordable housing. Stakeholders were not notified or given an opportunity to vote. This includes many of Fairfax's aging population who, in good faith, built ADU's and JADU's on their properties in compliance with addressing California's housing needs. The California Department of Housing and Community Development (HCD) requires that towns must remove any barriers to housing, particularly those that might perpetuate patterns of discrimination.

ANTI DISCRIMINATION IN LAND USE LAW Government Code section 65008

An action by a local jurisdiction is null and void if it denies any individual or group of individuals residence, land ownership, tenancy, or any other land use in the state based on the following: lawful occupation, age, or protected characteristic of any individual or groups of individuals; the method of financing of any residential development (including affordable housing); and the intended occupancy of any residential development by persons or families of very low, low, moderate, or middle income.

These new Ordinances create legal barriers for homeowners to have control over who lives in their homes or on their property. This is very frightening to senior citizens. They would rather have less than an unruly tenant who threatens them under their own roof. This is age discrimination for residents who have worked their entire lives for the goal of home ownership and invested in ADU's or JADU's so that they can age in place. The result of these discriminating actions will cause senior citizens to struggle financially and the community supply of affordable housing will be further reduced.

ACCESSORY DWELLING UNIT LAW Government Code section 65852.2

Accessory dwelling units (ADUs) and junior ADUs (JADUs) are a flexible form of housing that is "affordable by design" and that can provide additional income to homeowners. ADU law addresses barriers, streamlines approval, and expands potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. While not required, jurisdictions may adopt an ordinance to outline standards for permitting ADUs and JADUs. HCD must review ADU ordinances for compliance with state law.

The Fairfax Town Council has taken discriminatory actions which are in violation of Housing Element Law.

HOUSING ELEMENT LAW Government Code sections 65580-65589.11

HCD has authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or Housing Element Law. This includes failure to implement program actions included in the housing element.

I would like these issues addressed and corrected prior to completion of the Housing Element Plan.
Thank you,

Teliha Draheim
Fairfax citizen, 28 years

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Revised HOUSING ELEMENT FEEDBACK
Date: 13.04.2023 19:30:22 (+02:00)
Attachments: Plan A by Berkeley.pdf (1 page), Plan B by Fairfax Staff.pdf (1 page)

From: Teliha Draheim <tdraheim@imagewestdesign.com>
Sent: Thursday, April 13, 2023 12:28 PM
To: Housing <Housing@townoffairfax.org>
Subject: Revised HOUSING ELEMENT FEEDBACK

FAIRFAX HOUSING ELEMENT

I would like to add more documentation and attachments to my previously submitted 4/13/23 letter, revised below.

Why has the Fairfax Town Council has removed the most eligible 25-acre, level plot of land, referred to as the Marin Town and Country Club (MTCC), from properties being considered for the Housing Element? The owner wants to sell, and the property already has an existing utility infrastructure and access road ready for development. This property is key to the Housing Element, yet the Town Council elected to remove it. State zoning laws have precedence over local zoning. This property alone would satisfy the majority of the Housing Element requirements. Why is our Town Council creating this roadblock? Instead, the Town Council has approved development of 175 multi-family units on a lot less than 2 acres in size. This will result in a building that is 5 to 7 stories high, which is out of character and out of place within the small-town environment of maximum 2-story buildings. It will displace multiple local businesses and live/workspace occupants and eliminate valuable public parking from the downtown area. Added populations in this location will significantly add to downtown traffic congestion and parking problems, further limiting access to main fire/emergency exits on Sir Francis Drake Blvd. Additionally, the Fairfax Town Council has passed local 'rent stabilization' and 'just cause' eviction ordinances that are the most punitive and strictest in the State, resulting in laws which are so discriminatory against landlords that new data shows approximately 30% of Fairfax landlords will be permanently removing their rental units from the market, resulting in a loss of affordable housing. Stakeholders were not notified or given an opportunity to vote. This includes many of Fairfax's aging population who, in good faith, built ADU's and JADU's on their properties in compliance with addressing California's housing needs. The California Department of Housing and Community Development (HCD) requires that towns must remove any barriers to housing, particularly those that might perpetuate patterns of discrimination.

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An action by a local jurisdiction is null and void if it denies any individual or group of individuals residence, land ownership, tenancy, or any other land use in the state based on the following: lawful occupation, age, or protected characteristic of any individual or groups of individuals; the method of financing of any residential development (including affordable housing); and the intended occupancy of any residential development by persons or families of very low, low, moderate, or middle income.

These new Ordinances create legal barriers for homeowners to have control over who lives in their homes or on their property. This is very frightening to senior citizens. They would rather have less to eat than an unruly tenant who threatens them under their own roof. This is age discrimination for residents who have worked their entire lives for the goal of home ownership and invested in ADU's or JADU's so that they can age in place. The result of these discriminating actions will cause senior citizens to struggle financially and the community supply of affordable housing will be further reduced.

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Accessory dwelling units (ADUs) and junior ADUs (JADUs) are a flexible form of housing that is "affordable by design" and that can provide additional income to homeowners. ADU law addresses barriers, streamlines approval, and expands potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. While not required, jurisdictions may adopt an ordinance to outline standards for permitting ADUs and JADUs. HCD must review ADU ordinances for compliance with state law.

The new Ordinances are discriminatory to both tenants and landlords due to their excessive bureaucracy. The governing body is the Berkeley Rent Control Board, an entity which has no relationship to our Fairfax community. Appeals cases pertaining to the Ordinances involve a nineteen-step process. (See attached documentation.) This is discriminatory to both landlords and tenants who do not drive, or own cars or computers.

The Fairfax Town Council has taken actions which promote discrimination and diminish the supply of affordable housing. These actions are in violation of the State of California Housing Element Law.

HOUSING ELEMENT LAW Government Code sections 65580-65589.11

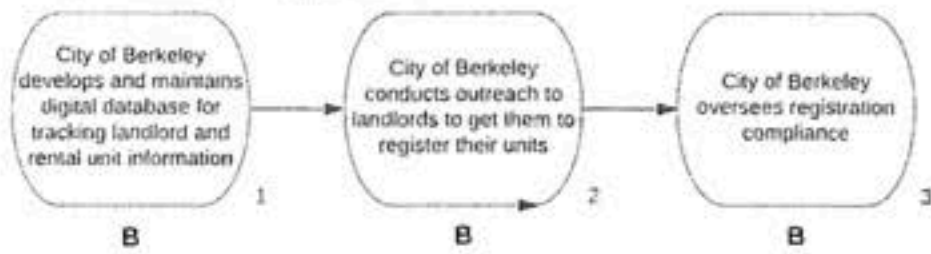
HCD has authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or Housing Element Law. This includes failure to implement program actions included in the housing element.

I would like these issues addressed and corrected prior to completion of the Housing Element Plan.
Thank you,
Teliha Draheim
Fairfax citizen, 28 years

Fairfax Rent Stabilization Program Administration

Option A: Program Coordinated by City of Berkeley

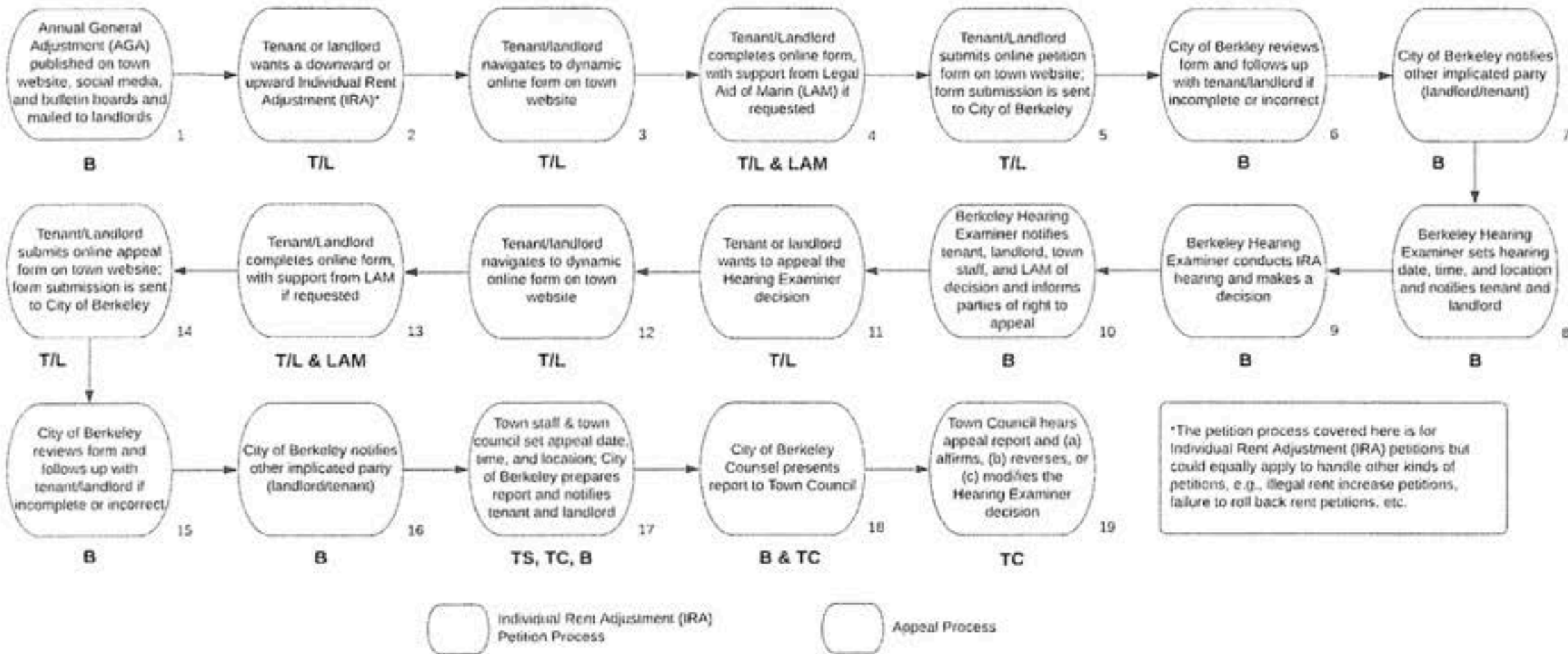
Rent Stabilization Registration



Annual General Adjustment (AGA) Determination & Publication



Individual Rent Adjustment (IRA) Petition & Appeal Process*



*The petition process covered here is for Individual Rent Adjustment (IRA) petitions but could equally apply to handle other kinds of petitions, e.g., illegal rent increase petitions, failure to roll back rent petitions, etc.

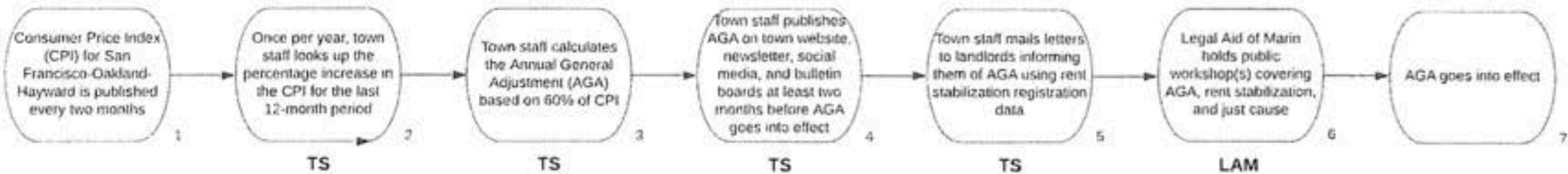
Fairfax Rent Stabilization Program Administration

Option B: Program Coordinated by Town Staff

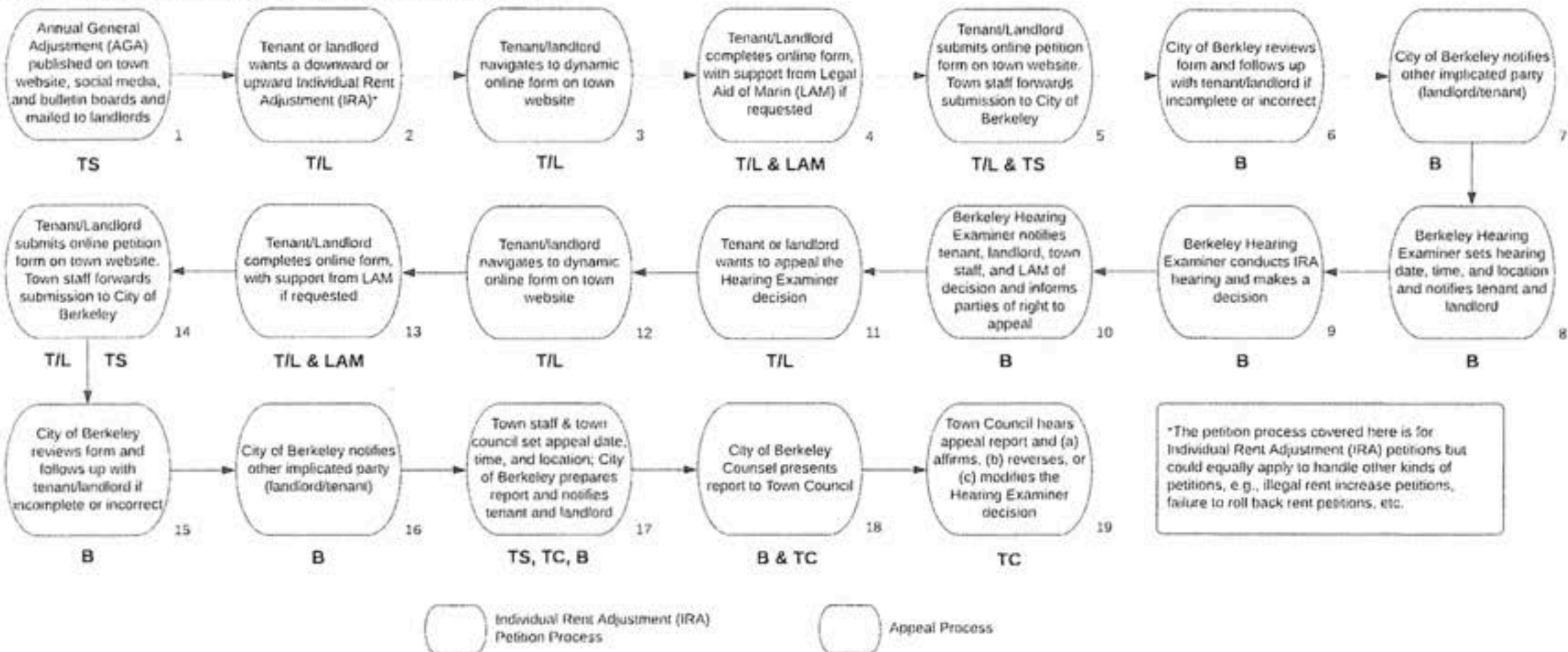
Rent Stabilization Registration



Annual General Adjustment (AGA) Determination & Publication



Individual Rent Adjustment (IRA) Petition & Appeal Process*



*The petition process covered here is for Individual Rent Adjustment (IRA) petitions but could equally apply to handle other kinds of petitions, e.g., illegal rent increase petitions, failure to roll back rent petitions, etc.

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: School Street plaza
Date: 13.04.2023 21:39:22 (+02:00)

From: Lynnette Shaw <cbcmarinalliance@gmail.com>
Sent: Thursday, April 13, 2023 2:38 PM
To: Housing <Housing@townoffairfax.org>
Subject: School Street plaza

Dear Town,

I think it is an example of extremely poor planning to propose a multi story apartment complex in the middle of town where there is already little parking and horrible commute congestion.

The Marin Town and Country Club site is appropriate and has a willing landlord. There are creative solutions to resolve whatever problem there is about MTCC.

Also, where do I move my dispensary business which brings thousands of dollars in sale tax to the Town? You have not given a thought to relocating the displacing businesses and residents from School Street.

Signed,
Lynnette Shaw
Owner
Marin Alliance
6 School Street suite 210
Fairfax

Inventor of the licensed dispensary x?\u-497 ?

From: **Heather Abrams** <habrams@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: FW: some questions regarding new Housing Element Draft
Date: 19.04.2023 21:56:30 (+02:00)

Regards,

Heather Abrams

Town of Fairfax | Town Manager

www.townoffairfax.org

From: robert schwartz <robmschwartz@yahoo.com>
Sent: Friday, April 14, 2023 4:12 PM
To: Andrew Hill <andrew@dyyettandbhatia.com>
Cc: Heather Abrams <habrams@townoffairfax.org> ; Barbara Coler <bcoler@townoffairfax.org >
Subject: Re: some questions regarding new Housing Element Draft

Hello Andrew, et. al.,

Thanks for your reply to my questions. Not being an expert in these matters I have been trying to wrap my head around this rapidly shifting picture. I also spoke with Barbara Coler over lunch to get some additional clarifications and would now like to again bring up a few issues and related questions before the next public meeting on April 19.

Regarding the size of the lot, this is not a big deal, as we can settle it between the assessor and my or another surveyor. It is what is. My surveyor, who reviewed his maps earlier this week, thinks it is 45.4 or 45.5 acres, based on his surveys and software. He says the maps that the assessor uses are often wrong, especially with a large property with convoluted boundaries such as mine, just as the parcel map that indicates 50.2 acres might be inaccurate. Please note that the actual boundaries of my property are different than the boundaries indicated by the maps that you are using for your exhibits.

Regarding landslide and fire hazard, like you I am also referring to the 2022 Office of the State Fire Marshall map which deems all the areas surrounding my property to be "moderate " an does my insurance carrier. Might be moot, since we both agree (e.g., you and the town's consultants) that any hazards of this nature "mitigatable ".

More importantly, however, I am concerned by the "down-sizing " or "down-zoning " and the overall sudden changes regarding the previous allotment for my parcel from 40 units to now just 10 units- well below my legal entitlements under RS-6 zoning- and the reasons given for that. Below are my thoughts regarding these matters.

In the most recent discussions I had with you in February and in all the plans released by the town prior to the recent release on March 31 of the revised draft Housing

Element, three areas of my property were being discussed, with between 30 and 40 units being allotted.

The first area we discussed was the lower area fronting Sir Francis Drake Blvd. I had assumed that up to half (or up to 20 units) of the 40 units previously targeted for my entire site would be located there in multi-family housing on a one-acre parcel created after adoption of the updated Housing Element. However, this area is suddenly no longer in the Housing Element Draft as of March 31, without prior warning (?). You stated to me in your reply on Friday that is because it would need to be subdivided and rezoned, and that no application is on file. However, it was my understanding that that was what was going to happen all along, no one indicated that you were not going to include items that needed subdividing and rezoning, or applications already submitted. If that was the case, why wasn't that mentioned to me in our zoom call in February with you, Heather Abrams and interim Town Planning Director David Woltering.

This is very odd, since it was standard procedure to plan for subdividing and rezoning as part Fairfax's last 2015 Housing Element update (?). Several of the opportunity sites in the last Housing Element were included and accepted as still needing to be subdivided and rezoned, and they subsequently were. Particularly the the church site near my property in that area (see page H-70, Goal H-2, Program H-2.1.1.1) where 54 units of very low-income units for seniors has been successfully developed and are now occupied, even though they were not re-zoned or subdivided in the 2015 Housing Element.

Barbara also suggested some other reasons for the sudden lack of inclusion: that I hadn't provided plans and it might not be feasible, politically (in her opinion). First thought- that's a slightly different reason than yours, (though perhaps by "plans " she means application) and second, I was never told that I needed to submit plans or application, again, as I mentioned before, all I was asked at the aforementioned zoom meeting was whether I was willing to write a letter to the state saying that I was on board, to which I responded- "absolutely ". And please note: I can happily provide preliminary plans and applications.

Regarding Barbara's suggestion that there are political factions in Fairfax that consider my land part of the town's open space - and they don't want to see my land subdivided and developed even though there is no legal basis for that and even though the development being proposed would fit in with the character of other nearby developments and having low-income apartments there next to an existing bus stop and using part or even the majority of that area as a park would create a beautiful improvement on Sir Francis Drake Boulevard, whereas now it is an unkempt empty frontage. Regarding that suggestion- it is my opinion that town leadership and town public opinion have not only changed dramatically recently, but that town leadership must now recognize the need to craft and provide more nuanced legislation and guidance regarding housing development and other issues (e.g. rent control) and to find a middle ground between, for example, the development of sprawl and a zero-development policy. These, as we know, need not be black and white issues, as they

are so often characterized by political extremes. What's clear is that the people of Fairfax do want more housing now as part of an overall plan to reduce the cost of housing.

A second area discussed was a midsection area that is behind 183 and 203 Oak Manor Drive, that has access by virtue of a 30 foot easement between the two houses there. This area could easily hold at least two or three single family residences, each with an ADU and a JADU, for a possibility of at least six units.

The final area is the upper part of the property, at the top of Oak Manor Drive, which includes relatively flatter areas that could be safely developed with respect to wildfire and landslide risks and also while protecting visually prominent ridgelines and scenic views. My original plan would have been to cluster 10 small lots of approximately 4,000 square feet within one acre fronting Oak Manor Drive, across from the residential properties developed on the County side of the street. That approach would have created up to 10 homes with a possibility of an additional 10 ADU's and another 10 JADU's for a total buildout of up to 30 units. However now, I am thinking of just putting three or four single family homes there for a total of approximately 10 units, including ADUs and JADU's, inline with your suggestion.

With regards to the upper area of my property; you state that this area is included as an opportunity site under program 2-D, which would create new standards for permitting clustered hillside development. However, there is nothing in program 2-D or the action plan that requires these new standards to be passed, only that they be reviewed and considered. Therefore, given that soft and non-committal language and the fact that despite the public clamor for more housing (which some town council members say is a new and welcome shift for the town) there are very extremely vocal political activists in town who will oppose these proposed revisions. Therefore, more of a commitment is needed that what is currently proposed in program 2-D and the action plan.

Finally, there is the issue of the cost to develop and implement housing production. Not only do construction costs make development an extremely risky endeavor these days, but permit application costs particularly stemming from the cost of an EIR put development almost out of reach - unless buildout of my site is included in the program level EIR that the town is preparing. In your plan, the town is supposed to take steps to help reduce the financial burden, particularly with regarding to the subdivision and permitting process, that makes most projects these days financially untenable.

Therefore, I would like to at least be included in the program level EIR for at least my legally entitled number of units under the existing RS-6 zoning on my entire acreage - with the inclusion of ADU's and JADU's on each parcel as allowed by State Law. Which, assuming my land is 45 acres would be 7 six-acre parcels accommodating primary residences, with ADU's and JADU's for a total of 21 units (e.g., $7 \times 3 = 21$): Again, all under the current RS-6 zoning.

Likewise, if at least my legally entitled buildout potential of 21 units are not included in the program EIR now being prepared by the town, I would like to know why not: And, why are you inadvertently down-zoning my property from the currently legally allowed 21 units to just 10 units?

-
As stated earlier, I am more than happy to submit plans relative to the discussion above in a timely manner. Fairfax needs housing, and the town would be well served to have additional units modeled in the EIR on my property as a buffer if you want the state to accept this draft housing element. That is, if the town truly wants to accommodate its RHNA during this next planning period.

Please stay tuned for further updates regarding my plans. I look forward to discussing this more in the near future and I very much appreciate your work on this endeavor.

Best Regards,

Rob Schwartz

On Friday, April 7, 2023 at 02:21:03 PM PDT, Andrew Hill <andrew@dyyettandbhatia.com> wrote:

Hi Robert

Following up, this is clarify the assumptions regarding housing projections for 615 Oak Manor Dr (APN 174-070-71) in the Public Review Draft Housing Element and provide answers to your questions.

The property is included on the draft inventory - it is shown as an opportunity site for Above Moderate housing on Map 3-5 and listed in the detailed inventory in Appendix A. The projected capacity for housing on the site is 10 new units over the planning period with implementation of proposed Program 2-D, which would create new standards permitting clustered hillside residential development on six large sites, including APN 174-070-71. Through this program, the Town would modify the existing hillside development ordinance to allow for clustered housing development on relatively flatter portions of the sites, subject to standards that ensure safe construction in view of geological and wildfire constraints while also protecting ridgelines and scenic views.

Additionally, here are answers to your other questions:

- We relied on Marin County Assessor data, which indicates that APN 174-070-71 is 39.34 in size.
- The landslide data shown on Maps 3-2 and 3-3 is from the US Geological Survey and consistent with the data available through Marin Maps. The information did not limit the capacity projections for the site. As you point out, geological constraints can be mitigated.
- Maps 3-2 and 3-3 also show Fire Hazard Severity Zones within Local Responsibility Areas, based on data from the Office of the State Fire Marshall. The maps are consistent with the Marin County Multi-Jurisdictional Hazard Mitigation Plan. I'm not sure what maps you are viewing, but you may be looking at the State Responsibility Area maps, which exclude incorporated towns and cities. In any case, as with landslide hazard risk, location within a High Fire Hazard Severity Zone did not affect capacity projections because wildfire hazards can be mitigated.
- APN 174-070-71 is shown with frontage along Sir Francis Drake on Map 3-5 in the Draft Housing Element. County Assessor data was used to project the shape of the site on the maps in ArcGIS. That portion of the site was not assumed for multi-family development because it would need first to be subdivided from the larger parcel to receive a different zoning district and as of yet there is no application on file for that.

Hope that helps. Let us know if you'd like to discuss.

Best regards,

Andrew

On Apr 6, 2023, at 12:36 PM, robert schwartz < robmschwartz@yahoo.com > wrote:

Thanks for that Andrew, much appreciated.

Rob

[Sent from Yahoo Mail on Android](#)

On Thu, Apr 6, 2023 at 11:54 AM, Andrew Hill
< andrew@dyettandbhatia.com > wrote:

Hi Robert

I'm extremely busy today but have received your email and am working with Heather on responses. Once we send that out, if you still want to talk we can set up a time for that.

Andrew

On Apr 6, 2023, at 11:18 AM, robert schwartz < robmschwartz@yahoo.com > wrote:

Hi Andrew,

Are you available sometime for a short call (less than 15 mins) regarding some of the topics below? I appreciate you for your candor and straightforward perspective...

much appreciated,
Rob Schwartz
615 Oak Manor Drive, Fairfax
510-495-7511

On Wednesday, April 5, 2023 at 10:39:46 AM PDT, robert schwartz < robmschwartz@yahoo.com > wrote:

Good morning Andrew, Heather, and Barbara,

Surely you are all fielding many questions regarding the recently released new draft of the Housing Element. However, I couldn't help but notice and feel the need to comment on a number of important changes to this new draft and some possible inaccuracies that I wanted to point out and hopefully have you address before perhaps submitting further comments.

First, let me say that the apparent new strategy of more infill development in the downtown area makes overall sense to me. Nonetheless, you might imagine my surprise to see that my property was no longer listed as an "opportunity site" (which we recently met about with David Woltering) for 40 units as indicated in the last draft information - to now just 10 units as listed in **Table 3-3: Vacant Single-Family** on the entire "39.34" acre site and **Map 3-5 labeled "Sites Available for Housing"**

Therefore, my preliminary comments and/or questions are as follows:

- Please note that my property is listed as 39 acres in Table 3-3, though 50.2 is shown on the county's parcel map and that number was listed in the Title Report: However, I had a survey done recently that roughly indicates that it may in fact be closer to 45 acres.
- Regardless of size, how did you arrive at just 10 units? Is that arrived at through subdividing, through the possible housing clusters that were discussed in the new draft element, or through some other means? How are you reducing the number of presumably legally entitled units under its current RS-6 zoning? Are you including ADU's or JADU's? One way or another, with RS-6 zoning, the math doesn't seem to make sense with even just 39 acres (as incorrectly stated). Please explain.
- The recently revealed Environmental Hazard Risk Map shows many relevant parts of my land as being of "mostly or many landslides " character: Please note some of those areas have been deemed not only stable enough to build by the same geologist that the town uses, but they would not characterize much of those areas the same way - and building technologies can be employed that mitigate many conditions.
- Areas deemed "high or very high fire risk " are characterized by the state map as not being of high or very high fire risk, leaving me to wonder what source is being relied on for this information. Please confirm what sources are being used.
- It seems that the southern narrow strip of land-area fronting Sir Francis Drake Blvd may have been left out of the maps: Please note that most maps, due to the irregular boundaries of my property, are substantially inaccurate, and that section is left out of most town maps. Likewise, please note, that the same geologist the town uses did say that it was geologically feasible to build there. And importantly, that area has a bus stop, and there is ample interest expressed in the housing element to build along that transit corridor. Surprised that it has been dropped as a possible site for workforce or affordable housing. Or perhaps it is an oversight.

Finally, in order to help me think about how to move forward with assisting the Town with meeting it's RHNA requirements during this next planning period by developing

these essential units (whatever the number), I will need more information about the above questions as well as perhaps a few more in the near future.

Once again, I realize you are very busy, but I do hope that you or someone can take a few minutes to respond to these questions, so that I can plan accordingly.

much thanks
Rob Schwartz

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Special election to rezone MTCC for housing
Date: 19.04.2023 17:47:22 (+02:00)

From: Lynnette Shaw <cbcmarinalliance@gmail.com>
Sent: Tuesday, April 18, 2023 8:19 AM
To: Housing <Housing@townoffairfax.org>
Subject: Special election to rezone MTCC for housing

The Town Council has the ability to set a special election to have the voters of Fairfax allow a rezoning of the MTCC for solve the housing problem and not ruin the Town with a 7 story apartment building in the wrong place at School Street Plaza.

Lynnette Shaw

From: **Heather Abrams** <habrams@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: FW: some questions regarding new Housing Element Draft
Date: 19.04.2023 21:55:57 (+02:00)

Regards,

Heather Abrams

Town of Fairfax | Town Manager

www.townoffairfax.org

From: robert schwartz <robmschwartz@yahoo.com>
Sent: Wednesday, April 19, 2023 12:17 PM
To: Andrew Hill <andrew@dycettandbhatia.com>
Cc: Heather Abrams <habrams@townoffairfax.org> ; Barbara Coler <bcoler@townoffairfax.org >
Subject: Re: some questions regarding new Housing Element Draft

Hi Andrew,

Thank you for your prompt response - very much appreciated! I have tried my best to respond in kind, and to address each of the points in your April 17 email below. Please take the time to read the details.

10 units vs 40 units Question

In your email to me on April 7, when I first asked about how you arrived at 10 units for my lot, instead of the prior 40 units and why the land area fronting Sir Francis Drake Blvd, which had been included on all prior iterations and discussions prior to March 31 (including a discussion between us in February) got dropped from consideration for housing, you replied then that that area had disappeared from the site inventory, not because of capacity projections, as you suggest now, but because of the need to subdivide and rezone. Barbara Coler opined separately that it was because plans had not been submitted.

Now in your last email you are suggesting that it is "realistic capacity projections", and not subdividing and rezoning, that got you to a 10 unit projection. Can you please provide me with the details of the site constraints analysis?

Potential Development Opportunities on 45 acres

As I see it there are three areas of potential development on my 45 acre site as follows. It is apparent that HCD has asked municipalities to communicate directly with land owners to access their "realistic" interest in being included as an opportunity site analysis and in the Housing Element update process, which I obviously intend to do.

So, let me articulate my thinking once again about the three areas that are available for in-fill development on my property I know my property having already developed is somewhat and I think the following provides for a "realistic capacity projections ":

- There is potential for at least 4-8 single family market rate residences, as part of a “clustered” hillside development fronting Oak Manor Drive, near the top of Oak Manor Drive. These would be developed in line with the character of the neighborhood, out of any view corridor and at the same time protecting the visual character of all visually prominent ridgelines. Those 4-8 single family residences would probably lead to at least 8 to 16 units in total when you include ADU’s and 24 units max when you add JADU’s (which would presumably be more affordable by size).
- There is a very realistic probability of adding at least 2-4 single family residences behind 183 and 203 Oak Manor Drive. That would lead to 6 to 12 more units max if you included both ADU’s and JADU’s. I suspect this site has been overlooked: Please let me know if you have taken this site into consideration or not. And if not, why not?
- In the lower flat area fronting Sir Francis Drake Boulevard there is capacity for 20 units of low income multi-family attached housing on a flat one-acre site. This site is directly behind the existing bus transit stop on Sir Francis Drake Boulevard, a major thoroughfare. The site fits entirely within the established character of surrounding multiple attached housing and rental housing developments, including the recently completed Victory Village Senior Housing. This site was targeted in the last Housing Element as well and there are many other multiple apartment developments across the street. Please note: My own drawings and plans for the lower area fronting Sir Francis Drake call for the 20 units to be in three apartment buildings, clustered on the east part of the site leaving 50-65% of the remainder of the flat site for landscaped open space.

Summary and Conclusion

In summary, the above three site areas would provide a potential of a total of 40 units of infill housing in a variety of housing types; single family and multiple family. This potential retains the low density of less than one dwelling per acre and is consistent with what has been previously modeled in the housing element updates. In conclusion, I am asking for a full consideration of the potential opportunities for market rate and affordable housing development on my property. Accordingly, I have the following points and/or questions to put forth:

- No one had questioned building 40 units somewhere on my land until now. I responded to your first suggestion that it was because it needed to be subdivided and rezoned, and you didn’t reply to my response about that;
- Please provide the details of your analysis that concluded that 10 units is now appropriate based on a “realistic capacity projections” under current or future re- zoning. It is only fair and reasonable for you to explain why all of a sudden using my land as an “opportunity site” is no longer being considered.
- I am presently working on conceptual plans, as suggested by a Council member, to demonstrate the "realistic capacity" projections; we have a site map already, if that would help.
- If it was internal and/or external political pressure in Fairfax that eliminated my property as an opportunity site in this Housing Element update, rather than a carrying capacity of the land I would like to know.

- Past performance would suggest that the area along Sir Francis Drake Boulevard is a VERY realistic spot to develop low-income attached multi-family housing its not clear why this site has been eliminated. That area is realistic as are the other two uphill areas as described above;
- I am further mystified at the "down-sizing " of the potential for infill development on my property from 40 to just 10 units, especially given the need for a large "buffer " required in your analysis by the state - particularly given the amount of infill that is being proposed for downtown (?).

On this last point above, importantly, I don't believe that the infill in the downtown that has been modeled in the draft Housing Element has been fully vetted yet by the citizens of Fairfax. Does anyone in town really understand what 175 units on the upper portion of the 1.96 acre School Street Plaza site would look like in terms of the number of stories? Let alone if you add 50% more units under California's "density bonus law" which would bring the total to 262 units at School Street Plaza: What does that even look like? School Street Plaza's unit count could be reduced due to a public outcry in the future (which is very predictable in Fairfax) wouldn't it be good to have an additional 40 units on my site to relieve the density and congestion of one large housing project ?

Finally, I would like the Town to include an alternative to the 10 unit limit on my property in the Housing Element EIR. I will provide a conceptual site plan showing how realistic it is to consider up to 40 units (1 dwelling per acre) on my property with a mix of housing types. The program level EIR that the town is producing must include alternatives analysis to show opportunity sites such as mine. To not do so seems like an inadequate EIR analysis for the Housing Element update. This concern has also not yet been addressed, please do so.

Thank you in advance for your continued assistance and your time with this matter Andrew, I look forward to more specific responses. and see below for my direct responses to your last email.

Best Regards,

Rob

On Monday, April 17, 2023 at 02:01:52 PM PDT, Andrew Hill < andrew@dyettandbhatia.com > wrote:

Hi Rob

Housing Elements are full of complex legal requirements and jargon, which can make things hard to decipher. From your most recent email it looks like you may be confusing what is permitted under zoning with the realistic capacity projections for the site. Those are two separate things though.

First off, just to clarify - the Housing Element does not itself implement rezoning. It is a planning document that provides guidance for future Town actions. Where it calls for rezoning, that is simply a policy direction that the Town Council will undertake as part of implementing the Housing Element over the next 8 years.

That said though, the Draft Housing Element does not propose to downzone your property or make any change at all to the base zoning. As such, with implementation of the Housing Element, you will continue to have right to develop up to the maximum permitted under current zoning.

I think what's causing confusion for you is the realistic capacity projections. Throughout California (and the US), projects are very rarely if ever built out to the maximum permitted under the zoning. Therefore, per State law and guidance from the Department of Housing and Community Development, the Housing Element must project the number of units that are likely to be developed on each site included on the inventory, based on past performance on similar sites in the jurisdiction and in consideration of various environmental and market constraints. In consideration of those factors, the realistic capacity for your site is projected at 10 units. This does not restrict your ability to develop more (provided that that could be done in compliance with Town regulations), nor does it change what is permitted under zoning. If you look at the inventory, you will see that, with the exception of single-family properties where 1 unit is projected, no site is projected to see construction of the maximum allowed under current zoning.

Hope that helps,

Andrew

On Apr 14, 2023, at 4:11 PM, robert schwartz < robmschwartz@yahoo.com > wrote:

Hello Andrew, et. al.,

Thanks for your reply to my questions. Not being an expert in these matters I have been trying to wrap my head around this rapidly shifting picture. I also spoke with Barbara Coler over lunch to get some additional clarifications and would now like to again bring up a few issues and related questions before the next public meeting on April 19.

Regarding the size of the lot, this is not a big deal, as we can settle it between the assessor and my or another surveyor. It is what is. My surveyor, who reviewed his maps earlier this week, thinks it is 45.4 or 45.5 acres, based on his surveys and software. He says the maps that the assessor uses are often wrong, especially with a large property with convoluted boundaries such as mine, just as the parcel map that indicates 50.2 acres might be inaccurate. Please note that the actual boundaries of my property are different than the boundaries indicated by the maps that you are using for your exhibits.

Regarding landslide and fire hazard, like you I am also referring to the 2022 Office of the State Fire Marshall map which deems all the areas surrounding my property to be "moderate " an does my insurance carrier. Might be moot, since we both agree (e.g., you and the town's consultants) that any hazards of this nature "mitigatable ".

More importantly, however, I am concerned by the "down-sizing " or "down-zoning " and the overall sudden changes regarding the previous allotment for my parcel from 40 units to now just 10 units- well below my legal entitlements under RS-6 zoning- and the reasons given for that. Below are my thoughts regarding these matters.

In the most recent discussions I had with you in February and in all the plans released by the town prior to the recent release on March 31 of the revised draft Housing Element, three areas of my property were being discussed, with between 30 and 40 units being allotted.

The first area we discussed was the lower area fronting Sir Francis Drake Blvd. I had assumed that up to half (or up to 20 units) of the 40 units previously targeted for my entire site would be located there in multi-family housing on a one-acre parcel created after adoption of the updated Housing Element. However, this area is suddenly no longer in the Housing Element Draft as of March 31, without prior warning (?). You stated to me in your reply on Friday that is because it would need to be subdivided and rezoned, and that no application is on file. However, it was my understanding that that was what was going to happen all along, no one indicated that you were not going to include items that needed subdividing and rezoning, or applications already submitted. If that was the case, why

wasn't that mentioned to me in our zoom call in February with you, Heather Abrams and interim Town Planning Director David Woltering.

This is very odd, since it was standard procedure to plan for subdividing and rezoning as part of Fairfax's last 2015 Housing Element update (?). Several of the opportunity sites in the last Housing Element were included and accepted as still needing to be subdivided and rezoned, and they subsequently were. Particularly the church site near my property in that area (see page H-70, Goal H-2, Program H-2.1.1.1) where 54 units of very low-income units for seniors has been successfully developed and are now occupied, even though they were not re-zoned or subdivided in the 2015 Housing Element.

Barbara also suggested some other reasons for the sudden lack of inclusion: that I hadn't provided plans and it might not be feasible, politically (in her opinion). First thought - that's a slightly different reason than yours, (though perhaps by "plans" she means application) and second, I was never told that I needed to submit plans or application, again, as I mentioned before, all I was asked at the aforementioned zoom meeting was whether I was willing to write a letter to the state saying that I was on board, to which I responded - "absolutely". And please note: I can happily provide preliminary plans and applications.

Regarding Barbara's suggestion that there are political factions in Fairfax that consider my land part of the town's open space - and they don't want to see my land subdivided and developed even though there is no legal basis for that and even though the development being proposed would fit in with the character of other nearby developments and having low-income apartments there next to an existing bus stop and using part or even the majority of that area as a park would create a beautiful improvement on Sir Francis Drake Boulevard, whereas now it is an unkempt empty frontage. Regarding that suggestion - it is my opinion that town leadership and town public opinion have not only changed dramatically recently, but that town leadership must now recognize the need to craft and provide more nuanced legislation and guidance regarding housing development and other issues (e.g. rent control) and to find a middle ground between, for example, the development of sprawl and a zero-development policy. These, as we know, need not be black and white issues, as they are so often characterized by political extremes. What's clear is that the people of Fairfax do want more housing now as part of an overall plan to reduce the cost of housing.

A second area discussed was a midsection area that is behind 183 and 203 Oak Manor Drive, that has access by virtue of a 30 foot easement between the two houses there. This area could easily hold at least two or three single family residences, each with an ADU and a JADU, for a possibility of at least six units.

The final area is the upper part of the property, at the top of Oak Manor Drive, which includes relatively flatter areas that could be safely developed with respect to wildfire and landslide risks and also while protecting visually prominent ridgelines and scenic views. My original plan would have been to cluster 10 small lots of approximately 4,000 square feet within one acre fronting Oak Manor Drive, across from the residential properties developed on the County side of the street. That approach would have created up to 10 homes with a possibility of an additional 10 ADU's and another 10 JADU's for a total buildout of up to 30 units. However now, I am thinking of just putting three or four single family homes there for a total of approximately 10 units, including ADUs and JADU's, in line with your suggestion.

With regards to the upper area of my property; you state that this area is included as an opportunity site under program 2-D, which would create new standards for permitting clustered hillside development. However, there is nothing in program 2-D or the action plan that requires these new standards to be passed, only that they be reviewed and considered. Therefore, given that soft and non-committal language and the fact that despite the public clamor for more housing (which some town council members say is a new and welcome shift for the town) there are very extremely vocal political activists in town who will oppose these proposed revisions. Therefore, more of a commitment is needed than what is currently proposed in program 2-D and the action plan.

Finally, there is the issue of the cost to develop and implement housing production. Not only do construction costs make development an extremely risky endeavor these days, but permit application costs particularly stemming from the cost of an EIR put development almost out of reach - unless buildout of my site is included in the program level EIR that the town is preparing. In your plan, the town is supposed to take steps to help reduce the financial burden, particularly with regard to the subdivision and permitting process, that makes most projects these days financially untenable.

Therefore, I would like to at least be included in the program level EIR for at least my legally entitled number of units under the existing RS-6 zoning on my entire acreage - with the inclusion of ADU's and JADU's on each parcel as allowed by State Law. Which, assuming my land is 45 acres would be 7 six-acre parcels accommodating primary residences, with ADU's and JADU's for a total of 21 units (e.g., 7x3=21): Again, all under the current RS-6 zoning.

Likewise, if at least my legally entitled buildout potential of 21 units are not included in the program EIR now being prepared by the town, I would like to know why not: And, why are you inadvertently down-zoning my property from the currently legally allowed 21 units to just 10 units?

-
As stated earlier, I am more than happy to submit plans relative to the discussion above in a timely manner. Fairfax needs housing, and the town would be well served to have additional units modeled in the EIR on my property as a buffer if you want the state to accept this draft housing element. That is, if the town truly wants to accommodate it's RHNA during this next planning period.

Please stay tuned for further updates regarding my plans. I look forward to discussing this more in the near future and I very much appreciate your work on this endeavor.

Best Regards,

Rob Schwartz

On Friday, April 7, 2023 at 02:21:03 PM PDT, Andrew Hill <andrew@dyettandbhatia.com> wrote:

Hi Robert

Following up, this is clarify the assumptions regarding housing projections for 615 Oak Manor Dr (APN 174-070-71) in the Public Review Draft Housing Element and provide answers to your questions.

The property is included on the draft inventory - it is shown as an opportunity site for Above Moderate housing on Map 3-5 and listed in the detailed inventory in Appendix A. The projected capacity for housing on the site is 10 new units over the planning period with implementation of proposed Program 2-D, which would create new standards permitting clustered hillside residential development on six large sites, including APN 174-070-71. Through this program, the Town would modify the existing hillside development ordinance to allow for clustered housing development on relatively flatter portions of the sites, subject to standards that ensure safe construction in view of geological and wildfire constraints while also protecting ridgelines and scenic views.

Additionally, here are answers to your other questions:

- We relied on Marin County Assessor data, which indicates that APN 174-070-71 is 39.34 in size.
- The landslide data shown on Maps 3-2 and 3-3 is from the US Geological Survey and consistent with the data available through Marin Maps. The information did not limit the capacity projections for the site. As you point out, geological constraints can be mitigated.
- Maps 3-2 and 3-3 also show Fire Hazard Severity Zones within Local Responsibility Areas, based on data from the Office of the State Fire Marshall. The maps are consistent with the Marin County Multi-Jurisdictional Hazard Mitigation Plan. I'm not sure what maps you are viewing, but you may be looking at the State Responsibility Area maps, which exclude incorporated towns and cities. In any case, as with

landslide hazard risk, location within a High Fire Hazard Severity Zone did not affect capacity projections because wildfire hazards can be mitigated.

- APN 174-070-71 is shown with frontage along Sir Francis Drake on Map 3-5 in the Draft Housing Element. County Assessor data was used to project the shape of the site on the maps in ArcGIS. That portion of the site was not assumed for multi-family development because it would need first to be subdivided from the larger parcel to receive a different zoning district and as of yet there is no application on file for that.

Hope that helps. Let us know if you'd like to discuss.

Best regards,

Andrew

On Apr 6, 2023, at 12:36 PM, robert schwartz <robmschwartz@yahoo.com> wrote:

Thanks for that Andrew, much appreciated.

Rob

[Sent from Yahoo Mail on Android](#)

On Thu, Apr 6, 2023 at 11:54 AM, Andrew Hill <andrew@dyettandbhatia.com> wrote:

Hi Robert

I'm extremely busy today but have received your email and am working with Heather on responses. Once we send that out, if you still want to talk we can set up a time for that.

Andrew

On Apr 6, 2023, at 11:18 AM, robert schwartz <robmschwartz@yahoo.com> wrote:

Hi Andrew,

Are you available sometime for a short call (less than 15 mins) regarding some of the topics below? I appreciate you for your candor and straightforward perspective...

much appreciated,
Rob Schwartz
615 Oak Manor Drive, Fairfax
510-495-7511

On Wednesday, April 5, 2023 at 10:39:46 AM PDT, robert schwartz <robmschwartz@yahoo.com> wrote:

Good morning Andrew, Heather, and Barbara,

Surely you are all fielding many questions regarding the recently released new draft of the Housing Element. However, I couldn't help but notice and feel the need to comment on a number of important changes to this new draft and some possible inaccuracies that I wanted to point out and hopefully have you address before perhaps submitting further comments.

First, let me say that the apparent new strategy of more infill development in the downtown area makes overall sense to me. Nonetheless, you might imagine my surprise to see that my property was no longer listed as an "opportunity site" (which we recently met about with David Woltering) for 40 units as indicated in the last draft information - to now just 10 units as listed in **Table 3-3: Vacant Single-Family** on the entire "39.34" acre site and **Map 3-5 labeled "Sites Available for Housing"**

Therefore, my preliminary comments and/or questions are as follows:

- Please note that my property is listed as 39 acres in Table 3-3, though 50.2 is shown on the county's parcel map and that number was listed in the Title Report: However, I had a survey done recently that roughly indicates that it may in fact be closer to 45 acres.
- Regardless of size, how did you arrive at just 10 units? Is that arrived at through subdividing, through the possible housing clusters that were discussed in the new draft element, or through some other means? How are you reducing the number of presumably legally entitled units under its current RS-6 zoning? Are you including ADU's or JADU's? One way or another, with RS-6 zoning, the math doesn't seem to make sense with even just 39 acres (as incorrectly stated). Please explain.
- The recently revealed Environmental Hazard Risk Map shows many relevant parts of my land as being of "mostly or many landslides " character: Please note some of those areas have been deemed not only stable enough to build by the same geologist that the town uses, but they would not characterize much of those areas the same way - and building technologies can be employed that mitigate many conditions.
- Areas deemed "high or very high fire risk " are characterized by the state map as not being of high or very high fire risk, leaving me

to wonder what source is being relied on for this information. Please confirm what sources are being used.

· It seems that the southern narrow strip of land-area fronting Sir Francis Drake Blvd may have been left out of the maps: Please note that most maps, due to the irregular boundaries of my property, are substantially inaccurate, and that section is left out of most town maps. Likewise, please note, that the same geologist the town uses did say that it was geologically feasible to build there. And importantly, that area has a bus stop, and there is ample interest expressed in the housing element to build along that transit corridor. Surprised that it has been dropped as a possible site for workforce or affordable housing. Or perhaps it is an oversight.

Finally, in order to help me think about how to move forward with assisting the Town with meeting it's RHNA requirements during this next planning period by developing these essential units (whatever the number), I will need more information about the above questions as well as perhaps a few more in the near future.

Once again, I realize you are very busy, but I do hope that you or someone can take a few minutes to respond to these questions, so that I can plan accordingly.

much thanks
Rob Schwartz

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Housing element - ADU estimating factors
Date: 24.04.2023 20:18:42 (+02:00)

From: MICHEAL SEXTON <sextonarts@comcast.net>
Sent: Wednesday, April 19, 2023 7:15 PM
To: Housing <Housing@townoffairfax.org>
Subject: Housing element - ADU estimating factors

In my view, one of the easiest ways to increase affordable housing is incentivizing ADU and alternative rental housing, but the current rent control ordinances disincentivize ADU construction. It seems to me that the current rent control ordinances are in direct opposition to the goals of creating affordable housing.

Question for the consultants, In regards to ADU projections, there is a methodology to estimate the number of ADUs to be added, but is there a corresponding methodology for counting the removal of current ADUs from the rental market due to rent control ordinances or the suppression of future ADU construction due to the reticence of homeowners to build because of these ordinances?

How do the rent control ordinances factor into the estimates that were developed for ADUs?

I would suggest that this is a serious concern and a major factor that needs to be considered when estimating future rental units.

Thank you.

Michael Sexton
Director - Marin Residents
MarinResidents.org and FairfaxResidents.org
michael@marinresidents.org

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Comments
Date: 24.04.2023 20:18:30 (+02:00)

From: julie sullivan <juliesullivan@earthlink.net>
Sent: Wednesday, April 19, 2023 7:34 PM
To: Housing <Housing@townoffairfax.org>
Subject: Comments

Hello,

I was in attendance for the Housing element portion of the meeting this evening (via Zoom) but lost my voice (due to illness) and couldn't comment publicly.

Coincidentally, I feel that I have struggled to find a voice within this process.

I genuinely appreciate the work that has been done on this project to this point, and I also value the efforts to create affordable housing, especially for those who work in this community. Marin is expensive and we can do more (as a state) to address the needs and concerns of the many of us who live and work in the Bay Area.

As a teacher, I am intimately aware of these cost of living challenges. In fact, I currently benefit from a previous housing effort--built on a steep slope along Glen Dr--which enabled my family to move into this community.

However, one aspect of the current report that was not addressed in the meeting were the changes made in the site inventory from the initial announcement about site considerations. While some questions were raised about sites that were offered and not included, I was surprised (and concerned) to see the hilltop site above Glen Dr added.

This site was not on the original list sent out to the community. It is also on a ridge in a high-liquefaction zone with no road access to the property. In addition, the current landowner has engaged in some questionable practices in attempt to create a road and begin construction.

The six units being proposed at this site would not even alleviate the need for affordable housing.

This development makes me hope that the council will take a deeper look at all of the sites (and the number of units being proposed per site) before approving this plan. While some landowners were not informed that their sites were included in this list, neighboring property owners were also not informed.

I recognize that there are additional studies to be conducted and issues (such as water supply and fire egress) to be considered, but it seems like the current site inventory could use serious reconsideration.

Thank you for your time,
Julie Sullivan
42 Glen Dr, Fairfax

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Request for a copy of last nights special meeting power point presentation
Date: 24.04.2023 20:19:10 (+02:00)

From: KEVIN CURTIS <k.curtis@comcast.net>
Sent: Thursday, April 20, 2023 9:54 AM
To: Housing <Housing@townoffairfax.org>
Subject: Request for a copy of last nights special meeting power point presentation

Hi Heather,

Last night I spoke briefly with Janet, sitting alongside you, having made the compliment about her legal response to the Yes in My Back Yard people. I apologize for not introducing myself to you in the moment (we'd met before briefly anyway).

May I have a copy of the power point presentation that Andrew used please. I'm particularly interested in his slide showing all the encumbrances to the town in the hazzard map he presented. As former Mayor Hellman pointed out, there was some portions covered and not easily readable from both our positions in the room (and I really felt for you having to turn fully).

Thanks,

Kevin Curtis

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Regarding the Housing Element public review
Date: 24.04.2023 20:19:00 (+02:00)

From: KEVIN CURTIS <k.curtis@comcast.net>
Sent: Thursday, April 20, 2023 12:06 PM
To: Chance Cutrano <ccutrano@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; Barbara Coler <bcoler@townoffairfax.org>; Michele Gardner <mgardner@townoffairfax.org>; Housing <Housing@townoffairfax.org>
Subject: Re: Regarding the Housing Element public review

Apologies to all,

I found what I was looking for within the Excel spreadsheet forms.

K

On 04/20/2023 11:56 AM KEVIN CURTIS <k.curtis@comcast.net> wrote:

Hi all,

Apologies to Lisel, as I cannot quickly find her email on the website for some reason.

Am I missing the requirement of an individual "sites analysis" for each parcel within the sites inventory list, across the entire Housing Element, as proposed? If I missed it, Heather, would you please respond with the section it is located within? And may we see the completed HCD forms filled out for each parcel, as they will be submitted.

Housing Element Guidebook:

Step 2: Inventory of Sites

Government Code section 65583.2(b)

Provide a parcel specific inventory of sites that includes the following information for each site:

- *NEW* Assessor parcel number(s).
 - Size of each parcel (in acres).
 - General plan land use designation.
 - Zoning designation.
 - For nonvacant sites, a description of the existing use of each parcel (See Part D)
 - *NEW* Whether the site is publicly owned or leased.
 - Number of dwelling units that the site can realistically accommodate (See Part C)
 - *NEW* Whether the parcel has available or planned and accessible infrastructure (Part A: Step 3).
 - *NEW* The RHNA income category the parcel is anticipated to accommodate (See Part A: Step 5).
 - *NEW* If the parcel was identified in a previous planning period site inventory (Part B: Step 1).
- *NEW* Please note pursuant to Chapter 667, Statutes of 2019 (SB 6), the site

inventory must be prepared using the standards, form, and definitions adopted by HCD. HCD has prepared a form and instructions for this purpose that includes space for the information above and commonly provided optional fields. Starting January 1, 2021, local governments will need to submit an electronic version of the site inventory to HCD on this form along with its adopted housing element.

NEW Pursuant to Chapter 664, Statutes of 2019 (AB 1486), at Government Code section 65583.2(b)(3), if a site included in the inventory is owned by the city or county, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

Step 3: Infrastructure Availability

Government Code section 65583.2(b)(5)(B)

Determine if parcels included in the inventory, including any parcels identified for rezoning, have sufficient water, sewer, and dry utilities available and accessible to support housing development or whether they are included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity to secure sufficient water, sewer, and dry utilities supply to support housing development on the site in time to make housing development realistic during the planning period. Dry utilities include, at minimum, a reliable energy source that supports full functionality of the Site Inventory Guidebook Page 8 May 2020 home and could also include access to natural gas, telephone and/or cellular service, cable or satellite television systems, and internet or Wi-Fi service.

If Yes: Provide an analysis in the housing element describing existing or planned water, sewer, and other dry utilities supply, including the availability and access to parcels on the site inventory, distribution facilities, general plan programs or other mandatory program or plan (including a program or plan of a public or private entity to secure water or sewer service) to support housing development on the site. The housing element must include sufficient detail to determine whether the service levels of water delivery/treatment systems and sewer treatment facilities are sufficient and have the capacity to accommodate development on all identified sites in order to accommodate the RHNA. For example, the water supply should be a reliable supply that meets federal and state drinking water standards. Please note sites identified as available for housing for above moderate-income households can still be in areas not served by public sewer systems.

If No: Include a program in the housing element that ensures access and availability to infrastructure to accommodate development within the planning period. If this is not possible, the site is not suitable for inclusion in the site inventory or in a program of action identifying a site for rezoning.

Step 4: Map of Sites

Government Code section 65583.2(b)(7)

Provide a map that shows the location of the sites included in the inventory. While the map may be on a larger scale, such as the land use map of the general plan, the more detailed the map, the easier it will be to demonstrate the sites meet new requirements pursuant to Chapter 958, Statutes of 2018 (AB 686) as stated below.

Thanks,
Kevin Curtis



Scott L. Hochstrasser
IPA, Inc.

E-Mail slh3ipa@gmail.com *195 John Street, Tomales (mail: P.O. Box 318), CA 94971* Tele (415)572-2777

April 24, 2023

Mayor Chance Cutrano, Vice Mayor Barbara Coler
Housing Element Subcommittee
142 Bolinas Road
Fairfax, CA 94930
(Emailed: Housing@townoffairfax.com)

RE: 615 Oak Manor Drive, Fairfax CA 94930
REQUEST FOR DRAFT HOUSIGN ELEMENT CHANGES

Dear Mayor Cutrano and Vice Mayor Color,

My office has been retained by Mr. Robert Schwartz owner of the property known as 615 Oak Manor Drive, Fairfax CA. (APN 174-070-71). The subject property is listed in the Draft Housing Element update 2023-2031 (item #36) in Appendix A Fairfax Sites Inventory –HCD Form(#1) as a potential site for future development of up to 10 new above moderate income single family homes. This 40-45 acre property was not identified in prior housing elements. However, in previous iterations of the current draft housing element, in the site inventory this site was identified as a potential opportunity site for up to 40 dwelling units or one dwelling per one acre. The site is vacant except for one single family detached home and one accessory dwelling unit now occupied on-site. It is not clear in the administrative record why this sites future housing opportunity has been so dramatically reduced. But it is my opinion that the subject property presents opportunity for more housing than the 10 new above moderate income single family homes.

In short the purpose of this letter is to request that prior to adoption of the draft Housing Element that your committee modify the “Appendix A-Fairfax Sites Inventory” for the property at 615 Oak Manor Drive (APN 174-070-71 to include a potential for up to 27 units.

My client is committed to seeing his large piece of vacant land as an opportunity for the Town to address the affordable housing crisis not just with the potential development of more “above moderate income” single family detached homes and accessory dwellings. Accordingly, he has taken the next step to demonstrate conceptually that his property has the potential to provide a mix of housing unit types including potentially up to 20 multiple residential attached moderately priced ‘for sale condo’ or rental apartments on a 1 acre plus site. In the following land planning analysis it will be demonstrated that the subject property provides the Town with an excellent opportunity for additional housing to address the needs of the community, region and state while

at the same time generally meeting the Town of Fairfax General Plan policies.

PROPERTY CHARACTERISTICS

Assessor's parcel # 174-070-71 is a large vacant property located on the northwest part of the Town of Fairfax. It is generally an upslope and wooded hillside and secondary ridge of the Loma Alta landmark. The southern corner of the lot fronts Sir Francis Drake Blvd, a major roadway arterial, the flat portion of the site sits cross the road from four (4) large two story multiple attached rental home complexes. To the east the property backs up to approximately fifty (50) existing single family detached homes that front on Oak Manor Drive. There is hillside open space to the west and north property boundary.

HOUSING OPPORTUNITIES

In addition to the opportunity for up to ten (10) new above moderate single family homes with ADUs, as identified in the Draft Housing Element site inventory, a portion of the property fronting on Sir Francis Drake Blvd. provides the potential for up to 20 new multiple attached residential dwellings.

Attached to this letter please find a single page (11"x17") "Preliminary Site Plan- Robert Schwartz –Fairfax CA – APN 174-070-71" prepared by "b.thomas-draft design" dated April 24, 2023. The purpose of this preliminary site plan is to provide an aerial visual of the property and its juxtaposition to the existing developed area. A careful review of the exhibit demonstrates potential housing opportunity locations exist in "infill" sites (shown in white on the exhibit). These sites are located on public roadways, transit line, fronting on pedestrian/bike ways and where ample established utilities exist. All of the potential new single family home sites identified are within less than a mile walking distance, and the multiple residential attached units are less than ¼ mile walking distance to shopping, public transit, schools and churches.

A. Potential Opportunities for Seven (7) New Single Family Homes

The attached exhibit shows the location (See Exhibit Table Item #1) of a recently developed single family home and accessory dwelling constructed by Mr. Schwartz. Although the client supports use of portions of his property to meet Town housing needs he intends to maintain approximately 15 acres of the large site for his own residential use and private open space enjoyment. Lot 1 on the exhibit shows the existing developed area with two buildings and the potential private property lot of the owner.

Lot 2 in the exhibit shows a future larger parcel with up to four (4) new homes clustered on the Oak Manor roadway frontage at the top of the hill. The four (4) new lots could be approximately 10,000 sq each and show potential for single family dwelling footprints and ADUs. These would be "infill" lots completing the row of housing on the west side of Oak Manor Drive. The lot sizes and future homes would be sized to generally be consistent with the established community character.

By locating the lots on the existing roadway frontage they are significantly down slope, approximately 100 ft vertically, from the higher property elevations and can comply with a long

standing policy of the town to avoid development on visually prominent ridge lines. Homes in this location provide future residents with immediate access to existing roadway and utilities, public open space and are within less than a mile from public transit, public school, a church and a small shopping center.

Lot 3 in the exhibit shows two additional 23,000 sq ft lots with single family home and ADU footprints. These lots would be accessed with a common driveway leading from Oak Manor Drive an established roadway with utilities. The lots are within 2,000 ft of a public transit stop, an elementary school (Manor School), a church and small neighborhood shopping center.

B. Potential Opportunities for Twenty (20) New Multifamily Attached Homes

Lot 4 on the attached exhibit shows an area at the most southern portion of the subject property where generally there is over an acre of flat land fronting on Sir Francis Drake Blvd. (SFDB). SFDB is a major roadway, transit route and pedestrian walk/bikeway used by the public for access to two public schools, churches, neighborhood shopping center and Fairfax downtown. This lot is located in the western end of the Town of Fairfax which is developed with several large rental apartment buildings on the adjacent and south side of Sir Francis Drake Blvd. The subject property practically shares a common boundary with a neighborhood shopping center.

Based on a land use compatibility assessment of existing land use patterns this location is exactly where multiple family attached “infill” housing is appropriate. The site provides an ideal location for multiple attached rental or moderate or lower cost ‘for sale’ condominiums with immediate pedestrian/bike access to utilities, transit and community resources including schools, churches and shopping.

SUMMARY AND CONCLUSION

Opportunities for new housing development on the subject property had been a challenge for many years for previous owners because of regulatory barriers, mostly Town zoning restrictions and the community desires to preserve the upper reaches of the ridgeline for public open space. Furthermore, the property admittedly has site specific challenges related to geologic, biologic, hydrologic conditions but none of which would actually preclude balanced site development. This is actually demonstrated at 615 Oak Manor Drive (see Lot 1) by the Town planning approval and the clients construction of a new single family home and ADU developed on a portion of the property.

The site plan attached herewith demonstrates that it is possible for the subject property to address two competing goals of the Town and the citizens. First, to meet significant housing needs with additional housing opportunities with various unit types. These sites can potentially be developed on the property boundaries at “infill” locations where multi model access, utilities and community resources are immediately available. Secondly, with careful project planning over 30 acres of the subject property can be protected for its ridge line scenic and open space values desired by the Town citizens.

This request to modify the site inventory is consistent with several of the Draft Housing Element goals, objectives, policies and programs which may also need some revisions as noted below;

Goal 5 – Program 5-1 Goal 5 – “Monitor Effectiveness of housing programs” Program 5-1 “Ensure that the Town is meeting State requirements as well as housing needs of current and future residents by carrying out procedures for tracking progress toward achieving adopted housing goals and objectives.” This program should include re-zonings for each of the sites in the inventory to be initiated immediately by the Town and before HCD certifies the housing element.

Pages 4-7- Program M-1 zoning incentives – this is a key program that should be modified to include a Town initiated rezoning of all of the opportunity sites identified that require rezoning. The site inventory table could be expanded to note the sites that need a rezoning to allow the housing opportunities identified, new zoning required and a timeframe for completing the rezoning. It should be specific to include portions of the property at 615 Oak Manor Drive and others identified in the site inventory to remove zoning regulatory barriers to future housing development.

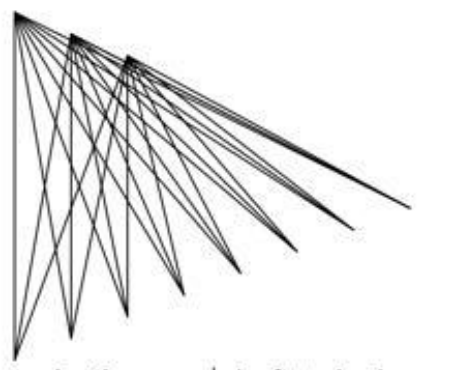
Program 2-D – this program should be modified to be more specific and identify the large hillside and flat sites listed in the site assessment. It would be helpful if the specific sites in the inventory that fall under this program were listed in Program 2-D. One idea might be to list the sites by the number referenced in the site inventory and provide a thematic map of the hillside and flat portions on the sites listed.

Finally, as respectfully requested modifying the *“Appendix A-Fairfax Sites Inventory” for the property at 615 Oak Manor Drive (APN 174-070-71 to include a potential for up to 27 units is fair, reasonable, good planning and necessary for the Town to demonstrate a true commitment to addressing the housing needs of the citizens.*

Thank you in advance for your kind consideration of this request.

Sincerely,
Scott L. Hochstrasser

CC – via email:
Town Council Members
Client
Legal Counsel
California Housing and Community Development



b. thomas | draft + design

bridget.thomas@gmail.com
415.637.2996

Revision/ Issue Schedule

No.	Description	Date

ALL DRAWINGS APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF B. THOMAS DRAFT & DESIGN LLC AND MAY NOT BE REPLICATED OR USED WITHOUT WRITTEN OR DISCLOSED CONSENT. ALL EXPRESSED DIMENSIONS AND ANNOTATIONS ON THESE DRAWINGS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.



Preliminary Site Plan

Robert Schwartz

Fairfax, CA

APN: 174-070-71

Site Plan

Proposed

A100

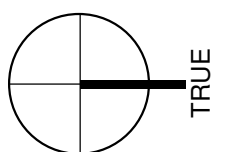
Date 4/23/2023

Drawn By BT

Scale 1" = 160'-0"

MAPING NOTES:
PROPERTY LINES ARE BASED ON A COMBINATION OF SURVEY AND MARIN COUNTY DATA

PARCEL NOTES:
CALCULATED AREA WITHIN PROPERTY LINE BOUNDARY: 45 ACRES
1 15 ACRES w/ (E) SINGLE FAMILY DWELLING (SFD) AND ADU
2 4 (N) SFD PLUS ADU ON SEPARATE PARCELS OF APPROX 10K SQ FT EACH
3 2 (N) SFD PLUS ADU ON SEPARATE PARCELS OF APPROX 23K SQ SF EACH
4 20 (N) MULTIPLE RESIDENTIAL ATTACHED UNITS ON APPROX 1 ACRE PARCEL ALONG SIR FRANCIS DRAKE BLVD
5 POTENTIAL OPEN SPACE OF 30+ ACRES



From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Housing Element, questions and comments
Date: 26.04.2023 18:17:53 (+02:00)

From: Barbara Coler <bcoler@townoffairfax.org>
Sent: Tuesday, April 25, 2023 7:32 PM
To: imjschatz@msn.com <imjschatz@msn.com>; Housing <Housing@townoffairfax.org>
Cc: Heather Abrams <habrams@townoffairfax.org>
Subject: Fw: Housing Element, questions and comments

Dear Ms. Schatz - I am forwarding your comments on the housing element (HE) to the email address for HE comments. Our consultant is compiling the comments and questions and will be working on a response to comments. This is not a time for Q&A on the HE or on the NOP. Your comments will help inform any potential changes (if needed) to the HE and response to comments. As far as your comments on the NOP, again they will help inform as we proceed with the EIR for the HE. Thank you for writing and for taking the time to review the draft HE and the NOP.

Thanks again, Barbara

Barbara Coler, Vice Mayor
Town of Fairfax

The opinions expressed in this email are those of this individual Council Member and are not representative of the entire Council or Town of Fairfax unless otherwise stated.

From: Jean Schatz <imjschatz@msn.com>
Sent: Tuesday, April 25, 2023 6:59 PM
To: Heather Abrams <habrams@townoffairfax.org>; Barbara Coler <bcoler@townoffairfax.org>
Subject: Housing Element, questions and comments

Hello Administrator Abrams and Councilmember Coler,

I have spent hours reading the Public Review Draft Sixth Cycle Housing Element and the Revised NOP of a Draft Environmental Impact Report. They seem deliberately obscure, especially the Inventory of Sites being an Excel Spreadsheet, certainly making it arduous to be an engaged citizen. I did watch the April 19 presentation, but not many of my questions were answered.

Here are my questions: In Revised NOP, Figure 3: Sites Available for Housing, this map shows a site next to or at Victory Village color coded as low/very low income. This is the largest area on the map coded for this type of housing. Are you counting Victory Village's already built units in the sites available to build? Or does this refer to the "RFC Property" (Assessor Parcel Number 174-300-05) listed in the Fairfax Sites Inventory Spreadsheet? Why is this remaining property owned by Resources for Community Development a "Planned Development District", as the spreadsheet says? Is further multifamily housing development planned on the property next to and behind Victory Village? On a hillside? (I live nearby in Village West.)

My comments...I am very disappointed that Town and Country property was not included in the sites inventory. So it has to be rezoned—put it on the ballot. You may be surprised at the outcome. Rezone that property into a "Planned Development District." Get Resources for Community Development to build mixed income housing on this T & C site. It is not clear where the mixed-income multifamily units will be built otherwise.

I do hope to get a reply from both of you.

Sincerely,

Jean Schatz
18 Banchemo Way
415-785-4434

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Housing element comments
Date: 27.04.2023 16:52:08 (+02:00)

From: Morgan Cantrell <morgancantrell@gmail.com>
Sent: Wednesday, April 26, 2023 11:40 PM
To: Housing <Housing@townoffairfax.org>
Subject: Housing element comments

Hi,

We are proposing to build more housing when water supply is already a major concern.

We don't have enough water to support more housing so Marin Water is looking to pipe it in from other counties or desalinate bay water (major ecological damage). As Bolinas has done for decades (<https://bcpud.org/wp/wp-content/uploads/2020/12/Ord-38.pdf>), I suggest we acknowledge that we are using more water than our local watershed can support and push back against pressure to develop at these levels. We need to look more broadly at the hydrologic impact this will have on our ecosystem.

I also suggest we build strict landscaping requirements into any new housing that gets built, including those projects in the pipeline:

- Lawns and pools aren't allowed (excessive water use)
- Artificial turf not allowed (increased flood risk/no absorption)
- Landscape plans must include only plants native to Fairfax (habitat value)
- Hardscape must use permeable materials (runoff/flood mitigation)

Finally, I see the land above Cypress Road and before Toyon Fire Road in blue on the map and want to make sure the town is aware that the old growth forest in that canyon is perennial nesting habitat for the endangered Northern Spotted Owl and should not be built on.

In summary, it's time to look at this through the lens of sustainable development.

Morgan

From: **Marin Town and Country Club** <mtcc@classactionlocator.com>
To: **heather@townoffairfax.org** <heather@townoffairfax.org>
CC: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: site inventory list
Date: 27.04.2023 01:58:26 (+02:00)
Attachments: 1_fairfax_zoning_Map.pdf (1 page), 2_Fairfax_Site_Inventory_list.pdf (1 page), 3_topo, 10 olema rd.pdf (1 page), 4_Parcel Detail, 10 olema rd.pdf (3 pages), 5_Topo, school street.pdf (1 page), 6_Parcel Detail, 6 school street.pdf.pdf (2 pages), 7_topo, deer park villa.pdf (1 page), 8_Parcel Detail, Deer Park Villa.pdf (3 pages), 9_topo, eastside commercial (12 Parcels).pdf (1 page), 10_topo, eastside commercial over view.pdf (1 page), 11_Parcel Detail, 1573 sir francis drake.pdf (2 pages), 12_Parcel Detail, 1599 sir francis drake.pdf (2 pages), 13_topo, 711 center.pdf (1 page), 14_Parcel Detail, 711 center.pdf (2 pages), 15_topo, 137 mono ave.pdf (1 page), 16_Parcel Detail, 137 mono ave.pdf (3 pages), 17_topo, 141 bolinas.pdf (1 page), 18_Parcel Detail, 141 bolinas.pdf (2 pages), 19_topo, 615 oak manor.pdf (1 page), 20_Parcel Detail, 615 oak manor.pdf (2 pages), 21_topo, marinda heights .pdf (1 page), 22_Parcel Detail, marinda part 1.pdf (2 pages), 23_Parcel Detail, marinda part 2.pdf (2 pages), 24_Parcel Detail, marinda part 3.pdf (2 pages), 25_Topo, MT&CC.pdf (1 page), 26_Parcel Detail, mtcc pt 1.pdf (2 pages), 27_Parcel Detail, mtcc pt 2.pdf (2 pages), MTCCHousingNOP2.220922.docx (2 pages), MTCCHCDZoning.230124.pdf (3 pages)

From: Marin Town and Country Club

Sent: Wednesday, April 26, 2023 6:55 PM

To: heather@townoffairfax.org

Cc: bcoler@townoffairfax.org; backerman@townoffairfax.org; shellman@townoffairfax.org; ccutrano@townoffairfax.org; lblash@townoffairfax.org; housing@townoffairfax.org; info@dyettandbhatia.com; dhorterrt@4leafinc.com; housing@doj.ca.gov

Subject: Fw: site inventory list

Dear Heather:

I did not see the attached emails and letter included in your comments for your last NOP. Please include this in your comments section for both the past and current NOP.

I will forward an updated "Comments" for your current NOP and General Housing Element. It would be misfeasance to exclude these. I also call out the changing format which precludes a reasonable person from readily observing the differences between presentations.

I especially bring to your attention our attached Housing NOP (220922) letter's comment on CEQA:

CEQA 65864 Policy

c) The lack of public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, is a serious impediment to the development of new housing. Whenever possible, applicants and local governments may include provisions in agreements whereby applicants are reimbursed over time for financing public facilities.

If costs of a project exceed the anticipated return on investment, no building will occur. In the past these additional costs would render a project infeasible. It was a way Towns could provide sites, knowing nothing will ever be built there. The HCD has financial ramifications to address such avoidance.

A Financial Feasibility report is required and a quantitative determination comparing different sites containing different utilities; is a resource that must be provided in the Housing Element when known. If these real costs are not provided, how could the public make an informed decision?

Please recall the lands of the MT&CC are flat, they are above the 500-year flood plain, currently have with room to expand a 4" water line, and a 14" sewer trunk line that originates on our property. We believe our 14" sewer trunk line was built in 1922 for approximately 8,000 homes.

As for the continued false assumptions that the lands of the MT&CC cannot be included in your housing element, I call to your attention the attached letter from HCD to San Diego, dated June 10, 2022. Please recall that I have cited this letter at Council meetings as well as I and others have forwarded it to you. Again, the HCD has clearly stated that local Voter Zoning cannot Trump State Law. HCD included case law for your review.

Additionally, under separate cover, I provided case law that a General or Common Law Town cannot have contradictory laws.

When the Town first came to me, Fairfax suggested 350 - 450 homes on my property. Then a Town website was put up where 6,000 community comments allocated the MT&CC 161 housing units.

Please review and confirm that this time the comments are included and readily available for the general public and HCD's review.

Thank you

Michael Mackintosh

From: Marin Town and Country Club
Sent: Wednesday, September 28, 2022 3:44 PM
To: Heather Abrams
Subject: Fw: site inventory list

Dear Heather:

As pointed out in my letter of September 22, under separate cover would follow this attached information.

At the last planning meeting I patiently waited to raise my hand to comment (add the following information), something happened, and the Zoom meeting was closed. The next Day Rob Jansen from the Planning Commission called to apologize. Somehow, they saw my hand raised, an apology was offered. So please include these in your comments.

After you read the following, maybe the Town should reconsider their arbitrary position excluding the only large, utility in place, buildable site, in the Town of Fairfax: The Marin Town & Country Club (MT&CC LLC).

As the Town Manager you have a requirement to endorse the information in the Fairfax Housing Element provided to the HCD.

I continue and again here enclosed is an invitation to meet, to open a dialog between you, the Town Council, and the Planning Commission. The lack of dialog has required contacting the HCD.

Please reconsider your position. Respond with some sort of dialog and include the MT&CC in the current Housing Element. Without the MT&CC included, your Housing Element is deficient.

Thank you for your considerations.

Michael Mackintosh

Town of Fairfax Site Inventory List Information:

1- Town of Fairfax Zoning Map

2- Site Inventory List For Fairfax

~total of 498 homes planned on 163.36 acres

Please review your tallies. Our version's numbers do not add up.

3- 10 Olema Rd Topo Map

The entirety of this site is in the Floodplain, with Flood Insurance required. Average Slope 17.93%. Rendering this property not a priority site.

4- 10 Olema Rd Parcel Information (31 homes planned)

5- 6 School Street Topo Map

Part of this site is in the Floodplain, with Flood Insurance required. Average slope 13.59%.

At 1.8 acres, your proposal with no setback, is approx. 80units/acre. Buildable site.

6- 6 School Street Parcel Information (160 homes planned)

7- Deer Park Villa Topo Map

Outside the Floodplain. Average Slope 4.69. Buildable site.

8- Deer Park Villa Parcel Information (27 homes planned)

9- East Side Commercial site Topo Map (12 Parcels, and 23 homes total planned)

This area contains 12 parcels. Slope approx. 3-6%

This area has commercial buildings. Do your plans contemplate demolishing all preexisting structures?

10- East Side Commercial Site overview Topo

11- East Side Commercial, Parcel Information for 1573 Sir Francis Drake (3 homes planned)

12- East Side Commercial, Parcel Information for 1599 Sir Francis Drake (2 homes planned)

13- 711 Center Blvd (FairAnselm Site) Topo Map

Part of this site is in the Floodplain, with Flood Insurance required. Average slope 17.97%.

The buildings abruptly border the creek and are cantilevered over the lands of the MT&CC, APN:002-131-11.

Any new building will not be allowed to cantilever over the creek. The "temporary maintenance easement" extended by the MT&CC will not be extended.

14- 711 Center Blvd (FairAnselm Site) Parcel Information (27 homes planned)

15- 137 Mono Ave (FairAnselm Site) Topo Map

Part of this site is in the Floodplain, with Flood Insurance required. Average slope 8.84%.

16- 137 Mono Ave (FairAnselm Site) Parcel Information (3 homes planned)

17- 141 Bolinas Ave (Central Commercial Site) Topo Map

Part of this site is in the Floodplain, with Flood Insurance required. Average slope 6.36%.

18- 141 Bolinas Ave (Central Commercial Site) Parcel Information (2 homes planned)

19- 615 Oak Manor Dr. (50 acre Site) Topo Map

According to County Topo maps, part is listed in the Floodplain, with Flood Insurance required. This should be contested.

Large site average slope 49.12%. Please see prior comments "Letter to Heather Abrams, 9/22/2022".

Unbuildable.

20- 615 Oak Manor Dr. (50 acre Site) Parcel Information (40 homes planned)

21- Marinda Heights Site (currently no address) Topo map

Large site average slope 50.04%. Please see prior comments "Letter to Heather Abrams, 9/22/2022".

Unbuildable.

22- Marinda Heights Site; 001- 251- 31 Parcel Information (0 homes planned)

23- Marinda Heights Site; 001- 150- 12 Parcel Information (25 homes planned)

24- Marinda Heights Site; 001- 160- 09- Parcel Information (0 homes planned)

25- MT&CC Topo map

According to County Topo maps, part is incorrectly listed in the Floodplain, with Flood Insurance required.

Please see FEMA verified, these parcels are at the 500-year Floodplain requiring no Flood Insurance.

Large site average slope 9.15%. Please see prior comments "Letter to Heather Abrams, 9/22/2022".

Buildable 23.5 flat acres.

26- MT&CC; 002- 131- 11 Parcel Information (0 homes planned)

27- MT&CC; 002- 131- 12 Parcel Information (0 homes planned)

TOWN OF FAIRFAX

Zoning Map



TOWN OF FAIRFAX
 142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
 (415) 453-1584 / FAX (415) 453-1618

- ZONING DISTRICTS**
- PUBLIC ZONES**
 PD - Public Domain
- COMMERCIAL ZONES**
 CC - Central Commercial
 CH - Highway Commercial
 CL - Limited Commercial
 CS - Service Commercial
 CR - Recreational Commercial
- RESIDENTIAL ZONES**
 RD - 5.5 - 7 - Residential
 RS - 6 - Single Family Residential
 RS - 7.5 - Single Family Residential
 RM - Multi-Family Residential
 RM-S - Multi-Family Senior Residential
 PDD - Planned Development District
 UR - 7 - Upland Residential (7ac/du)
 UR - 10 - Upland Residential (10ac/du)
- *RS - 6 - zoning determined by arrowwood settlement agreement recorded 5/28/91
- OPEN AREA ZONE**
 O-A - Open Area
- (Consult Fairfax Zoning Ordinance for detailed Zone descriptions)
- OTHER**
 Municipal Boundaries
 Fairfax Parcels Boundaries
 Creeks

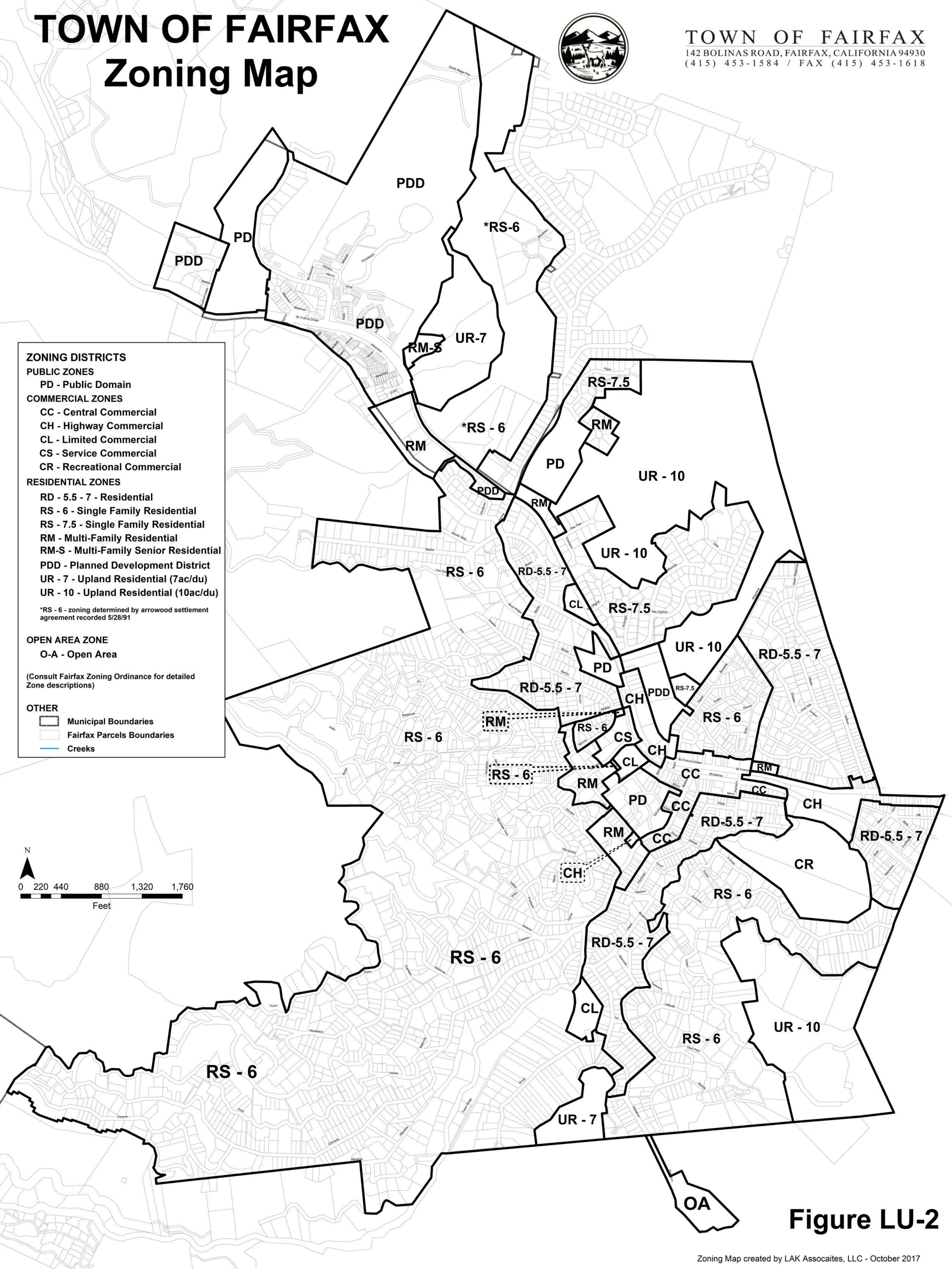
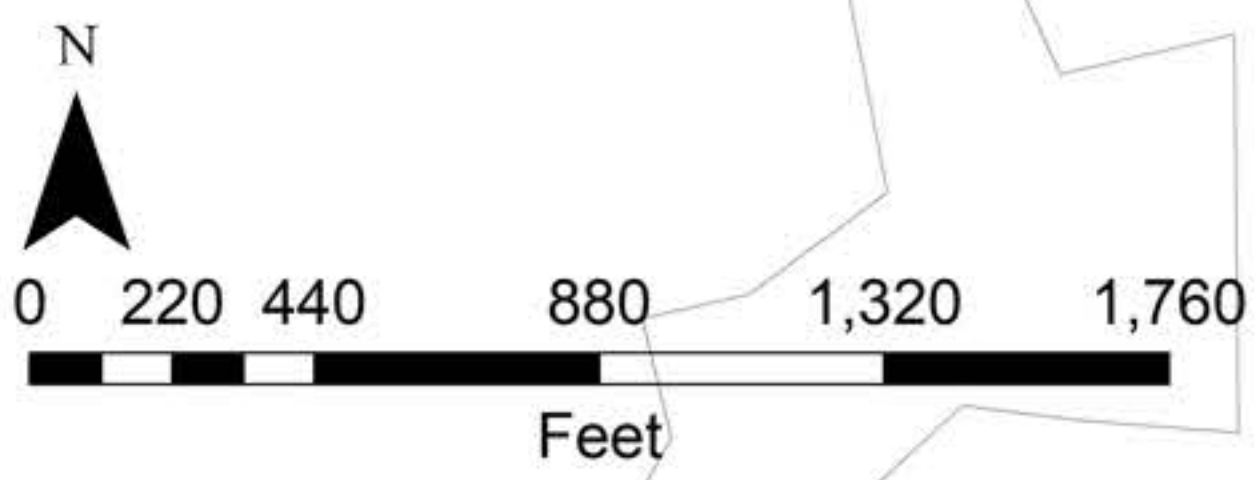
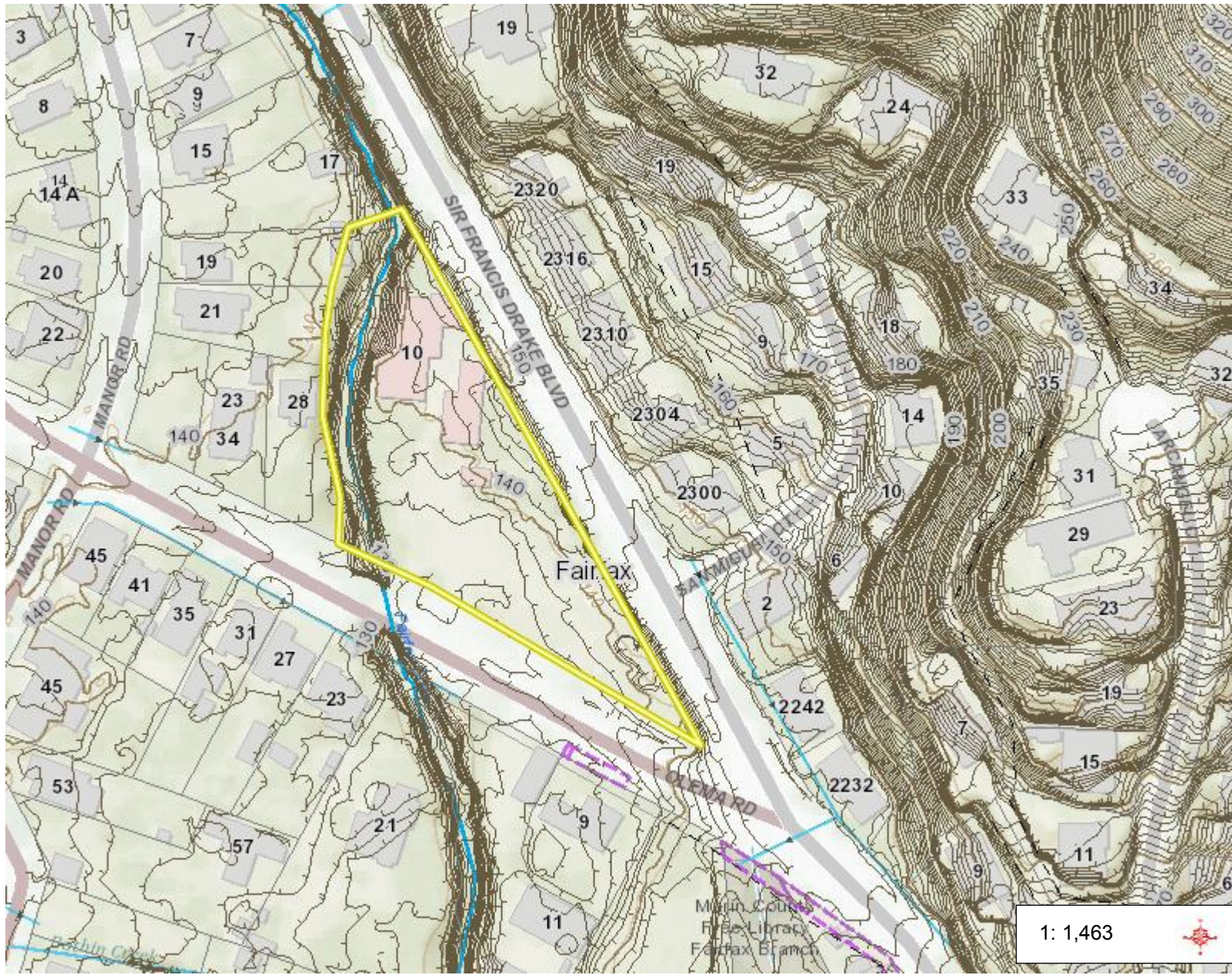


Figure LU-2

Site #	Site Address	Assessor Parcel Number	Parcel Size (Gross Acres)	Identified in Last/Last Two Planning Cycle(s)	Very Low Income Capacity	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Minimum Capacity	
1	10 Olema		1.11		10	7	5	12	32	
	2170 Sir Francis Drake Blvd	110412	1.11	yes	10	7	5	12	31	
2	School Street Plaza		1.92		52	35	26	60	161	
	6 School St	211213	1.92	yes	52	35	26	60	160	
3	Deer Park Villa		1.00		9	6	5	11	28	
	367 Bolinas Rd	204138	1.00	no	9	6	5	11	27	
4,5,6,7	Westside Commercial		2.78		10	13	9	23	55	
	2090 Sir Francis Drake Blvd	118312	0.17	yes	3	1	1	2	3	
	2094 Sir Francis Drake Blvd	118313	0.17	yes		1	1	2	3	
		118310	0.41	no		2	2	4	8	
	2000 Sir Francis Drake Blvd	118317	0.51	yes	2	2	2	4	10	
	2086 Sir Francis Drake Blvd	118314	0.19	yes	1	1	1	2	3	
	2082 Sir Francis Drake Blvd	118315	0.19	yes	1	1	1	2	3	
	2040 Sir Francis Drake Blvd	118304	0.62	yes	4	2	2	4	12	
	1966 Sir Francis Drake Blvd	122112	0.52		3	2	2	4	10	
8	O'Donnell's Nursery		1.03		0	9	6	15	30	
	1700 Sir Francis Drake Blvd	123691	0.37	no		3	2	6	11	
		123692	0.36	no		3	2	5	10	
		123693	0.30	no		3	2	5	9	
9	Pancho Villa		0.26		0	3	2	5	8	
	1625 Sir Francis Drake Blvd	221121	0.26	yes		3	2	5	8	
10,11	Eastside Commercial		1.53		0	14	9	23	23	
	1585 Sir Francis Drake Blvd	221306	0.10	yes		1	1	2	0	
	1573 Sir Francis Drake Blvd	221310	0.20	yes		2	1	3	3	
	1583 Sir Francis Drake Blvd	221307	0.08	yes		1	0	1	1	
	1581 Sir Francis Drake Blvd	221325	0.25	yes		2	2	4	3	
	1599 Sir Francis Drake Blvd	221327	0.21	yes		2	1	3	2	
	1591 Sir Francis Drake Blvd	221304	0.09	yes		1	1	1	0	
	1589 Sir Francis Drake Blvd	221305	0.05	yes		1	0	1	1	
	1607 Sir Francis Drake Blvd	221105	0.11	yes		1	1	2	2	
	1613 Sir Francis Drake Blvd	221104	0.09	yes		1	1	1	1	
	1621 Sir Francis Drake Blvd	221102	0.06	yes		1	0	1	0	
	1601 Sir Francis Drake Blvd	221120	0.23	yes		2	1	3	5	
	1615 Sir Francis Drake Blvd	221103	0.06	yes		1	0	1	0	
12,13,14	Fair-Anselm Shopping Center		0.77			12	9	7	15	42
	711 Center Blvd	213114	1.35	yes		8	5	4	9	27
	760 Center Blvd	213116	0.57	yes		3	2	2	4	11
	137 Mono Ave	212374	0.20	no		1	1	2	3	
15,16,17	Central Commercial Downtown		0.93		8	11	8	19	44	
	89 Broadway Blvd (BOA)	211308	0.35	no	8	5	4	9	17	
	95 Bolinas Rd	212247	0.51	no		5	4	9	24	
	141 Bolinas Rd	210404	0.07	no		1	1	2	2	
18	50-Acre Site		50.00		12	8	6	14	40	
	615 Oak Manor Dr	17407071	50.00	no	12	8	6	14	40	
19	Marinda Heights		102.03		8	5	4	9	26	
	Not yet addressed	115012	73.75	yes	8	5	4	9	25	
		116009	16.86	yes					0	
		125131	11.42						0	
Grand Total					123	122	89	209	498	
RHNA					117	118	71	184	490	
Difference					6	4	18	25	53	
									498	



10 olema road



Legend

- Parcel Note
 - easement
 - centerline
- Address
- Parcel
- Condominium Common Area
- Mobile Home Pad
- Easement (Access)
- City
- Old-Community
- Marin County Legal Boundary
- Other Bay Area County
- Elevation_2019_NAVD88_2Ft
 - Interior
 - Index
- PG&E Gas Transmission Line
- Catch Basin
- Pipes
- DMA Facility
- MMWD Easement
- Stream - Perennial (NHD)

1: 1,463



243.8 0 121.89 243.8 Feet

NAD_1983_HARN_StatePlane_California_III_FIPS_0403_Feet
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

not at 2170 sir francis drake blvd

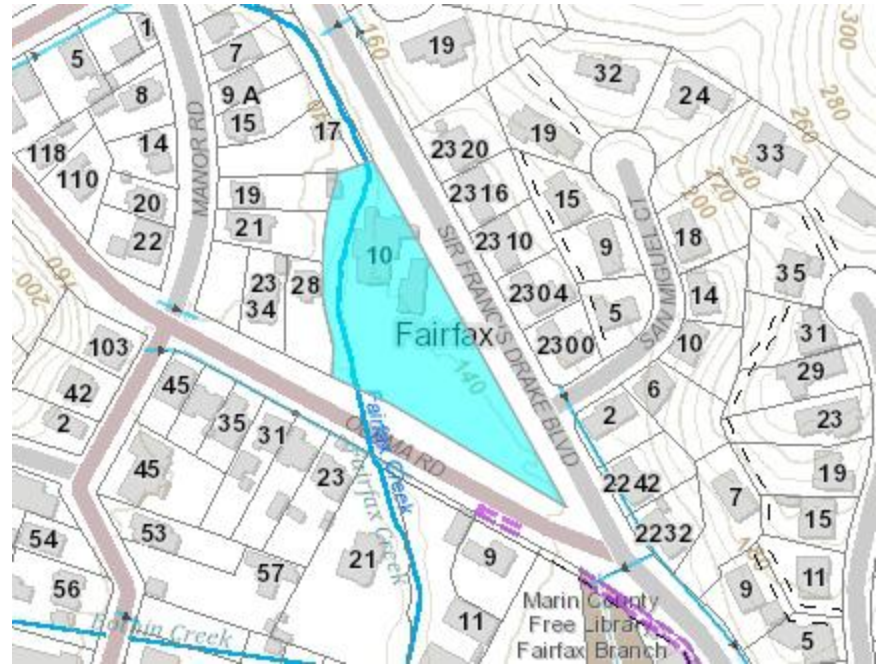
MarinMap Site Parcel Report

Property ID: 001-104-12

Report generated 9/21/2022 2:56:33 PM

Parcel Information

Property ID: 001-104-12
Address: 10 OLEMA RD , FAIRFAX
Land Use: Commercial - Improved
Units: 2
Tax Rate Area: 003-000
Average Slope: 17.93



Parcel highlighted in blue

Census:	114100	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:		Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	146	Fire Service:	Ross Valley Fire Department
Zoning:	PDD	Fire Authority:	Ross Valley Fire Department
	PDD - Planned Development District		

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

Census:	114100	Local Coastal Plan:	
---------	--------	---------------------	--

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

MarinMap Site Parcel Report

Property ID: 001-104-12

District:	2	Katie Rice	Dam Failure Area:	
Wildland Interface:			Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley		Stream Conserv. Area/Buffer:	0
Community:			CWP Area:	Upper Ross Valley
ClubList:			CWP Corridor:	CITY-CENTERED
Traffic Zone:	146		Fire Service:	Ross Valley Fire Department
Zoning:	RD-5.5-7		Fire Authority:	Ross Valley Fire Department
	RD-5.5-7 Residential			

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

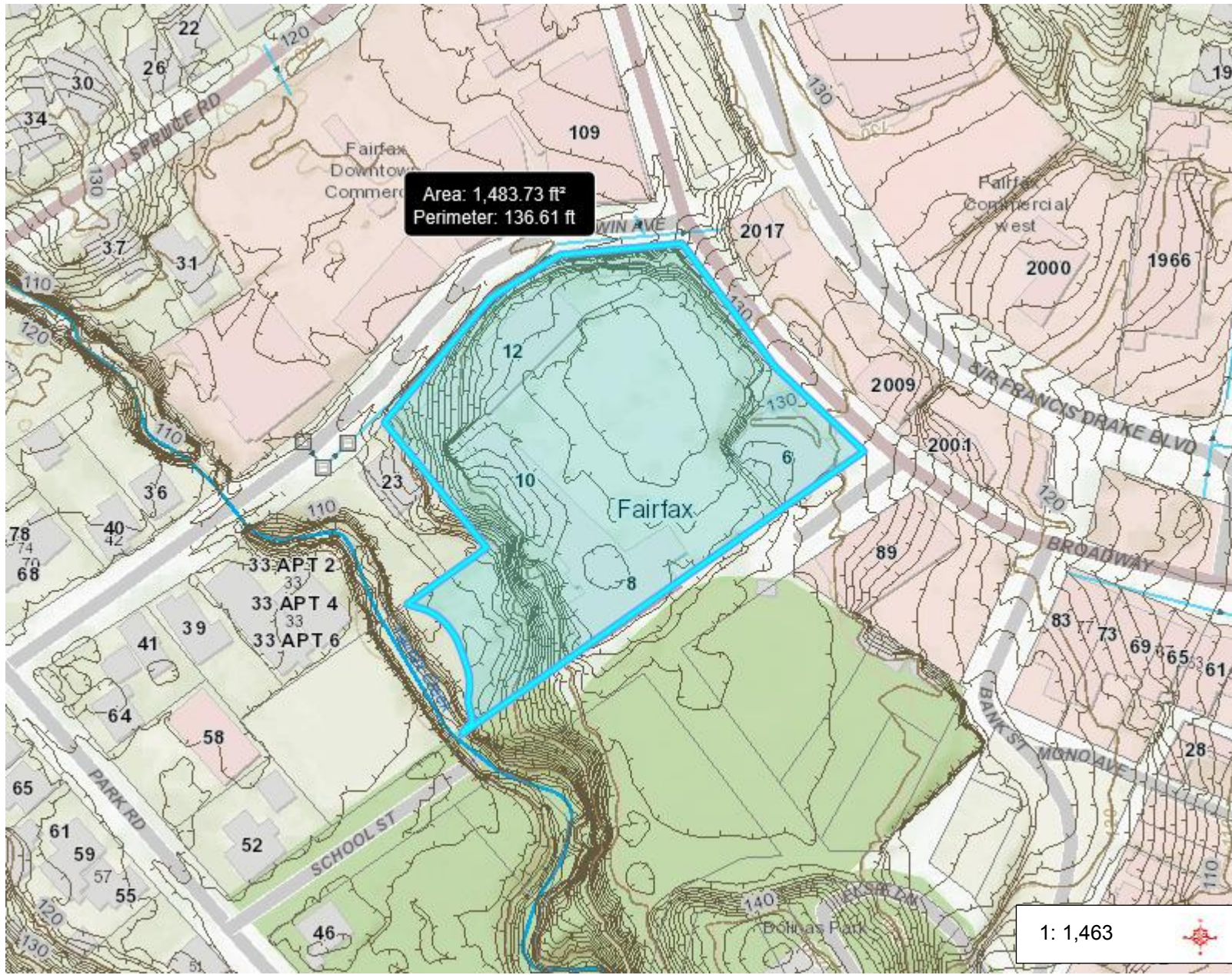
MOSQ & VECTOR CONTRL : MARIN SONOMA

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

.JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

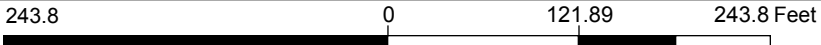
6 school street plaza



Legend

- Parcel Note
 - easement
 - centerline
- Address
- Parcel
- Condominium Common Area
- Mobile Home Pad
- Easement (Access)
- City
- Old-Community
- Marin County Legal Boundary
- Other Bay Area County
- Elevation_2019_NAVD88_2Ft
 - Interior
 - Index
- PG&E Gas Transmission Line
- Catch Basin
- Pipes
- DMA Facility
- MMWD Easement
- Stream - Perennial (NHD)

1: 1,463



Notes

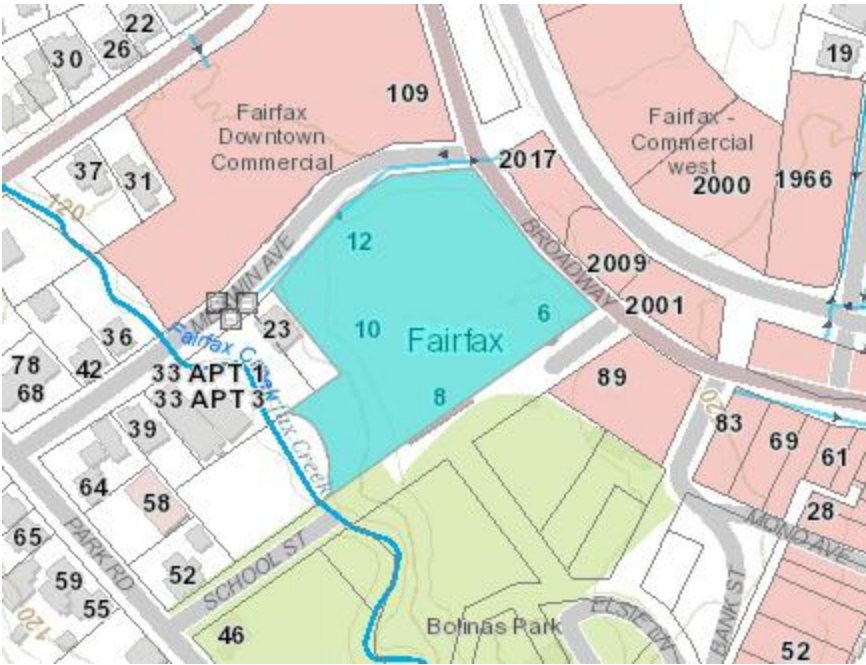
MarinMap Site Parcel Report

Property ID: 002-112-13

Parcel Information

Report generated 9/21/2022 2:35:12 PM

Property ID: 002-112-13
Address: 6 SCHOOL ST , FAIRFAX
Land Use: Commercial - Improved
Units: 0
Tax Rate Area: 003-000
Average Slope: 13.59



Parcel highlighted in blue

Census:	114100	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:		Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	146	Fire Service:	Ross Valley Fire Department
Zoning:	PDD	Fire Authority:	Ross Valley Fire Department

PDD - Planned Development District

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

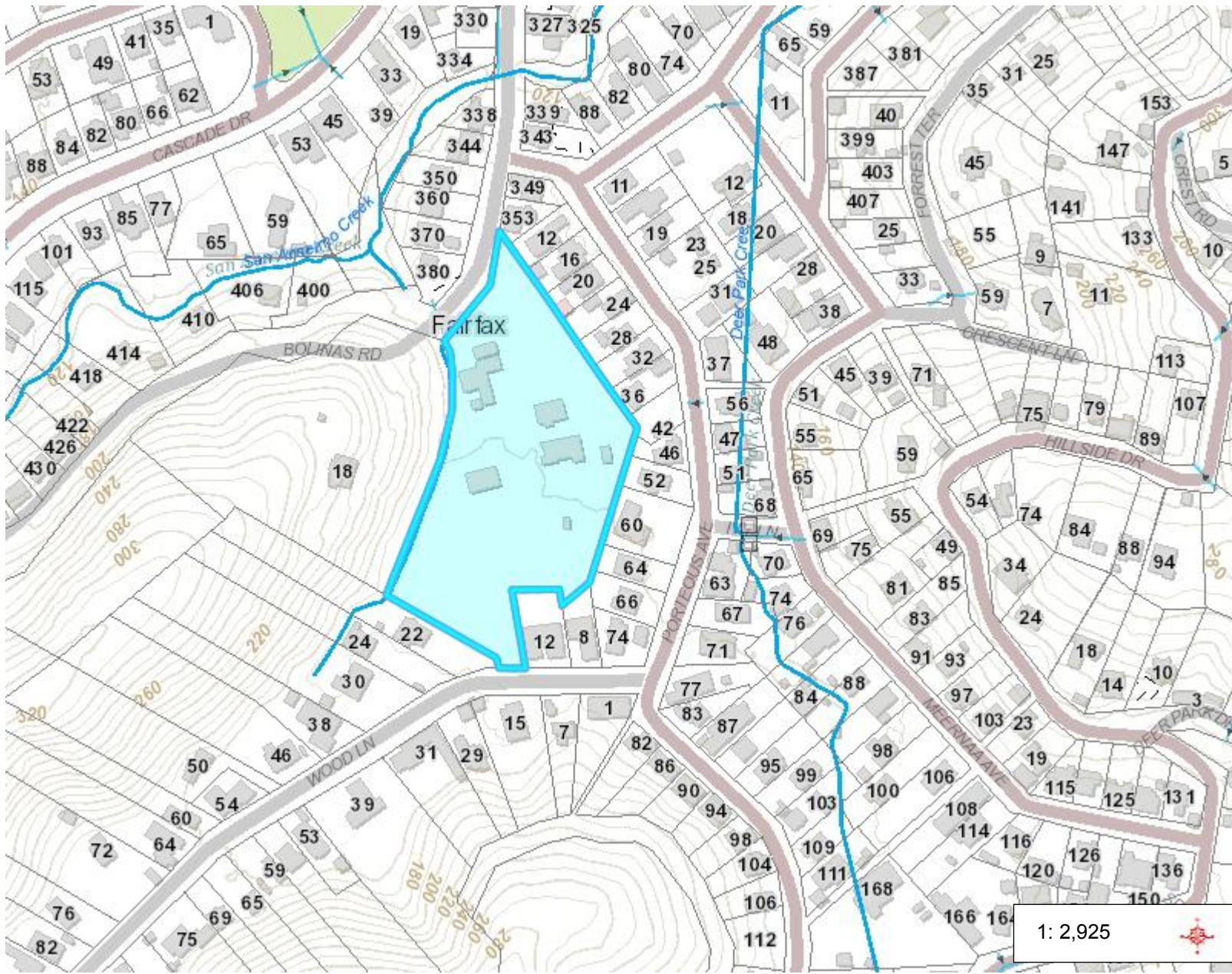
MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY



Deer Park Villa



Legend

- Parcel Note
 - easement
 - centerline
- Address
 - Parcel
 - Condominium Common Area
 - Mobile Home Pad
 - Easement (Access)
- City
 - City
 - Old-Community
 - Marin County Legal Boundary
 - Other Bay Area County
- Elevation_2019_NAVD88_2Ft
 - Interior
 - Index
- PG&E Gas Transmission Line
 -
- Catch Basin
 -
- Pipes
 -
- DMA Facility
 -
- MMWD Easement
 -
- Stream - Perennial (NHD)
 -

1: 2,925



NAD_1983_HARN_StatePlane_California_III_FIPS_0403_Feet
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Parcel Information

Property ID: 002-041-38

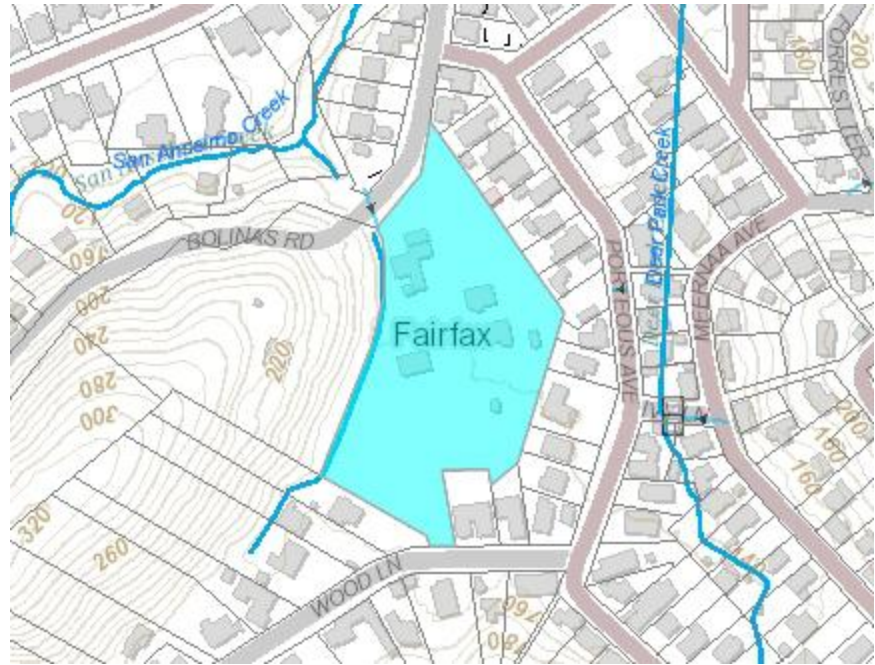
Address:

Land Use: Commercial - Improved

Units: 3

Tax Rate Area: 003-000

Average Slope: 4.69



Parcel highlighted in blue

Census: 114100

District: 2 Katie Rice

Wildland Interface: Y

Community Plan: Upper Ross Valley

Community:

ClubList:

Traffic Zone: 145

Zoning: CL

CL - Light Commercial

Local Coastal Plan:

Dam Failure Area:

Alquist Priolo Zone:

Stream Conserv. Area/Buffer: 0

CWP Area: Upper Ross Valley

CWP Corridor: CITY-CENTERED

Fire Service: Ross Valley Fire Department

Fire Authority: Ross Valley Fire Department

Flood Zone: X **Insurance Required:** N

Zones B, C, and X are the flood insurance rate zones that correspond to areas outside the 1-percent annual chance floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1-percent annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.

Census: 114100 **Local Coastal Plan:**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

MarinMap Site Parcel Report

Property ID: 002-041-38

District:	2	Katie Rice	Dam Failure Area:	
Wildland Interface:	Y		Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley		Stream Conserv. Area/Buffer:	0
Community:			CWP Area:	Upper Ross Valley
ClubList:			CWP Corridor:	CITY-CENTERED
Traffic Zone:	145		Fire Service:	Ross Valley Fire Department
Zoning:	RS-6		Fire Authority:	Ross Valley Fire Department
	RS-6 Single Family Residential			

Flood Zone: X Insurance Required: N

Zones B, C, and X are the flood insurance rate zones that correspond to areas outside the 1-percent annual chance floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1-percent annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.

This parcel is in these Tax Districts

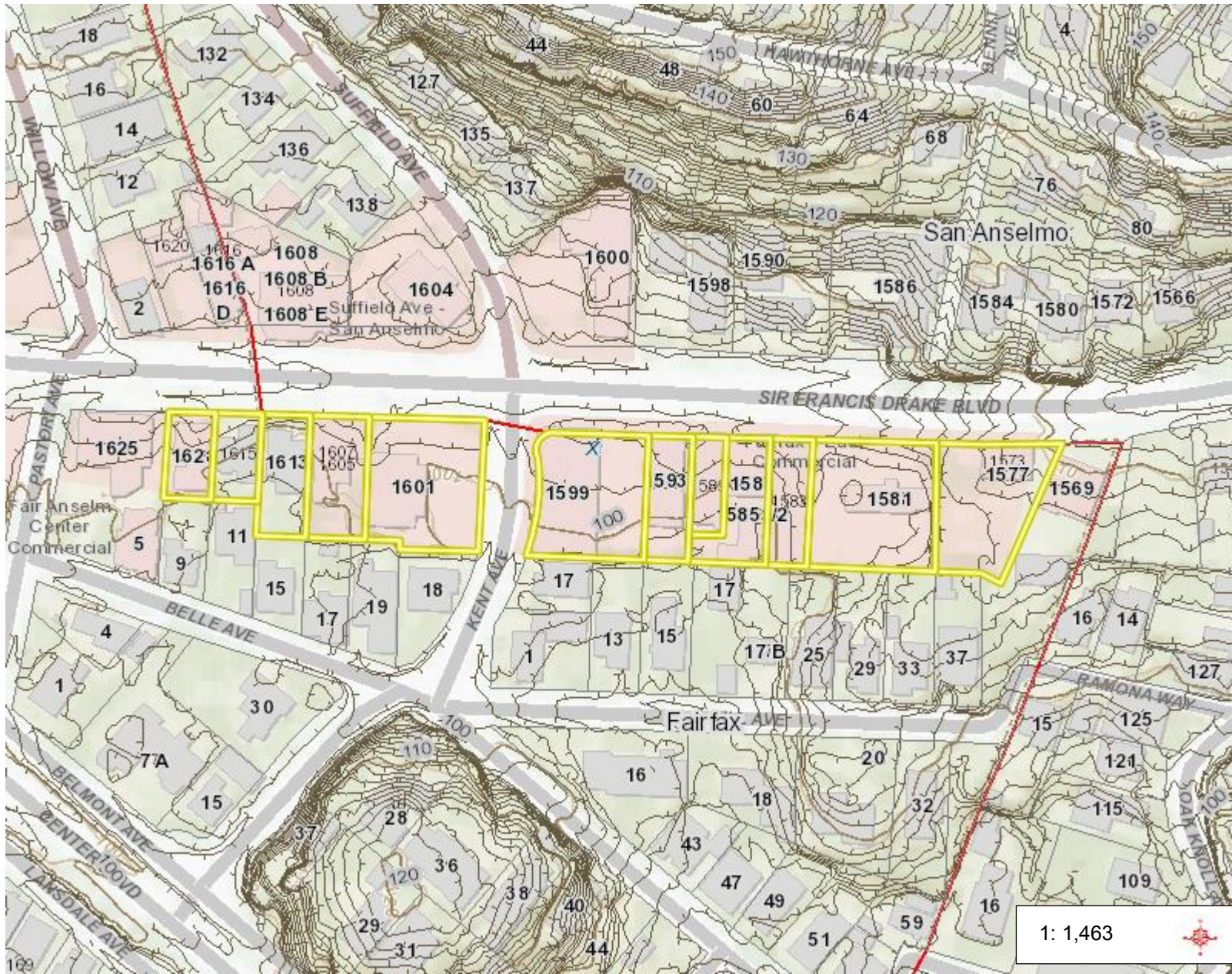
- CITY : FAIRFAX (TOWN OF)
- ELEM. SCHOOL : ROSS VALLEY
- HIGH SCHOOL : TAMALPAIS UNION
- COMM. COLLEGE : MARIN JUNIOR
- MOSQ & VECTOR CONTRL : MARIN SONOMA JT(21,49)
- BRIDGE : GOLDEN GATE JT(08,21,23,28,38)
- AIR QUALITY MGMT. : BAY AREA JT(1,7,21,28,38,41,43,48,49)
- HOSPITAL : MARIN COUNTY (GENERAL)
- REGIONAL PARK : MARIN COUNTY
- TRANSIT : MARIN COUNTY
- MUNICIPAL WATER : MARIN
- MOSQ & VECTOR CONTRL : MARIN SONOMA

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

.JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

Eastside Commercial, overview 2



Legend

- Parcel Note
 - easement
 - centerline
- Address
- Parcel
- Condominium Common Area
- Mobile Home Pad
- City
- Old-Community
- Elevation_2017_1ft
- Elevation_2017_idx_5ft
- Marin County Legal Boundary
- Other Bay Area County
- Elevation_2019_NAVD88_2Ft
- Interior
- Index
- MMWD Easement
- Base Flood Elev, August 2017
- Flood Hazard Zone, August 20
 - A
 - AE
 - AE, FLOODWAY
 - AH
 - AO
 - D
 - V
 - VE
 - X

Notes

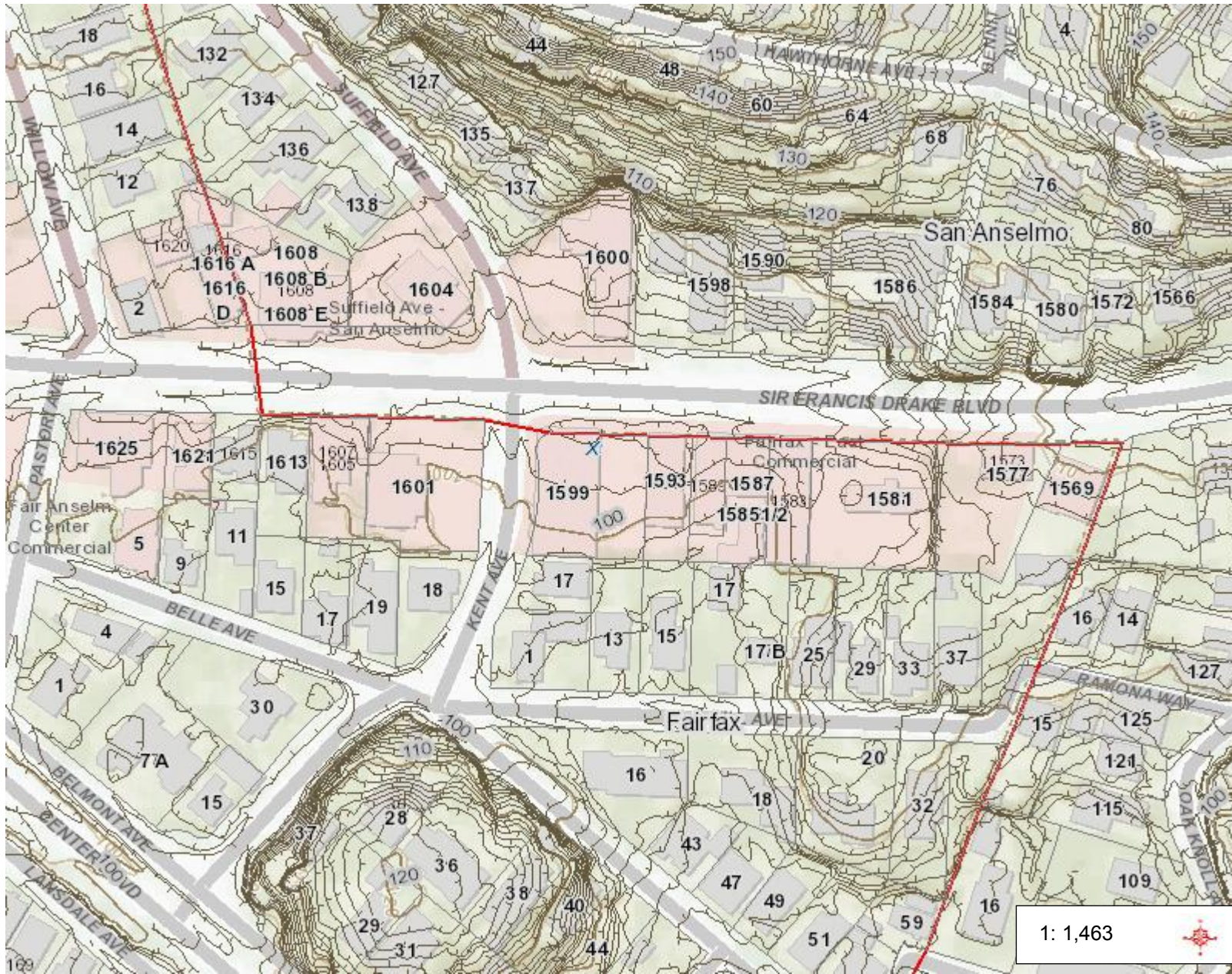
243.8 0 121.89 243.8 Feet

NAD_1983_HARN_StatePlane_California_III_FIPS_0403_Feet
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

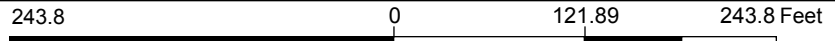
Eastside Commercial, overview



Legend

- Parcel Note
 - easement
 - centerline
- Address
- Parcel
- Condominium Common Area
- Mobile Home Pad
- City
- Old-Community
- Marin County Legal Boundary
- Other Bay Area County
- Elevation_2019_NAVD88_2Ft
- Interior
- Index
- MMWD Easement
- Base Flood Elev, August 2017
- Flood Hazard Zone, August 20
 - A
 - AE
 - AE, FLOODWAY
 - AH
 - AO
 - D
 - V
 - VE
 - X
 - X
 - X

1: 1,463



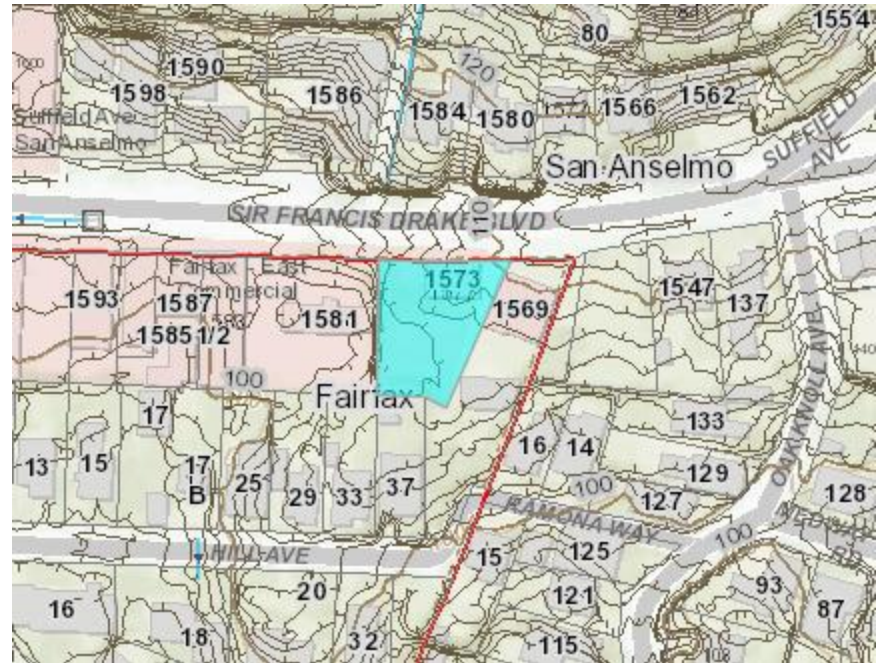
NAD_1983_HARN_StatePlane_California_III_FIPS_0403_Feet
© Latitude Geographics Group Ltd.

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Parcel Information

Property ID: 002-213-10
Address: 1573 SIR FRANCIS DRAKE BLVD ,
FAIRFAX
Land Use: Commercial - Improved
Units: 0
Tax Rate Area: 003-000
Average Slope: 6.88



Parcel highlighted in blue

This parcel is in these Tax Districts

- CITY : FAIRFAX (TOWN OF)
- ELEM. SCHOOL : ROSS VALLEY
- HIGH SCHOOL : TAMALPAIS UNION
- COMM. COLLEGE : MARIN JUNIOR
- MOSQ & VECTOR CONTRL : MARIN SONOMA
JT(21,49)
- BRIDGE : GOLDEN GATE JT(08,21,23,28,38)
- AIR QUALITY MGMT. : BAY AREA
JT(1,7,21,28,38,41,43,48,49)
- HOSPITAL : MARIN COUNTY (GENERAL)
- REGIONAL PARK : MARIN COUNTY
- TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

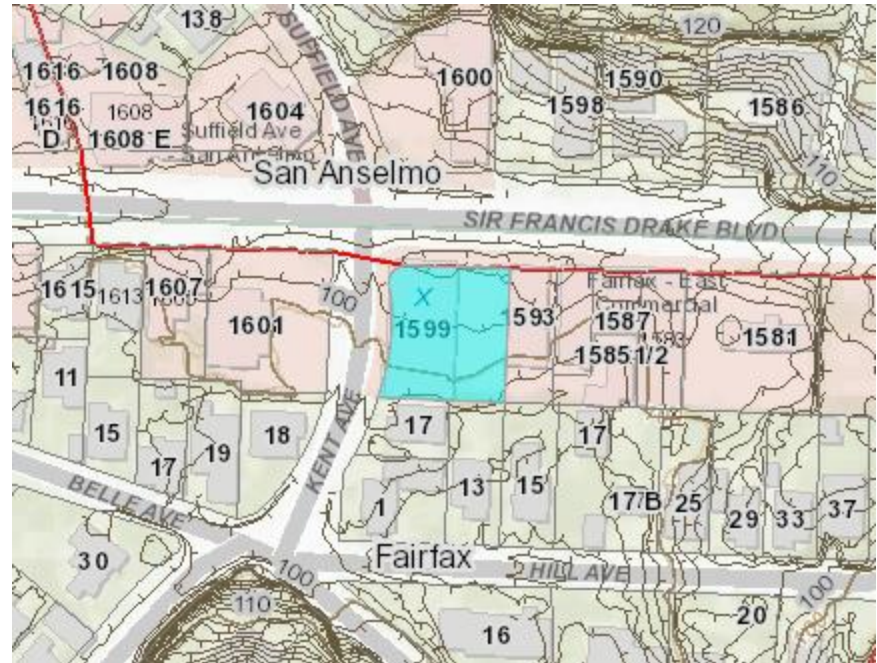
MarinMap Site Parcel Report

Property ID: 002-213-27

Report generated 9/22/2022 3:13:26 PM

Parcel Information

Property ID: 002-213-27
Address: 1599 SIR FRANCIS DRAKE BLVD ,
FAIRFAX
Land Use: Commercial - Improved
Units: 0
Tax Rate Area: 003-000
Average Slope: 3.52



Parcel highlighted in blue

This parcel is in these Tax Districts

- CITY : FAIRFAX (TOWN OF)
- ELEM. SCHOOL : ROSS VALLEY
- HIGH SCHOOL : TAMALPAIS UNION
- COMM. COLLEGE : MARIN JUNIOR
- MOSQ & VECTOR CONTRL : MARIN SONOMA
JT(21,49)
- BRIDGE : GOLDEN GATE JT(08,21,23,28,38)
- AIR QUALITY MGMT. : BAY AREA
JT(1,7,21,28,38,41,43,48,49)
- HOSPITAL : MARIN COUNTY (GENERAL)
- REGIONAL PARK : MARIN COUNTY
- TRANSIT : MARIN COUNTY

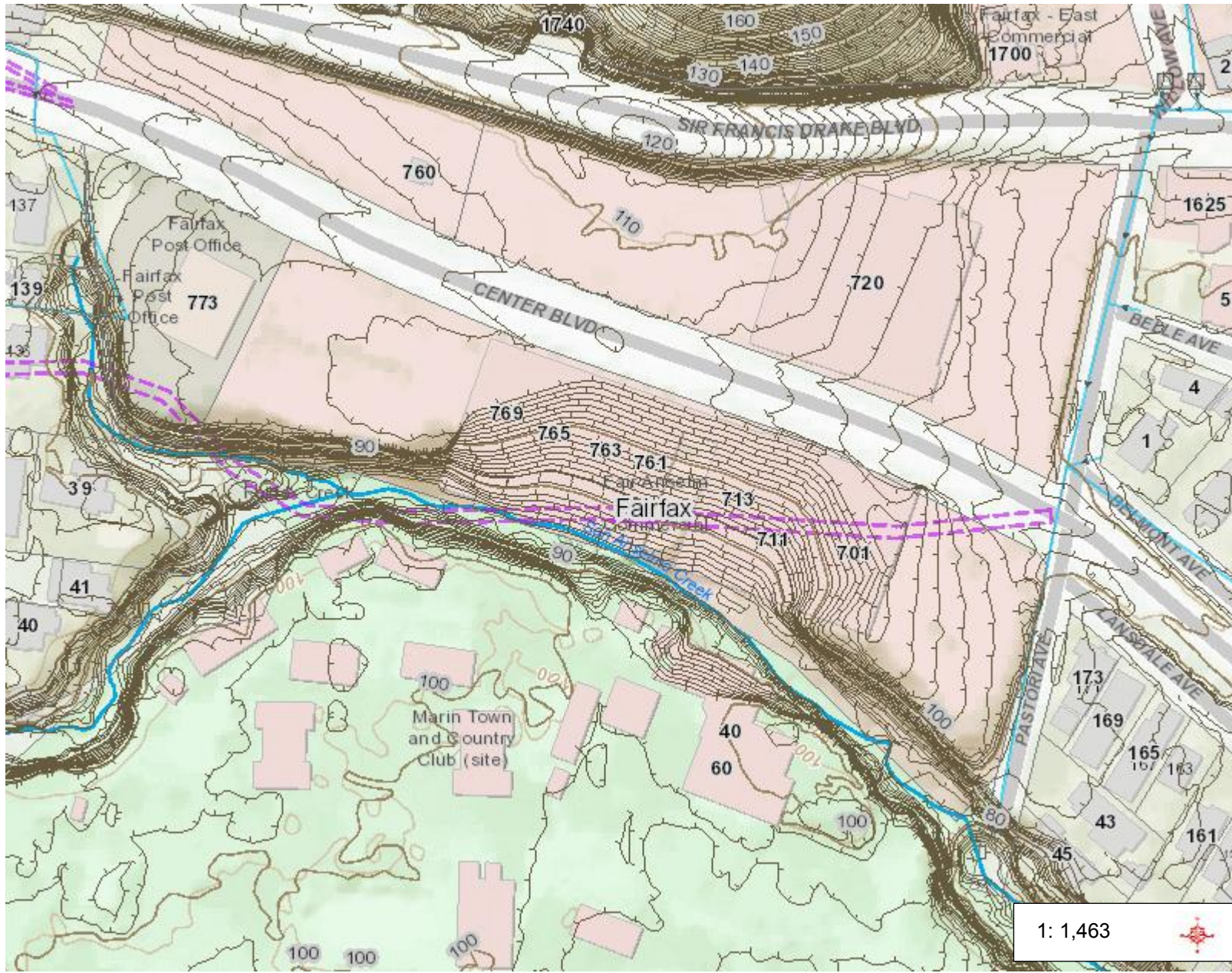
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

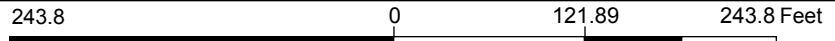
711 center blvd



Legend

- Parcel Note
 - easement
 - centerline
- Address
- Parcel
- Condominium Common Area
- Mobile Home Pad
- Easement (Access)
- City
- Old-Community
- Marin County Legal Boundary
- Other Bay Area County
- Elevation_2019_NAVD88_2Ft
 - Interior
 - Index
- PG&E Gas Transmission Line
- Catch Basin
- Pipes
- DMA Facility
- MMWD Easement
- Stream - Perennial (NHD)

1: 1,463



Notes

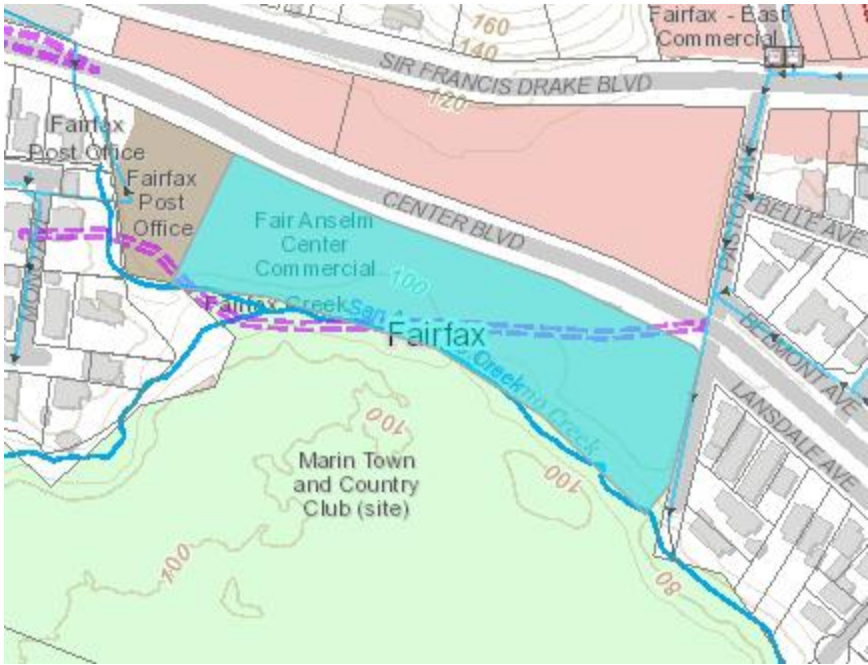
MarinMap Site Parcel Report

Property ID: 002-131-14

Parcel Information

Report generated 9/21/2022 3:36:30 PM

Property ID: 002-131-14
Address: 711 CENTER BLVD , FAIRFAX
Land Use: Commercial - Improved
Units: 0
Tax Rate Area: 003-000
Average Slope: 17.97



Parcel highlighted in blue

Census:	114100	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	145	Fire Service:	Ross Valley Fire Department
Zoning:	CH	Fire Authority:	Ross Valley Fire Department

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

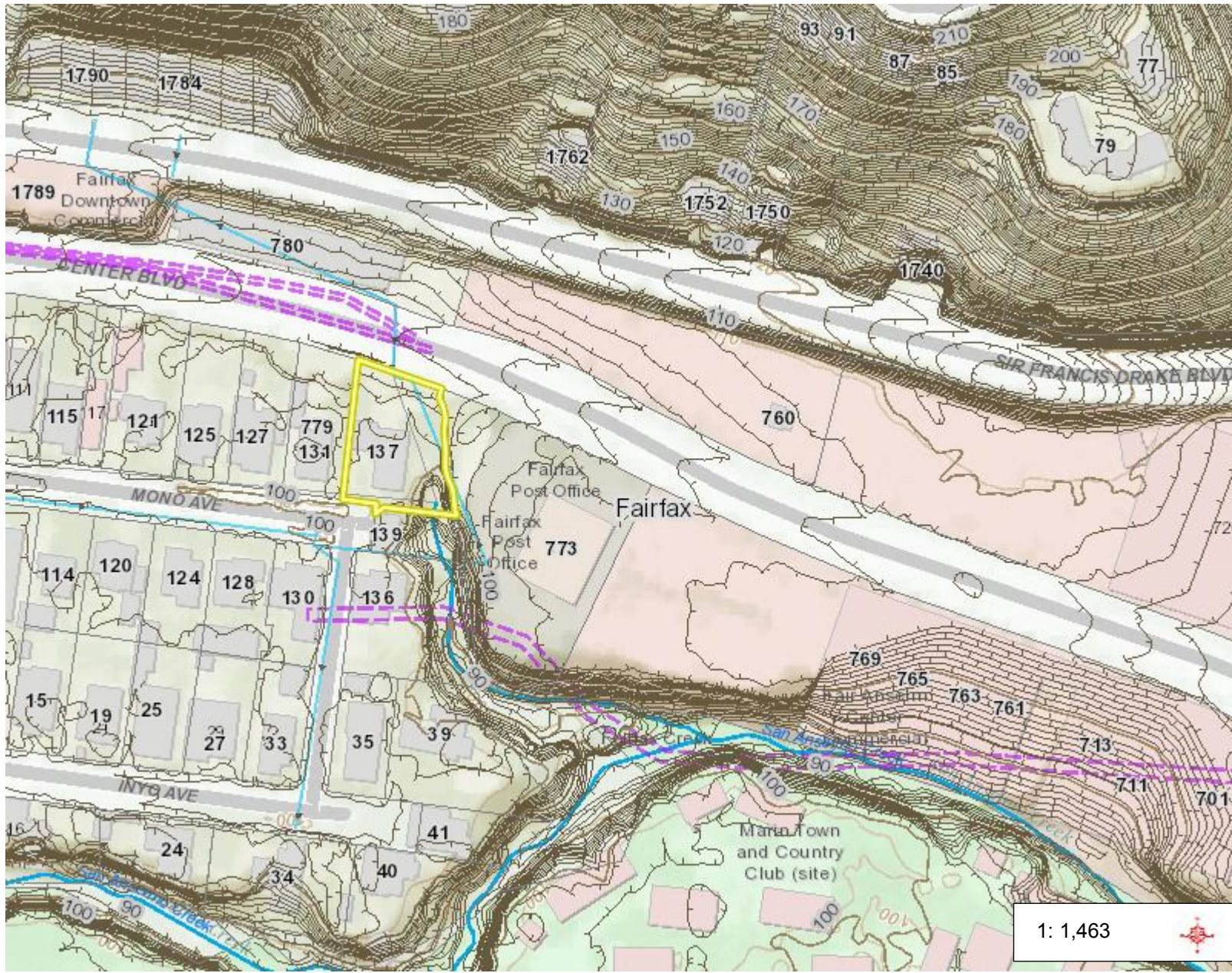
REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT-ORIGINAL AREA

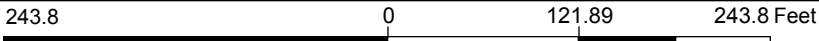
SANITATION : ROSS VALLEY



Legend

- Parcel Note
 - easement
 - centerline
- Address
 - Parcel
 - Condominium Common Area
 - Mobile Home Pad
 - Easement (Access)
- City
 - City
 - Old-Community
 - Marin County Legal Boundary
 - Other Bay Area County
- Elevation_2019_NAVD88_2Ft
 - Interior
 - Index
- PG&E Gas Transmission Line
 -
- Catch Basin
 -
- Pipes
 -
- DMA Facility
 -
- MMWD Easement
 -
- Stream - Perennial (NHD)
 -

1: 1,463



Notes

Parcel Information

Property ID: 002-123-74

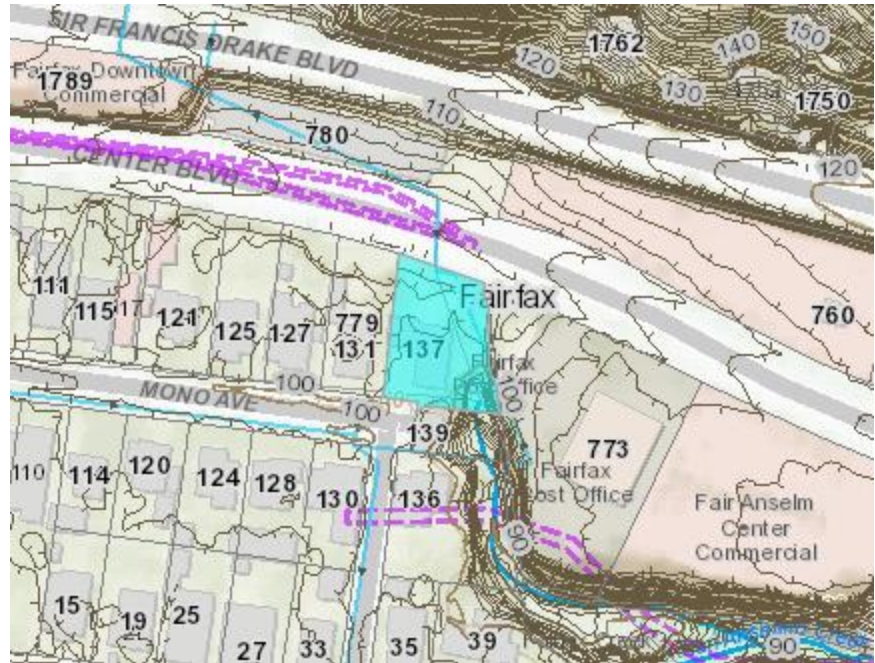
Address: 137 MONO AVE , FAIRFAX

Land Use: Single-Resid. - Improved

Units: 1

Tax Rate Area: 003-000

Average Slope: 8.84



Parcel highlighted in blue

Census:	114100	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	145	Fire Service:	Ross Valley Fire Department
Zoning:	CC	Fire Authority:	Ross Valley Fire Department
	CC - Central Commercial		

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

Census:	114100	Local Coastal Plan:	
---------	--------	---------------------	--

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MarinMap Site Parcel Report

Property ID: 002-123-74

District:	2	Katie Rice	Dam Failure Area:	
Wildland Interface:	Y		Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley		Stream Conserv. Area/Buffer:	0
Community:			CWP Area:	Upper Ross Valley
ClubList:			CWP Corridor:	CITY-CENTERED
Traffic Zone:	145		Fire Service:	Ross Valley Fire Department
Zoning:	RD-5.5-7		Fire Authority:	Ross Valley Fire Department
	RD-5.5-7 Residential			

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

This parcel is in these Tax Districts

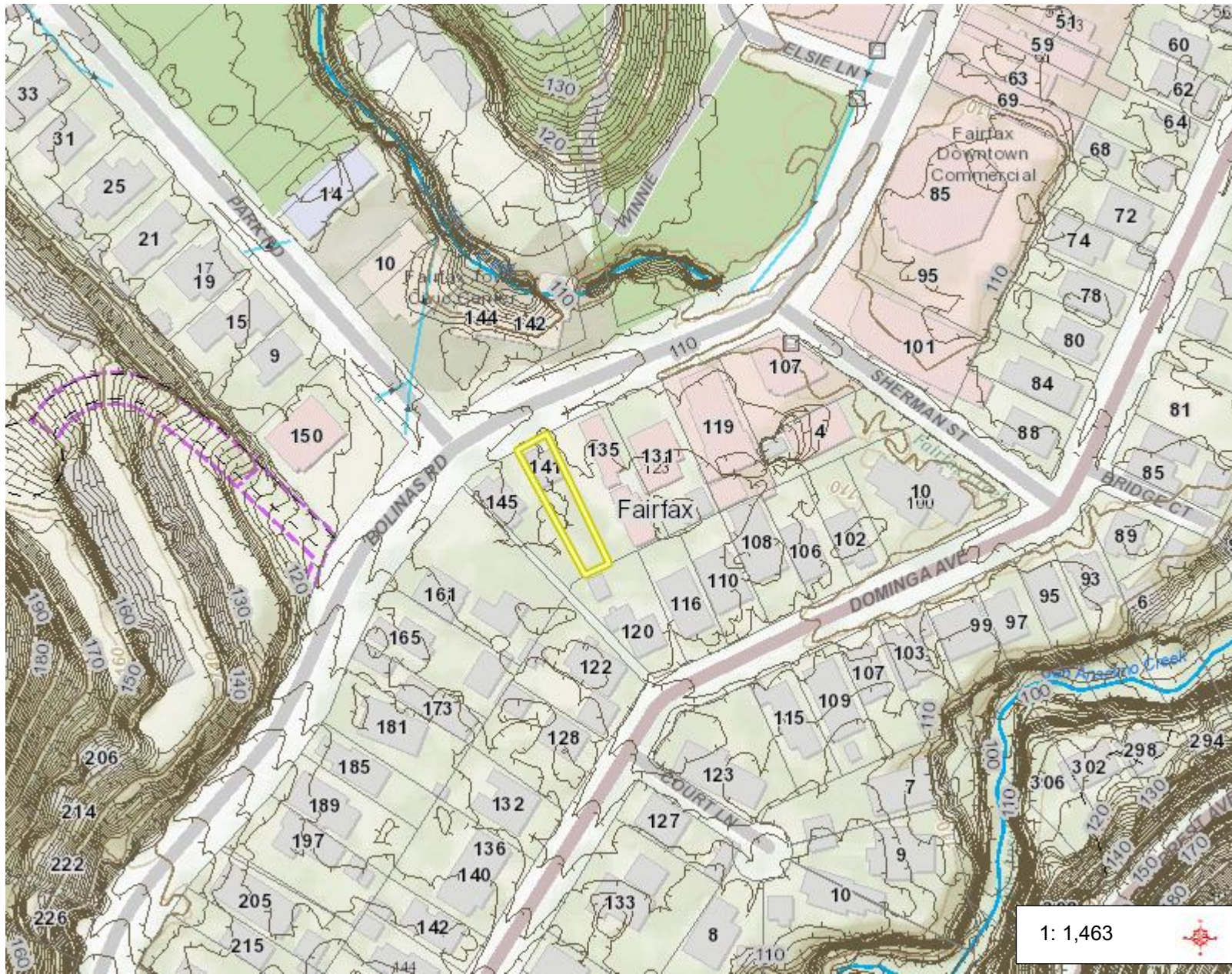
- CITY : FAIRFAX (TOWN OF)
- ELEM. SCHOOL : ROSS VALLEY
- HIGH SCHOOL : TAMALPAIS UNION
- COMM. COLLEGE : MARIN JUNIOR
- MOSQ & VECTOR CONTRL : MARIN SONOMA JT(21,49)
- BRIDGE : GOLDEN GATE JT(08,21,23,28,38)
- AIR QUALITY MGMT. : BAY AREA JT(1,7,21,28,38,41,43,48,49)
- HOSPITAL : MARIN COUNTY (GENERAL)
- REGIONAL PARK : MARIN COUNTY
- TRANSIT : MARIN COUNTY
- MUNICIPAL WATER : MARIN
- MOSQ & VECTOR CONTRL : MARIN SONOMA

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

.JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

141 bolinas



Legend

- Parcel Note
 - easement
 - centerline
- Address
- Parcel
- Condominium Common Area
- Mobile Home Pad
- Easement (Access)
- City
- Old-Community
- Marin County Legal Boundary
- Other Bay Area County
- Elevation_2019_NAVD88_2Ft
 - Interior
 - Index
- PG&E Gas Transmission Line
- Catch Basin
- Pipes
- DMA Facility
- MMWD Easement
- Stream - Perennial (NHD)

1: 1,463

Notes

243.8 0 121.89 243.8 Feet

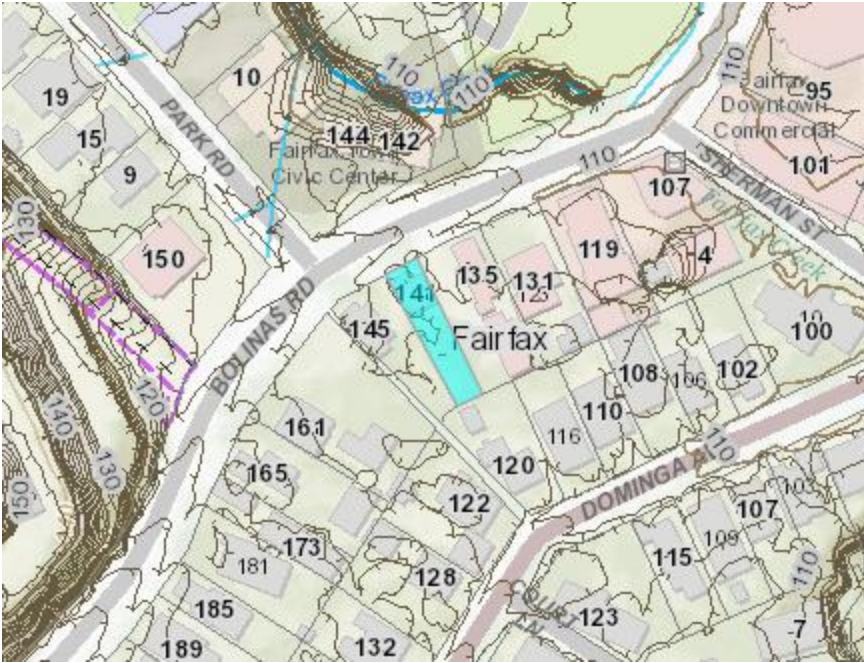
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Parcel Information

Property ID: 002-104-04
Address: 141 BOLINAS RD , FAIRFAX
Land Use: Single-Resid. - Improved
Units: 1
Tax Rate Area: 003-000
Average Slope: 6.36



Parcel highlighted in blue

Census: 114100
District: 2 Katie Rice
Wildland Interface:
Community Plan: Upper Ross Valley
Community:
ClubList:
Traffic Zone: 145
Zoning: CC
CC - Central Commercial

Local Coastal Plan:
Dam Failure Area:
Alquist Priolo Zone:
Stream Conserv. Area/Buffer: 0
CWP Area: Upper Ross Valley
CWP Corridor: CITY-CENTERED
Fire Service: Ross Valley Fire Department
Fire Authority: Ross Valley Fire Department

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

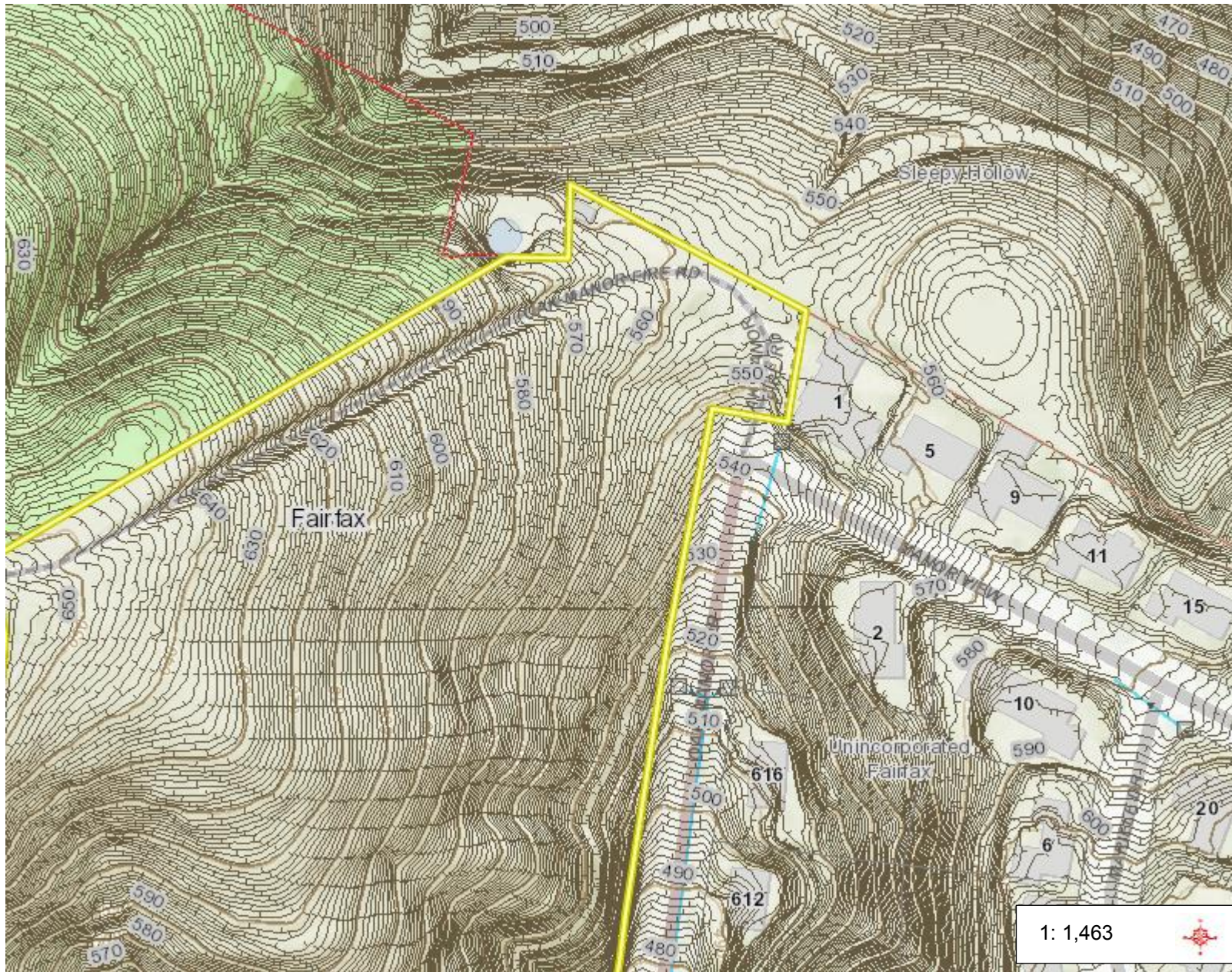
TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

615 oak manor



Legend

- Parcel Note
 - easement
 - centerline
- Address
- Parcel
- Condominium Common Area
- Mobile Home Pad
- Easement (Access)
- City
- Old-Community
- Marin County Legal Boundary
- Other Bay Area County
- Elevation_2019_NAVD88_2Ft
 - Interior
 - Index
- PG&E Gas Transmission Line
- Catch Basin
- Pipes
- DMA Facility
- MMWD Easement
- Stream - Perennial (NHD)

1: 1,463



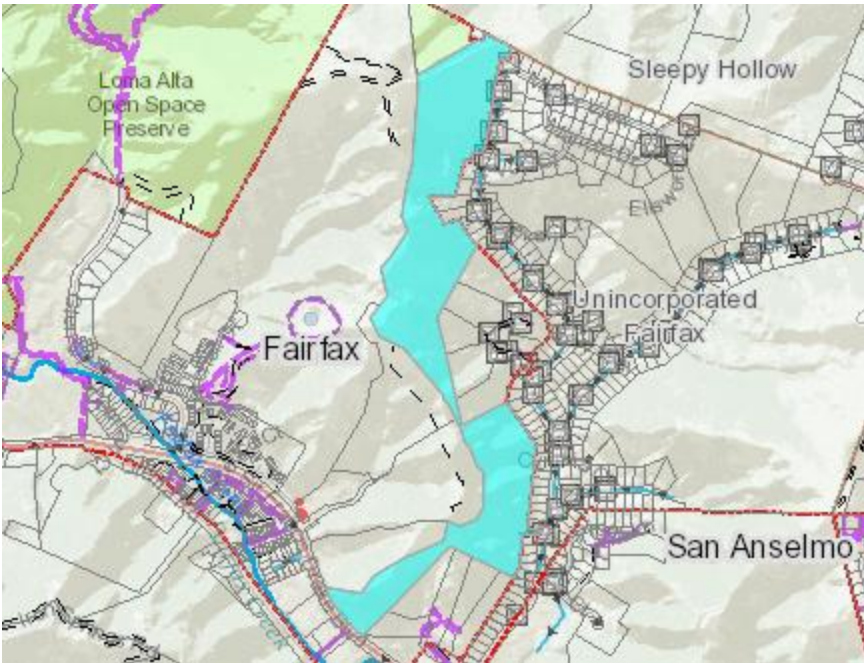
243.8 0 121.89 243.8 Feet

Notes

Parcel Information

Report generated 9/21/2022 3:46:44 PM

Property ID: 174-070-71
Address:
Land Use: Single-Resid. - Improved
Units: 1
Tax Rate Area: 003-001
Average Slope: 49.12



Parcel highlighted in blue

Census:	114200	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	147	Fire Service:	Ross Valley Fire Department
Zoning:	RS-6	Fire Authority:	Ross Valley Fire Department
	RS-6 Single Family Residential		

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA
JT(1,7,21,28,38,41,43,48,49)

FLOOD CONTROL : COUNTY- ZN. NO. 09 (FCZ
#9 - ROSS VALLEY)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

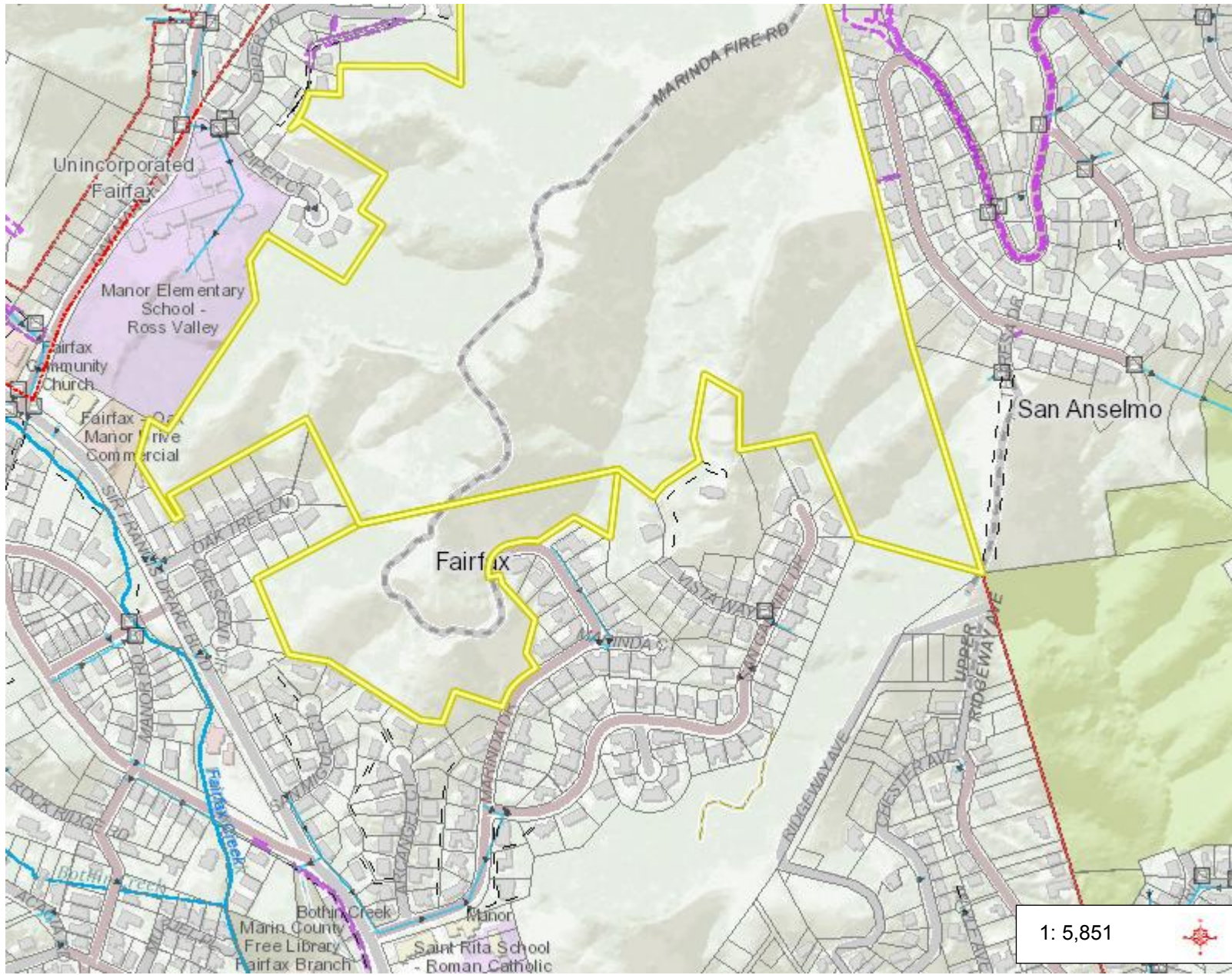
MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY



topo marina heights



Legend

- Parcel Note
 - easement
 - centerline
- Parcel
 - Condominium Common Area
 - Mobile Home Pad
- Easement (Access)
- City
 - Old-Community
- Marin County Legal Boundary
- Other Bay Area County
- Elevation_2019_NAVD88_10F
 - Interior
 - Index
- PG&E Gas Transmission Line
- Catch Basin
- Pipes
- DMA Facility
- MMWD Easement
- Stream - Perennial (NHD)

Notes

975.1 0 487.56 975.1 Feet

NAD_1983_HARN_StatePlane_California_III_FIPS_0403_Feet
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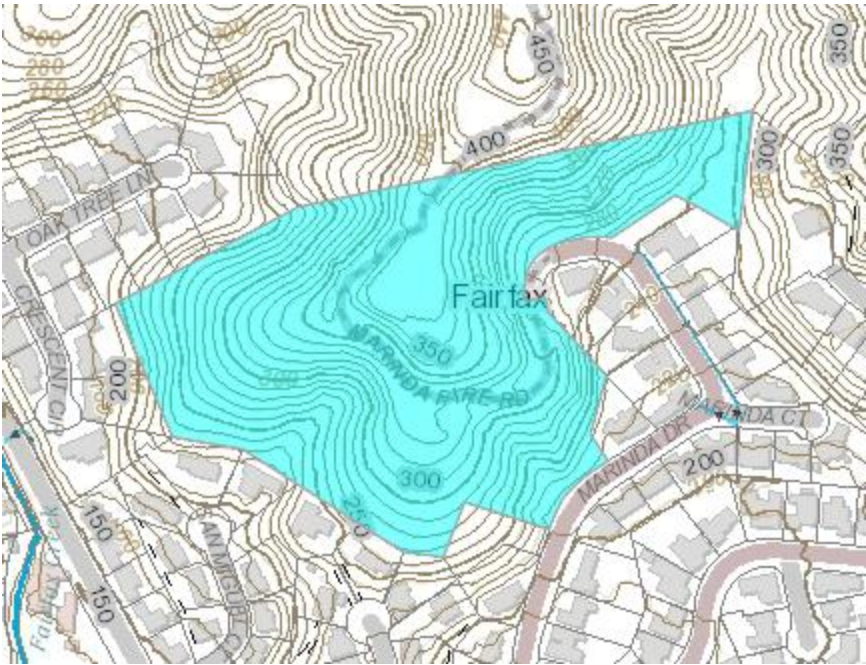
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Parcel Information

Report generated 9/21/2022 3:56:31 PM

Property ID: 001-251-31
Address:
Land Use: Single-Resid. - Unimproved
Units: 0
Tax Rate Area: 003-000
Average Slope: 50.70



Parcel highlighted in blue

Census:	114200	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	147	Fire Service:	Ross Valley Fire Department
Zoning:	UR-10	Fire Authority:	Ross Valley Fire Department
	UR-10 Upland Residential (10ac/du)		

Flood Zone: X Insurance Required: N

Zones B, C, and X are the flood insurance rate zones that correspond to areas outside the 1-percent annual chance floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1-percent annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

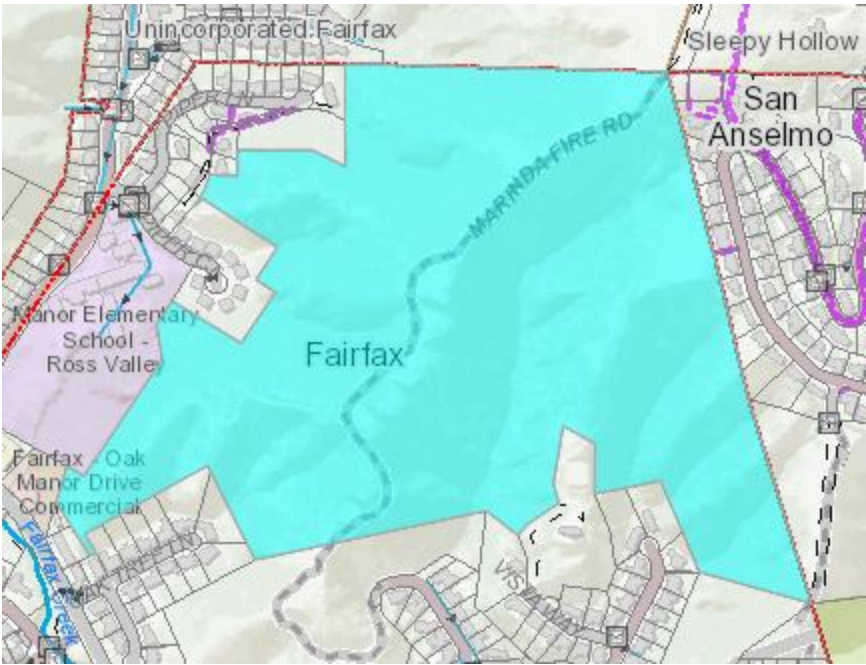
MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

Parcel Information

Property ID: 001-150-12
Address:
Land Use: Single-Resid. - Unimproved
Units: 0
Tax Rate Area: 003-000
Average Slope: 58.42



Parcel highlighted in blue

Census:	114200	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	147	Fire Service:	Ross Valley Fire Department
Zoning:	UR-10	Fire Authority:	Ross Valley Fire Department
	UR-10 Upland Residential (10ac/du)		

Flood Zone: X Insurance Required: N

Zones B, C, and X are the flood insurance rate zones that correspond to areas outside the 1-percent annual chance floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1-percent annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.

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This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

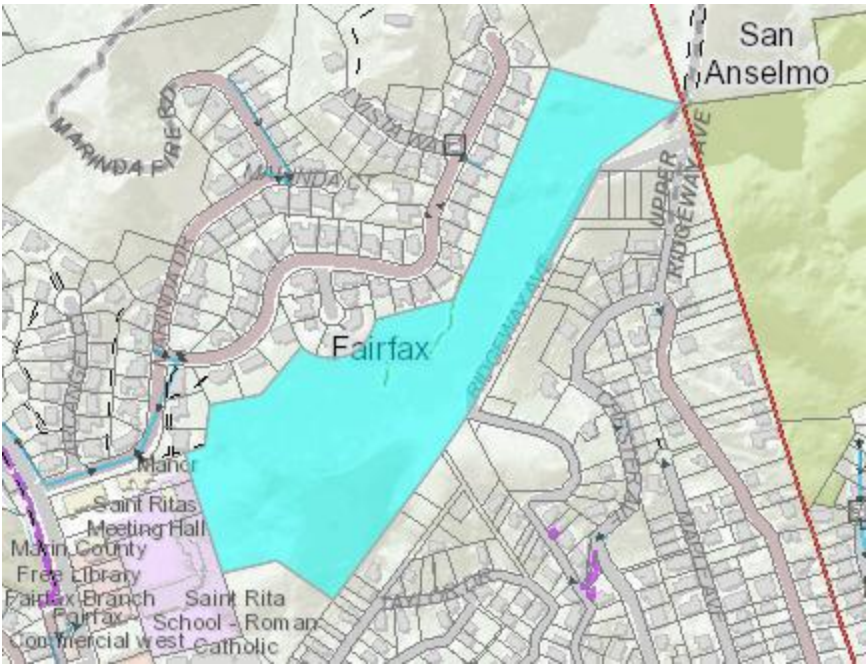
MOSQ & VECTOR CONTRL : MARIN SONOMA
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

Parcel Information

Report generated 9/21/2022 3:59:07 PM

Property ID: 001-160-09
Address:
Land Use: Single-Resid. - Unimproved
Units: 0
Tax Rate Area: 003-000
Average Slope: 50.04



Parcel highlighted in blue

Census:	114200	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	147	Fire Service:	Ross Valley Fire Department
Zoning:	UR-10	Fire Authority:	Ross Valley Fire Department
	UR-10 Upland Residential (10ac/du)		

Flood Zone: X **Insurance Required:** N

Zones B, C, and X are the flood insurance rate zones that correspond to areas outside the 1-percent annual chance floodplain, areas of 1-percent annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1-percent annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1-percent annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.

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This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

















MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY



Legend

- Parcel Note
 -  easement
 -  centerline
- Parcel
 -  Condominium Common Area
 -  Mobile Home Pad
- Easement (Access)
-  City
-  Old-Community
-  Marin County Legal Boundary
-  Other Bay Area County
- Elevation_2019_NAVD88_10F
 -  Interior
 -  Index
-  PG&E Gas Transmission Line
-  Catch Basin
-  Pipes
-  DMA Facility
-  MMWD Easement
-  Stream - Perennial (NHD)

1: 5,851

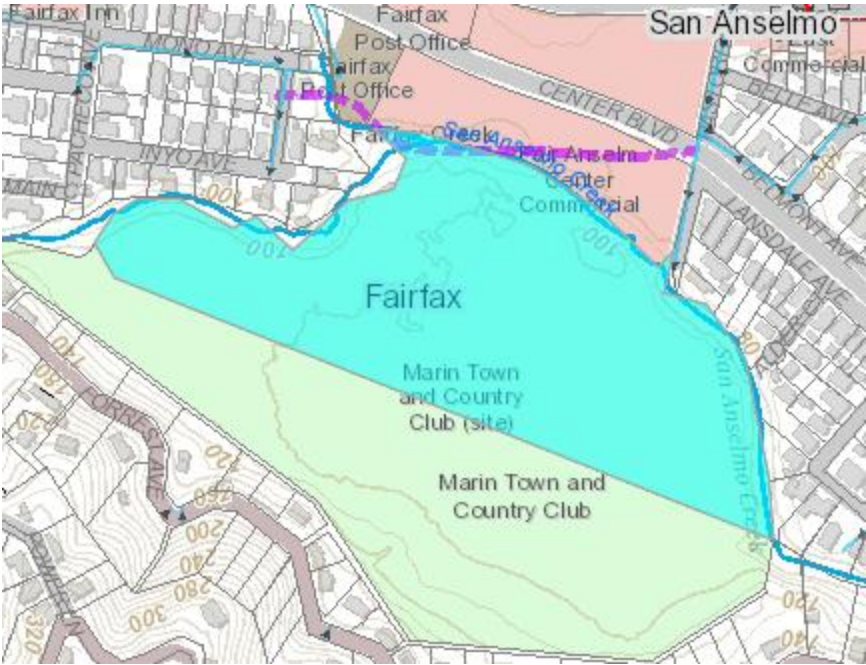


975.1 0 487.56 975.1 Feet

Notes

Parcel Information

Property ID: 002-131-11
Address: 40 PASTORI AVE , FAIRFAX
Land Use: Commercial - Improved
Units: 40
Tax Rate Area: 003-000
Average Slope: 9.15



Parcel highlighted in blue

Census:	114100	Local Coastal Plan:	
District:	2 Katie Rice	Dam Failure Area:	
Wildland Interface:	Y	Alquist Priolo Zone:	
Community Plan:	Upper Ross Valley	Stream Conserv. Area/Buffer:	0
Community:		CWP Area:	Upper Ross Valley
ClubList:		CWP Corridor:	CITY-CENTERED
Traffic Zone:	145	Fire Service:	Ross Valley Fire Department
Zoning:	CR	Fire Authority:	Ross Valley Fire Department
	CR - Recreational Commercial		

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

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This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

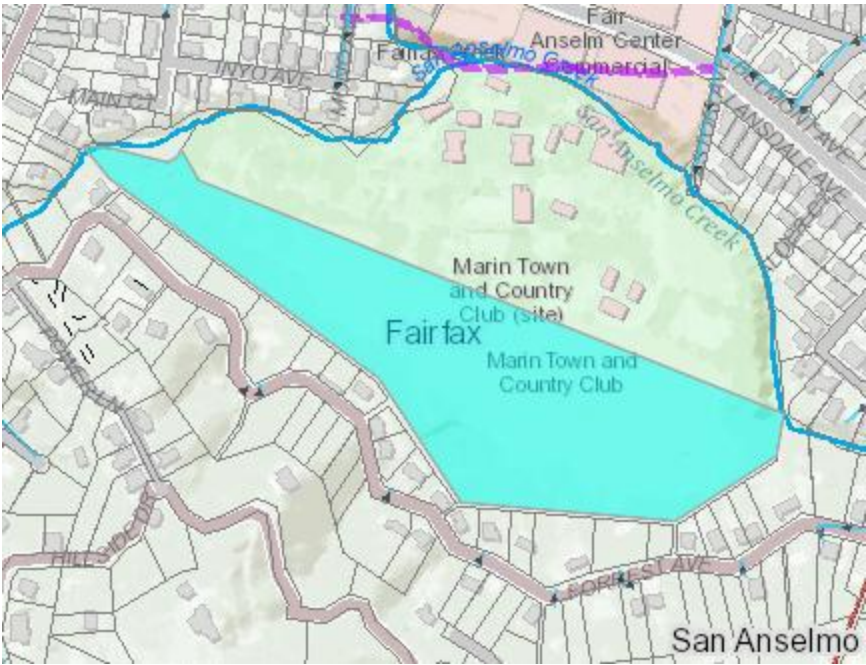
MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

Parcel Information

Property ID: 002-131-10
Address:
Land Use: Commercial - Unimproved
Units: 0
Tax Rate Area: 003-000
Average Slope: 9.22



Parcel highlighted in blue

Census: 114100
District: 2 Katie Rice
Wildland Interface: Y
Community Plan: Upper Ross Valley
Community:
ClubList:
Traffic Zone: 145
Zoning: CR
CR - Recreational Commercial

Local Coastal Plan:
Dam Failure Area:
Alquist Priolo Zone:
Stream Conserv. Area/Buffer: 0
CWP Area: Upper Ross Valley
CWP Corridor: CITY-CENTERED
Fire Service: Ross Valley Fire Department
Fire Authority: Ross Valley Fire Department

Flood Zone: AE Insurance Required: Y

Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by detailed methods of analysis. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply.

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This parcel is in these Tax Districts

CITY : FAIRFAX (TOWN OF)

ELEM. SCHOOL : ROSS VALLEY

HIGH SCHOOL : TAMALPAIS UNION

COMM. COLLEGE : MARIN JUNIOR

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT(21,49)

BRIDGE : GOLDEN GATE JT(08,21,23,28,38)

AIR QUALITY MGMT. : BAY AREA
JT(1,7,21,28,38,41,43,48,49)

HOSPITAL : MARIN COUNTY (GENERAL)

REGIONAL PARK : MARIN COUNTY

TRANSIT : MARIN COUNTY

MUNICIPAL WATER : MARIN

MOSQ & VECTOR CONTRL : MARIN SONOMA
JT-ORIGINAL AREA

SANITATION : ROSS VALLEY

MARIN TOWN & COUNTRY CLUB

P.O. BOX 150870

SAN RAFAEL, CA 94915

mtcc@classactionlocator.com

Heather Abrams
Town Manager
Town of Fairfax
142 Bolinas Rd.
Fairfax, California 94930

September 22, 2022

RE: Notice of Preparation (NOP)
Programmatic EIR
EIR / CEQA

Dear Heather:

At the last meeting discussing the Housing Element, possibly August 31, there was an open discussion inviting Public comment. Specifically, it addressed the NOP for the EIR regarding the overall impact of the collective sites chosen to be included in the upcoming Housing Element. Please recall these sites listed on the tentative Inventory Site List illustrate the distribution of the required housing allotments, RHNA's.

In that meeting I expressed concerns that the known anticipated financial impacts to the community, regarding specific sites, should be included in the EIR. The gentleman from EMC said that he was "only" looking for biodiversity issues. I believe this intentional act to exclude relevant information is misfeasance. It certainly supports the arbitrary and subjective approach the Town employs towards the allocation of housing opportunities that otherwise should be available to the general community.

The reason we should employ a more objective standard, it better addresses the inequity different stakeholders have endured from this Town over the last 79 years. An objective standard would include financial feasibility comparisons between the different sites. This approach would also ensure the contemplated sites actually get built.

When any State, County, Agency, or Town, knowingly withholds readily available facts that a reasonable person would rely on before foisting their discission, it provides legal standing for all disenfranchised individuals. The entire Town has standing due to the future financial impacts withheld by your process.

To determine which agencies, need to be consulted, CEQA asks; *What resources are affected by the (a) Project?* Utilities are resources, they need to be included.

A site comparison financial feasibility report should be presented within the Fairfax Housing Element.

If one site is flat and two of your sites have an incline exceeding 49% , what is the public exposure to the costs to be incurred to provide roads, utilities, Fire Safety Egress and Fire Water suppression to the incline? Please recall the recent decision by MMWD not to provide water to the Martha Company due to access and elevation.

If one site has all the required sewage and water capacity and another site does not; will the public be advised that a future Bond of maybe \$25m will be foisted upon the public to pay for this unnecessary expense, because of choosing one site without utilities over another with utilities?

CEQA 65864 Policy

c) The lack of public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, is a serious impediment to the development of new housing. Whenever possible, applicants and local governments may include provisions in agreements whereby applicants are reimbursed over time for financing public facilities.

If costs of a project exceed the anticipated return on investment, no building will occur. In the past these additional costs would render a project infeasible. It was a way Towns could provide sites, knowing nothing will ever be built there. The HCD has financial ramifications to address such avoidance.

A Financial Feasibility report is required and a quantitative determination comparing different sites containing different utilities; is a resource that must be provided in the Housing Element when known. If these real costs are not provided, how could the public make an informed decision?

Please accept the above as informational, to encourage compliance within the Housing Element. An objective process benefits all parties. Arbitrary and subjective approaches only serve to expose our Town to legal claims and continue the inequity objectivity tries to tamper down.

Thank you

Michael Mackintosh

Some interested parties that should have input for compliance:

California:

Environmental Protection Agency	Air Resources Board
Regional Water Quality Control Board	State Transportation Agency
Highway Patrol	Department of Fish and Wildlife
Department of Parks and Recreation	

U.S:

Army Corps of Engineers

Marin:

Flood District 9	Transportation Authority of Marin
MMWD	RVSD
PG&E	Golden Gate Bridge Highway & Transportation District

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



June 10, 2022

Elyse Lowe, Director
Development Services Department
City of San Diego
1222 First Avenue
San Diego, CA 92101

Dear Elyse Lowe:

RE: 2662 Garnet Avenue – Letter of Technical Assistance

The purpose of this letter is to provide technical assistance to the City of San Diego (City) regarding a proposed 100-percent affordable residential infill project to be located at 2662 Garnet Avenue (Project). The Project applicant submitted a request for technical assistance to the California Department of Housing and Community Development (HCD) on March 3, 2022, and the City subsequently asked for clarification on the relationship between State Density Bonus Law (SDBL) and the City's Coastal Height Limit Overlay Zone (CHLOZ) which was created via voter initiative. Specifically, the applicant wanted to know if the SDBL might permit a qualifying housing development to exceed the 30-foot building height limit established by the CHLOZ, given that the Project site is located outside of the State Coastal Zone (and is therefore not subject to the requirements of the Coastal Act or the City's Local Coastal Program).

Background

HCD understands the Project would create 60 deed-restricted units that would be affordable to low- and very low-income households. The Project would serve transitional aged youth, veterans experiencing homelessness, and low-income individuals. The ground floor would contain supportive services. HCD understands that the Project meets the criteria of Government Code section 65915, subdivision (b)(1)(G), and is located within one-half mile of a major transit stop. Therefore, pursuant to Government Code section 65915, subdivision (d)(2)(D), the project "shall . . . receive a height increase of up to three additional stories, or 33 feet."

The critical issue relates to the potential significance of the fact that the 30-foot height limit was established via voter initiative and not by City Council action (as local development standards are typically established). The City appears to believe that because its height restriction was created by a voter initiative, a state law like the SDBL cannot require the City to grant the height increase. Therefore, the question presented

Is: Is a development standard created by voter initiative immune from the requirements of the State Density Bonus Law?

Brief Answer

No. The State Legislature can and does preempt local initiatives. "If otherwise valid local legislation conflicts with state law, it is preempted by such law and is void." Sherwin-Williams Co. v. City of Los Angeles (1993) 4 Cal.4th 893, 897, 16 Cal.Rptr.2d 215, 217. It makes no difference that the local law was created by voter initiative. Courts have repeatedly held that the Legislature can preempt local initiatives that conflict with state law. See, for example, Building Industry Association v. City of Oceanside, (1994) 27 Cal.App.4th 744, 771-72, 33 Cal.Rptr.2d 137, 154-55 (local growth control initiative invalid because of facial conflict with state housing policy).

Analysis

Under the California Constitution, a city or county may make and enforce ordinances and regulations "not in conflict with general laws." (Cal. Const., art. XI, section 7). Conversely, a city may not make or enforce a regulation that conflicts with state law. As noted above, "If otherwise valid local legislation conflicts with state law, it is preempted by such law and is void." See, Sherwin-Williams Co. v. City of Los Angeles (1993) 4 Cal.4th 893, 897, 16 Cal.Rptr.2d 215, 217. The City of San Diego apparently interprets the development standard at issue here as disallowing the height increase guaranteed by SDBL. Accordingly, the development standard conflicts with SDBL and is void.

For purposes of preemption analysis, it makes no difference that the preempted local regulation was enacted by local voter initiative. California courts have repeatedly held that the Legislature can preempt local initiatives that conflict with state law. For example, in City of Watsonville v. State Department of Health Services (2005) 133 Cal.App.4th 875, 881, 35 Cal.Rptr.3d 216, 218, the court invalidated a local initiative prohibiting fluoridation of the water supply because the initiative conflicted with state law. Similarly, and especially relevant here, in Building Industry Association v. City of Oceanside, (1994) 27 Cal.App.4th 744, 771-72, 33 Cal.Rptr.2d 137, 154-55, the court struck down a local growth control initiative because it conflicted with state housing policy.¹

¹ The fact that San Diego is a charter city does not change this analysis. California courts have repeatedly held that housing is a matter of statewide concern and that state housing laws preempt conflicting local law. See, for example, Ruegg & Ellsworth v. City of Berkeley (2021) 63 Cal.App.5th 277, 277 Cal.Rptr.3d 649 (SB 35, codified as Government Code section 65913.4, preempts conflicting charter city ordinance) and Anderson v. City of San Jose (2019) 42 Cal.App.5th 683, 709-710, 255 Cal.Rptr.3d 654 (Surplus Land Act preempts conflicting charter city ordinance). See also, Buena Vista Gardens Apartments Association v. City of San Diego (1985) 175 Cal.App.3d 289, 306, 220 Cal.Rptr. 732, 742 (Housing Element Law applies in the charter city of San Diego. "[I]f a matter is of statewide concern, then charter cities must yield to the applicable general state laws regardless of the provisions of its charter.").

The ability of state law to preempt conflicting local initiatives is necessary for the state to regulate areas of statewide concern. As the court stated in Mission Springs Water Dist. v. Verjil (2013) 218 Cal.App.4th 892, 920, 160 Cal.Rptr.3d 524, 545, "[i]f the state Legislature has restricted the legislative power of a local governing body, that restriction applies equally to the local electorate's power of initiative. . . . If the rule were otherwise, the voters of a city, county, or special district could essentially exempt themselves from statewide statutes."

Conclusion

HCD respects the challenges inherent in infill development and applauds the City's commitment to the production of affordable housing. Based on maps provided to HCD by City staff, it appears that a substantial amount of land shares the same particular characteristics as the subject site (i.e., located outside of the Coastal Zone but inside the 30-foot height limit area of the CHLOZ). It is HCD's hope that the determinations made in this letter might serve to further facilitate the production of affordable housing in these areas, especially insofar as the 30-foot height limit may have been a barrier to SDBL-enabled applications in the past. If you have questions or need additional information, please contact Brian Heaton, of our staff, at brian.heaton@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Shannan West". The signature is written in a cursive, flowing style.

Shannan West
Housing Accountability Unit Chief

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Housing Element Feedback
Date: 27.04.2023 16:52:20 (+02:00)

From: Artem Shnayder <artem.shnayder@gmail.com>
Sent: Wednesday, April 26, 2023 8:50 PM
To: Housing <Housing@townoffairfax.org>
Cc: Elise Hartinger <Elisehartinger@gmail.com>
Subject: Housing Element Feedback

Hello,

My name is Artem Shnayder of 66 San Gabriel Dr. My fiancée, Elise Hartinger, and I bought a house here last summer. We are writing to express our concern over the prospect of development at the Wall Property / Marinda Heights.

The day before we made an offer on this house, Elise and I hiked along the Wall Property ridgeline. We took in the beautiful vistas and fell in love with the storybook town of Fairfax. Since then, we've gotten to know the Wall Property ridgeline well. It sits right above our house. There's a little known, steep trail you can climb all the way up there, right from our backyard. The eucalyptus trees that line the ridge whistle on those windy nights and they remind us of why we moved to this beautiful town on the wildlife-urban interface.

As you prepare your plans for the Housing Element, please consider the essence of what's made Fairfax such a great place to live for all the people that have settled here. The open space, the ridgelines, and that feeling of simultaneous peace and excitement from a walk up the hill and through the woods.

We urge you to keep that space open, free, and undeveloped for the current generation and for all future generations to enjoy.

Best,
Elise & Artem

From: **Andrew Hill** <andrew@dyyettandbhatia.com>
To: **Clare Kucera** <clare@dyyettandbhatia.com>
Subject: Fwd: Comments for the NOP // Housing Element
Date: 28.04.2023 16:51:53 (+02:00)
Attachments: site comparrison.xls (4 pages), text.html (1 page)

Please double check and make sure this is reflected in the comments summary memo and compiled with other emails/letters. - Andrew

Begin forwarded message:

From: Rajeev Bhatia <rajeev@dyyettandbhatia.com>
Subject: Fwd: Comments for the NOP // Housing Element
Date: April 28, 2023 at 4:22:59 PM PDT
To: Andrew Hill <andrew@dyyettandbhatia.com>

Begin forwarded message:

From: Marin Town and Country Club <mtcc@classactionlocator.com>
Subject: Comments for the NOP // Housing Element
Date: April 28, 2023 at 4:15:54 PM PDT
To: "habrams@townoffairfax.org" <habrams@townoffairfax.org>
Cc: "bcoler@townoffairfax.org" <bcoler@townoffairfax.org>, "backerman@townoffairfax.org" <backerman@townoffairfax.org>, "shellman@townoffairfax.org" <shellman@townoffairfax.org>, "lblash@townoffairfax.org" <lblash@townoffairfax.org>, "ccutrano@townoffairfax.org" <ccutrano@townoffairfax.org>, "info@dyyettandbhatia.com" <info@dyyettandbhatia.com>, "dhortert@4leafinc.com" <dhortert@4leafinc.com>, "mlockaby@townoffairfax.org" <mlockaby@townoffairfax.org>, "lnéal@townoffairfax.org" <lnéal@townoffairfax.org>

Dear Heather:

Attached please find a spreadsheet (Entitled: Site Comparison) supporting that the Town of Fairfax is recycling parcels that were listed in prior Housing Elements and again they are being included in our current Housing Element. We call this to your attention as it illustrates the continued misfeasance and nonfeasance of the Town of Fairfax's Town Council as it relates to the Housing Element and public disclosure.

The attached spreadsheet illustrates 29 parcels that are included in our current Housing Element Public Review Draft, that were included in prior Housing Elements. These are highlighted in yellow for your convenience.

Undeveloped parcels included in prior Housing Elements have proven to be infeasible to develop due to the costs related to access, slope, and lack of utilities. On our current Housing Opportunity Site list, we have brought to your attention that Miranda Heights is a collective 50.2% and the Manor parcel is a collective 49.5%. HCD has already shared their reservations about including such steep parcels, contrary to what your consultant Andrew Hill publicly shared at our April 19th Housing Element NOP meeting.

In your new list the Town has out done itself by including APN #002-123-17 and APN #002-144-01. These slopes are 57.61% and 63.28%

respectively. We ask, which illustrates your subjective approach, why was APN # 002-191-13, also Town owned property not included?

Please recall these three parcels are downhill from an unreinforced single lane road. The cost to develop would exceed any reasonable expectations. Therefore, the Town must have included these to fluff your RHNA with no real expectations that they will ever or could ever be developed.

These parcels, as well as 2600 Sir Francis Drake, Miranda Heights and Manor property, do not have infrastructure for any development.

I also feel it in bad form to re-zone our publicly paid for open space property which we have reserved for safety access to the Lands of MT&CC. Please recall APN #002-123-17, #002-144-01, and #002-191-13, are all adjacent to the MT&CC's 25 acres of flat land, located above the 500-year floodplain.

Furthermore, we call to your attention that the newly presented Housing Opportunity site list uses "Family Sur Names" in place of some street addresses and street addresses in other. This obfuscates the information so as to confuse and restrict peoples ability to comment. Even further you have no rhyme or reason to your sorting of APNs. They are not consecutive nor are they next to each other to illustrate adjacent parcels.

The Town continues to diminish the only viability for meaningful development, the MT&CC. We have a 14" sewer trunk line bifurcating the meadow and 4" of water.

Please include this in your comments and make certain the general public has access to this information this time.

Michael Mackintosh

Parcel #:	Acreage:	Capacity:	Address:	Year:		2015 Capac	2023 Capac	Previous Cycle:	Net Capacity:	
174-290-06	2.15	1		2007-2014		1				
174-290-05	2.21	1		2007-2014		1				
174-290-03	1.69	1		2007-2014		1				
174-290-01	2.11	1		2007-2014		1				
174-070-50	6.22	29		2023-2031			29			29
174-070-017	20	40	Cal Lutheran	2007-2014		40				
002-213-27	0.24	1	Eastside Com	2007-2014		1				
002-213-26	0.24	1	Eastside Com	2007-2014		1				
002-213-25	0.27	1	Eastside Com	2007-2014	*	1		1		
002-213-25	0.25	6		2023-2031			6		5	5
002-213-10	0.19	1	Eastside Com	2007-2014	*	1		1		
002-213-10	0.2	6		2023-2031			6		5	5
002-213-07	0.08	1	Eastside Com	2007-2014	*	1		1		1
002-213-07	0.08	2		2023-2031			2		1	
002-213-06	0.11	1	Eastside Com	2007-2014	*	1		1	2	2
002-213-06	0.1	3		2023-2031			3			
002-213-05	0.06	1	Eastside Com	2007-2014	*	1		1	1	1
002-213-05	0.05	2		2023-2031			2			
002-213-04	0.09	1	Eastside Com	2007-2014	*	1		1	1	1
002-213-04	0.09	2		2023-2031			2			
002-211-21	0.26	1	Eastside Com	2007-2014	*	1		1	3	3
002-211-21	0.26	4		2023-2031			4			
002-211-20	0.22	1	Eastside Com	2007-2014	*	1		1	4	4
002-211-20	0.23	5		2023-2031			5			
002-211-05	0.11	1	Eastside Com	2007-2014	*	1		1	2	2
002-211-05	0.11	3		2023-2031			3			
002-211-04	0.09	1	Eastside Com	2007-2014		1				
002-211-03	0.05	1	Eastside Com	2007-2014		1				
002-211-02	0.06	1	Eastside Com	2007-2014		1				
002-181-22	0.74	1		2007-2014		1				
002-181-21	11	1		2007-2014		1				
002-181-20	6.79	1		2007-2014		1				

002-181-12	11.21	1		2007-2014		1			
002-181-04	4.78	1		2007-2014		1			
002-181-03	4.78	1		2007-2014		1			
002-144-01	both forrest parcels	5		2023-2031			5		5
002-131-15	0.59	3	FairAnselm P	2007-2014		3			
002-131-14	2.69	6	FairAnselm P	2007-2014	*	6		1	1
002-131-14				2006					
002-131-14				2006					
002-131-13				2006					
002-131-12	2.12	6	FairAnselm P	2007-2014	*	6		1	1
002-131-12	2.12			2006					
002-131-12				2006					
002-131-09	0.01	1	FairAnselm P	2007-2014	*	1		1	
002-131-09				2006					
002-131-07	0.02	1	FairAnselm P	2007-2014	*	1		1	
002-131-07				2006					
002-127-02				2006					
002-127-01	0.28	2	FairAnselm P	2007-2014	*	2		1	
002-127-01	0.35	2	FairAnselm P	2007-2014		2			
002-127-01				2006					
002-123-17	0.5	5		2023-2031			5		5
002-122-47	0.51	7		2023-2031			7		7
002-116-07	0.14	1	West Comme	2007-2014	*	1		1	
002-116-07				2006					
002-116-06	0.17	1	West Comme	2007-2014	*	1		1	
002-116-06				2006					
002-116-04	0.17	1	West Comme	2007-2014	*	1		1	
002-116-04				2006					
002-113-08	0.35	10		2023-2031			10		10
002-112-13	1.8	9	School Street	2007-2014	*	9		1	164
002-112-13	1.92	175		2023-2031			175		
002-112-13	1.8			2006					
002-101-13				2006					

002-071-01	0.04	1		2007-2014		1			
001-251-31	11.5	1		2007-2014		1			
001-236-56				2006					
001-236-55				2006					
001-236-54				2006					
001-236-53				2006					
001-235-11				2006					
001-235-10				2006					
001-235-08				2006					
001-226-53	0.33	5		2023-2031			5		5
001-221-12	0.5	2	West Comme	2007-2014	*	2		1	
001-221-12				2006					
001-183-20	0.19	6		2023-2031	*		6	1	6
001-183-20	0.19	6		2023-2031			6		6
001-183-17	0.42	2	West Comme	2007-2014	*	2		1	12
001-183-17	0.51	14		2023-2031			14		14
001-183-17				2006					
001-183-17				2006					
001-183-16	0.17	1	West Comme	2007-2014	*	1		1	
001-183-16				2006					
001-183-16				2006					
001-183-15	0.17	1	West Comme	2007-2014	*	1		1	
001-183-15	0.17			2006					
001-183-14	0.17	1	West Comme	2007-2014		1			
001-183-13	0.16	1	West Comme	2007-2014	*	1		1	
001-183-13	0.15			2006					
001-183-12	0.17	1	West Comme	2007-2014	*	1		1	4
001-183-12	0.17	5		2023-2031			5		
001-183-12	0.17			2006					
001-183-10	0.41	12		2023-2031	*		12	1	12
001-183-10	0.36			2006					
001-183-10	0.36			2006					
001-183-08	0.17	1	West Comme	2007-2014	*	1		1	
001-183-08	0.17			2006					
001-183-04	0.92	2	West Comme	2007-2014	*	1		1	
001-183-04	0.95			2006					

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Housing sites on the Housing opportunity list
Date: 01.05.2023 16:47:45 (+02:00)
Attachments: Parcel info Sheet1 (2), Table A.pdf (4 pages), Parcel info sheet Sheet1, Table B.pdf (2 pages)

From: Barbara Coler <bcoler@townoffairfax.org>
Sent: Friday, April 28, 2023 7:05 PM
To: Housing <Housing@townoffairfax.org>
Subject: Fw: Housing sites on the Housing opportunity list

Barbara Coler, Vice Mayor
Town of Fairfax

The opinions expressed in this email are those of this individual Council Member and are not representative of the entire Council or Town of Fairfax unless otherwise stated.

From: Marin Town and Country Club <mtcc@classactionlocator.com>
Sent: Friday, April 28, 2023 4:55 PM
To: Heather Abrams <habrams@townoffairfax.org>
Cc: Chance Cutrano <ccutrano@townoffairfax.org>; Barbara Coler <bcoler@townoffairfax.org>; Bruce Ackerman <backerman@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; Lisel Blash <LBlash@townoffairfax.org>; Linda Neal <lneal@townoffairfax.org>; Mark Lockaby <mlockaby@townoffairfax.org>; dhortert@4leafinc.com <dhortert@4leafinc.com>; info@dyettandbhatia.com <info@dyettandbhatia.com>; Housing <Housing@townoffairfax.org>; housing@doj.ca.gov <housing@doj.ca.gov>
Subject: Housing sites on the Housing opportunity list

Dear Heather:

Attached please find two spreadsheets representing the parcels cited on your Housing Opportunity Site list. We have numbered your identified sites so as to help you better understand the information provided.

The attached parcel sheets will illustrate slopes, fire overlays, and flood zoning requiring a more exhaustive CEQA review. For the safety of our community please ensure this legal requirement.

We again call out that your nonfeasance and misfeasance will become malfeasance when properties are developed that will require new roads, new water lines, new gas lines, new electric lines, and new sewer lines; if the associated feasibility reports are not undertaken. Has the Town initiated a feasibility study summing all related expenses of this new construction when the majority of those expenses could be mitigated by placing the housing burden on the lands of the MT&CC?

Additionally, we call to your attention that a CEQA report covering circulation and safety egress/access must be addressed. Placing all this housing density on small hillside streets places an unsafe burden on the occupants should a fire or other safety issue present itself, without rebuilding and upgrading the roads. Some communities have no choice where to place the

required housing. In Fairfax you have the MT&CC, 25 acres of flat land above the 500-year floodplain.

Further attempting conversations with 76 stakeholders, instead of inviting the MT&CC to the table for a single stakeholder is curious. The additional town and staff time might be overwhelming.

Please recall the MT&CC LLC has a willing stakeholder asking to be included in the Housing Element.

Michael Mackintosh

	Site Address/Intersection	Assessor Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Max Density Allowed (units/acre)	Parcel Size (Acres)	Existing Use/Vacancy
#1	VACANT LOT - BARKER	002-071-01		UR - 7	UR - 1	UR-7	10	9.20	Vacant
#2	Standard Properties	174-060-21		Planned Dev	PDD			11.42	Single Family
#3	Morales Property	003-191-24		Residential 2	RS-6		0.25	1.74	Vacant
#4	67 TAMALPAIS	001-123-03		Residential 1	RS-6	1	6	0.13	Single Family
#5	Read Property	002-041-21		Residential 1	RS-6	1	6	1.48	Vacant
#6	Cummins Property	001-014-02		Residential 2	RS-6		0.25	2.01	Vacant
#7	125 LIVE OAK AVENUE	001-236-03		Residential 1	RD-5.5-7	1	6	0.11	Single Family
#8	Patel Property	002-181-22		Residential 1	RS-6		6	1.40	Vacant
#9	Gilevskaya Property	003-022-05		Residential 1	RS-6	1	6	1.04	Vacant
#10	Hubbel Property	001-241-38		Residential 1	RS-7.5	1	6	1.22	Vacant
#11	155 FORREST AVENUE	002-192-50		Residential 1	RS-6	1	6	0.82	Single Family
#12	Miranda Heights	001-251-31		UR - 7	UR - 1	UR-10	10	11.43	Vacant
#13	Miranda Heights	001-150-12		UR - 7	UR - 1	UR-10	10	73.82	Vacant
#14	Miranda Heights	001-160-09		UR - 7	UR - 1	UR-10	10	16.88	Vacant
#15	Godwin Property	001-015-07		Residential 2	RS-6		6	1.62	Vacant
#16	Godwin Property	001-021-03		Residential 1	RS-6		6	1.36	Vacant
#17	Taylor Property	002-051-04		Residential 2	RS-6			1.23	Vacant
#18	Taylor Property	003-142-36		Residential 2	RS-6	0.25		1.02	Vacant
#19	34 HILL AVENUE	002-214-01		Residential 1	RD-5.5-7	0.25		0.07	Vacant
#20	100 SUMMIT ROAD	002-181-12		UR - 7	UR - 1	UR-10	10	11.75	Vacant
#21	Island Pickle Property	002-181-05		UR - 7	UR - 1	UR-10	10	5.92	Vacant
#22	350 BOLINAS ROAD	002-032-23		Residential 1	RS-6	1	6	0.15	Multi Family
#23	Island Pickle Property	002-181-04		UR - 7	UR - 1	UR-10	10	4.61	Vacant
#24	2040 SIR FRANCIS DRAKE	001-183-04		Central Com	CC	6.25		1.04	Retail/Gener
#25	Kuhler Property	003-181-07		Residential 2	RS-6	0.25	7.69	1.82	Vacant

#26	Ross Property	003-171-02	Residential .2 RS-6	0.25	7.69	1.90	Vacant
#27	Ross Property	003-171-08	Residential .2 RS-6	0.25	7.69	2.25	Vacant
#28	75 PINE DRIVE	003-101-06	Residential 1 RS-6	1	6	0.15	Single Family
#29	Ross Property	003-171-05	Residential .2 RS-6	0.25		2.67	Vacant
#30	200 TOYON ROAD	003-161-01	Residential .2 RS-6		0.25	1.92	Vacant
#31	Second Prospect Property	002-181-20	UR - 7 UR - 1 UR-10		10	6.99	Vacant
#32	Piombo Property	001-093-37	Residential 1 RS-6	1	6	1.63	Vacant
#33	Tomlinson Property	002-174-04	Residential 1 RS-6	1	6	1.02	Vacant
#34	615 OAK MANOR DR	174-070-71	Residential .2 RS-6	0.25		39.34	Single Family
#35	Elterman Property	003-032-42	Residential 1 RS-6	1	6	1.02	Vacant
#36	RFC Property	174-300-05	Planned Dev UR-7		6.25	11.77	Vacant

Infrastructure	Publicly-Owned	Site Status	Identified in Last/Last Two Planning Cycle(s)	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity
Yes - Current	NO - Private	Available	Used in Prior	0	0	1	1
Yes - Current	NO - Private	Available	Not Used in	0	0	6	6
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Used in Prior	0	0	1	1
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Used in Prior	0	0	2	2
Yes - Current	NO - Private	Available	Used in Prior	0	0	6	6
Yes - Current	NO - Private	Available	Used in Prior	0	0	2	2
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Not Used in	0	0	3	3
Yes - Current	NO - Private	Available	Used in Prior	0	0	1	1
Yes - Current	NO - Private	Available	Used in Prior	0	0	3	3
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1
Yes - Current	NO - Private	Available	Used in Prior	0	0	3	3
Yes - Current	NO - Private	Available	Used in Two	0	0	8	8
Yes - Current	NO - Private	Available	Not Used in	0	0	1	1

Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Not Used in f0	0	2	2
Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Used in Prior 0	0	4	4
Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Not Used in f0	0	10	10
Yes - Current NO - Privatel Available	Not Used in f0	0	1	1
Yes - Current NO - Privatel Available	Used in Two 0	0	6	6

	Site Address/Intersection	Assessor Parcel Number	Parcel Size (Acres)	Slope	Current General Plan Designation	Current Zoning	Proposed Zoning	Maximum Density Allowed	Total Capacity	Year:
#1	10 OLEMA	001-104-12	1.21	17.93	Planned Development District	CL	Workforce Housing Overlay	20 du/ac maximum base	31	2023-2031
#2	2600 SIR FRANCIS DRAKE BLVD	174-070-50	6.22	52.82	Planned Development District	UR-7	Workforce Housing Overlay	20 du/ac maximum base	29	2023-2031
#3	95 BOLINAS RD	002-122-47	0.51	4.91	Central Commercial	CC	Workforce Housing Overlay	20 du/ac maximum base	7	2023-2031
#4	1810 SIR FRANCIS DRAKE BLVD	001-226-53	0.33	37.13	Central Commercial	CC	Workforce Housing Overlay	20 du/ac maximum base	5	2023-2031
#5	2000 SIR FRANCIS DRAKE BLVD	001-183-17	0.51	7.54	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	14	2023-2031
#6	1577 SIR FRANCIS DRAKE BLVD	002-213-25	0.25	5.42	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	6	2023-2031
#7	1591 SIR FRANCIS DRAKE BLVD	002-213-04	0.09	5.65	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	2	2023-2031
#8	1601 SIR FRANCIS DRAKE BLVD	002-211-20	0.23	2.84	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	5	2023-2031
#9	1625 SIR FRANCIS DRAKE BLVD	002-211-21	0.26	4.26	Central Commercial; Residential 1 - 6 du/acre	CH/RD-5.5-7	Workforce Housing Overlay	20 du/ac maximum base	4	2023-2031
#10	1626 SIR FRANCIS DRAKE BLVD	001-183-10	0.41	25.65	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	12	2023-2031
#11	2090 SIR FRANCIS DRAKE BLVD	001-183-12	0.17	3.58	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	5	2023-2031

#12	2086 SIR FRANCIS DRAKE BLVD	001-183-20	0.19	4.02	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	6	2023-2031
#13	2082 SIR FRANCIS DRAKE BLVD	001-183-20	0.19	4.02	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	6	2023-2031
#14	1607 SIR FRANCIS DRAKE BLVD	002-211-05	0.11	5.02	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	3	2023-2031
#15	1589 SIR FRANCIS DRAKE BLVD	002-213-05	0.05	5.04	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	2	2023-2031
#16	1585 SIR FRANCIS DRAKE BLVD	002-213-06	0.1	4.98	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	3	2023-2031
#17	1583 SIR FRANCIS DRAKE BLVD	002-213-07	0.08	6.29	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	2	2023-2031
#18	1573 SIR FRANCIS DRAKE BLVD	002-213-10	0.2	6.88	Central Commercial	CH	Workforce Housing Overlay	20 du/ac maximum base	6	2023-2031
#19	89 BROADWAY	002-113-08	0.35	7.07	Central Commercial	CC	Workforce Housing Overlay	20 du/ac maximum base	10	2023-2031
#20	FORREST AVE	002-123-17	0.5	57.61	Town Owned Properties; Residential 1 - 6 du/acre	RS-6	Workforce Housing Overlay	20 du/ac maximum base	5	2023-2031
#21	FORREST AVE	002-144-01	both forrest parcels	63.28	Town Owned Properties; Residential 1 - 6 du/acre	RS-6	Workforce Housing Overlay	20 du/ac maximum base	5	2023-2031
#22	6 SCHOOL ST	002-112-13	1.92	13.59	Planned Development District	PDD	Workforce Housing Overlay	20 du/ac maximum base	175	2023-2031

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Public Comment- Housing Element- FHANC
Date: 01.05.2023 16:48:53 (+02:00)
Attachments: Fairfax_Housing Element Public Comment_FHANC.pdf (4 pages)

From: Savannah Wheeler <savannah@fairhousingnorcal.org>
Sent: Sunday, April 30, 2023 12:12 PM
To: Housing <Housing@townoffairfax.org>
Cc: Caroline Peattie <peattie@fairhousingnorcal.org>
Subject: Public Comment- Housing Element- FHANC

Greetings,

Please find attached Fair Housing Advocates of Northern California's public comment on Fairfax's 2023-2031 Housing Element. Thank you for your consideration.

Best regards,
Savannah Wheeler

--

Savannah Wheeler
Staff Attorney/Housing Counselor
Fair Housing Advocates of Northern California
1314 Lincoln Avenue, Suite A
San Rafael, CA 94901
(628) 226-3219
savannah@fairhousingnorcal.org
pronouns: she/her

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Fair Housing Advocates of Northern California

1314 Lincoln Ave., Ste. A, San Rafael, CA 94901 ▼ (415) 457-5025 ▼ TDD: (800) 735-2922
www.fairhousingnorcal.org ▼ fhanc@fairhousingnorcal.org

SENT VIA EMAIL ONLY: Housing@townoffairfax.org.

April 30, 2023

Town of Fairfax
142 Bolinas Rd.
Fairfax, California 94930

RE: Fairfax's Sixth Cycle 2023-2031 Housing Element

Dear General Plan Updating Team:

We provide this letter as public comment on the revised Draft of Fairfax's 2023-2031 Housing Element ("Element").

Fair Housing Advocates of Northern California (FHANC) is a private nonprofit organization dedicated to assisting individuals experiencing housing discrimination and educating the community, including tenants, housing providers, and government employees, as to their rights and responsibilities under federal and state fair housing laws. The mission of FHANC is to ensure equal housing opportunity and to educate the community on the value of diversity in housing.

FHANC provides free comprehensive fair housing counseling services to individuals alleging housing discrimination in Marin County, Sonoma County (except the incorporated city of Petaluma), and Solano County (except the incorporated city of Vacaville). FHANC also provides other services, such as prepurchase and foreclosure prevention services and trainings to housing providers in other neighboring counties.

In addition to counseling and education services, FHANC recruits, trains, and employs fair housing testers in order to investigate claims of housing discrimination and to assist in conducting systemic investigations.

At the outset, we commend the Town for enacting ordinances to create just cause eviction and rent stabilization programs. The need for policies and programs that offer strong tenant protections is urgent and is a crucial component of affirmatively furthering fair housing (AFFH), and Fairfax is a leader in the region in this area.

We offer the following suggestions for incorporation into the Town's revised housing element in order to most strongly AFFH in the Town.

Fair Housing Education and Enforcement

State law requires all Housing Element programs to have beneficial impact within the planning period, including identification of specific actions, which agency or official is responsible for those actions, and a timeline.¹ Specifically, programs to affirmatively further fair housing must identify clear “metrics and milestones for determining what fair housing results will be achieved.”² Furthermore, a recent survey of HCD reviews of draft housing actions from Southern California jurisdictions emphasizes that time bound actions with “specific commitments [from local actors], metrics, and milestones” are required.³

We appreciate the Town’s inclusion of various programs involving fair housing education and enforcement, as well as the Town’s leadership in enacting source of income protections before the state enacted such protections. The Town references FHANC’s audit that revealed high levels of discrimination against Housing Choice Voucher (HCV) holders in Marin County, and we support the Town’s commitment to promoting the Marin Housing Authority's Landlord Partnership Program to Town landlords. We encourage the Town to increase specificity around the number or percentage of landlords the Town aims to have participate in this program.

We also support the Town’s programs to partner with FHANC to conduct workshops on landlord and tenant responsibilities and rights, and to partner with organizations to provide anti-discrimination training to realtors and lenders. In line with the guidance mentioned above, we would encourage the Town to include stronger and more specific goals around these programs including providing education/training to all landlords and Town staff on fair housing and anti-discrimination.

The Draft should also analyze how its proposed programs and development plans, such as the site inventory, will serve to overcome existing patterns of segregation.⁴

Prioritize Specific Policies and Programs to Protect Tenants

As noted, we commend the Town’s leadership in adopting rent stabilization and just cause for eviction ordinances ahead of most other jurisdictions in the region. The need for policies and programs that offer strong tenant protections is urgent and is a crucial component of affirmatively furthering fair housing, and just cause and rent stabilization programs are key steps toward AFFH. In addition to implementing these programs, we encourage to Town to further strengthen its commitment to AFFH by including commitments to enact the following proven policies/ordinances during the 6th cycle to maximize housing opportunity and protect the rights of all tenants, including those of protected classes:

¹ Gov. Code § 65583(c).

² Gov. Code § 65583(c)(10)(A)(iv).

³ ABAG, Affirmatively Furthering Fair Housing (AFFH) Policy Tips Memo Learning from Southern California & Sacramento: Early Experiences in Complying with AB686.

⁴ See Gov. Code § 65583(c)(10)(A)(ii).

Fair Chance Ordinance: The use of criminal history in obtaining housing should be eliminated, given the disparate impact on people of color, using Berkeley, Oakland, and Alameda County as templates for such an ordinance.

Community or Tenant Right to Purchase (“COPA/TOPA”): As a key intervention against speculation, TOPA/COPA preserves currently affordable housing and generates new permanently affordable housing for future generations. TOPA/COPA expands stability and wealth-building opportunities for tenants by creating pathways to homeownership.

Tenant Bill of Rights: The purpose of a Tenant Bill of Rights (TBR) is to state unequivocally that all residents have the right to clean, safe, and secure housing, which includes but is not limited to:

- Anti-retaliation - Rebuttable presumption of retaliation if tenant asserts their rights, including but not limited to, requesting a reasonable accommodation, reporting sexual harassment, and otherwise filing complaints against housing provider staff within 6 months.
- Clean, safe housing - stronger protections for tenants from eviction if they deduct repairs from rent
- A rental registry.
- Tenant Commission- Seats reserved that represent low-income seniors, persons with disabilities, tenants in federally subsidized housing including LIHTC, and communities of color on a commission that provides information, referrals, and advice to tenants and advises Town leadership on programs and policies affecting tenants.
- Nonpayment notices - Require landlords to provide a 7-day warning letter before a 3-day notice to pay or quit.
- Protections for subletting - Subletting not a just cause for eviction IF the landlord unreasonably withheld consent following a written request by tenant, so long as the maximum number of occupants does not exceed allowable limits.
- Protections for families - Addition of family members not a just cause for eviction, so long as the number of occupants does not exceed allowable limits. Protections for families - Addition of family members not a just cause for eviction, so long as the number of occupants does not exceed allowable limits.

The Draft should include the above policies and programs proven to improve and conserve existing, non-subsidized, affordable housing stock and address the unmet needs of low-income, protected class tenants in order to meet the Town’s obligations under Housing Element Law.

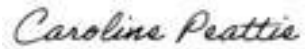
Conclusion

Our agency is committed to housing justice and assisting the Town to meet the current and future housing needs of Fairfax citizens. The Housing Element process offers a tremendous opportunity for Fairfax to continue its leadership in advancing specific policies and practices

to realize the goal of fair housing opportunity and create actionable plans that will have widespread impact for years and decades to come.

Thank you for your work and time on this urgent and important opportunity.

Sincerely,



Caroline Peattie
Executive Director
Fair Housing Advocates of Northern California



Savannah Wheeler
Staff Attorney/Housing Counselor
Fair Housing Advocates of Northern California

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Public comment
Date: 01.05.2023 16:51:01 (+02:00)

From: heatherabramsemail@gmail.com <heatherabramsemail@gmail.com>
Sent: Sunday, April 30, 2023 4:32 PM
To: Andrew Hill <andrew@dyyetandbhatia.com>; Housing <Housing@townoffairfax.org>
Subject: Public comment

It is disrespectful to the people of Fairfax and to the commitment made by so many of our past leaders to ensuring a sustainable community integrated with healthy open spaces.

I know that the challenges are formidable, but we are relying on our town leaders to be formidable in return. Use your skills, vision, courage, and heart.

Please, do not succumb to the bullying and threats of outside agencies and interests.

That is why you were elected,

we believe you can stand up for us, we believe you

have what is needed at this time.

Dig deep, and we will be with you on this journey.

Sincerely,

Susan Pascal Beran

From: Andrew Hill <andrew@dyettandbhatia.com>
To: Clare Kucera <clare@dyettandbhatia.com>
Subject: Fwd: Commenting on Fairfax's Housing Element
Date: 02.05.2023 09:04:32 (-0700)
FYI

Begin forwarded message:

From: Heather Abrams <habrams@townoffairfax.org>
Subject: FW: Commenting on Fairfax's Housing Element
Date: May 2, 2023 at 8:59:05 AM PDT
To: "andrew@dyettandbhatia.com" <andrew@dyettandbhatia.com>, "dhortert@4leafinc.com" <dhortert@4leafinc.com>

Regards,
Heather Abrams
Town of Fairfax | Town Manager
www.townoffairfax.org

From: Michele Gardner <mgardner@townoffairfax.org>
Sent: Monday, May 1, 2023 4:35 PM
To: Heather Abrams <habrams@townoffairfax.org>; dhortert@4leafinc.com
Subject: FW: Commenting on Fairfax's Housing Element

From: Michelle Simonson <michelles21c@gmail.com>
Sent: Sunday, April 30, 2023 4:37 PM
To: Michele Gardner <mgardner@townoffairfax.org>
Subject: Fwd: Commenting on Fairfax's Housing Element

Hi all TC members (and Michelle),

I know all of you care about Fairfax and conserving open spaces, and I am praying you will do absolutely everything in your power to protect our town and especially our beautiful land.

Susan said exactly what I would like to say, so I am forwarding her letter and you can pretend I wrote it!

Thank you,

Michelle

PS I know there's a lot going on these days and your plates are pretty full, but I am begging you to please keep these issues really high on your priority list!

Begin forwarded message:

From: Susan Beran <pascalberandesign@yahoo.com>
Subject: Fw: Commenting on Fairfax's Housing Element
Date: April 30, 2023 at 2:02:11 PM PDT

To: Michelle Simonson <michelle@sparksandleaps.com>

----- Forwarded Message -----

From: Pascal Beran Designs <pascalberandesigns@yahoo.com>

To: housing@townoffairfax.org <housing@townoffairfax.org>

Sent: Sunday, April 30, 2023 at 01:25:36 PM PDT

Subject: Commenting on Fairfax's Housing Element

To Whom it Concerns;

I am writing to urge Fairfax to reconsider the ill-conceived plan for Housing put forward by Dyett & Bhatia, a firm with no evident knowledge of the realities of Fairfax and its history, As part of their proposed Housing Element, numerous properties which have been designated by the Town's General Plan as Open Space parcels, and even deemed of high priority conservation land by ABAG itself (eg: the Marinda Heights/Wall Property) are listed as potential sites for filling the density quotas.

This is not only inappropriate and flies in the face of the expressed wishes of our town residents and its General Plan, but it is unsustainable in terms of our infrastructure; it is imperative that our town leadership represent this, stand up for our interests and stop wasting tax payer time and money on a study that has no real relevance to the vision of Fairfax's future that we all have been collectively working for.

It is disrespectful to the people of Fairfax and to the commitment made by so many of our past leaders to ensuring open spaces integrated with a sustainable community.

I know that the challenges are formidable, but we are relying on our town leaders to be formidable in return. Use your skills, vision, courage, and heart. Please, do not succumb to the bullying and threats of outside agencies and interests. That is why you were elected, we believe you can stand up for us, we believe you have what is needed at this time. Dig deep, and we will be with you on this journey.

Sincerely,

Susan Pascal Beran

Virus-free www.avast.com



From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Housing element
Date: 01.05.2023 16:51:14 (+02:00)

From: Jessica Herbold <jessherbold@gmail.com>
Sent: Sunday, April 30, 2023 4:33 PM
To: Housing <Housing@townoffairfax.org>
Subject: Housing element

Dear Members of the Town Council,

I am writing to express my grave concern about the housing element and the future of Fairfax.

Previously I spoke at a meeting that was focused on the property formerly known as the Marin Town and Country Club. I live across the creek from that property.

Fairfax is a beautiful oasis of calm and beauty in the Bay Area. Please do everything you can to preserve our natural beauty and open space for residents, for wildlife, and for future generations.

If having more rent control will protect our town from increased development, I am strongly in favor of rent control. I would also be willing to serve on a committee and or to volunteer time in some other way if this would help to protect our town from development.

Thank you,

Jessica Herbold
26 Baywood Ct, Fairfax, CA 94930

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Housing Element: In regards to APN 174-060-21
Date: 01.05.2023 16:51:27 (+02:00)

From: Christopher Tonry <ctonry@gmail.com>
Sent: Sunday, April 30, 2023 4:45 PM
To: Housing <Housing@townoffairfax.org>
Subject: Housing Element: In regards to APN 174-060-21

Sunday, April 30, 2023

Dear Fairfax Town Council Members,

We are writing to express our strong objection to the proposed inclusion of the 10-acre parcel of land on the ridge above Glen Dr and Canon Village (APN 174-060-21) in the latest draft of the Housing Element. There are several reasons why we believe this development should not move forward and should not be included in the Housing Element.

Firstly, the property lacks any street frontage, which is a current ordinance requirement. Secondly, there is no current street access to the property, making it difficult for emergency services to reach in case of an emergency. For the parcel to be developed, the developer/owner will need to construct a driveway for one house, or, as proposed in the Element, for 6 houses they will need to construct a road. There is no easy location for this road, which we believe the developer envisions will be built along an easement through Marin County Open Space at the Glen Drive trailhead, creating a significant development in what now is open hillside.

Moreover, we believe the status of the property may be in question as it was supposed to remain a remainder or open space parcel as a condition of the development of the Meadowlands of Marin. If the property is developed, it will violate this agreement and set a dangerous precedent for future developments in the area.

The proposed development will also negatively impact neighbors who live downslope on both sides, as it will increase traffic and potentially damage the local ecosystem.

Additionally, the development of six luxury homes, as currently proposed, will not have a meaningful impact on affordable housing in Fairfax, which is a more pressing issue that needs to be addressed. 6 homes is not significant in terms of the Housing Element, but it has an incredibly significant impact on what now is an open hillside above White Hill Middle School, the Canon swim and tennis club, and much of West Fairfax.

Finally, the property is contiguous with Marin Open Space property and offers a prime opportunity to expand the Loma Alta preserve and protect its viewshed. This area is a valuable resource for the community and should be preserved for future generations to enjoy.

In conclusion, we urge the Town Council to reconsider the inclusion of this 10-acre parcel of land in the Housing Element. The negative impacts of this potential luxury development far outweigh any potential benefits, and preserving this land without houses is crucial for the well-being of the community and the environment.

Sincerely,

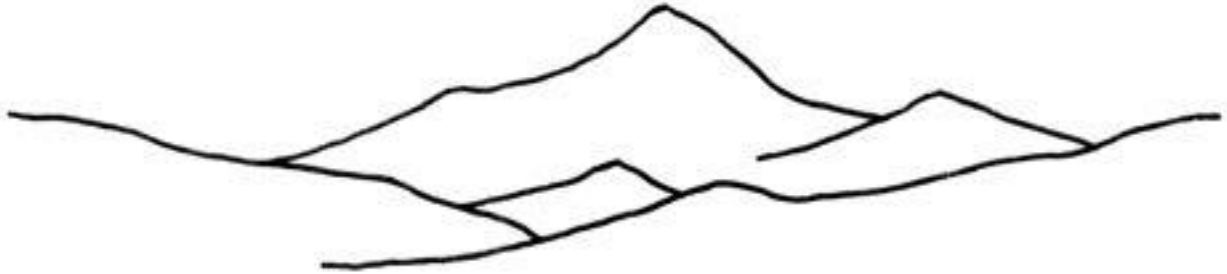
Christopher Tonry (30 Glen Dr)
Anne Altman (Glen Dr)
Mike Altman (Glen Dr)
Sonya Sakaske (30 Glen Dr)
Dine DeMarlie (36 Glen Dr)
John S. Lando (60 Glen Dr)

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: FOSC Comments on Housing Element Update
Date: 01.05.2023 16:51:44 (+02:00)
Attachments: 20230428 FOSC Comments on Housing Element Update.docx (7 pages), Exhibit 1 to FOSC Comments on Housing Element Update.pdf (1 page), Exhibit 2 to FOSC Comments on Housing Element Update.pdf (11 pages)

From: Jack Judkins <junkthird@gmail.com>
Sent: Sunday, April 30, 2023 4:46 PM
To: Housing <Housing@townoffairfax.org>
Cc: Susan Beran <pascalberandesign@yahoo.com>; Michael Ardito <michael.ardito@sbcglobal.net>; Chance Anthony Cutrano <ccutrano@gmail.com>; Stephanie Hellman <shellman@townoffairfax.org>
Subject: FOSC Comments on Housing Element Update

The attached memo, with accompanying Exhibits, is submitted on behalf of the Fairfax Open Space Committee, a committee created by the Town by resolution and which is charged specifically with the obligation to participate as an advisory body to the Town on open space matters and specifically to **“review planning and development matters in order to formulate policies that it may deem appropriate to advocate”**. We hope that we will be more directly brought into the process so that we can carry out our statutory responsibilities as a committee of the Town. Please direct any questions to me on behalf of the committee

Jack Judkins, Vice Chair, Fairfax Open Space Committee



**TOWN OF FAIRFAX
FAIRFAX OPEN SPACE COMMITTEE**

MEMORANDUM

To: Town Councilmembers, Town Manager, Town Planning Director
From: Fairfax Open Space Committee
Jack Judkins, Vice Chair
Date: April 28, 2023
Re: FOSC Comments on Updated Housing Element: Priority Open Space lands

Introduction: Role of the OS Committee and the Public Process

The Fairfax Open Space Committee (FOSC or the Committee) was established by Resolution of the Town (Resolution No. 2334, as subsequently amended) in 2004. Under that resolution the purposes of the Committee include advising the Town on matters affecting open space lands which are environmentally sensitive and which have aesthetic qualities. In addition, the Committee was given the specific responsibility to participate as an advisory body and to **“review planning and development matters in order to formulate policies that it may deem appropriate to advocate”**.

Consistent with these purposes, the Open Space Element of the Town General Plan, adopted in 2012, specifically identifies the Committee as having the responsibility to “create an inventory of undeveloped and underdeveloped lands within the Fairfax Planning Area”. See General Plan Objective OS-1.2. Appendix OS-A to the Open Space Element provides “a preliminary inventory of approximately 30 known parcels within the Fairfax Planning Area that are undeveloped or underdeveloped”.

The “Miranda Heights Property”, the “Ross Property” and the undeveloped 18 acres of the “RFC Property”, as now identified in the Housing Element Update as sites available for housing, were included on the General Plan open space “inventory” as high priority open space parcels since the adoption of the current General Plan in 2012.

Under the General Plan, FOSC was also charged with the responsibility to: “create an inventory of undeveloped and underdeveloped land parcels within the Fairfax Planning Area, and make the inventory publicly accessible”. This inventory shall take the form of a map and a list”. See Open Space Element, Program OS-1.2.1.1.

Consistent with that directive, in 2015 FOSC submitted to the Town Council and the Town Council approved additional properties that were identified as high priority open space lands to be conserved. At the same time, The Town Council approved the submission of an application by the Town to the Association of Bay Area Governments (ABAG), through the “One Bay Area” process, for ABAG acknowledgment and designation of these properties as “Priority Conservation Areas” (PCAs). Under this process, in 2015, ABAG approved and designated 3 new areas in the Fairfax planning area as PCAs, adding to the earlier approved (2008) designation of the “Central Marin Ridge Lands” PCA. ABAG made these PCA designations in large part on the conclusion that these properties were deemed to be located within an area that had significant and exceptional open space values, including recreational opportunities, visual qualities, and plant and animal ecosystems. A copy of the map submitted to and approved by ABAG, showing the 2015 designated “Fairfax Open Space PCAs (PCAs 1-3)”, as well as depicting the earlier 2008 approved Central Marin Ridge Lands PCA, is attached as Exhibit 1. Also attached, as Exhibit 2, is a 2016 MTC memo referencing the approval by ABAG of these PCAs.

A comparison of the PCA maps with the “vacant single-family lots” identified in the Housing Element Update as sites available for housing reveals that many of these sites that are “available for housing” are also specifically designated as priority conservation lands by ABAG, by the General Plan and by the General Plan inventory.

Because of their inclusion under the inventory and designation under the PCA process as high priority open space properties, the Open Space Element affords these properties special status and protection. The following objectives, policies and programs of the Open Space Element require that:

- Objective OS-1.4: Protect undeveloped and underdeveloped lands according to the [inventory] list and priorities established by Objective OS-1.2 and OS-1.3 by converting them to Designated Open Space.

- Policy OS-1.4.3:: Acquire parcels in this inventory if they become available for purchase if possible.
- Program OS-1.4.3.1: If high-priority parcels on the inventory list come up for sale or auction, the Town Council shall consider allocation of funds from any available sources to acquire the property and create additional Designated Open Space (see Appendix OS-B).
- Policy OS-1.4.4: Acquire and encourage the acquisition of appropriate [open space] easements on parcels in this inventory, if possible.
- Program OS-1.4.4.1: Conservation and open space easements acquire development rights for the public, for all or part of a property, while ownership is retained by the property owner. If purchase is not feasible, the Town of Fairfax shall approach the owners of these properties to investigate the possibility of creating Designated Open Space through acquisition of an appropriate easement.
- Policy OS-1.4.5: Dedicate all or part of privately owned parcels in the inventory for use as open space, whenever possible.
- Program OS-1.4.5.1: Property owners shall be encouraged to set aside land dedicated to open space as a condition to development of parcels in the inventory. While access to these open space lands may be restricted, the preservation of open space land in its natural state is valuable.
- Program OS-1.4.5.2: Identify opportunities early in the planning process for transferring development rights between parcels to create dedicated open space.

Other language in the Open Space Element and elsewhere in the General Plan also recognize the critical importance of these priority open space lands and the visual, recreational, and natural resources found on them:

- General Plan Introduction, pp. 16-17: Today, Fairfax is a small town located at the western edge of Marin County's city centered corridor that parallels U.S. Highway 101, with the agriculturally rich rural portion of the county just beyond to the west. The town's natural setting encompasses a series of valleys, canyons, and forested hills with largely undeveloped ridgelines. Scenic and natural resources are key aspects of the community's sense of place and contribute to

the overall quality of life in Fairfax. In addition to the form of the land, mature trees and the extensive areas of protected open space in and around the Town help define the Town's identity as a community that values nature and environmental preservation.

- Open Space Element, OS-1 to OS-2: In 2004, the Town Council created a standing Open Space Committee to further long-term goals to acquire and maintain open space lands in the Fairfax Planning Area. The Open Space Element of the General Plan plays a major role in maintaining what residents cherish about living in Fairfax, and shaping the future of the town. Open space tends to vanish over time unless it is protected. This document outlines ways for the Town of Fairfax and its residents to consider existing open space areas, protect them from development, and expand protections for open space in the future. This Open Space Element establishes a series of programs in support of these goals.
- Open Space Element, OS-2: The Fairfax Planning Area (see Figure LU-4 in the Land Use Element) is visually and geographically defined by prominent ridgelines that separate it from adjacent communities in Marin County.
- Open Space Element, Objective OS-3.2: Preserve the visual appeal of the natural landscape in the Fairfax Planning Area.
- Open Space Element, Policy OS-3.2.2: Discourage development of any man-made structure on the ridgelines and within the ridge zones within the Fairfax Planning Area.
- Open Space Element, Policy OS-3.2.3: Prevent development from blocking or impairing existing views of Visually Significant Areas identified in Figure OS-1.
- Open Space Element, Program OS-3.2.3.1: Review development applications to ensure that views of Visually Significant Areas are not negatively impacted.
- Open Space Element, Objective OS-3.3: Constrain anthropogenic sound levels in and around open space areas so that natural sounds of flora and fauna are audible.
- Open Space Element, Policy OS-3.3.1: Constrain noise levels in Fairfax-Designated Open Space.

- Open Space Element, Objective OS-4.1: Create and preserve Designated Open Space to mitigate the threat of natural hazards.
- Open Space Element, Policy OS-4.1.1: Areas that are prone to landslides must remain as open space, or be developed with adequate engineering to mitigate the hazard.
- Open Space Element, Policy OS-4.1.2: Designated Open Space along creek channels and in flood-prone areas should be created whenever possible to mitigate flood hazards.
- Open Space Element, Policy OS-4.1.3: Mitigate extreme wildfire hazard in open space areas by reducing fire risk and removing invasive non-native species.
- Open Space Element, Program OS-4.2.1.1: Require that the design, location and construction of utilities, in existing open space or parcels in the inventory established by OS-1.2.1, minimize harm to the area's environmental and visual qualities.
- Land Use Element, Policy LU-1.1.1: New development shall be limited and of a scale that preserves the significant scenic and natural resources and rural character of the areas adjacent to the Town.
- Land Use Element Objective, LU-1.2: Limit development on hillside and ridgeline parcels to preserve and enhance the scenic qualities of the Town.
- Land Use Element, Policy LU-1.2.4: No roads or streets shall be permitted to traverse a ridge, except as deemed necessary specifically for emergency access and egress.
- Open Space Element, Objective OS-3.1: Provide and maintain a system of recreational trails that will create access amongst and between downtown Fairfax, neighborhoods of Fairfax, and open space in the Fairfax Planning Area.
- Land Use, Policy LU-1.1.3: Existing public easements will be utilized to develop a system of pathways as a potential recreational, circulation, and public safety resource.
- Land Use, Policy LU-7.1.6: New and renewed residential development outside of the Town Center Area should be compatible with, and subordinate to, the

topography, wildlife corridors and habitat, natural vegetation pattern, hydrology, and geotechnical characteristics of the area.

- Conservation Element, Objective CON-6.1: Protect special-status species, resident and migrant wildlife and their associated habitats.

Despite the obvious disconnect between the strong protections under the General Plan, required for these special status properties and the resource values associated with them, the draft updated Housing Element continues to show these properties as ones which could be developed to meet the new housing requirements imposed by ABAG. Equally inconsistent is that this same regional agency, ABAG, through a parallel process (One Bay Area), has identified these very properties as PCA's, indicating that they should not be developed but, instead, to the extent possible, preserved and protected as open space.

By including these properties on the list of properties on which housing could be built to meet the ABAG housing requirements, not only is the Town acting inconsistently with the existing General Plan and PCA designations, but, worse, such inclusion might be used to argue against any opportunity to acquire or otherwise protect all or a part of these properties as open space, should that opportunity present itself. It seems unlikely that the community or Town Council would desire this outcome.

For these reasons, FOSC voted unanimously that we strongly recommend to the Town that it reconsider the designation of these properties as suitable to meet the housing needs under the Updated Housing Element. We urge you and your Housing Element contractor to involve the Committee in the update process and to consider these issues and to look for other opportunities, especially ones involving infill, for meeting housing needs.

At a minimum, the update to the Housing Element should seek to minimize the impact on these priority open space properties by imposing constraints on any development the would:




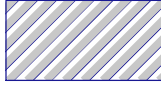




1. Require significant clustering.
2. Limit development to a minimum size.
3. Preserve ridgelines corridors.
4. Avoid impact on visual resources, water resources, and native flora and fauna
5. Respect and preserve wildlife corridors.
6. Identify those properties with special status species and preclude development that would affect those species.

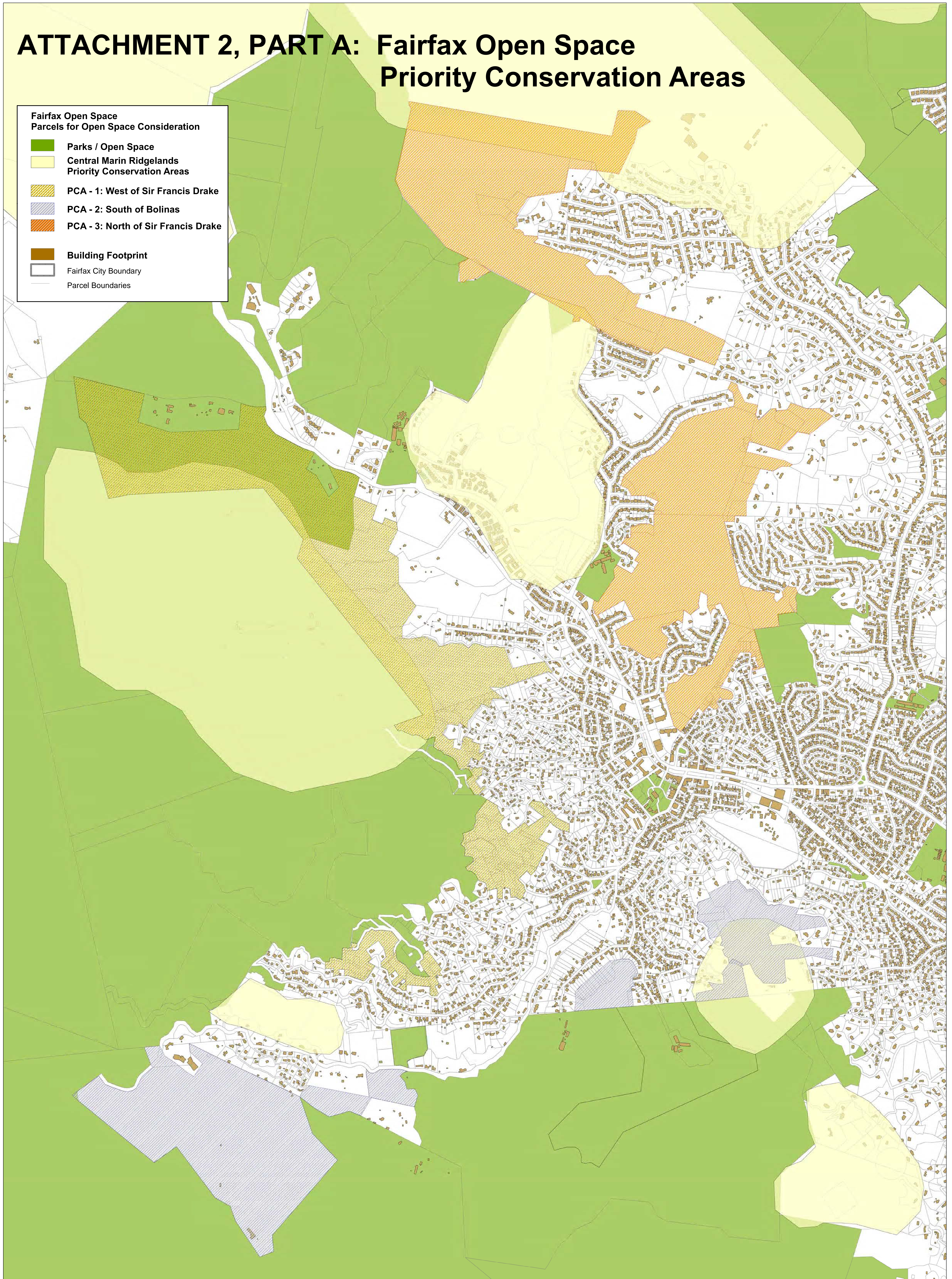
7. Avoid impact on recreational uses which exist and have existed on many of these properties for well over a half-century and which may well be public access easements created by implication.

In addition, the bulk of housing development should be encouraged only in already developed areas, where infill opportunities exist and infrastructure is already present or can be readily provided.

ATTACHMENT 2, PART A: Fairfax Open Space Priority Conservation Areas

**Fairfax Open Space
Parcels for Open Space Consideration**

-  Parks / Open Space
-  Central Marin Ridglands
Priority Conservation Areas
-  PCA - 1: West of Sir Francis Drake
-  PCA - 2: South of Bolinas
-  PCA - 3: North of Sir Francis Drake
-  Building Footprint
-  Fairfax City Boundary
-  Parcel Boundaries





DATE: March 24, 2016

TO: Transportation Authority of Marin Board of Commissioners

FROM: Dianne Steinhauser, Executive Director
David Chan, Programming Manager

SUBJECT: Adopt Priority Conservation Area (PCA) Guidelines for OBAG 2 (Action), Agenda Item No. 10

RECOMMENDATION

Recommend the TAM Board adopt the Marin PCA Program guidelines as shown in Attachment A.

On March 14, 2016, the Programming and Projects Executive Committee discussed the proposed Marin PCA Guidelines and unanimously approved staff's recommendation as presented.

BACKGROUND

The Metropolitan Transportation Commission (MTC) adopted the One Bay Area Grant (OBAG) Program Cycle 2 to establish policies and programming guidance for federal surface transportation funds, covering five years - FY 17/8 to FY 21/22. OBAG was devised with the intent to integrate the federal surface transportation program with the region's land-use and housing policies with supportive transportation investments. More specifically, OBAG is MTC's attempt to effectuate the Sustainable Community Strategy (SCS), promulgated by SB 375.

In an effort to support the SCS under OBAG, MTC heavily emphasized the effort to promote transportation investments in Priority Development Areas (PDAs), which are infill development opportunity areas within existing communities identified by local jurisdictions. They are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a bicycle and pedestrian-friendly environment served by transit. By concentrating transportation investments in PDAs, MTC believes that the OBAG program will be consistent with the goals of SB 375.

While one of the primary goals of OBAG is targeted transportation investment in PDAs, MTC also recognizes the importance of the Bay Area's open space and agricultural lands by creating the Priority Conservation Area (PCA) Program in OBAG 1 where funding was set aside for projects in designated PCAs around the Bay Area. MTC has continued this commitment in OBAG 2.

PRIORITY CONSERVATION AREA (PCA) PROGRAM

The goal of the PCA Program is to support Plan Bay Area by preserving and enhancing the natural, economic and social value of rural lands in the Bay Area, for residents and businesses. These values include globally unique ecosystems, productive agricultural lands, recreational opportunities, healthy fisheries, and climate protection (mitigation and adaptation), among others. The PCA Program should also be linked to SB 375 goals which direct MPOs to prepare sustainable community strategies which consider resource areas and farmland in the region.

PCAs were nominated by local jurisdictions and adopted by the ABAG Executive Board during opened call periods in 2008, 2013, and 2015. In 2015, the ABAG Executive Board adopted 68 new PCAs and confirmed 97 existing PCAs for a total of 165 PCAs in the Bay Area.

There are 21 PCAs within Marin's boundaries. In addition, there are three regional PCAs with portions that lie within Marin, such as the San Francisco Bay Trail that circumvents the San Francisco Bay. See Attachment B for the list of PCAs in Marin.

PCA Funds Available

Unless amended, a total of \$790 million is available to the Bay Area under OBAG Cycle 2. MTC has set aside \$436 million for regional programs that will be administered by MTC with the remaining funds apportioned to the CMAs. Within the \$436 million regional programs, MTC allocated \$16.4 million for the Priority Conservation Area (PCA) Program under OBAG 2.

The fund source used for the PCA Program is federal Surface Transportation Program (STP) funds. Project eligibility is limited by the eligibility of STP funding; unless the CMA can exchange these funds or leverage new fund sources for their programs.

While MTC's intent was to manage a competitive program across all nine Bay Area counties, the four North Bay Counties were able to influence MTC leadership to retain and expand the unique programs in the North Bay. Marin's program was used as an example of a very well run program. The four North Bay counties of Marin, Napa, Sonoma and Solano will therefore receive \$8.2 million (\$2.05 million each); the rest of the Bay Area counties will be participating in a regionally-managed PCA program to be administered by MTC, ABAG, and the Coastal Conservancy.

Agencies in any of the four North Bay Counties must apply in the county in which they reside. Therefore, an agency in a North Bay County cannot apply to the Regional PCA Program to avoid "double-dipping."

MTC/ABAG Program Evaluation

The PCA Program was a pilot program under OBAG 1. Under OBAG 1, MTC and ABAG evaluated the selected projects from the North Bay Counties to determine their consistency to the program goal and their success in delivery. Marin was showcased with selecting projects that were consistent with the goals of the PCA program.

It is important that Marin and the other North Bay Counties continue to select projects that meet PCA goals in OBAG 2 and demonstrate to MTC and ABAG the effectiveness and efficiency of a locally-determined program so that the North Bay PCA program may advance in future federal authorizations.

PCA Administrators

The Regional PCA Program will be administered by the Coastal Conservancy in partnership with MTC and ABAG. MTC has adopted Guidelines for the Regional PCA Program as shown in Attachment A.

The North Bay PCA Program framework is to be developed by the four North Bay county Congestion Management Agencies. The Regional Guidelines are similar to the first cycle of the PCA program, with a few notable two differences that include 1) reducing the minimum local match requirement from 3:1 in OBAG 1 to 2:1 in OBAG 2 and 2) adding a new eligible category, called Urban Greening, that allows the funding of green spaces in cities that increase habitat connectivity, improve community health, capture carbon emissions, and address stormwater.

TAM is the administrator for the Marin PCA Program and is responsible for adopting guidelines for the Marin PCA Program.

Proposed Marin PCA Guidelines

After reviewing the adopted Regional PCA Program guidelines, it is the recommendation of staff to use many of the Regional guidelines for the proposed Marin guidelines, except for a few areas noted below.

PCA Designation – Eligible projects must be within a designated PCA.

Since there are 24 PCAs in Marin, there should be ample applications to consider when the Call for Projects is issued without having to expand the description. ABAG has periodically conducted Calls for Nominating PCAs. After requests are received, ABAG approved those qualified requests to be PCAs at one time as a group.

In OBAG 1, applicants had the option to request ABAG to consider new PCAs on an individual basis, separate from the Calls for Nominating PCAs. This option will not be available in OBAG 2 because the most recent Call for Nominating PCAs just concluded in September 2015. ABAG will not be considering new PCAs on an individual basis like it did in OBAG 1.

Non-Federal Local Match – MTC requires a 2:1 minimum match from non-federal funds, which means that 66% of the total funds will be from non-federal funding source(s) and 33% from PCA funds.

Under OBAG 1, TAM imposed a 1:1 minimum match for the Marin Program. Staff asked MTC if TAM has the discretion to use the 1:1 minimum match for OBAG 2. MTC maintains that the minimum match of 2:1 will be required for the Regional Program and the North Bay Counties.

TAM staff will conduct a Call for Projects under the 2:1 minimum match rule, and screen results. If insufficient candidates come forward, staff will bring further discussion back to the TAM Board.

Meets the Program Goals – The Regional Program listed four criteria as meeting program goals. TAM staff is recommending adopting the same four criteria, and adding two additional criteria, which include complete funding plan and non-substitution of existing funding source.

Staff anticipates receiving many applications for limited funds and recommends the additional criteria to better distinguish the applications from one another.

Emphasis Areas/Eligible Projects – Staff is essentially proposing the same emphasis areas/eligible projects for the Marin Program as the Regional Program with the addition of “Farm to Market” in the

description, entitled “5. Protection.” This recommendation is consistent with our adopted guidelines from OBAG 1.

EXECUTIVE COMMITTEE

On March 14, 2016, the Programming and Projects Executive Committee discussed the proposed Marin PCA Guidelines and adopted to support staff’s recommendation as presented.

Commissioner Furst asked if maps are available, showing the boundaries of each designated PCA in Marin. Staff was able to ascertain that maps are not currently available, but ABAG is the process of developing maps for the adopted PCAs. ABAG is not certain when the maps will be finished but is hoping to make them available on its website by the summer of 2016.

NEXT STEPS

After the adoption of the Marin PCA Program Guidelines, staff will issue a Call for Projects in the amount of \$2.05 million. Applicants will be given about 8 weeks to submit applications. An evaluative committee will be formed to evaluate the applications against the adopted guidelines. A proposed list of projects will be presented to the TAM Board for adoption, tentatively scheduled for July 2016. The TAM Board adopted list of projects will be forwarded to MTC for inclusion into the federal TIP database.

ATTACHMENT

- Attachment A: Draft Marin PCA Program
- Attachment B: PCA Areas in Marin
- Attachment C: Approved PCA Projects from OBAG 1

**OBAG 2 - Priority Conservation Area (PCA) Programs
(Draft March 14, 2016)**

	Regional PCA Program	Marin PCA Program
Administrator	Coastal Conservancy	TAM
Program Goals	Support Plan Bay Area by preserving and enhancing the natural, economic and social value of rural lands and open space for residents and businesses, including globally unique ecosystems, productive agricultural lands, recreational opportunities, healthy fisheries, and climate protection (mitigation and adaptation), among others.	Same
Funding Amount	\$8.2 million	\$2.05 million
Funding Source	Federal Surface Transportation Program (STP) funds unless funds can be exchanged with other local funds.	Same
Programmed FYs	Funds can be programmed in FY 17/18, FY 18/19, FY 19/20, FY 20/21, and/or FY 21/22.	Same
Screening Criteria	PCA Designation: Eligible projects must be within a designated PCA.	Same
	Regionally Significant: Indicators of regional significance include a project's contribution to goals stated in regional habitat, agricultural or open space plans, countywide Plans or ABAG's PCA designations. Applicants should describe who will benefit from the project and regional (greater-than-local need) it serves.	Same
	Open Space Protection In Place: Linkages to or location in an area that is protected from development. Land acquisition or easement projects would be permitted in an area without open space policy protections in place.	Same
	Non-Federal Local Match: 2:1 minimum match,	Same, but greater consideration will be given to projects with higher than the minimum match.
	Meets Program Goals: Projects that meet one of the following program goals from Group A:	Projects must have one of the goals from Group A and all of the program goals from Group B

	<p><u>Group A</u></p> <ul style="list-style-type: none"> o Protects or enhances “resource areas” or habitats. o Provides or enhances bicycle and pedestrian access in an open space /parkland resources. Notable examples are the Bay and Ridge Trail Systems. o Supports the agricultural economy of the region. o Includes existing and potential urban green spaces that increase habitat connectivity, improve community health, capture carbon emissions, and address stormwater. 	<p><u>Group B</u></p> <ul style="list-style-type: none"> o With the requested PCA funds, project sponsor has substantially all funds needed to complete the project without seeking other funds. o Does not replace existing funding source.
<p>Eligible Applicant</p>	<p>Local governments (cities, counties, towns), county congestion management agencies, tribes, water/utility districts, resource conservation districts, park and/or open space districts, land trusts and other land/resource protection nonprofit organizations based in Marin County are invited to nominate projects. Applicants are strongly encouraged to collaborate and partner with other entities on the nomination of projects, and partnerships that leverage additional funding will be given higher priority in the grant award process. Partnerships are necessary with cities, counties, or CMAs in order to access federal funds. Project must have an implementing agency that is able to receive a federal-aid grant (master agreement with Caltrans)</p>	<p>Same</p>
<p>Emphasis Areas / Eligible Projects</p>	<ol style="list-style-type: none"> 1. Planning Activities 2. Pedestrian and Bicycle Facilities/ Infrastructure: On-road and off-road trail facilities, sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming, lighting and other safety related infrastructure, and ADA compliance, conversion and use of abandoned rail corridors for pedestrians and bicyclists. 3. Visual Enhancements: Construction of turnouts, overlooks and viewing areas. 4. Habitat / Environmental Enhancements: Vegetation management practices in transportation rights-of-way, reduce vehicle-caused wildlife 	<p>Same, except the following:</p> <ol style="list-style-type: none"> 5. Protection (Land Acquisition or Easement) or Enhancement of Natural Resources, Open Space or Agricultural Lands: Parks and open space, farm to market, staging areas or environmental facilities; or natural resources, such as listed species, identified priority habitat, wildlife

	<p>mortality or to restore and maintain connectivity among terrestrial or aquatic habitats, mitigation of transportation project environmental impacts funded through the federal-aid surface transportation program.</p> <p>5. Protection (Land Acquisition or Easement) or Enhancement of Natural Resources, Open Space or Agricultural Lands: Parks and open space, staging areas or environmental facilities; or natural resources, such as listed species, identified priority habitat, wildlife corridors, wildlife corridors watersheds, or agricultural soils of importance.¹</p> <p>6. Urban Greening: Existing and potential green spaces in cities that increase habitat connectivity, improve community health, capture carbon emissions, and address stormwater.</p> <p>Note: MTC encourages PCA project applicants to partner with other agencies and programs to leverage other funds in order to maximize benefits. As such, PCA funded projects may become eligible to deliver net environmental benefits to a future Regional Advance Mitigation Planning (RAMP) program project, above any required mitigation requirements. Note that such projects may need to rely on funding exchanges with eligible non-federal funds because most land acquisition and habitat restoration projects that are not mitigation for transportation projects are not eligible for federal transportation funds. Any such funding exchanging must be consistent with MTC’s funding exchange policy (MTC Resolution No. 3331).</p>	<p>corridors, wildlife corridors watersheds, or agricultural soils of importance.¹</p>
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¹ Projects under this category would need another funding source to exchange with grant funds since federal STP funds are prohibited from land acquisition and non-transportation related projects.

Adopted Priority Conservation Areas
as of September 2015

Area ID	Area Name	City	County	Location Description	Acreage	Lead Nominating Agency	Partnering Agencies/Orgs	Designation	Benefits	Co-Benefits	Year Designated
MR2	3rd Valley Creek/Chicken Ranch Beach Conservation Area	Inverness	Marin County	Inverness	29	Tomales Bay Watershed Council	Point Reyes National Seashore, Gulf of the Farallones National Marine Sanctuary, State Lands Commission, California Department of Fish and Game, Coastal Commission, California State Parks, Marin County, Inverness Public Utility District, Environmental Action Committee of West Marin, Inverness Association, and private property owners.	NL			2008
MR3	San Geronimo Valley headwaters of the Lagunitas Watershed and shore of Tomales Bay		Marin County	San Geronimo Valley and shore of Tomales Bay, west Marin County; 9 square-miles headwaters (out of a total 103 square mile watershed)	5,760	Salmon Protection And Watershed Network	Point Reyes National Seashore (National Park Service)	NL, RR			2008
MR4	Marin County Agricultural Lands		Marin County	agriculturally zoned land in unincorporated Marin County	75,000	Marin Agricultural Land Trust	State Coastal Conservancy, Department of Conservation Farmland Conservancy Program, Marin County, Marin Resource Conservation District, Marin Farm Bureau, Tomales Bay Watershed Council, National Park Service	AL			2008
MR5	Marin City Ridge	Marin City	Marin County	Marin City Ridge adjacent to the Golden Gate National Recreation Area	72	National Park Service, Golden Gate National Recreation Area	Potential partners could include Marin County Open Space District and the Golden Gate Parks Conservancy	NL, RR			2008
MR6	North GGNRA Lagunitas Creek Parcels		Marin County		331	National Park Service, Golden Gate National Recreation Area	Marin County Open Space District, Marin County Bicycle Coalition, Point Reyes National Seashore	NL, RR			2008
MR7	Central Marin Ridge lands	Central urban Marin, San Anselmo, Fairfax, Ross, County, San Rafael	Marin County	Central Marin	996	Marin County Parks and Open Space Department	San Anselmo, Ross, Fairfax, San Rafael, Marin Conservation League, County Flood Control, TPL	NL			2008
MR8	North County Gateway		Marin County	Unincorporated undeveloped lands north of Novato on either side of Highway 101 to the Sonoma County line and the Petaluma River	5,330	Marin County Parks and Open Space Department	Marin Conservation League, Sierra Club, Bay Area Ridge Trail Council, Bay Trail, SCAPOSD, State Parks	NL			2008

Adopted Priority Conservation Areas
as of September 2015

Area ID	Area Name	City	County	Location Description	Acreage	Lead Nominating Agency	Partnering Agencies/Orgs	Designation	Benefits	Co-Benefits	Year Designated
MR9	Bothin Waterfront		Marin County	The Upper Richardson Bay waterfront in City of Mill Valley and County Jurisdiction	50	Marin County Parks and Open Space	County Flood Control, City of Mill Valley, Marin Audubon, Bay Trail, MCL, Sierra Club	NL			2008
MR10	Big Rock Ridge Lands		Marin County	Unincorporated Central Big Rock Ridge area, City of Novato backdrop	3,000	Marin County Parks and Open Space Department	Bay Area Ridge Trail Council, City of Novato	NL			2008
MR11	Tiburon Ridge Lands		Marin County	Incorporated and Unincorporated lands along the Tiburon Ridge from the bay to Ring Mountain	322	Marin County Parks and Open Space Department	Town of Tiburon, Native Plant Society, Marin Conservation League	NL			2008
MR12	Bowman Canyon	Adjacent to Novato	Marin County	SW of 101 adjacent to Stafford Lake and Mt. Bordell open space	1,200	Marin Conservation League	Marin County Open Space District, Marin County Flood Control District, Marin Agricultural Land Trust, California State Parks, Sierra Club, Friends of Novato Creek, Bay Area Ridge Trail Council	NL, AL, RR			2008
MR14	St. Vincent's and Silveira Properties	Unincorporated area of San Rafael	Marin County	Unincorporated area between Hwy 101 and SF Bay	335	Marin Audubon Society/Marin Baylands Advocates	Sierra Club, Marin Conservation League	NL			2008
MR15	Central Marin Bayfront, Madera Bay Park	Town of Corte Madera	Marin County	Shorebird Marsh, owned by the Town of Corte Madera is to the west, and the Department of Fish and Game owned, Corte Madera Ecological Reserve is to the north, east and south.	5	Marin Audubon Society/Marin Baylands Advocates	Marin County Open Space District, Sierra Club, Marin Conservation League, Priority Conservation Area Committee	NL			2008
MR18	Central Marin Bayfront, Canalways		Marin County	San Rafael Waterfront, adjacent to San Rafael Shoreline Park; Bayfront of the City of San Rafael	85	Marin Audubon Society	Sierra Club, Marin Conservation League, Priority Conservation Area Committee, Marin County Department of Parks and Open Space	NL			2008
MR19	Fairfax Zone 1 - Western Fairfax/Tamarancho/Cascade	Fairfax	Marin County	located west of developed areas of Fairfax, west of Sir Francis Drake Blvd, north of Bolinas/Fairfax Rd	308	Town of Fairfax	Town of San Anselmo, County of Marin, San Anselmo Open Space Committee	NL, UG, RR	terrestrial ecosystems, water supply and quality, compact growth, community health, recreation		2015
MR20	Fairfax Zone 2 - Southern Fairfax/Bald Hill	Fairfax	Marin County	south of Sir Francis Drake Blvd and Bolinas/Fairfax Rd	275	Town of Fairfax	Town of San Anselmo, County of Marin, San Anselmo Open Space Committee	NL, UG, RR	terrestrial ecosystems, water supply and quality, compact growth, community health, recreation		2015

Adopted Priority Conservation Areas
as of September 2015

Area ID	Area Name	City	County	Location Description	Acreage	Lead Nominating Agency	Partnering Agencies/Orgs	Designation	Benefits	Co-Benefits	Year Designated
MR21	Fairfax Zone 3 - Northern Fairfax/Sleepy Hollow/Oak Manor/Wall	Fairfax	Marin County	north of Sir Francis Drake Blvd	448	Town of Fairfax	Town of San Anselmo, County of Marin, San Anselmo Open Space Committee	NL, UG, RR	terrestrial ecosystems, water supply and quality, compact growth, community health, recreation		2015
MR22	Carmel Open Space	Novato	Marin County	south of Carmel Drive, north of Vallejo Ave	5	City of Novato		NL, RR	recreation, terrestrial ecosystems		2015
MR23	Davidson Hill Area	Novato	Marin County	Davidson St south of Olive Ave	30	City of Novato		NL, RR	recreation, terrestrial ecosystems		2015
MR24	Hill Recreation and Arroyo Avichi Creek Area	Novato	Marin County	1560 Hill Road and 1521 Hill Road, Novato	23	City of Novato		NL, AL, UG, RR	community health, terrestrial ecosystems, agricultural resources	compact growth	2015
MR25	O'Hair Park	Novato	Marin County	855 Sutro Ave, Novato	100	City of Novato		UG, RR	recreation, community health, terrestrial ecosystems	wildlife habitat	2015
MULT11	San Francisco Bay Trail – Bay Area Ridge Trail	Fremont, Albany,	Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties	Completion of regional trail systems	1,675	San Francisco Bay Trail Project	Bay Area Ridge Trail Council	NL			2008
MULT14	California Coastal Trail	Regional	Sonoma, Marin, San Francisco, San Mateo counties	Over 137 miles of Coastal trail are currently open to the public along the Sonoma, Marin, San Francisco, and San Mateo coasts; once completed, the Coastal Trail in the Bay Area will be approx 170 miles long	400	San Mateo County, on behalf of the State Coastal Conservancy	Coastal Conservancy, numerous counties and cities along the 1,200-mile California coast	RR	recreation	scenic, economic, alternative transportation, health, environmental protection	2015
MULT15	San Francisco Bay Area Water Trail	Regional	Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties	Along the shoreline of San Francisco Bay and its tributary waters in all nine counties	30	San Mateo County, on behalf of the State Coastal Conservancy	ABAG, Coastal Conservancy, Bay Conservation & Development Commission, Division of Boating and Waterways, 9 counties, numerous cities, ports resource agencies, nonprofit organizations	RR	recreation	scenic, economic, health, environmental protection and stewardship	2015

Approved PCA Projects from OBAG 1				
Sponsor	Project	Total Project Cost	PCA Fund Requested	Approved PCA Funds
MALT	Thacher Ranch Easement Acquisition	\$1,628,000	\$250,000	\$250,000
Novato	Pacheco Hill Parkland Acquisition	\$6,600,000	\$500,000	\$500,000
Mill Valley	Bayfront Park Recreational Bay Access Pier Rehabilitation	\$223,000	\$100,000	\$100,000
San Anselmo	Sunny Hills Ridge Trail	\$160,000	\$80,000	\$80,000
Marin County	Mill Valley-Sausalito Pathway Rehabilitation	\$1,756,000	\$878,000	\$320,000
	Total	\$10,367,000	\$1,808,000	\$1,250,000

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Comments on draft Housing Element
Date: 01.05.2023 16:51:58 (+02:00)

From: Jenny Silva <jrskis@gmail.com>
Sent: Sunday, April 30, 2023 8:18 PM
To: Housing <Housing@townoffairfax.org>; HousingElements@yimbylaw.org <HousingElements@yimbylaw.org>; housingelements@hcd.ca.gov <housingelements@hcd.ca.gov>
Subject: Comments on draft Housing Element

Dear Town of Fairfax,

I am writing to submit my comments on the draft Fairfax Housing Element. Although the Housing Element is late, I commend the Town for a well-written, well organized document that is a good attempt at addressing the serious housing needs in Fairfax. Even so, we do believe that the draft Housing Element needs to be strengthened to achieve its goals. Because these comments are long, you may want to access them via this [Google doc](#) instead of through this email.

I will start with some overall comments on the draft, and then provide specific comments tied to individual programs.

1.

Density at School Street Plaza is necessary and important to the project.

School Street Plaza is an important site in this housing element, given the large number of housing units it can generate. We encourage the town of Fairfax to maintain at least the 175 units it is planned for and to work with the developers to ensure that the project can proceed.

2.

Over optimistic projections of development of vacant residential lots. Table 3-3 shows the expected development of 21 vacant residential lots into 60 units. While we support Fairfax's efforts to ease development, it is unrealistic that all vacant residential will develop at full capacity. Fairfax should apply a likelihood of development to these properties.

3.

Over optimistic projections of ADU development. Fairfax expects its programs to double ADU development. These programs will be implemented over the next two years, so it will be likely $\frac{1}{4}$ the way through the Cycle before they are fully implemented. This makes the doubling of current production rate over the entire period a challenge, especially since there is not a commitment to zoning changes proposed in Program 1-M. is the most powerful program proposed - it provides the biggest economic incentive to build more ADUs. However, Fairfax is only "considering" changes in this program. Fairfax should lower its ADU expectations.

4.

Over-optimistic development of under-utilized commercial sites - the Housing Element assumes that all 19 sites are developed for a total of 159 units, 129 of

which are suggested to be very low income units. Many of these sites have very small unit capacities - just 2-4 units. About 2/3 show owner interest, but that is not enough. To add housing will require businesses to shut down revenue streams, which increases the cost of development. Fairfax should be providing a probability of development for these sites, especially the sites without owner interest. Further as mentioned below, the proposed density is unlikely to drive the redevelopment of these properties and needs to be increased.

5.

Potential projects are incorrectly classified as pipeline projects. HCD's Building Blocks says that jurisdictions may take RHNA credit for new units approved, permitted, and/or built since the start date of the RHNA projection period. For projects approved, but not yet built, the jurisdiction must demonstrate the units can be built within the remaining planning period and demonstrate affordability to very low- or low-income households. Table 3-2 lists 194 units as Pipeline projects, but only 4 of those units have been approved. The 190 pre-approval projects should be moved to the site inventory. **Comments on Programs**

a.

Program 1-B - School Street Plaza. We support this program and this project. We would encourage Fairfax to develop ODDS that are consistent with affordable, environmentally friendly multi-family housing. The draft ODDS we reviewed would require that this 175 unit project consist of many small, highly articulated buildings (10-15 units) with very defined architectural standards. Complying with these ODDS would dramatically raise cost of building as well as reduce the energy efficiency of the end units. While the developer can seek waivers of requirements that make a project financially infeasible, this both wastes staff time and could potentially disappoint the community if standards are not used.

b.

Program 1-C - Housing on Town Owned Sites. We support this program, if it were amended to offer higher density housing. Mill Valley is working on an affordable housing project on city owned land, and they need a density of 40 units/acre to make it financially feasible. This project should be increased to at least 20 units. This increase could compensate for the reducing the ADU estimate, which we believe is too optimistic.

c.

Program 1-D - Shopkeeper Units. We support this program strongly in concept. However, it will not be financially feasible to add a single unit above a business. The program should allow multi-story residential above the stores. Multi-story residential above ground floor retail is a feature of villages around the world, and typically strengthens the retail market in an area.

- d. **Program 1-E.** We support this program, and believe it should be extended throughout the town, and not limited to commercially zoned areas. Allowing the formation of home-based businesses allows the creation and nurturing of entrepreneurship throughout the community, as well as enabling the creation of more walkable neighborhoods.
- e. **Program 1-G - Encourage Innovative and 'Non-Traditional' Forms of Housing.** While the intent of this program is good, many non-traditional forms of housing cannot be developed under existing zoning code. This program should commit to revise zoning requirements to enable these non-traditional forms of housing.
- f. **Program 1-M** is the most powerful program proposed to incentivize ADU production. However, Fairfax is only “considering” changes in this program. Fairfax should commit to reducing zoning restrictions that limit the attractiveness of building ADUs.
- g. **Program 2A - Housing Overlay District -** This is a good program, but the proposed density needs to be increased. The projected housing requires all sites to be developed to 29 units/acre. The housing overlay proposes zoning at 20 and 40 units per acre. Every site would need to be developed at maximum capacity to reach the 29 units/acre. This is not realistic. Further, the Housing Overlay is expected to provide mostly affordable housing. The proposed densities do not support affordable housing development. By comparison the Hamilton project in Mill Valley will only work at 40 units per acre, and the city is providing the land. Bee Street, the last affordable project in Sausalito, was at 70 units/acre, and had donated time and professional services. In the 5th cycle, Sausalito introduced a program similar to 2A, and no housing was created. This cycle, Sausalito is increasing the density to 49/acre and 79 units/acre. This is an important program for Fairfax, and to see it to fruition, it will need increased density.
- h. **Program 2C - Establish Objective Design and Development Standards (ODDS).** We are supportive of ODDS. But as mentioned above, we are concerned that draft ODDS failed to address affordability and energy efficiency. The small building sizes proposed are appropriate for small infill lots, and are useful for rezoning R1 zones into multi-family. They are not appropriate for larger development opportunities. The high articulation requirements are not energy efficient. The combination of small building sizes and high articulation will reduce the energy efficiency of these new units. Fairfax cares about environmental sustainability, and we'd encourage Fairfax to reconsider its approach. We also find the architectural standards highly

problematic and not consistent with the eclectic charm of Fairfax.

i.

Program 2-G - We are encouraged to see the inclusion of byright approval for developments up to 4 units. We'd like to see this extended to larger buildings.

j.

Program 5-C - ADU monitoring. This is an important program given Fairfax's plan to rely on ADUs. Even so, we think the ADU projection is too high and the Town should proactively plan for a more realistic number of ADUs.

k.

Program 5-D - Housing Specialist We support this program as Fairfax will need additional resources to implement this housing program. Fairfax has a very small staff, and we do not believe it will be able to complete this program without additional staff.

l.

Not addressed: Fairfax has enacted some strong rent stabilization and tenant protection programs. These programs are necessary given the current housing crisis. There is a strong effort underway to repeal these protections. Fairfax should commit to ongoing protections within the Housing Element.

6.

Planning for Older Residents. Like much of Marin, Fairfax is aging rapidly, but is not adequately planning for this demographic transition. Currently, Fairfax has 276 older residents with ambulatory difficulties. 206 have an independent living difficulty. Yet there are only 123 independent living senior residences and no assisted living residences. Much of Fairfax's single family homes are on steep hillsides with many stairs. Further, 90% of Fairfax's housing stock is over 40 years old, requiring increased maintenance, which can be challenging for older residents, especially those with ambulatory and cognitive difficulties. Many seniors will need new housing options this housing cycle. ADUs and Home Match are not sufficient to meet the needs. We urge Fairfax to seriously plan for additional housing options for seniors.

7.

Appendix C - Constraints

a.

Governmental constraints

i. **Fees and Extractions.** Fairfax does not include the fee that it charged for a developer submitting an application under the Builder's Remedy. This fee has been set at \$50,000. This is not a reasonable fee, and is a clear attempt at circumventing California state law.

ii. **Unnecessarily High Parking Requirements** - the current draft housing element only reduces parking where required by law. Any units larger than a studio, other than ADUs, require 2 parking spots, even though Marin has a high percentage of single person households. Fairfax points to parking standards throughout Marin as justification for its high standards. Overly high parking requirements are a problem throughout Marin. Fairfax has committed to reducing greenhouse emissions. 40% of Marin's emissions are from cars, so reducing car dependency is a key step in climate action. Reducing unneeded parking is a step towards both reducing housing prices and improving climate resiliency.

iii. **Lack of Zoning for Multifamily Housing.** Fairfax has no baseline zoning for multi-family residences other than for seniors. Fairfax is proposing programs for workforce housing, including working with non-profits to explore options for sites for projects. A much stronger commitment would be to legalize multi-family housing throughout Fairfax. The ODDS that Fairfax developed could be readily adapted throughout single family neighborhoods. This would be a much stronger step to providing more affordable housing options and integrating Fairfax.

iv. **Subdivisions - fees, requirements** - Throughout this section Fairfax suggests that requirements are not a constraint because they are consistent with other Marin jurisdictions. However, Marin has had the lowest rate of housing production per capita in the Bay Area for the last 20 years. All of the jurisdictions in Marin have requirements that have greatly reduced housing production. Being consistent with Marin is not an argument that requirements are not a constraint. Fairfax has only developed 43 new housing units in the last decade. It does not appear that any have gone through the subdivision process, and the vast majority are single family homes or ADUs. We believe Fairfax needs to change its approach to multi-family housing, so it can be built.

b. **Non-governmental constraints - Community resistance to housing development.** Fairfax does not identify community resistance as a restraint to housing development. Page C-3 states that a plan to rezone Commercial Highway to Commercial Corridor with byright on the 2nd floor was not implemented due to the submission of a voter referendum. Fairfax should be engaging in programs to increase the political will to build housing.

Permitting times. Fairfax describes the permitting times, but does not provide data supporting its process description. Fairfax should provide a summary of permitting times for project applications over the last cycle that includes the actual time to get through the process, as well as the number that dropped out. If Fairfax does not have this data, it should commit to gathering the data and making adjustments if it does not meet state permitting guidelines. For example, table C-6 states that the “typical” time for multi-family housing, <10 units and >10 units is 6-12 months. I believe the only multi-family housing developed was the 53 unit Victory Village. Fairfax should state what the processing time for this project was.

Thank you for the work on your Housing Element, and we look forward to an even stronger second draft.

Sincerely,

Jennifer Silva
Volunteer, Campaign for Fair Housing Elements
jrskis@gmail.com

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Comments on Fairfax's Housing & Safety Elements prepared by consultants Dyett & Bhatia
Date: 01.05.2023 16:53:15 (+02:00)

From: Jane Richardsonmack <janerichardsondesign@gmail.com>
Sent: Monday, May 1, 2023 9:05 AM
To: Frank Egger <fegger@pacbell.net>
Cc: Heather Abrams <habrams@townoffairfax.org>; Housing <Housing@townoffairfax.org>
Subject: Re: Comments on Fairfax's Housing & Safety Elements prepared by consultants Dyett & Bhatia

Oh Frank, what would we do without you? And what can we do?
This is the WORST news ever.
Is it possible to force the TC to respond to this email?
May I forward it to them, even if you've previously sent? Maybe every should.
Thank you, Jane Richardson Mack

On Sun, Apr 30, 2023 at 11:56 PM Frank Egger <fegger@pacbell.net> wrote:

DATE: April 30, 2023

TO: Housing@TownofFairfax.org, Town Manager Heather Abrams

RE: Comments, Fairfax's Housing & Safety Elements prepared by Dyett & Bhatia

FROM: Frank Egger and Save Fairfax

In reading what Dyett & Bhatia has prepared for Fairfax's Housing & Safety Elements, it is clear they have no institutional knowledge of Fairfax, either the historical background as to why Fairfax remains the last of the old small towns in Marin or the legal battles fought out in local & appellate courts to preserve, protect & restore Fairfax. Dyett & Bhatia prepared the 2nd reiteration of Fairfax's Housing & Safety Elements after the initial process had been started by the EMC Planning Group and then after the firing of EMC.

The proposed Fairfax Housing Element has identified every vacant parcel of land in Fairfax and Dyett & Bhatia has set a density on these vacant and or underutilized parcels in Town knowing neither the history, the previous General Plan Elements, the Court decisions impacting any future development nor the applicable Town Code sections that apply to these parcels.

School Street Plaza has been designated for 175 units in the Housing Element with 5 to 7 story buildings on 1.92 acres backing onto Fairfax Creek whose portion is in the known flood plain. The 1.92 acres is zoned CL LIMITED COMMERCIAL ZONE, § 17.092.040 PRINCIPAL PERMITTED USES AND STRUCTURES are commercial. School Street Plaza is a place for small businesses to locate, a spot for incubator businesses. The Fairfax zoning ordinance does not allow residential as a principal permitted use in the CL Limited Commercial Zone. Residence may be allowed by Use Permit if appropriate findings can be made by the

Planning Commission & ultimately the Town Council. The height limit is 28.5 feet and may not contain more than two stories.

Dyett & Bhatia has designated the 10.53 acre ridgetop open space parcel (174-060-21) for six units. It was the private Open Space for the 52 unit Meadowland subdivision that Fairfax annexed and re-approved in the later 1960's in a Planned District Development (PDD) zone. The County of Marin had initially approved the 52 unit subdivision conditioned on the 10.53 acre parcel being set aside as Private Open Space. That parcel is landlocked. The 10.53 acre open space parcel was sold about 4 years ago and the new owner still has no frontage on an improved Fairfax public street as required by Fairfax Town Code. The only way a vehicle can access the 10.53 acre Meadowland ridgetop parcel is by leaving Fairfax Town Limits and driving through unincorporated Fairfax up a very steep side ridge portion of the Marin County Open Space District's land which is prohibited by a Fairfax Ordinance adopted in 2001. The Private Open Space Parcel is above the Canon Tennis & Swim Club and has no access from Canon Village.

Fairfax has many zoning ordinances on the books that I authored. One says a Fairfax development must be accessed through a Fairfax roadway and a developer cannot access their property in Fairfax through another jurisdiction like either Marin County or San Anselmo. The purpose there is to give direct access for emergency response from Fairfax Police and not require FPD to travel through another jurisdiction to get to a Fairfax property for emergencies. Another ordinance says any housing development in Fairfax must have frontage on a Fairfax public street. Each unit must have frontage on an improved public street, The 10.53 acre parcel has no Fairfax street frontage.

There are 3 landlocked parcels close to our easterly border with San Anselmo, none of which have Fairfax street frontage, and Dyett & Bhatia has designated those 3 parcels with 10 units, all three parcels can only be accessed through San Anselmo, a 10 minute drive out of Fairfax east on Center Blvd to San Anselmo and then up Scenic Avenue. The first of the three is parcel # 002-181-20, the former Jammie Williams 6.99 acre property zoned Upland Residential 10 acre minimum above Sky Ranch. The Fairfax Town Council rejected development of that property in 2001 based on no frontage on an improved Fairfax public street and the only vehicle access was a narrow driveway easement through private property from Scenic Avenue in San Anselmo.

The second and third parcels are 002-181-04 and 002-181-05 (same owner) are designated for six units, roughly 10 acres combined and zoned Upland Residential 10 acre minimum. It is impossible to extend Hillside Drive to these two parcels and access from Scenic Avenue in San Anselmo and Francis Avenue in Fairfax will not work either.

Another parcel is a large parcel that was dedicated as Open Space through a Marin County Superior Court Order, the mandatory settlement requirement when the owner of the proposed Fairfax Hills subdivision sued Fairfax in the 1980's over our restrictions on the project. Dyett & Bhatia has designated a portion of that Private Open Space, parcel #174-070-71 with an address of 615 Oak Manor Drive, for 10 units. That parcel is the Remainder Parcel, originally the 50 acre parcel that was all Private Open Space as required by Marin County Superior Court Judge William H. Stephens' Order and signed by the Hill Family and the Town of Fairfax. Fairfax has already violated that court order once when the Planning Commission approved the building of at least one house on the Private Open Space towards the top on a cul de sac off of Oak Manor Drive when James Moore was Planning Director. The only two members of that Town Council still with us are former mayor Wendy Baker and myself.

Another 2 parcels that we purchased for Open Space in the late 1960's or early 1970's, Dyett & Bhatia want to put 10 units on them. Parcels 002-123-17 & 002-144-01 are on Forrest Ave and are very steep and forested. They border Marin Town & Country Club. Another reason Fairfax purchased those two parcels was to provide access to the Marin Town & Country Club should one day either a private or public club or recreation area, for which the land is zoned for, be restored there.

There is a 100 acre parcel that a developer wanted to subdivide into 10 estate lots with ADUs that is in a mapped Wildland Urban Interface Zone (WUI), a known high landslide prone area and mansions built on the Ridgeline Scenic Corridor and he called it Marinda Heights. 250 trees would have to be cut down and 4 years ago the then Town Council said an EIR was necessary for CEQA compliance but the developer refused to pay for an EIR. So, no EIR was ever done and now Dyett & Bhatia wants to designate it for a 10 estate lot subdivision with 10 acres for each lot with the

possibility of both an ADU and JADU on each parcel, perhaps 30 units.

The Ross property parcels, 003-171-02, 05 and 08 at the top of the north side of Toyon is shown with four units. The parcels are known as Northern Spotted Owl habitat and they sit in the middle of the Town's WUI Zone. A public roadway would have to be built and accepted by the Town for maintenance to provide vehicle access to 3 of the 4 units.

Fairfax banned septic tanks in 1974 and that ordinance has never been repealed. Canyon Road residents taxed themselves to install Ross Valley Sanitary District's system for new development. Fairfax allows new development on cascade drive on a septic tank in violation of Fairfax's ordinance.

During the early 1980's Fairfax merged over 1,000 parcels because they did not meet development and zoning standards. The Dyett & Bhatia proposal lists a number of vacant parcels to be developed. There is an Assessor's Parcel Book in the Town Safe with all of the merged parcels marked. Fairfax recorded the merged parcels at the Marin County Recorder's Office. Someone must review the Dyett & Bhatia listed vacant parcels to determine if any of them have been merged.

10 Olema, parcel 001-104-12 is zoned CL Limited Commercial, it has the same zoning constraints as School Street Plaza. It backs onto Fairfax Creek with a required creek setback of at least 20 feet from the top of the bank. The whole property flooded in 1982. One of Fairfax's oldest historical Victorian homes sits on the property. Dyett & Bhatia designated it for 31 units.

Dyett & Bhatia designates the Jehovah Witnesses Church property on SF Drake Blvd for 29 units.

Two parcels at the east end of SF Drake, the historic "Old Timer Club", now a beer pub, and the oldest home in Fairfax next door adjacent to the Town Limits of San Anselmo. Dyett & Bhatia has designated them for at least 6 units with no way to preserve the existing historic structures.

Dyett & Bhatia's Redevelopment proposals will turn the SF Drake Boulevard corridor from small commercial shops into a highrise zone.

Page 3-15, 2nd paragraph states Fairfax will undertake a focused geologic study to identify a range of measures that developers could incorporate to save costs. What Dyett & Bhatia do not know is that Fairfax has always suffered from landslides, homes sliding down the hillsides. Then, because of slides in the late sixties and early seventies and Fairfax's propensity of high hazards for landslides, The State of California, Division of Mines & Geology, moved State geologist Ted Smith to Fairfax for one year for the purpose of mapping every known landslide in Fairfax. The State rented Mr. Smith a house in Fairfax and he walked every street and road checking for both active and inactive landslide formations. He mapped the whole Town and each landslide area was marked with a number. A 4 being the most susceptible for a landslide.

In 1973 we hired Wallace McGarg Roberts & Todd (WMRT) to prepare Fairfax's 1974 Open Space Element. WMR&T was given a copy of State geologist Ted Smith's field notes to map Fairfax's known landslides. That General Plan Open Space Map was in the Town Safe when I left the Town Council in 2005. Now Dyett & Bhatia wants Fairfax to spend hundreds of thousands of dollars to remap all of the known landslides.

Fairfax is in the worst shape for disasters, fires and floods, than any other of Marin's towns/cities. Most of Fairfax is in the Wildland Urban Interface Zone (WUI) and what is not in the WUI Zone, is in the Flood Zone. In 1982 we had 18 inches of rainwater flowing through downtown Fairfax businesses. The Sunnyside Detention Basin constructed by the Ross Valley Flood Zone 9 will reduce downtown Fairfax Fairfax flooding by 4 inches so instead of 18 inches of flood water flowing through downtown businesses, only 14 inches of flood water will flow through them.

I was here in Fairfax in 1944 when Marin County prepared to evacuate the entire Town of Fairfax because of the wildland fire that came over Mount Tam burning north. The wind shifted to the northwest and Fairfax was spared. My father and I drove out to the Taylor Campgrounds (before it became Samuel Taylor State Park) and the fire burned itself out when it hit Lagunitas Creek.

Fairfax has one way in and one way out. A vehicle accident on SF Drake in Fairfax turns the Upper Ross Valley into

gridlock for hours. Fairfax must have a real Evacuation Plan to get 7,500 people out of here. The mapping we have today is useless in a major conflagration. Fairfax will end up being another "Paradise" if this Redevelopment Plan proposed by Dyett & Bhatia is approved as written.

Who will accept liability for death and destruction when the conflagration hits Fairfax, the Town Council? The State of California?

Fairfax must find a real environmental lawyer and challenge the CA Dept of Housing & Community Development and ABAG's RHNA numbers in court.

**Thank you,
/s/ Frank Egger for Save Fairfax
[13 Meadow Way, Fairfax, CA](#)**

From: **Housing** <Housing@townoffairfax.org>
To: **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Fairfax' Housing Element
Date: 01.05.2023 23:08:57 (+02:00)

From: Barbara Petty <barbarapetty@barbarapetty.com>
Sent: Monday, May 1, 2023 1:54 PM
To: Housing <Housing@townoffairfax.org>; Heather Abrams <habrams@townoffairfax.org>
Cc: James M. Allen <jallen@lpslaw.com>
Subject: Fairfax' Housing Element

Forrest Ave is a narrow winding road with fire evacuation issues. Adding more housing will increase the fire danger for everyone on this street, and surrounding areas. The lots are extremely steep. Having any construction done on this street requires road closures and special equipment. This is NOT the street to add more housing – it is a public safety concern.

Please remove Forrest Ave from the potential list of additional housing.

Barbara Petty and Jim Allen
272 Forrest Ave.

From: **Barbara Coler** <bcoler@townoffairfax.org>
andrew@dyettandbhatia.com <andrew@dyettandbhatia.com>; **Heather Abrams** <habrams@townoffairfax.org>; **Housing** <Housing@townoffairfax.org>; **Daniel Hortert** <dhortert@4leafinc.com>
To: **andrew@dyettandbhatia.com** <andrew@dyettandbhatia.com>; **Heather Abrams** <habrams@townoffairfax.org>; **Housing** <Housing@townoffairfax.org>; **Daniel Hortert** <dhortert@4leafinc.com>
Subject: Fw: Fairfax' Housing Element
Date: 02.05.2023 01:15:12 (+02:00)
see below

Barbara Coler, Vice Mayor
Town of Fairfax

The opinions expressed in this email are those of this individual Council Member and are not representative of the entire Council or Town of Fairfax unless otherwise stated.

From: barbara coler <barbaracolер@gmail.com>
Sent: Monday, May 1, 2023 6:13 PM
To: Barbara Petty <barbarapetty@barbarapetty.com>; Barbara Coler <bcoler@townoffairfax.org>
Subject: Re: Fairfax' Housing Element

Hi Barbara - the comment period on the Housing Element ended yesterday (I am glad you sent on to the email and Heather regardless).
The two town owned lots are farther down on the hill - we very much want to provide these for affordable housing. I worked with Linda Neal to identify these two as possibilities for this type of housing. We did our best in working with our consultants to keep most on the site inventory lower down from the hills.
Thank you for writing. I know that this is of concern and appreciate you sending this to me. I am forwarding it to my town email.
Barbara Coler, Vice Mayor
Town of Fairfax

The opinions expressed in this email are those of this individual Council Member and are not representative of the entire Council or Town of Fairfax unless otherwise stated.

On Mon, May 1, 2023 at 1:55 M Barbara Petty <barbarapetty@barbarapetty.com> wrote:
Forrest Ave is a narrow winding road with fire evacuation issues. Adding more housing will increase the fire danger for everyone on this street, and surrounding areas. The lots are extremely steep. Having any construction done on this street requires road closures and special equipment. This is NOT the street to add more housing – it is a public safety concern.

Please remove Forrest Ave from the potential list of additional housing.

Barbara Petty and Jim Allen
272 Forrest Ave.

From: **Andrew Hill** <andrew@dyettandbhatia.com>
To: **Clare Kucera** <clare@dyettandbhatia.com>
Subject: Fwd: School Street Plaza and Housing Element Support
Date: 02.05.2023 09:04:48 (+02:00)

FYI

Begin forwarded message:

From: Heather Abrams <habrams@townoffairfax.org>
Subject: FW: School Street Plaza and Housing Element Support
Date: May 2, 2023 at 8:58:18 AM PDT
To: "andrew@dyettandbhatia.com" <andrew@dyettandbhatia.com>

Regards,

Heather Abrams

Town of Fairfax | Town Manager

www.townoffairfax.org

From: Michele Gardner <mgardner@townoffairfax.org>
Sent: Monday, May 1, 2023 4:34 PM
To: Heather Abrams <habrams@townoffairfax.org>; dhortert@4leafinc.com
Subject: FW: School Street Plaza and Housing Element Support

FYI

Michele Gardner

Town Clerk | Assistant to the Town Manager

Town of Fairfax | 142 Bolinas Road | Fairfax, CA 94930

www.townoffairfax.org

Hours: Monday-Thursday 8:30-noon and 1:00-5:00.

Closed Friday.

From: meredith parnell <mereparnell@gmail.com>
Sent: Sunday, April 30, 2023 6:26 PM
To: Michele Gardner <mgardner@townoffairfax.org>
Subject: School Street Plaza and Housing Element Support

I support the School Street Plaza site in the Housing Element. This specific project would create 175 new residences, and is needed for Fairfax to reach its RHNA goals. It is a great way to expand housing in Marin, and increased density is required to provide more environmentally sustainable housing. I strongly urge the members to retain the proposed housing density for this project in the Housing Element.

We field hundreds of calls every week from folks all over Marin, including Fairfax, desperate for housing. Our most vulnerable seniors are especially struggling. Any increase in housing supply in Marin is a benefit to all of us.

Thank you.

Meredith Parnell

Director of Homelessness Prevention

St. Vincent de Paul Society of Marin

From: **Michele Gardner** <mgardner@townoffairfax.org>
To: **Heather Abrams** <habrams@townoffairfax.org>; **Daniel Hortert** <dhortert@4leafinc.com>
Subject: FW: School Street Plaza and Housing Element Support
Date: 02.05.2023 16:43:53 (+02:00)

FYI

Michele Gardner

Town Clerk | Assistant to the Town Manager
Town of Fairfax | 142 Bolinas Road | Fairfax, CA 94930
www.townoffairfax.org

**Hours: Monday-Thursday 8:30-noon and 1:00-5:00.
Closed Friday.**

From: Robert Pendoley <rpendoley@comcast.net>
Sent: Tuesday, May 2, 2023 9:01 AM
To: Michele Gardner <mgardner@townoffairfax.org>
Subject: School Street Plaza and Housing Element Support

I support the School Street Plaza site in the Housing Element. This specific project would create 175 new residences, and is needed for Fairfax to reach its RHNA goals. It is a great way to expand housing in Marin, and increased density is required to provide more environmentally sustainable housing. I strongly urge the members to retain the proposed housing density for this project in the Housing Element.

Bob Pendoley
415 225-6335

May 3rd 2023

Dear Fairfax Planning Commission and Town Council,

We are excited to participate in the Town of Fairfax's Housing Element process. We write to offer guidance in meeting its Regional Housing Needs Allocation (RHNA) goals of 490 new units during the Housing Element cycle that we believe will make room for more families to enjoy everything Fairfax has to offer while ensuring that it is deemed compliant. **This is a once in a decade moment for the Town of Fairfax to make pivotal progress on climate change by modernizing local policies to build more housing in the right places and protect open spaces.**

The challenge of building enough housing to bridge the gap also brings opportunity for Fairfax to incorporate climate policies into their Housing Element by building the right kind of housing in the right places while protecting our valuable open spaces and irreplaceable farmland.

The Housing Element is an excellent opportunity for the Town of Fairfax to mitigate climate change and negative environmental impacts in the Town of Fairfax. In California, about 40% of climate pollution comes from transportation, the bulk of that from gasoline- and diesel-burning vehicles on our roads. Building more of the right housing in the right places can mitigate climate impacts and reduce housing costs and inequities. But in order to do this we need to change the way we build: as we encourage and engage in equitable, fire-safe infill development, it is imperative that we think about how we can really maximize the benefits that we're getting from our land. We need to build more infill housing in existing urban areas and that infill housing — and all housing — needs to include a healthy amount of green infrastructure like bioswales, carbon sequestering trees that provide canopy cover and can mitigate the urban heat island effect, native plants that can provide habitat, and other nature-based solutions to climate risks.

We believe that by adjusting zoning and development standards strategically, the Town of Fairfax can exercise maximum control over its future while also reducing greenhouse gas (GHG) emissions and addressing our climate, housing, and equity crises. By considering the feasibility of proposed housing sites, the Town of Fairfax can ensure the Department of Housing and Community Development (HCD) deems the new housing element legally compliant and accepts the Town of Fairfax's housing element.

As the Town of Fairfax begins their update process, we would like to offer three priorities to base the Town of Fairfax's policies and actions around.

1. **Increase density within existing communities in non-high fire severity zones and away from flood zones.** Fairfax's Climate Action Plan cites the need to "support new zoning as needed that allows for infill, higher density, and mixed-use development near transit and

within walking distance to shopping, schools, and services." We must build more housing in existing communities to create healthy, resilient, and affordable housing and protect our open spaces to provide climate benefits. Concentrating growth in places with low or even moderate wildfire hazard risk and outside of anticipated flood zones is necessary to address the need for building more homes while avoiding unnecessary pressure for sprawl and unsustainable shoreline development.

- a. The Town of Fairfax is limited by its topography so to preserve open spaces and ridgelines, the Town should focus on infill development locations
- b. Increase heights and remove restrictions on density in non-fire or flood severity areas where existing or new high-capacity transit is planned to encourage housing and the creation of mixed-use corridors.
- c. For example, the School Street Plaza site is a great opportunity to provide denser, multi-family housing in the heart of downtown

2. **Ensure fair and inclusive zoning policies that make housing accessible to everyone.**

The compounding crises of climate change and housing affordability disproportionately impact low-income and communities of color. In order to address our housing, climate, and equity crises, we need to change the stigma around multifamily home structures. Furthermore, current housing policies have resulted in people being unable to afford to live where they work, creating long unsustainable commutes—both for the environment and for our social fabric. Cities need to actively plan for diverse housing options that are accessible to people of all backgrounds and income levels using the principles of Fair Housing.

- a. **Affordable Housing** - Sites to meet the Town of Fairfax's low and very low-income RHNA should focus on feasibility. This means identifying good locations near bus lines, schools and jobs. Such sites will ensure that affordable housing developers seeking will be competitive in applying for funding. The City should also try to align such the densities of these opportunity sites with affordable housing finance mechanisms. Typical Low-Income Housing Tax Credit affordable housing developments contain between 40 and 75 units. The density yields of sites should reflect this rather than simply reverting to the statutory minimum density of 30 dwelling units per acre for low-income and very low-income housing under RHNA (the so-called Mullin Densities) regardless of the size of the site.
- b. **Missing Middle** – the Town of Fairfax should also focus on creating opportunities for “missing middle” housing like townhouses and duplexes. Multifamily housing provides housing opportunities for families who cannot afford to buy or rent single-family homes in the Town of Fairfax.

3. **Require nature-based solutions for climate resilience in future developments.** To

ensure that the Town of Fairfax's current and future homes are resilient to climate risks like wildfire and flooding, the Town of Fairfax must be better equipped to help communities struck by natural disasters rebuild and respond rapidly and inclusively. The Town of Fairfax should require developers to integrate green infrastructure into

development and the public right-of-way adjacent to developments at a level that exceeds water quality mandates and ensures that the community has an opportunity to provide input. New infill development has the opportunity to rejuvenate parts of the Town of Fairfax that currently contribute negatively to GHG emissions, urban heat islands and pose fire and flood risks.

- a. Require and incentivize green infrastructure in future developments and when possible, use green infrastructure as a preferred alternative.
- b. Consider permit streamlining for new housing that exceeds current green infrastructure requirements.
- c. Reduce mandatory parking minimums to encourage environmentally friendly transit modes like walking, cycling, taking public transit, and purchasing fewer cars.

To support our vision for the Town of Fairfax, Greenbelt Alliance has crafted a go-to guide for accelerating equitable adaptation to the climate crisis; [The Resilience Playbook](#). The Playbook brings together curated strategies, recommendations, and tools to support local decision makers and community leaders wherever they are in their journey.

We look forward to continuing to engage with the Town of Fairfax and the community on how this vital work can move forward.

Regards,

A handwritten signature in black ink, appearing to read "Zoe Siegel".

Zoe Siegel

Director of Climate Resilience,
Greenbelt Alliance
Zsiegel@greenbelt.org

Robert Schwartz
615 Oak Manor Drive, Fairfax, CA 94930
(510) 495-7511 / robmschwartz@yahoo.com

May 8, 2023

Ms. Heather Abrams
Town Manager
Town of Fairfax
142 Bolinas Rd.,
Fairfax, California 94930

RE: LETTER OF INTENT TO SUBMIT APPLICATIONS FOR REZONING & SUBDIVIDING PORTIONS OF 615 OAK MANOR DRIVE, FAIRFAX, CA. (APN 174-070-71)

Dear Ms. Abrams,

As the owner of the 45 acre property known as 615 Oak Manor Drive in Fairfax which is currently zoned RS-6 with a minimum entitled lot size of 6 acres, I am pleased that at your last Town Council meeting on May 3, 2023 the Town Council voted to give direction to staff and the Town housing element consultant to change the Draft Housing Element Appendix A Fairfax Sites Inventory and to include my property as a “pipeline project” as follows:

- (1) Include a proposed 1 acre “flat” lot that fronts Sir Francis Drake Blvd for 20 units of low and very low income multi-family residential “for sale” or rental units; where ample sewer, water and utilities are located; adjacent to and across the road from several rental apartments; fronting a public transit stop and is less than ¼ mile to shopping, schools etc. Please note: Site development and building design plans will be submitted with the rezoning and subdivision applications; as was similarly done after the Town’s last Cycle 5 Housing Element on the successful “*Victory Village*” project next door - that targeted 2 acres out of a 20 acre site for 40 units of infill and has resulted in 54 units of multi-family housing units being constructed - that are all affordable to those at or below 50% of the area median income.
- (2) Include 6 clustered lots for single family “above moderate income” detached homes with accessory dwellings “uphill”, as shown in the previously provided preliminary map and called for in “Program 2D”; with two half-acre lots, and 4 quarter acre lots in two separate areas. In total, 6 new infill lots would be created that front Oak Manor Drive; where ample sewer, water, and utilities exist on the road. Each of the 6 new lots will be sited for 6 new single family detached homes and 6 new ADUs for a total of 12 new dwelling units. These single family detached homes with accessory dwellings on infill lots will generally be consistent in size and shape to those existing developed lots that front Oak Manor Drive.

In furtherance of the above, I have engaged design professionals to site plan & design 20 units of multi-family high density low-income residential units on the flat 1-acre portion of the site that fronts Sir Francis Drake (e.g., @ 20 units to the acre minimum); and, site plan for 6 clustered housing lots in specific locations as shown in the preliminary parcel map previously provided.

I acknowledge that the 1-acre portion of land fronting Sir Francis Drake Boulevard will require subdivision and rezoning of that portion of the property to permit high density residential uses. The purpose of this letter is to confirm my commitment to doing the above and (a) providing affordable housing development on the lower portion of my property fronting Sir Francis Drake Boulevard and (b), to provide market-rate clustered development on the remainder of my property in order to protect as much open space as possible – as proposed in Program 2D.

With regards to the proposed 1-acre affordable housing site fronting Sir Francis Drake Boulevard, my development team is currently exploring a public non-profit development or a public/private partnership to lead the multi-family residential housing project. The objective is to prepare the project for shovel ready “Tier II” financing eligibility: It is important to note that in May 2022 the California Department of Housing and Community Development (HCD) announced the availability of 1.6 billion dollars in CA Housing Accelerator (CHA) funds for the purposes of supporting shovel ready projects. HCD has developed a list of projects eligible for the CHA funding. This project may be eligible for funding through the “Infill Infrastructure Grant Program”; the “Multifamily Housing Program”; “Transit-Oriented Development Implementation Program” and/or several other programs listed with HCD.

In summary: I am committed to seeing this large 45 acre piece of land, largely vacant with the exception of my newly built home and ADU, as an opportunity for the Town to address the affordable housing crisis. I have taken the next steps to demonstrate conceptually that this property has the potential to provide a mix of housing unit types including at least 20 units of multi-family residential attached low-income ‘for sale condos’ or rental apartments on a flat one acre site; and, an additional 6 units of above moderate income single family residences “uphill” with an additional 6 ADU’s (which are presumably more affordable by size) in clustered developments. Likewise, I provided a land planning analysis in the letter and conceptual plan to the Town dated April 24, 2023 to demonstrate that the subject property provides the Town with an excellent opportunity for additional housing to address the needs of the community, region and state while at the same time accommodating the Town of Fairfax General Plan open space and hillside development policies.

Accordingly, once the Town’s housing element is certified by California Department of Housing and Community Development, the Town adopts the new Housing Element and Certifies the EIR, I will file a formal property rezoning & subdivision application within three months. Therefore, I look forward to the Town’s hopeful completion of the housing element update process by mid to late summer and providing our applications by the end of this year.

Thank you again for all your hard work on these matters - and for the Town Council’s decision to include my property in the 6th cycle Housing Element update process as described above.

Sincerely,

Robert Schwartz

CC: Andrew Hill, Dyett & Bhatia

Appendix G

Housing Precedents

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Table G-1: Representative Multifamily Projects from Marin County Jurisdictions

Location	Fairfax	Corte Madera	San Rafael	San Anselmo	Novato	Sausalito	San Anselmo	Novato	Sausalito	San Quentin	
Name	Victory Village	Bell Mt. Tam	Second & B Street	18-20 Mariposa Ave	Verandah	676-686 Bridgeway	Ross Avenue Homes	First and Grant	Bridgeway Commons	Oak Hill Apartments	
Address	2626 Sir Francis Drake Blvd	195 Tamal Vista Blvd	815 B Street	18-20 Mariposa Ave	7711 Redwood Blvd	676-686 Bridgeway	45 Ross Avenue	1107 Grant Ave	1755 Bridgeway	East Sir Francis Drake Blvd	
Status	Built	Built	Built	Built	Built	Built	Built	Approved	Under Review	Under Review	
Existing/Prior Use¹	Community Facility (Church & School)	Industrial Facility (Factory)	Commercial & Residential	Residential	Vacant	Commercial & Residential	Residential & Industrial (warehouse)	Industrial Facility	Residential	Vacant (non-taxable)	
Zoning	Residential (UR7: Upland R)	Mixed-Use (M)	Mixed-Use	Commercial (C-3)	Planned District/ Affordable Housing Overlay	Commercial (CC)/ Downtown Historic District Overlay	Specific Planned Development (SPD) over R-3 Residential	Downtown Core Retail (CDR)	Residential	N/A	Average
Density (du/ac)	27	40	40	22.2	20	20	18.4	37.6	27	37.3	28.95
Land Value (prior)²	\$155,201.00	\$15,344,540.00	\$2,607,671.00	\$600,000.00	\$2,900,040.00	\$3,346,500.00	\$682,834.00	\$3,599,999.00	\$2,385,551.00	N/A	
Improvement Value (prior)²	\$286,583.00	\$3,200,000.00	\$230,448.00	\$350,000.00	\$-	\$2,576,400.00	\$299,781.00	\$1.00	\$227,633.00	N/A	
Prior AV Ratio	1.85	0.21	0.09	0.58	N/A	0.77	0.44	0.00	0.10	N/A	0.50
Site Area (SF)	87,120	196,000	23,614	8,000	174,240	6,602	16,500	37,153	25,461	291,852	
Prior Building Area (SF)	49,986	91,340	8,117	1,458	N/A	8,351	5,719	22,754	6,421	N/A	
Redeveloped Building Area (SF)	51,000	273,526	68,774	7,973	124,184	8,351	14,375	77,399	18,814	1,775,000	
Prior FAR	0.574	0.466	0.344	0.182	N/A	1.265	0.347	0.612	0.252	N/A	0.51
Year Built	2020	2017	2021	2019	2023	2018	2022	N/A	N/A	N/A	
Year Built Prior³	1961	1969	1890	1926	Vacant	1913	1938	1947	1900/1917	N/A	1935

¹ Existing or prior use before redevelopment

² As of tax roll year 2015 or 2022; Source: County Of Marin Assessor Recorder County Clerk

³ Built year of existing structure prior to redevelopment

Fairfax Housing Element

Precedents: High Density Housing Projects in Marin County

High Density Housing Projects in Marin County

Summary Table

Name	Location	Zoning	Status	Density (du/ac)
Victory Village	Fairfax	Residential / Planned Dev. District	Built	27
Bell Mt. Tam	Corte Madera	Mixed-Use	Built	40
Second & B Street	San Rafael	Mixed-Use	Built	40
18 Mariposa Ave	San Anselmo	Commercial	Built	22.2
Verandah	Novato	Residential	Built	20
676-686 Bridgeway	Sausalito	Mixed-Use	Built	20
Ross Avenue Homes	San Anselmo	Residential	Built	18.4
First and Grant	Novato	Downtown	Approved	37.6
Bridgeway Commons	Sausalito	Residential	Under Review	27
Oak Hill Apartments	San Quentin	N/A	Under Review	37.3
Average Density				28.95

Fairfax



Site Location



Site Plan

Address:	2626 Sir Francis Drake Blvd
Prior Use:	Community Facility (church)
Units Developed (affordable):	54 *
Status:	Built
Site Area (Acres)	2 acre (87,120 SF)
Height of Buildings:	32'-10" to 40'-10" (2-3 stories)
Zone:	UR-7 (Upland Residential) **
Project Density:	27 du/ac

*All affordable units; 5 units are restricted to household experiencing homelessness and 6 units to households that are homeless and have serious mental disorders
 ** Site is currently zoned UR-7 but Fairfax's general plan designates the 2-acre land as Planned Development District (PDD) to accommodate affordable housing

Project Description: An affordable senior rental community, completed in the summer of 2020. The building is 2-3 stories on 2-acre land and is terraced with grade and has drought-tolerant landscaping.

Onsite Amenities: Two outdoor courtyards with garden beds, on-site resident services, property management offices, community room with kitchen, and on-site laundry

Open Space:	Approx. 18 acres ***
On-site Parking:	43

*** Remaining open space may be divided into two new, 9-acre parcels for trail easement; currently exploring options

Fairfax *(continued)*



Building Amenity: Courtyard and Garden



Open Space and Amenities



View of Existing Building from Street



Existing Building

Corte Madera



Site Location



Initial Project Rendering

Address:	195 Tamal Vista Blvd.
Prior Use:	Industrial
Units Developed:	180
Affordable	18
Market Rate	162
Status:	Built
Site Area (Acres)	4.5 acre (196,000 SF)
Height of Buildings:	42' – 6" (4 stories)
Zone:	MUGD (mixed-use)
Maximum Permitted Density:	25.1 – 40 du/ac
Project Density:	40 du/ac

Project Description: Mixed-use, multifamily residential community with 3,100 SF of retail space completed in 2017. Location offers primary commute corridor and is close to bus and ferry services.

Onsite Amenities: Outdoor courtyard, pool, barbecue grills, gym facility, common space, leasing office, laundry room

Open Space:	Approx. 23,000 SF
Parking:	295

Corte Madera *(continued)*



Existing Building



Open Space and Amenities



Streetscape

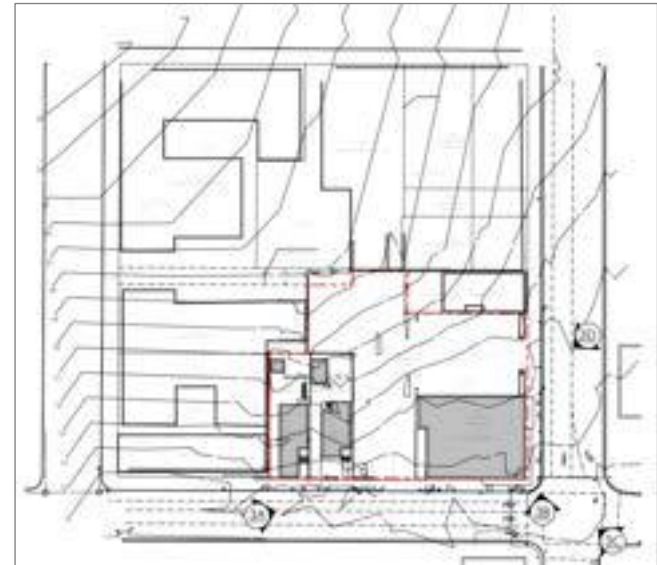


Bird's Eye View of Building

San Rafael



Site Location



Site Plan

Address:	815 B Street
Prior Use:	Commercial & Residential
Units Developed:	41
Affordable	6
Market Rate	35
Status:	Built
Site Area (Acres)	0.54 acre (23,614 SF)
Height of Buildings:	42' (4 stories)
Zone:	2/3 MU (mixed-use)
Maximum Permitted Density:	30 du/ac
Project Density:	40 du/ac *

* Project includes 35% density bonus

Project Description: A 4-story, mixed use building with 41 residential units above 1,939 commercial space. It demolished three existing structures including a single story commercial building and two, 2-story residences.

Onsite Amenities: Outdoor patio, barbecue area, resident lounge, secure package lockers, bike racks, rooftop lounge, and on-site management

Open Space: 6,879 SF

Parking: 48

San Rafael *(continued)*



Site Context



Street Condition



Existing Building Facade



On-Site Amenities

San Anselmo



Site Location



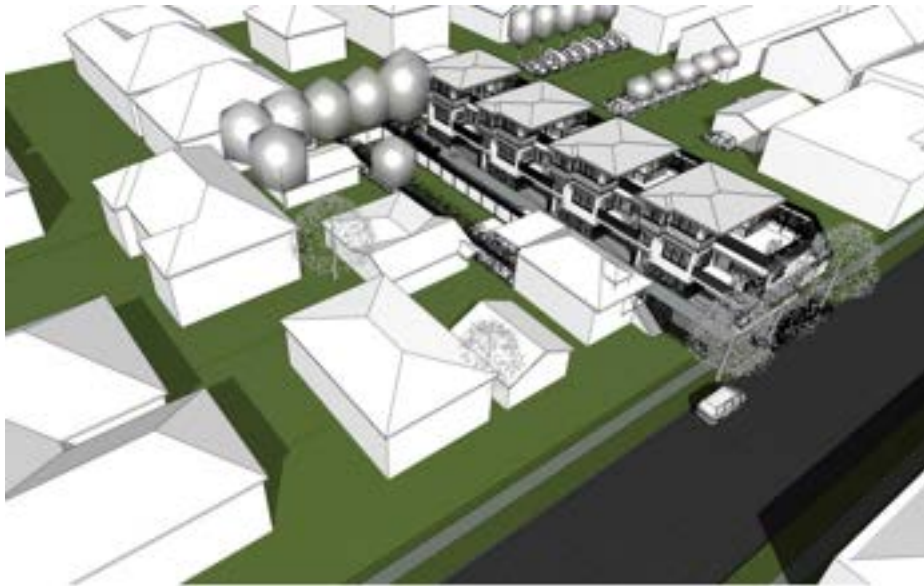
Site Plan

Address:	18-20 Mariposa Ave.
Prior Use:	Residential
Units Developed:	4
Status:	Built
Site Area (Acres)	0.18 acre (8,000 SF)
Height of Buildings:	28'-3" (2 stories)
Zone:	C-3 (commercial)
Project Density:	22.2 du/ac

Project Description: Development of 4 attached, two story townhouses by demolishing existing single family structure and accessory garage. The project was completed in 2019.

Parking: 8 (2 spaces per dwelling)

San Anselmo *(continued)*



Proposal Rendering



Newly Built Building



Project Elevation

Novato



Site Location



Site Plan

Address:	7711 Redwood Blvd
Prior Use:	Vacant
Units Developed:	80
Affordable	16
Market Rate	64
Status:	Built
Site Area (Acres)	4.0 acre (174,240 SF)
Height of Buildings:	43' (3 stories)
Zone:	Residential w/ Affordable Housing Overlay
Project Density:	20 du/ac

Project Description: A newly built development of a 4.0 acre site with 80 for-sale residential townhomes. The project is required to set aside 16 units (8 low and 8 very low income) to satisfy the affordable housing requirements. The proposed residences are three stories with a roof deck for each unit.

Parking:	179
Garage Parking	150
Surface Parking	29

Novato *(continued)*



Project Rendering



Proposal Rendering: Street Scene



Built Project Exterior



Built Project Exterior

Sausalito



Site Location



Site Plan

Address:	676-686 Bridgeway
Prior Use:	Mixed-Use
Units Developed:	3
Status:	Built
Site Area (Acres)	0.15 acre (6,602 SF)
Height of Buildings:	27'-4" (2 stories)
Zone:	Commercial + Downtown Historic Overlay
Project Density:	20 du/ac

Project Description: An addition and alteration project that remodeled a historic structure and converted three existing storefronts into two stores. A remodel of second-level residential was also proposed and converted two units into three residential units.

The building is located in a downtown historic district and the footprint of the previous mixed-use structure covered nearly the entire lot except for an interior courtyard area to the rear.

Sausalito (continued)



Façade: Before Renovation



Façade: After Renovation



Current Built Conditions after Renovation

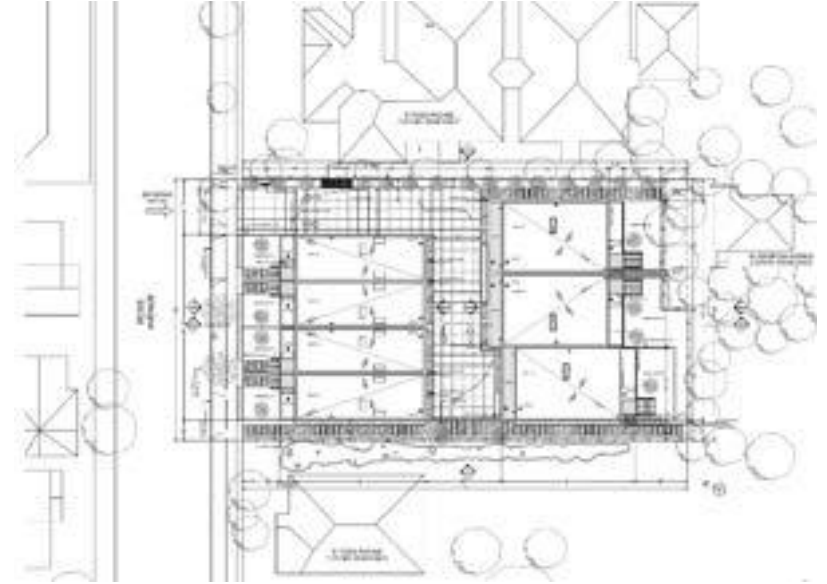


Rear Deck Rendering

San Anselmo



Site Location



Site Plan

Address:	45 Ross Avenue
Prior Use:	Industrial
Units Developed:	7
Status:	Built
Site Area (Acres)	0.38 acre (16,500 SF)
Height of Buildings:	28'-0" (2 stories)
Zone:	SPD (Specific Planned Development) over R-3 (Residential)
Project Density:	18.4 du/ac

Project Description: 7 new single-family condominium units with 14 parking spaces but the town permits street parking in front of the site (3 available). The project demolished existing buildings including single-family dwelling, garage and warehouse structures.

The landscape plan includes a small fenced yard area for each of the 4 units adjacent to Ross avenue and each rear unit has a small fenced back yard area.

Parking: 14 (2 stacked spaces per unit)

San Anselmo *(continued)*



Rendering at Time of Proposal



Backyards of Built Property

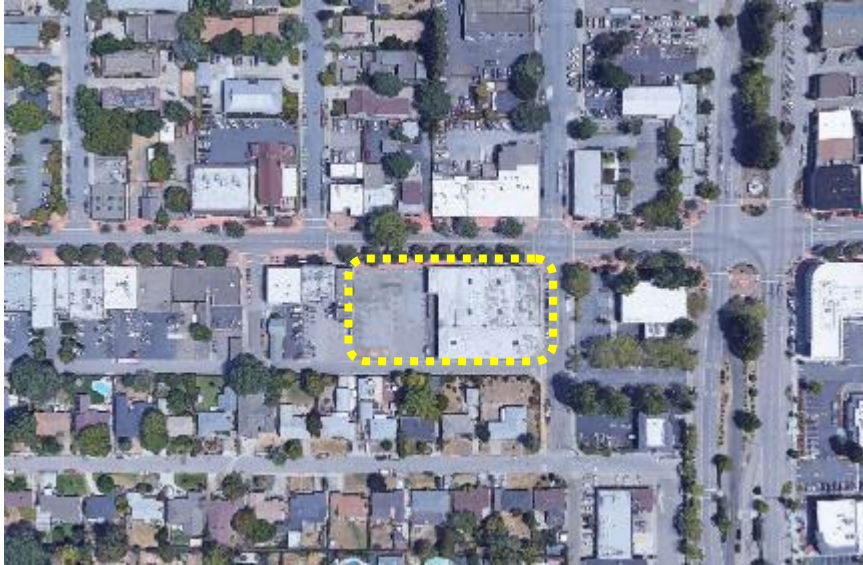


Newly Built Building



Garage Entrance

Novato



Site Location



Site Plan

Address:	1107 Grant Ave
Prior Use:	Industrial
Units Developed:	32
Status:	Approved
Site Area (Acres)	0.85 acre (37,153 SF)
Height of Buildings:	40'-6" (3 stories)
Zone:	Downtown Core (CDR)
Project Density:	37.6 du/ac

Project Description: The proposed mixed-use project redevelops a former Pini Hardware site. It is located in downtown Novato and includes 13,317 SF of ground floor commercial space and two stories of residential living units.

Onsite Amenities: Outdoor courtyard, architectural plantings, gym, outdoor barbecue area, covered parking, lobby, bicycle parking and storage

Open Space:	Approx. 8,000 SF
Parking:	52
Under Podium	47
Off-Street	5

Novato *(continued)*



Project Rendering: Streetscape

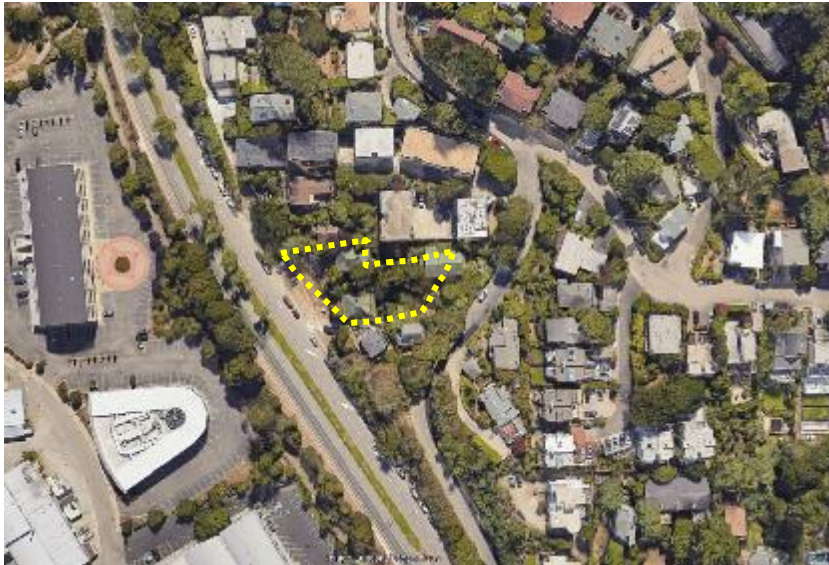


Project Rendering: Entrance



Project South Elevation

Sausalito



Site Location



Site Plan

Address: 1755 Bridgeway
Prior Use: Residential
Units Developed: 16
Status: Under Review
Site Area (Acres) 0.58 acre (25,461 SF)
Height of Buildings: 32' to 50'
Zone: R-3 (Multifamily Residential)
Project Density: 27.58 du/ac

Project Description: A residential condominium project that proposes a redevelopment of two parcels with two multi-level buildings containing 16 units..

Onsite Amenities: Outdoor planters, bridgeway easement, planted terraces, on-site parking, resident gardens and patios, shared terrace, lobby, storage lockers, bike storage and community room

Open Space: Approx. 7,386 SF
Parking: 32

Sausalito (continued)



Project Rendering: From Bridgeway



Building Materials and Colors Rendering



View over Project after Construction



Illustrative Sections of Proposed Project

San Quentin



Site Location



Site Plan

Address:	East Sir Francis Drake Blvd
Prior Use:	State-owned (gun range)
Units Developed (affordable):	250
Low to Moderate	135
Extremely Low to Low	115
Status:	Under Review
Site Area (Acres)	6.7 acre (291,852 SF)
Height of Buildings:	30' – 60' (3-5 stories)
Zone*	N/A
Project Density:	37.3 du/ac

* As the site is owned by the State of California, it is not subject to local zoning and is not required to conform to existing local and land use regulation

Project Description: The project site sits on land owned by CA State and is proposed to develop a 100% affordable apartment that contains two buildings.

Onsite Amenities: Around 35,000 SF outdoor amenity space including community terrace, play area, dog area, gardens, fitness center, business room, computer lab, etc.

Open Space:	Approx. 35,000 SF
Parking:	350

San Quentin *(continued)*



Rendering of the Project



Rendering of the Project



Rendering of the Project



Architectural Massing

Table G-2: Zoning Standards on Representative Multifamily Projects from Marin County Jurisdiction

Location	Name	Address	Zoning	Underlying Zoning Parameters			
				Density	Height	Parking	Open Space
Corte Madera	Bell Mt. Tam	195 Tamal Vista Blvd	Mixed Use Gateway District (MUGD)1	40 du/acre	38 ft. along street frontage; 48 ft. on inner portions of lot	1 per unit for studio and 1 bedroom; 1.5 per unit for 2 bedrooms; 2 per unit for 3+ bedrooms; 1 guest parking space per 10 units	50 sq. ft./du
San Rafael	Second & B Street	815 B Street	2nd/3rd Mixed-use West (2/3 MUW)	30 du/ac4	42'-0"	1 per unit for studio and 1 bedroom; 1.5 per unit for 2+ bedrooms	100 sq.ft. of common or private open spaces per du
San Anselmo	18-20 Mariposa	18-20 Mariposa Ave	Commercial (C-3)	20 du/ac	2 stories	1 per unit for studio and 1 bedroom; 1.5 per unit for 3+ bedrooms	-
Novato	Verandah	7711 Redwood Blvd	Business and Professional Office (BPO)/Affordable housing overlay	20-23 du/ac	35'-0"	1.2 per unit for studio; 1.5 for 1 bedroom; 2 per unit for 2 bedrooms; 2.2 per unit for 3+ bedrooms; 1 guest parking space per 3 units	150 sq.ft. of common or private open spaces per du
Sausalito	676 Bridgeway	676-686 Bridgeway	Commercial (CC)/Downtown Historic District Overlay	29 du/ac	32'-0"	1.5 per unit	-
San Anselmo	Ross Avenue Homes	45 Ross Avenue	Specific Planned Development (SPD) over R-3 Residential	13-20 du/ac	2 stories / 30'-0"	1.5 per unit for 2 bedrooms; 2 per unit for 3+ bedrooms	-
Novato	First and Grant	1107 Grant Ave	Downtown Core Retail (CDR)/Downtown Overlay	FAR 2.05	5 stories / 35'-0"	1 per unit for 1 bedroom; 1.5 per unit for 2+ bedrooms; 1 guest parking space per 4 units	150 sq.ft. of common or private open spaces per du
Sausalito	Bridgeway Commons	1755 Bridgeway	Multifamily Residential (R-3)	29 du/ac	32'-0"	1.5 per unit	Zoning limits coverage on site by impervious surfaces to 75%
Fairfax Workforce Housing Overlay (WHO)			WHO-A	40 du/acre ²	3 stories (max. 35 ft) ³	1 per unit for studio; 1.5 per unit for 1 bedroom units; 2 per unit for 2+ bedroom units	150 sq.ft. of common or private open spaces per du (at least 36 sq.ft. must be private for individual du and 60 sq.ft. for ground level units)
			WHO-B	20 du/acre ²	2 stories (max. 28.5 ft) ³		200 sq.ft. of common or private open spaces per du (at least 48 sq.ft. must be private for individual du and 60 sq.ft. for ground level units)

Note:

- Requires 10% affordable housing
- Allows 10 percent increase in the percentage of for-sale units affordable to moderate income households and a similar increase in the percentage of rental units for low income households. With this increase, WHO-A allows up to 60 du/acre and WHO-B, 40 du/acre.
- Additional height and an additional story area allowed up to 45 feet and four stories in the WHO-A zone and 35 feet and three stories in the WHO-B zone for lots with at least 100 feet of primary street frontage to accommodate affordable for-sale or rental housing for lower-income renters and enable provision of sloped roofs and common open space for recreational facilities. The stories above 30 feet shall be setback back from the front property line a minimum of 20 feet from the front property line
- For projects with more than 20 units, the City requires that 20% of units to be "below market rates"; this particular project provided certain levels of affordability and was entitled to a State Density Bonus of 35%, providing 11 additional market rate units for a project total of 41 units
- Residential density (units per acre) is not a development intensity metric applied to the CD designated properties

Table G-3: Environmental Constraints on Representative Multifamily Projects from Marin County Jurisdictions

Location	Name	Address	Zoning	Underlying Zoning Parameters			
				Liquefaction	Fire	Flood	Other
Fairfax	Victory Village	2626 Sir Francis Drake Blvd	Built	-	High Risk	-	-
Corte Madera	Bell Mt. Tam	195 Tamal Vista Blvd	Built	High Risk	-	-	-
San Rafael	Second & B Street	815 B Street	Built	Medium Risk	-	100-year zone	“Very Strong” shaking area
San Anselmo	18-20 Mariposa	18-20 Mariposa Ave	Built	High Risk	-	1% annual chance of flood area	-
Novato	Verandah	7711 Redwood Blvd	Built	High Risk	High Risk	-	Low risk land slide potential area; moderate soil erosion hazard
Sausalito	676 Bridgeway	676-686 Bridgeway	Built	High Risk	-	-	-
San Anselmo	Ross Avenue Homes	45 Ross Avenue	Built	High Risk	-	1% annual chance of flood area	-
Novato	First and Grant	1107 Grant Ave	Approved	High Risk	-	-	Dam inundation area
Sausalito	Bridgeway Commons	1755 Bridgeway	Under Review	Very High Risk	-	-	Strongest shaking soil type and hazard soil type

UNDERUTILIZED SITES

Description of Existing Conditions

As detailed in Chapter 3, the inventory of sites available for housing has identified 17 underutilized sites as candidates for redevelopment with high density housing over the planning period. These sites are centrally located along Sir Francis Drake Boulevard and Broadway, two of the Town's primary commercial corridors. These sites all provide convenient access to transit and the local transportation network. Most of the sites are also within the Town Center area, which includes downtown Fairfax, and as such provide easy walking access to shops, services, employment, and parks. Some of the sites have businesses that have closed in recent years, such as the former Pancho Villa restaurant or the Bank of America building on Broadway, which no longer offers walk-in client services and is currently for sale. These sites would be rezoned to facilitate redevelopment with multifamily housing with implementation of Programs 2-A and 2-B in the Housing Action Plan (Chapter 4). The following provides a description of existing conditions and uses on each of the underutilized properties.

Workforce Housing Overlay (WHO)

The Town of Fairfax will adopt Zoning Code amendments in the form of a Workforce Housing Overlay (WHO) District to implement streamlined ministerial approval pathway for multifamily projects on commercially zoned land and provide an alternative to California Assembly Bill AB2011. This overlay district is a means of promoting the construction of housing for teachers, restaurant and service workers, firefighters, police officers, and other 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 of the WHO are envisioned: one for high density workforce housing in the downtown area (WHO-A), and another for medium density workforce housing along Sir Francis Drake Boulevard (WHO-B).

WHO overlay will 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. Its policy goals are as follows:

- 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;
- 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.

WHO A Sites: Downtown

1. 2090, 2086, 2082 Sir Francis Drake Blvd (APN: 001-183-12, 14, 15)

This cluster of sites, collectively occupying 0.55 acres, is located within an older, low slung strip mall, which includes a thrift store, nail salon, design studio, and a law office with surface parking in the front. Current zoning is CH (Highway Commercial), and the existing 1-story buildings were constructed between 1955 and 1960. Two of the three parcels (2086 and 2082 Sir Francis Drake Blvd) are adjacent and under common ownership, which will facilitate redevelopment. The sites are located along the Town's major transit route, a short walk from the intersection of Bolinas and Broadway, at the heart of Downtown Fairfax.



2. No Address (APN: 001-183-10)

Adjacent to the previously mentioned sites is vacant parcel with an earthen berm from grading of an adjacent site. This parcel is 0.41 acres in size and the owner has communicated interest to Town staff in developing housing on the site, although no formal application has been submitted. The site is immediately north of the Fairfax Market multifamily pipeline project, and there is existing multifamily housing adjacent to the southeast, as shown in the photo on the bottom of the page.



3. 6 School Street Plaza (002-112-13)

Located near the heart of the Town Center area, a short walk to the shops, services, and recreational amenities in Downtown Fairfax, the School Street Plaza site is one of the largest underutilized properties on the inventory, at 1.92 acres. As detailed further in the letter of interest from the property owner included in this appendix, the site has drawn interest from various entities given its generally flat configuration, walkability, access to transit, and proximity to the downtown core. The site was formerly a school and now houses various businesses, including a hair salon, tax office, children's programs and camps, fitness center, sound studio, hot tub spa, medical practice, yoga studio, a cannabis dispensary, and eight live-work units. Several of the commercial units on the site are currently vacant and other uses are set to close. Existing 1-story buildings were constructed in 1983 and oriented around a large surface parking lot.



4. 89 Broadway (APN: 002-113-08)

Adjacent to the School Street site is a 0.35-acre property that was formerly a Bank of America branch building, that closed several years ago. The existing structure dates from 1960 and currently provides automated teller services only. Approximately half of the site area is surface parking. The site is located on Broadway in Downtown Fairfax.



5. 2000 Sir Francis Drake Blvd (001-183-17)

This 0.51-acre site is located on the east side of Sir Francis Drake across from the Bank of America site in the Town Center area. It currently houses a van conversion shop specializing in off-roading and camping vehicles. As shown in the photos below, a significant portion of the land is dedicated to on-surface parking for vans and oversized vehicles and the as built floor area ratio is only 0.06. The existing 1,200 square foot structure was built in 1956 and the property owner has expressed interest in redeveloping with housing.



6. 1810-1812 Sir Francis Drake Blvd (001-225-53)

This 0.33-acre site is centrally located on the north side Sir Francis Drake, across from the Fairfax Theater. The existing single story structure is about 10,950 square feet in size and made of corrugated metal. It currently houses an auto repair shop and some smaller retail shops.



WHO B Sites: Corridor

WHO-B sites are anticipated for workforce housing in commercial areas along Sir Francis Drake Boulevard, generally about one third of a mile (1,750 feet) from the downtown core. The following summary is a list of WHO-B sites and their existing conditions.

1. 2600 Sir Francis Drake Blvd (APN: 174-070-05)

This 6.22-acre site on Sir Francis Drake next door to Victory Village and across from three apartment complexes is occupied by the Jehovah's Witness Kingdom Hall. Originally built in 1973, the 3,600 for structure is currently unoccupied and unused. In communications with Town staff, the property has expressed interest in redevelopment with housing. A 1-acre portion of the site fronting Sir Francis Drake Boulevard has relatively flat terrain, which could be redeveloped with multifamily housing. The site is located approximately 1-mile north-west of downtown Fairfax on the town's major transit corridor.



2. Portion of Parcel 174-070-71 (615 Oak Manor Drive)

This site is immediately adjacent to the Jehovah's Witness Kingdom Hall. Part of a larger property with a total area of nearly 40 acres, the property owner has submitted a letter of interest indicating the desire to subdivide the property and develop a 1-acre portion fronting Sir Francis Drake with multifamily housing, including an affordable component. Working with an architect, the property owner has prepared an initial development concept for this vacant portion of the property.



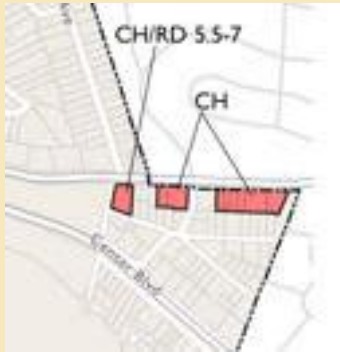
3. 10 Olema Road (APN: 002-204-12)

Located at the intersection of Olema Road and Sir Francis Drake Boulevard, this 1.21-acre site is approximately one third of a mile from Downtown Fairfax, along the town's major transportation and transit corridor. There is an artist studio and an existing single family home on the property, which formerly housed a restaurant. Existing structures occupy a small portion of the site, which has an as built FAR of 0.12 and large areas of paved open space. The existing single-family home was built in 1903, but has not been designated as a local landmark or historic resource. The property is for sale and several potential buyers have expressed interest in acquiring it to redevelop with multifamily housing if adequate zoning to support that concept is put in place.





The following WHO-B sites are a total of nine, relatively smaller lots that sit adjacent to each other along Sir Francis Drake Boulevard.



4. 1625 Sir Francis Drake Blvd (APN: 002-211-21)

Located at the intersection of Sir Francis Drake Boulevard and Pastori Avenue, this 0.26-acre property was formerly the home of the Pancho Villa restaurant. The restaurant is now closed and the building has been unoccupied for several years. The site is across the street from the Good Earth supermarket at the eastern gateway to the town. Existing multifamily apartments are located across Sir Francis Drake to the north. The property owner has expressed strong interest in redeveloping the site housing and is also interested in acquiring adjacent properties to consolidate and redevelop together with the Pancho Villa site.



5. 1607 Sir Francis Drake Blvd (APN: 002-211-05)

This 0.11-acre site contains a single story commercial building with an existing business, a commercial vacancy and three apartment units. The existing building was constructed in 1930, but has not been designated as a local landmark or historic resource. The site is a candidate for shop keeper housing or live-work units that can provide housing opportunities for moderate income households, including local entrepreneurs and artisans. The property owner has expressed interest in redeveloping with additional housing.



6. 1601 Sir Francis Drake Blvd (002-211-20)

This 0.18-acre site presently accommodates both a dry cleaner's establishment and a take-out Italian restaurant. Existing buildings are single-story and total 2,150 square feet. There is a large surface parking lot that occupies the majority of the site. It is located on the south side of Sir Francis Drake at the eastern gateway to Fairfax, within easy walking distance to the Good Earth supermarket. Like 1607 Sir Francis Drake, it is a candidate for shop keeper housing or live-work units that can provide housing opportunities for moderate income households within the Town Center area.



7. Multiple Properties on Sir Francis Drake Blvd

This series of adjacent properties are candidates for shop keeper housing or live-work units that can provide housing opportunities for moderate income households within the Town Center area.

1591 Sir Francis Drake Blvd (002-213-04)

This 0.09-acre site contains a Second Hand Shop with an apartment above and surface parking. The buildings are aging and in need of repair. The owner has expressed strong interest in redevelopment and is looking to acquire or sell to adjacent property owners in order to consolidate and redevelop multiple adjacent sites with housing. Like 1607 Sir Francis Drake, it is a candidate for shop keeper housing or live-work units that can provide housing opportunities for moderate income households within the Town Center area.



1589 Sir Francis Drake Blvd (002-213-05)

Also located within this cluster of small, underutilized commercial properties at the eastern gateway to Fairfax, this 0.05-acre site contains a food and liquor market. The existing single story building is aging and in need of repair. The owner has expressed interest in redevelopment with housing.



1585-7 Sir Francis Drake Blvd (002-213-06)

This 0.1-acre site contains an art studio and vacant restaurant building fronting Sir Francis Drake, with three apartments in the rear. The single-story structures total 1,420 square feet. The owner has expressed interest in redevelopment with housing.



1583 Sir Francis Drake Blvd (002-213-07)

This 0.08-acre site contains a clothing alteration and sales shop. The aging single-story structures total 3,500 square feet. The owner has expressed interest in redevelopment with housing.



1581 Sir Francis Drake Blvd (002-213-25)

This 0.25-acre site is currently occupied by a car wash. Existing structures on the site total 1,200 square feet and as built FAR is just 011. The owner has expressed interest in redevelopment with housing.



1573 Sir Francis Drake Blvd (002-213-10)

Adjacent to the car wash, this 0.20-acre site is currently occupied by a restaurant. Existing structures on the site total 1,320 square feet and there is a large unpaved parking area in the rear. The owner has expressed interest in redevelopment with housing.



March 30, 2023

Heather Abrams
Town Manager
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Re: Fairfax Housing Element – School Street Plaza Owner/Developer Interest

Dear Ms. Abrams,

As the ownership representative of School Street Plaza (6 - 12 School Street), I am writing to inform you of our family's express interest in redeveloping our property with housing. Our site's prime location, relatively large size compared to other parcels in the Town Center area, existing utility service, and favorable topography, make it a unique candidate for a significant housing development, including a component of affordable housing.

Since the initiation of the Fairfax Housing Element process, we have engaged in ongoing, meaningful conversations with reputable development firms who specialize in infill, residential and mixed-use development. The School Street Plaza site has drawn interest from various entities given its generally flat configuration, walkability, access to transit, proximity to the downtown core, and the overall desirability of the Town of Fairfax. Over the course of these discussions, these residential developers have performed their due diligence on the site and provided their feedback. What we have learned is that a density of approximately 175 units is not only achievable, but necessary to make a redevelopment "pencil out" given the various redevelopment costs unique to this site and this level of development. Were this density to be assigned, we are informed that there are developers ready and willing to build this project.

With two acres to spread out the units at School Street, this type of project type can be efficiently and thoughtfully designed to accommodate a higher-density level. In fact, this is the exact type of project that these infill developers regularly build.

We look forward to participating in the Housing Element as it moves forward. We are certain that our site can play a significant role in achieving the targeted housing units in the upcoming cycle. Please contact me if you would like to further discuss School Street Plaza.

Sincerely,



Faraz Ezazi
School Street LLC

Robert Schwartz
615 Oak Manor Drive, Fairfax, CA 94930
(510) 495-7511 / robmschwartz@yahoo.com

May 8, 2023

Ms. Heather Abrams
Town Manager
Town of Fairfax
142 Bolinas Rd.,
Fairfax, California 94930

RE: LETTER OF INTENT TO SUBMIT APPLICATIONS FOR REZONING & SUBDIVIDING PORTIONS OF 615 OAK MANOR DRIVE, FAIRFAX, CA. (APN 174-070-71)

Dear Ms. Abrams,

As the owner of the 45 acre property known as 615 Oak Manor Drive in Fairfax which is currently zoned RS-6 with a minimum entitled lot size of 6 acres, I am pleased that at your last Town Council meeting on May 3, 2023 the Town Council voted to give direction to staff and the Town housing element consultant to change the Draft Housing Element Appendix A Fairfax Sites Inventory and to include my property as a “pipeline project” as follows:

- (1) Include a proposed 1 acre “flat” lot that fronts Sir Francis Drake Blvd for 20 units of low and very low income multi-family residential “for sale” or rental units; where ample sewer, water and utilities are located; adjacent to and across the road from several rental apartments; fronting a public transit stop and is less than ¼ mile to shopping, schools etc. Please note: Site development and building design plans will be submitted with the rezoning and subdivision applications; as was similarly done after the Town’s last Cycle 5 Housing Element on the successful “*Victory Village*” project next door - that targeted 2 acres out of a 20 acre site for 40 units of infill and has resulted in 54 units of multi-family housing units being constructed - that are all affordable to those at or below 50% of the area median income.
- (2) Include 6 clustered lots for single family “above moderate income” detached homes with accessory dwellings “uphill”, as shown in the previously provided preliminary map and called for in “Program 2D”; with two half-acre lots, and 4 quarter acre lots in two separate areas. In total, 6 new infill lots would be created that front Oak Manor Drive; where ample sewer, water, and utilities exist on the road. Each of the 6 new lots will be sited for 6 new single family detached homes and 6 new ADUs for a total of 12 new dwelling units. These single family detached homes with accessory dwellings on infill lots will generally be consistent in size and shape to those existing developed lots that front Oak Manor Drive.

In furtherance of the above, I have engaged design professionals to site plan & design 20 units of multi-family high density low-income residential units on the flat 1-acre portion of the site that fronts Sir Francis Drake (e.g., @ 20 units to the acre minimum); and, site plan for 6 clustered housing lots in specific locations as shown in the preliminary parcel map previously provided.

I acknowledge that the 1-acre portion of land fronting Sir Francis Drake Boulevard will require subdivision and rezoning of that portion of the property to permit high density residential uses. The purpose of this letter is to confirm my commitment to doing the above and (a) providing affordable housing development on the lower portion of my property fronting Sir Francis Drake Boulevard and (b), to provide market-rate clustered development on the remainder of my property in order to protect as much open space as possible – as proposed in Program 2D.

With regards to the proposed 1-acre affordable housing site fronting Sir Francis Drake Boulevard, my development team is currently exploring a public non-profit development or a public/private partnership to lead the multi-family residential housing project. The objective is to prepare the project for shovel ready “Tier II” financing eligibility: It is important to note that in May 2022 the California Department of Housing and Community Development (HCD) announced the availability of 1.6 billion dollars in CA Housing Accelerator (CHA) funds for the purposes of supporting shovel ready projects. HCD has developed a list of projects eligible for the CHA funding. This project may be eligible for funding through the “Infill Infrastructure Grant Program”; the “Multifamily Housing Program”; “Transit-Oriented Development Implementation Program” and/or several other programs listed with HCD.

In summary: I am committed to seeing this large 45 acre piece of land, largely vacant with the exception of my newly built home and ADU, as an opportunity for the Town to address the affordable housing crisis. I have taken the next steps to demonstrate conceptually that this property has the potential to provide a mix of housing unit types including at least 20 units of multi-family residential attached low-income ‘for sale condos’ or rental apartments on a flat one acre site; and, an additional 6 units of above moderate income single family residences “uphill” with an additional 6 ADU’s (which are presumably more affordable by size) in clustered developments. Likewise, I provided a land planning analysis in the letter and conceptual plan to the Town dated April 24, 2023 to demonstrate that the subject property provides the Town with an excellent opportunity for additional housing to address the needs of the community, region and state while at the same time accommodating the Town of Fairfax General Plan open space and hillside development policies.

Accordingly, once the Town’s housing element is certified by California Department of Housing and Community Development, the Town adopts the new Housing Element and Certifies the EIR, I will file a formal property rezoning & subdivision application within three months. Therefore, I look forward to the Town’s hopeful completion of the housing element update process by mid to late summer and providing our applications by the end of this year.

Thank you again for all your hard work on these matters - and for the Town Council’s decision to include my property in the 6th cycle Housing Element update process as described above.

Sincerely,

Robert Schwartz

CC: Andrew Hill, Dyett & Bhatia



DYETT & BHATIA
Urban and Regional Planners