



TOWN OF FAIRFAX

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TO: Planning Commission

FROM: Ben Berto, Planning and Building Services Director

SUBJECT: Amending the Planned Development District (PDD) Zoning to incorporate Objective Development Standards and Procedures

DATE: October 25, 2018

RECOMMENDATION

Provide direction to staff on proposed zoning amendments to the Planned Development District (PDD) Chapter 17.112 to incorporate Objective Development Standards, and modify submittal procedures and requirements. Recommend specific amendments to the PDD zoning district chapter to the Town Council for adoption.

SUMMARY/BACKGROUND

PDD Priority

In September, Planning Commission received a report outlining a work plan for amending the Fairfax Municipal Code to address issues raised by recent legislation, including California's Senate Bill 35 (SB35) (Gov. Code §65913.4) and the Housing Accountability Act (HAA)(Gov. Code § 65589.5).

This report recommends that a portion of the present work be expedited to focus on revising and adopting Planned Development District Zone regulations. The goal in this expedited effort would be to reduce the likelihood of unwanted outcomes that might result for PDD-zoned projects if applications are received under the current Fairfax regulatory structure.

In November, staff also anticipates bringing to the Planning Commission a conceptual work plan for commercial zoning districts that begins to address issued raised by SB 35 and the HAA.

ANALYSIS

Application of Housing Accountability Act and SB 35

The stated purpose of the HAA is to increase the approval and construction of new housing by *“meaningfully and effectively curbing the capability of local governments to deny, reduce the density of, or render infeasible housing developments”*.

The HAA applies to all housing developments. HAA specifies that a municipality can deny a project or reduce its density only to the extent the project does not comply with adopted objective standards, except in narrow instances where a "specific adverse effect" on public health or safety reasonably is found (for example, a significant unmitigated adverse environmental impact on public health or safety is identified in an EIR). While the HAA doesn't contain a definition of an 'objective' standard, it is defined in SB 35 as involving *“no personal or subjective judgment by a public official and uniformly verifiable by reference to an external benchmark”*.

The HAA mandates local agencies provide a housing project applicant for a housing project of 150 or fewer units with a list of any inconsistencies with objective development standards within 30 days of the application being determined or deemed complete (for larger projects, agencies have 60 days for this determination). This review and determination is limited to already adopted 'objective' development standards. This means it is critical that application requirements and review for completeness incorporates all information necessary to make this determination.

SB35 pertains to certain affordable multifamily housing projects (at least 2 residential units), where specified criteria apply (e.g., commitment to labor requirements) and none of the enumerated exclusions apply (see information in attachment B for list of exclusions). Where SB35 applies, review of the development is non-discretionary, regardless of local ordinances to the contrary, and is limited to compliance with objective development standards published before submission of the development application.

Planned Development District (PDD) and SB 35 and HAA

With few exceptions, including the Town-wide height limitation, the Town's Planned Development District (PDD) zoning district currently lacks objective development standards. As a result, SB 35 and the HAA severely constrains the Town from regulating housing projects that might be proposed in the PDD zoning district. There is substantial development potential in PDD zoned areas. PDD zoning standards currently specify a phased submittal process (e.g. Preliminary Development Plan, then Master Development Plan). The criteria used to review

each stage of submittal contain what could be considered subjective discretionary development standards.

PDD zoning district currently contains few of the baseline objective standards contained in the Town’s other residential districts except for building height (see following chart - also see attached Chapter 17.112 PDD Planned Development District Zone Area).

Designation	Slope	Site/Lot Area (min.)	Site/Lot Width (min.)	Front & Rear Yards (minimum)		Side Yards (minimum)		Building Height (maximum)
				combined	each	combined	each	
UR-10 Upland Residential	10% & less	10 acres (435,600 sf)	60 ft.	25 ft.	6 ft.	15 ft.	5 ft.	28.5 ft. & 2 stories
	over 10%			35 ft.	6 & 12 ft.	20 ft.	5 ft.	28.5 ft. & 2 st. (uphill) 35 ft. & 3 st (downhill)
UR-7 Upland Residential	10% & less	304,920 sf	60 ft.	see above (slope 10% & less)				
	over 10%			see above (slope 10% & less)				
RS-7.5 Single-Family Medium Residential	10% & less	7,500 sf	75 ft.	30 ft.	10 ft.	20 ft.	10 ft.	see above (slope 10% & less)
	over 10%	by formula	by formula	40 ft.	6 & 15 ft.	25 ft.	10 ft.	See above (slope over 10%)
PDD Planned Development District	---	None	None	None	None	None	None	28.5 ft. & 2 st (uphill) 35 ft. & 3 st (downhill)

Purposes

The PDD Chapter historically relied on subjective development standards in order to provide flexibility in the Town’s evaluation of projects in these special areas of potential development. These purposes are summarized as:

- comprehensive planning commensurate with larger sites;
- flexibility consistent with public purposes;
- variation in siting of buildings, land use (i.e. commercial allowed), and dwelling types;

- enhanced aesthetics and livability;
- conservation of natural features; and
- creation of public and private open space.

The remaining undeveloped PDD-zoned areas are largely comprised of steep slopes. Chapter 17.072 Hill Area Residential Development (HRD) Overlay Zone contains slope-applicable purposes (for example, minimizing stormwater runoff. However the HRD zone excludes PDD-zoned properties. Summarized HRD purposes include:

- retention of natural topographic features, including drainageways, ridgelines, rock outcroppings, vistas, and natural (sic) trees & vegetation;
- minimal grading;
- safe ingress and egress;
- minimal stormwater run-off & soil erosion;
- safety associated with geologic hazards (such as slope stability); and
- development size and scale appropriate to property and vicinity.

With regard to geologic hazards, Chapter 12.20 Excavations Generally applies. This Chapter ensures public health, safety and welfare.

On hillside properties, Chapter 17.060 Ridgeline Development purposes are potentially applicable, summarized as:

- conservation of existing scenic resources, and
- conservation of community and/or neighborhood identity.

Application of Ridgeline Development chapter provisions is hampered by imprecise mapping and reliance on levels of discretion that are no longer available.

If PDD represents a comprehensive approach to planning large parcels, then objective standards will be needed to cover all of these purposes, along with submittal requirements that will allow evaluation of conformance with such standards. Town staff has recommended standards and submittal requirements in the “Analysis” section of this report (below), and after describing existing provisions.

PDD Standards

As previously highlighted in the table above, current PDD provisions contain almost no explicit dimensional standards. This is further illustrated by PDD §17.112.030 General Standards and Requirements A.4, which reads:

Standards for area, coverage, light and air orientation, site planning, density, yard

requirements, open spaces, parking and screening shall be governed by the standards of the residential, commercial or industrial zoning district(s) most similar in nature and function to the proposed planned development district (PDD) use(s), or by standards which the Planning Commission shall by resolution from time to time adopt.

Exactly how “most similar” zoning district and attendant standards can be determined is not clear, but the code contemplates that authority over this subjective analysis resides with Planning Commission and Town Council. Under now-operative state law, however, these bodies’ roles are effectively abrogated by the HAA and SB 35’s requirements limiting major aspects of project review to conformance with “objective” standards.

Some objective or quasi-objective standards that are already contained in the PDD Chapter include:

- undergrounding of electrical and telephone facilities
- “formula” businesses and restaurants prohibited
- public improvements must be built to existing standards

Site factors that are referenced include:

- potential historic resources
- steep slopes
- natural habitat areas
- hazards

This site information is not specifically required in current initial (Preliminary Development Plan) submittal.

Density Policy

No limits to PDD-area density currently are set forth in PDD §17.112.040 Residential Density Policy. Instead, the Planning Commission is tasked with determining appropriate densities based on the following discretionary “determinations” (emphasis added).

(B) Density limitations. A density shall be set which is consistent with limitations imposed by site conditions including natural resources, topographic and geological conditions and by the level of public services and road conditions that can reasonably be provided.

(C) Planning Commission determination. The Planning Commission shall consider the following criteria in setting density.

Under SB-35 or the HAA requirements, none of the above factors as written could be used to limit density. None are written as a hard requirement or provide a developer with the objective number State law now requires.

Preliminary Development Plan and Master Development Plan

The PDD Zoning procedural provisions also present difficulties under SB 35 and the HAA. The PDD Chapter's current process relies on a developer submitting a proposal, receiving direction from Town staff and Planning Commission, and then further developing the proposal. The revised proposal is then submitted, reviewed, and revised – in a series of iterative steps until the Town is satisfied. This extended and discretionary approach is no longer practicable under the state regulatory scheme...

At the same time, the Preliminary Development Plan and Master Development Plan sections contain submittal requirements that serve as a guides, as follows:

- a survey of property showing existing trees, structures, streets, easements, utility lines, land uses, zoning designations (if different than PDD), and ownerships, with information outside but within 100 feet of PDD also shown;
- location and intensity of land use;
- a master plan and project description under the direction of a qualified engineer, landscape architect, and/or urban planner;
- a master plan showing the configuration and size of parcels, traffic circulation, street improvements, driveways, sidewalks, pedestrian ways, utilities (water, sanitary sewer, stormwater facilities, electricity, and gas), and the approximate location of building pads and off-street parking;
- tabulation of land uses, number of dwellings;
- grading plans showing cut and fill, with evidence that excessive earth moving and destruction of natural features has been avoided;
- general design and location of street and project identity signs, street lighting, and street furniture;
- design principles/guidelines for buildings and streetscapes;
- proposed standards for building height, open space, building intensity, and public improvements;
- engineering feasibility studies;
- economic feasibility studies;
- agreements for dedication of open space and/or for the creation of a home owners association;
- evidence of control of land being planned;
- engineering report regarding the sufficiency of infrastructure improvements;
- traffic report for the project and intersections it may affect;
- appropriate land dedications for schools, parks, playgrounds, pedestrian ways, or

- other open spaces dedicated for public use, whether publicly owned or not; and
- evidence that project is not visually obstructive or disharmonious with surrounding areas and facilities, nor harm major views from adjacent properties.

The difficulty with the above submittal requirements is they are predicated on an iterative review process that allows the Town and developer to go from general submittal requirements (e.g. §17.112.080 Preliminary Development Plan) to the much more precise (§17.112.090 Master Development Plan) over an extended period of time. However, under the new state mandated requirements, the Town must now evaluate a project’s compliance with objective development standards **within 30 days of a complete** (un-phased) application. Moreover, decisions regarding project denial or density reduction thereafter must be based upon those objective standards in place at the time of application completeness (or for SB 35 projects, application submittal).

The above submittal requirements, even if provided with an initial project submittal (as recommended), would still only provide bases for the Town’s regulatory review. What is still missing at this time is a link between the analysis and a corresponding project requirement (for example, if the analysis shows hazardous areas, create a standard that does not allow development in any hazard zone). Such cause-and-effect objective standards have yet to be established in the PDD Chapter.

CONCLUSION/RECOMMENDATION

In light of the State’s new regulatory requirements, staff recommends the following modifications to the current PDD Chapter:

- 1) Require all previously phased (Preliminary and Master Development Plan) application submittal requirements prior to a project being considered complete.
- 2) Modify potentially non-objective development submittal requirements into specific ‘objective’ requirements.
- 3) Develop a ministerial path for determining whether PDD project applications are in conformance with Town standards and the purposes they implement.
- 4) Given the steep slopes and inherent constraints on the larger PDD-zoned parcels, create a new provision in PDD Chapter 17.112 to relate average slope to development density and unit site. An example is:

Slope, Parcel Size and Building Mass

Average Slope	Minimum Lot Density	Max. Floor Area
greater than 30%	10 acres	3,000 sf
20% to 29%	5 acres	4,000 sf
10% to 19%	2 acres	5,000 sf

Attachments:

- A. Zoning Ordinance Chapter 17.112 PDD Planned Development District Zone Area
- B. BBK Town Council report "The New 2018 State Housing Laws" powerpoint presentation 6/6/18

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CHAPTER 17.112: PDD PLANNED DEVELOPMENT DISTRICT ZONE

Section

17.112.010	Purpose	
17.112.020	General requirements for a planned development	(1) To encourage development of parcels sufficiently large as to permit comprehensive site planning and building design;
17.112.030	General standards and requirements	
17.112.040	Residential density policy	(2) To provide a more flexible regulatory procedure by which the basic public purposes of this title may be accomplished;
17.112.050	Preliminary development plan	
17.112.060	Master development plan	
17.112.070	Master development plan; Town Engineer's report	(3) To encourage variation in siting of buildings and the appropriate mixing of several land uses, activities and dwelling types;
17.112.080	Master development plan; final Planning Commission action	
17.112.090	Master development plan; approval criteria, standards and procedures	(4) To enhance the appearance and livability of the community through encouragement of creative approaches to the use of land and the design of facilities;
17.112.100	Master development plan; Town Council action	
17.112.110	Master development plan; modification of plan	(5) To conserve natural features; and
17.112.120	Precise development plan; application	(6) To promise and create public and private open space as an integral part of land development design.
17.112.130	Precise development plan; open space dedication and maintenance	
17.112.140	Precise development plan; performance bond	(B) These purposes are to be ensured through the preparation and submission of comprehensive development plans showing proper site layout, design character and integration with the surroundings; and through the Planning Commission's careful review of the plans. (Prior Code, § 17.58.010) (Ord. 352, passed - -1973)
17.112.150	Final subdivision map	
17.112.160	Term of approvals	
17.112.170	Appeals	
17.112.180	Traffic impact permit	

§ 17.112.010 PURPOSE.

(A) The purposes of the PDD planned development district include the following:

§ 17.112.020 GENERAL REQUIREMENTS FOR A PLANNED DEVELOPMENT.

(A) Five acres or more may be considered a planned development for purposes of this chapter,

provided the property is owned, or its development controlled, by a single individual or legally constituted corporation or partnership.

(B) In the case of property in various ownerships, all parties owning and controlling property in the area to be developed shall become parties to a legal agreement binding them to abide by the planned development plan, as approved, with the agreement to run with the land as a condition of future use, sale or lease.

(C) The development shall be initiated and completed by the applicant, or joint applicants, as the case may be.

(D) (1) Unless otherwise provided in the approval of the Planning Commission, the developer may divide and transfer units of the development.

(2) The transferee shall complete the development and shall use and maintain it, in strict accordance with the development plan as approved by the Planning Commission and Town Council.

(E) (1) All the provisions of this title are supplementary to all subdivision regulations of the town.

(2) An application for approval of a tentative subdivision map of lands zoned PDD shall not be accepted, except in conjunction with the concurrent filing of a precise development plan under § 17.112.120.

(3) No tentative subdivision map shall be approved prior to the approval of a precise development plan for the property covered by the tentative map. The tentative map and precise development plan applications shall be processed concurrently.

(Prior Code, § 17.58.020) (Ord. 352, passed - -1973; Am. Ord. 605, passed - -1991)

§ 17.112.030 GENERAL STANDARDS AND REQUIREMENTS.

(A) The following provisions shall apply in a planned development district, together with all other applicable provisions of the town zoning and subdivision ordinances. Where conflict in regulation occurs, the regulations specified in this chapter or on a development plan approved pursuant to this chapter shall apply:

(1) No planned development district shall include less than five acres of contiguous land unless the Planning Commission and Town Council find that property of less than five acres is suitable as a planned development district by virtue of its unique historical character, topography, landscaping features or other special characteristics as may be determined by the Planning Commission.

(2) A planned development district shall be established by an ordinance adopted by the Town Council after a recommendation by the Planning Commission, in accordance with §§ 17.004.030 through 17.004.120 of this title. Whenever a planned development district has been established, its boundary shall be indicated on the zoning maps of the town.

(3) Where contiguous properties proposed for a planned development in accordance with the provisions of this chapter are under separate ownership, written consent of all participating property owners shall be filed with the Planning Director before any application for a planned development can be accepted by the town.

(4) Standards for area, coverage, light and air orientation, site planning, density, yard requirements, open spaces, parking and screening shall be governed by the standards of the residential, commercial or industrial zoning district(s) most similar in nature and function to the proposed planned development district (PDD) use(s), or by standards

which the Planning Commission shall by resolution from time to time adopt.

(5) All electrical and telephone facilities, fire alarm conduits, street light wiring and other wiring conduits or facilities shall be placed underground by the developer. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities.

(6) Within any planned development district, no proposed use or structure that constitutes a formula business or formula restaurant, as those terms are defined in § 17.040.210, shall be approved or allowed to operate without first obtaining a use permit in compliance with Article II of Chapter 17.040.

(B) Standards for public improvements shall be governed by applicable ordinances and laws of the town.

(C) Exceptions to standards adopted by the Planning Commission may be granted by the Planning Commission and Town Council only in cases where these bodies find that the exceptions encourage a more desirable environment and are warranted in terms of the total proposed development or a unit thereof, (Prior Code, § 17.58.030) (Ord. 352, passed - -1973; Am. Ord. 493, passed - -1982; Am. Ord. 787, passed 3-4-2015)

§ 17.112.040 RESIDENTIAL DENSITY POLICY.

(A) *Conformance to the general plan.* All projects must conform to the adopted General Plan or to any accepted specific plan applicable to the area under consideration.

(B) *Density limitations.* A density shall be set which is consistent with limitations imposed by site conditions including natural resources, topographic and geological conditions and by the level of public services and road conditions that can reasonably be provided.

(C) *Planning Commission determination.* The Planning Commission shall consider the following criteria in setting density.

(1) Extent of lands which are hazardous to life and property due to soils, geological, seismic or hydrological factors unless the hazards can be mitigated by minor modifications to existing land forms and vegetation. These determinations must be based on the analysis of a licensed engineering geologist and/or civil engineer specializing in soils problems and hydrologist;

(2) The number of safe building sites which exist on the property;

(3) The cumulative impact of the development on existing circulation and drainage systems.

(D) *Gross acreage calculation.*

(1) Density shall be set for gross acreage. Hazardous lands may be excluded from the building area, but will be included in the calculation of gross density per acre.

(2) In cases where a portion of the property falls within two different categories in the General Plan, the Planning Commission shall determine an aggregate density based on the percentage of gross acreage in each category.

(Prior Code, § 17.58.040) (Ord. 352, passed - -1973; Am. Ord. 493, passed - -1982)

§ 17.112.050 PRELIMINARY DEVELOPMENT PLAN.

(A) (1) Approval, in principle, of the preliminary development plan shall be limited to the general acceptability and intensity of land use proposed and their interrelationship and shall not be construed to endorse precise location of uses, configuration of parcels or engineering feasibility.

(2) A preliminary development plan and text shall be prepared by or under the direction of a licensed architect or a licensed building engineer, a registered landscape architect or, in the case of an area in excess of 20 acres, by a team including a licensed architect or licensed building engineer, a registered landscape architect and a qualified urban planner. (A qualified urban planner shall be defined as a planner holding an associate or full membership in the American Institute of Planners or a planner authorized by the state's Planning Advisory Committee to work on comprehensive general plan programs in the state of California.)

(3) It shall include the following information presented in a general schematic fashion: a preliminary development plan of the entire proposed development showing land uses and general configuration of parcels or lots, traffic circulation, streets, driveways, sidewalks and pedestrianways and off-street parking.

(B) The applicant shall, at the time of filing the preliminary development plan, pay a filing fee in accordance with a schedule of fees adopted by resolution of the Town Council. (Prior Code, § 17.58.050) (Ord. 352, passed - -1973; Am. Ord. 443, passed - -1978)

§ 17.112.060 MASTER DEVELOPMENT PLAN.

(A) (1) Within one year of the approval of the preliminary development plan by the Planning Commission, or extension by the Planning Commission, the applicant shall submit ten copies of a master development plan, conforming in all major respects with the approved preliminary development plan.

(2) The preliminary development plan shall expire and be of no further effect or benefit if a master development plan is not submitted within the one-year period or if an extension is not approved.

(B) The final plan shall include all elements included in the preliminary development plan, plus the following.

(1) Survey of the property showing existing features including trees, structures, streets, easements, utility lines, land uses, existing zoning and existing ownerships; (The information also to be provided for the surrounding area within 100 feet of the proposed development.)

(2) Master plans for street improvements, water, sewerage, flood control, draining facilities and public utilities;

(3) Site, building and landscaping plans and elevations in a detail sufficient to fully illustrate the proposal;

(4) Grading plans;

(5) Character, general design and location of signs, street lighting and street furniture;

(6) Description of design principles for buildings and streetscapes;

(7) Tabulation of land uses;

(8) Tabulation of number of dwelling units by type for each increment of the total master plan and the estimated population per increment;

(9) Proposed standards for height, open space, building, intensity and public improvements; and

(10) Engineering and economic feasibility studies as necessary.

(C) Copies of legal documents required by the Planning Commission for dedication or reservation for group or private open space, or for the creation of a non-profit homes association shall also be submitted.

(D) The applicant shall submit evidence that he or she has sufficient control over the land to execute the proposed plan.

(E) The final plan shall be prepared by or under the direction of a licensed architect, and a registered landscape architect, or in the case of an area in excess of 20 acres, by a team including an architect,

landscape architect, qualified urban planner and registered civil engineer or licensed land surveyor.

(F) The applicant shall, at the time of filing the master development plan, pay a filing fee in accordance with a schedule of fees adopted by resolution of the Town Council.

(Prior Code, § 17.58.060) (Ord. 352, passed - -1973; Am. Ord. 443, passed - -1978)

**§ 17.112.070 MASTER DEVELOPMENT PLAN;
TOWN ENGINEER'S REPORT.**

(A) Upon receipt of the master development plan by the Planning Commission, the Planning Commission shall forward the development plan and original application to the Town Engineer for review, coordination with other affected town departments and public agencies, and approval of public improvements including streets, sewers and drainage.

(B) The Planning Commission shall not act finally on an application until it has first received a report from the Town Engineer, which report shall be returned to the Planning Commission within 30 days. (Prior Code, § 17.58.070) (Ord. 352, passed - -1973)

**§ 17.112.080 MASTER DEVELOPMENT PLAN;
FINAL PLANNING COMMISSION ACTION.**

Upon receipt of the master development plan in proper form, the Planning Commission, after giving notice pursuant to the provisions of § 17.004.070 of this title, shall hold a public hearing thereon. After the hearing, and after examining the plan for conformity to the preliminary development plan and all applicable criteria and standards, the Planning Commission may recommend approval subject to specified modifications and conditions. When the Planning Commission finds the proposed plan of development does not conform to the preliminary development plan or does not meet all applicable criteria and standards, it shall recommend denial of

the application, giving its reasons therefor. The Planning Commission may permit the applicant to revise and resubmit the plan within 60 days following its action recommending denial.

(Prior Code, § 17.58.080) (Ord. 352, passed - -1973; Am. Ord. 628, passed - -1994)

**§ 17.112.090 MASTER DEVELOPMENT PLAN;
APPROVAL CRITERIA, STANDARDS AND
PROCEDURES.**

Before recommending approval, the Planning Commission shall find that the proposed development conforms to the following criteria and to such other criteria as may be applicable to planned developments within the area in which the proposed development is located:

(A) The location and design of the proposed development shall be consistent with the goals and policies of the Fairfax General Plan and with any other applicable plans or policies adopted by the Town Council.

(B) The proposed location shall allow the development to be well integrated with its surroundings.

(C) All vehicular traffic generated by the development must be accommodated safely and without causing undue congestion upon adjoining streets.

(D) The proposed location and design shall allow residents and business establishments to be adequately serviced by existing or proposed public facilities and services. In appropriate circumstances, the Planning Commission may require that suitable areas for schools, parks and playgrounds, pedestrianways or public open spaces be dedicated for public use, or reserved by deed covenant for the common use of all residents, establishments or operations in the development.

(E) The overall design of the proposed planned development shall produce an attractive healthful, efficient and stable environment for living, shopping or working.

(F) The development shall be well integrated with its settings, shall not require excessive earth-moving or grading, or destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas and facilities, and shall not substantially harm major views from adjacent properties.

(G) The uses proposed shall have a beneficial effect not obtainable under existing zoning regulations. Any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the development plan in accord with adopted policy of the Planning Commission and Town Council.

(H) Demonstration shall be made that each individual unit of development, and the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability.

(Prior Code, § 17.58.090) (Ord. 352, passed --1973)

**§ 17.112.100 MASTER DEVELOPMENT PLAN;
TOWN COUNCIL ACTION.**

(A) (1) The Town Council shall, after giving of public notice and the holding of a hearing as provided in § 17.112.080 of this chapter, approve or deny the master development plan.

(2) In overruling a Planning Commission recommendation for denial, the Town Council shall make the findings listed in § 17.112.090.

(B) Approval of the master development plan shall be by ordinance.

(C) Approval of the master plan shall include, but not be limited to the following stipulations.

(1) The development, maintenance and use of the property included in the master development plan shall be carried on in conformance with the approved plan drawings and documents; the developer shall substantially adhere to the state of development schedule submitted as part of the master development plan.

(2) Approval of the master development plan shall not be interpreted as waiving compliance with other provisions of this code.

(3) (a) The approved master development plan drawings and documents shall be filed in the office of the Town Clerk after written authorization for the filing has been secured from the owner or owners of the lands in question and prior to the second reading of the ordinance establishing the planned development district. The authorization shall be construed to constitute the owner's acceptance of the provisions set forth in the master development plan ordinance.

(b) An agreement by the owner or owners agreeing to be bound by the conditions and regulations imposed by the Town Council shall be deposited with the Town Clerk prior to final adoption of the ordinance, to be held and recorded by the town cleric only after the effective date of the ordinance.

(4) No land shall be used or developed, and no building shall be constructed, maintained or used other than for the purpose specified on the approved master development plan drawings and documents, as filed.

(Prior Code, § 17.58.100) (Ord. 352, passed --1973; Am. Ord. 493, passed --1982)

**§ 17.112.110 MASTER DEVELOPMENT PLAN;
MODIFICATION OF PLAN.**

Minor changes to an approved master development plan may be approved by the Planning Commission, provided the change is consistent with the purposes and character of the master development

plan. The changes shall not change the densities heretofore established, nor the boundaries of the subject property, nor any use as shown on the approved master development plan, nor the location or amounts of land devoted to specific land uses. All modifications or amendments to an approved plan other than minor changes shall be processed as an original application and shall be subject to all applicable substantive and procedural requirements of the planned development procedure; provided that, the filing fee therefor shall be one-half the fee charged for filing an original application.

(Prior Code, § 17.58.110) (Ord. 352, passed - -1973)

**§ 17.112.120 PRECISE DEVELOPMENT PLAN;
APPLICATION.**

(A) (1) Within one year following approval of the master development plan, the applicant shall submit to the Planning Commission an application for approval of a precise development plan for the first increment.

(2) Precise plan approval, valid for one year, shall be secured for each unit or increment of a planned development district as delineated on the master development plan.

(3) No development, improvement or building construction within any unit of the planned development area covered by the master development plan shall be commenced until the Planning Commission has approved a precise development plan for that unit.

(4) Precise plans shall set forth in detail specific features of each increment of development.

(5) They shall conform to the master development plan, and be prepared by a team including a licensed architect or a licensed building designer and registered landscape architect, and a registered civil engineer or licensed land surveyor, and shall consist of:

(a) A topographic map of sufficient detail to show all cut and fill banks, precise drainage and flood control and boundary survey data;

(b) Detailed site plan, showing buildings, area utilization and traffic and pedestrian circulation; location, widths, grades and types of improvements proposed for all streets, parking areas, driveways, walkways, trails, utilities and other public improvements; building heights and dimensions of space between buildings and distances from property lines and rights-of-way;

(c) A precise landscaping plan;

(d) A map showing division of the land for the sale of individual property, if any;

(e) Location and dimensions of public or semipublic areas, including, but not limited to schools, parks, playgrounds and parking areas,

(f) A statement setting forth a program for installation and continued maintenance of parking areas, lighting, courts, public and private grounds, landscaping, streets, utilities, parks, playgrounds or public or semi-public community buildings and facilities; and

(g) Information necessary for evaluation and assignment of fire zone designations, including type of construction, where found necessary by the Planning Commission.

(B) Within 45 days following receipt of the application for precise development plan approval, and after public hearing noticed in the manner set forth in § 17.004.070 of this title, the Planning Commission shall approve or disapprove of the proposed precise development plan and shall notify the applicant of its action. Appeal may be made to the Town Council by the applicant in accordance with § 17.112.170 of this chapter.

(C) The applicant shall, at the time of filing the precise plan, pay a filing fee in accordance with a schedule of fees adopted by resolution of the Town Council.

(Prior Code, § 17.58.120) (Ord. 352, passed - -1973; Am. Ord. 443, passed - -1978; Am. Ord. 493, passed - -1982; Am. Ord. 628, passed - -1994)

**§ 17.112.130 PRECISE DEVELOPMENT PLAN;
OPEN SPACE DEDICATION AND
MAINTENANCE.**

(A) The Planning Commission may as a condition of approval require that suitable areas for schools, parks and playgrounds be set aside, unproved, and dedicated for public use, or be reserved for the owners, residents and establishments in the development by deed restrictions.

(B) (1) Whenever group or common open space is provided, whether required or not, the Planning Commission may, as a condition of approval, require that an incorporated nonprofit homeowners' association be established prior to any sale of land or facilities for the purpose of maintaining the open space.

(2) The association may also undertake other legal and proper functions. Agreements and covenants running with the land shall include provisions for automatic membership and charges to be levied for carrying out of the specified functions and administrative expenses.

(3) The association shall be responsible for levying, collecting and disbursing funds and for enforcement of the agreements.

(4) The agreements and covenants shall operate for a minimum of 20 years with a provision for automatic extension, except upon a majority vote for termination, upon which occasion the mutually owned properties will automatically go to public ownership.

(5) The town shall be a party of interest in any such development and may by mandatory injunction enforce the provisions in this section.

(C) To assure that open space shall be available for the entire developed planned development district, public sites and development rights to required open spaces shall be dedicated in advance of development. In any event, whether a subdivision map is required or not, dedication of public sites and development rights to required open spaces for the entire district shall be made before the building permit is issued.

(D) Other dedications for street, utility, flood control, rights-of-way and/or easements and other public purposes, may also be required before the issuance of the first building permit.

(Prior Code, § 17.58.130) (Ord. 352, passed - -1973)

**§ 17.112.140 PRECISE DEVELOPMENT PLAN;
PERFORMANCE BOND.**

(A) As a condition precedent to approval of any precise development plan, the Town Council shall require the applicant to furnish a completion bond, or the cash equivalent, in an amount deemed sufficient by the Town Engineer to cover the cost of public improvements, common areas, incidental expenses, and to cover replacement and repair of existing streets and other improvements damaged in the development of the unit.

(B) All public improvements shall be constructed in accordance with the standard specifications of the town.

(Prior Code, § 17.58.140) (Ord. 352, passed - -1973)

§ 17.112.150 FINAL SUBDIVISION MAP.

(A) (1) No precise development plan or tentative map shall be approved under this chapter until the planned development district zoning has become effective.

(2) Disapproval of any precise development plan shall also constitute disapproval of any application for a tentative subdivision map for the property covered by the precise development plan.

(B) No building permit shall be issued until a final subdivision map, if required, has been recorded for the area covered by the precise development plan, or any approved stage thereof, in compliance with the town's subdivision regulations.

(Prior Code, § 17.58.150) (Ord. 352, passed --1973; Am. Ord. 605, passed --1991)

§ 17.112.160 TERM OF APPROVALS.

(A) If the applicant fails to submit a precise development plan for the first increment within one year of approval of the master development plan by the Town Council, or fails to record a final subdivision map to effectuate an approved precise development plan and/or fails to initiate development within two years after the precise plan approval, then actions taken by the Planning Commission and Town Council shall be rendered null and void.

(B) The failure shall be grounds for reversion to acreage of any recorded final subdivision map. The time limits may be extended upon mutual agreement by the Town Council and the applicant.

(Prior Code, § 17.58.160) (Ord. 352, passed --1973; Am. Ord. 493, passed --1982; Am. Ord. 605, passed --1991)

§ 17.112.170 APPEALS.

(A) Within ten days following the date of a decision by the Planning Commission upon an application for approval of a precise development plan, or for approval of any modification or amendment of any authorized plan, or any condition imposed therein, an appeal may be taken to the Town Council by the applicant or the owner.

(B) (1) An appeal shall be made upon the form prescribed and shall be filed with the Town Clerk.

The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Commission, or wherein the decision is not supported by the evidence in the record.

(2) Upon receipt of the appeal, the Town Council shall set the time for consideration thereof. The Town Clerk shall notify the Secretary of the Planning Commission of the receipt of the appeal and of the time and place set for consideration thereby by the Council; and the town clerk shall, not less than five days prior to the date set for the hearing upon the appeal, give written notice to the applicant and to the adverse party or parties, or to the attorney, spokesperson or representative of the party or parties, of the time and place of the hearing on the appeal.

(3) The Town Council may approve, modify or reverse a Planning Commission decision. The decision of the Council shall be final.

(Prior Code, § 17.58.170) (Ord. 352, passed --1973)

§ 17.112.180 TRAFFIC IMPACT PERMIT.

The provisions of the traffic impact permit, Chapter 17.056 of this title, are applicable to properties in the PDD zoning district.

(Prior Code, § 17.58.180) (Ord. 352, passed --1973; Am. Ord. 553, passed --1986)

The New 2018 Housing Laws

Meeting of the Fairfax Town Council

June 6, 2018



Best Best & Krieger



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ATTORNEYS AT LAW

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Big Picture

- Over 130 housing-related bills introduced; 15 ultimately signed as part of the 2017 'housing package,' effective January 1, 2018
- Major themes
 - Erosion in Local Control Over Housing Applications
 - Housing Accountability Act
 - 'No Net Loss'
 - SB 35
 - Housing Elements/Annual Reports/Enforcement
 - Return of Rental Inclusionary Requirements
 - Funding Mechanisms
 - Special Streamlining Districts



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Erosion in Local Control Over Housing Applications

Housing Accountability Act – AB 1515, SB 167, AB 678

- Government Code § 65589.5
- Affects all residential projects

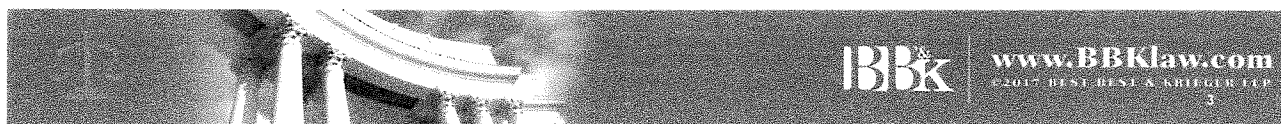
No Net Loss of Housing Element Sites - AB 1397 and SB 166

- Government Code §§ 65863; 65580, 65583, 65583.2
- Affects all sites designated for housing under Housing Element

SB 35

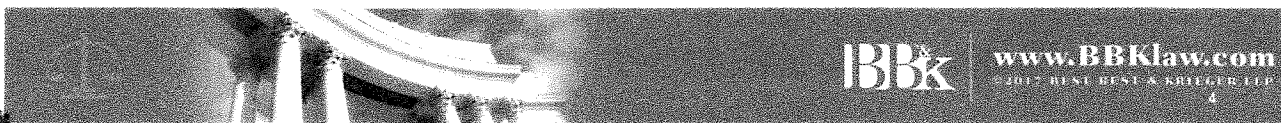
- Government Code § 65913.4
- “Streamlining” for some residential projects

Legislature’s focus is on “*objective standards*,” favoring *predictability* over *local discretionary review*.



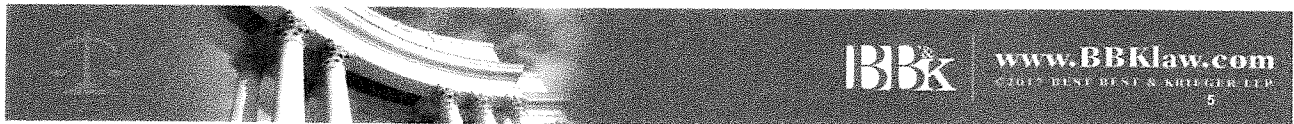
Housing Accountability Act New Intent Language

“The Legislature’s intent in enacting this section in 1982 and in expanding its provisions since then was to significantly increase the approval & construction of new housing for all economic segments of California’s communities by meaningfully and *effectively curbing the capability of local governments to deny, reduce the density of, or render infeasible housing development projects*. This intent has not been fulfilled.”



The Housing Accountability Act

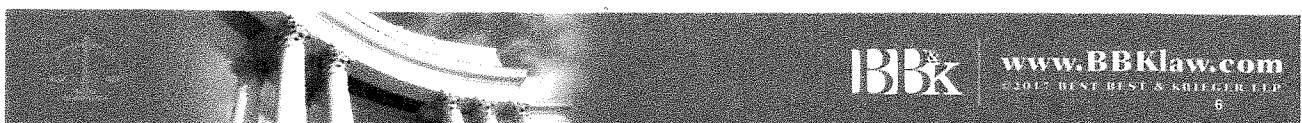
- Restricts cities' ability to deny, reduce density of, or make infeasible housing developments and requires cities to justify these actions.
- Applies to *all* housing development projects (affordable *and* market-rate) and emergency shelters:
 - Residential only;
 - Transitional and Supportive housing; and
 - Mixed use projects with at least 2/3 of the square footage designated for residential use



The Housing Accountability Act

In a nutshell:

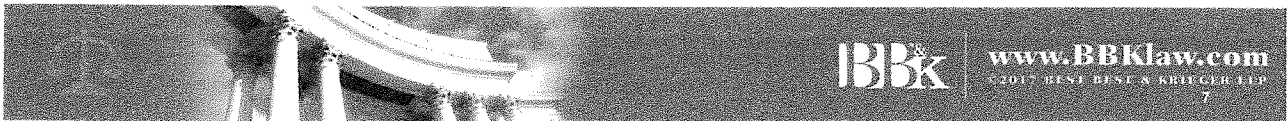
- If a housing development complies with “objective” general plan, zoning and subdivision standards, the Town can only reduce density or deny if can identify a “specific adverse impact” to public health & safety that cannot be mitigated.
- “Lower density” includes imposing conditions that “have the same effect or impact on the ability of the project to provide housing” (i.e., *de facto* density reduction).



Housing Accountability Act (65589.5)

Cut to the chase--If desire to deny or reduce density, must:

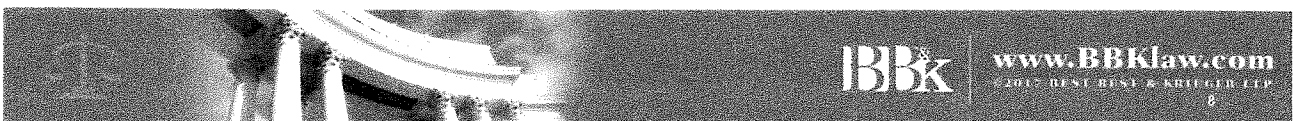
- Identify **objective** standards with which project does not comply.
- If project complies with all, must find “specific adverse effect” on public health & safety.



The Housing Accountability Act

What are “*objective*” standards?

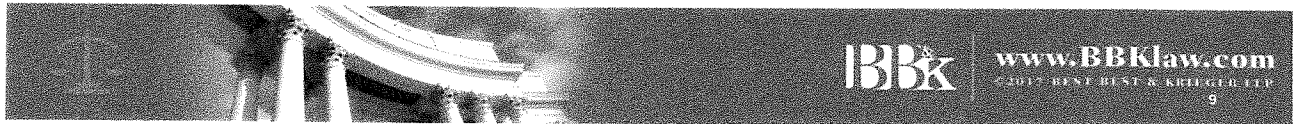
- HAA does not define, but SB 35 defines as one that involves “no personal or subjective judgment by a public official and uniformly verifiable by reference to an external benchmark”
- Provisions such as permitted use, density, height, setbacks, FAR or design requirements regarding specific materials should be OK
- Receipt of density bonus is *not* basis for finding project inconsistent with development standards



The Housing Accountability Act

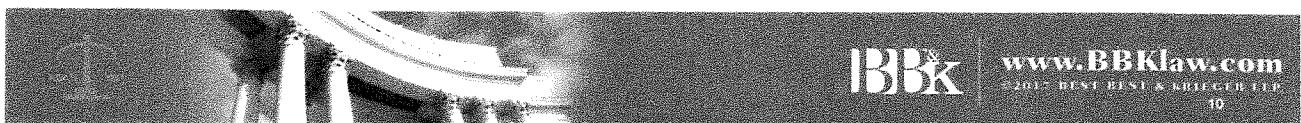
What is a “*specific adverse effect*?”

- If project complies with all “*objective standards*”, can only deny or reduce density if find “*specific adverse effect*” on public health.
- “*Specific adverse effect*” must be significant, quantifiable, direct, and unavoidable based on written health & safety standards on date project deemed complete, and no feasible way to mitigate.



The Housing Accountability Act

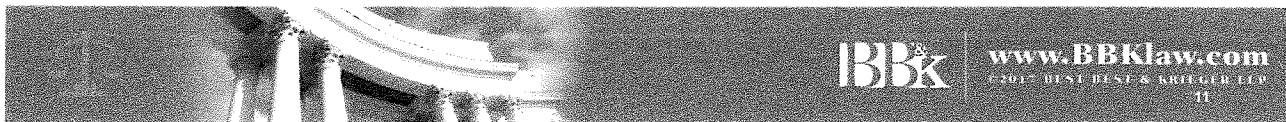
- Additional protections for affordable projects (Gov’t Code § 65589.5(d)):
 - Emergency shelters;
 - 20% low income (up to 80% of median); or
 - 100% moderate (up to 120% of median) or middle income (up to 150% of median).
- Must make specific findings of specific, unmitigable adverse health or safety impact to deny or add condition making project **financially infeasible for affordable housing/emergency shelter—even if project does not comply with all “objective” standards.**



The Housing Accountability Act

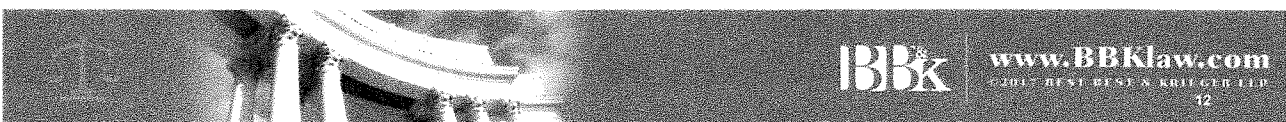
Change in processing housing applications:

- If a project does not comply with “objective standards,” Town must provide list of any inconsistencies within 30 days of application being deemed complete for project of 150 or fewer units (60 days for projects of 150 or more units)
- Explain why the project inconsistent; or
- “Deemed consistent”



HAA Processing Requirements

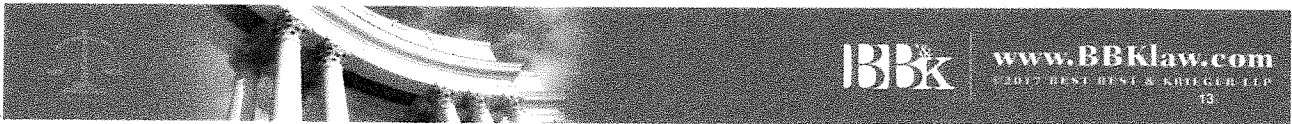
- Also “*deemed consistent*” if “substantial evidence that would allow a reasonable person to conclude” project is consistent
- Developer may submit own evidence re: consistency



The Housing Accountability Act

Changes to Judicial Review:

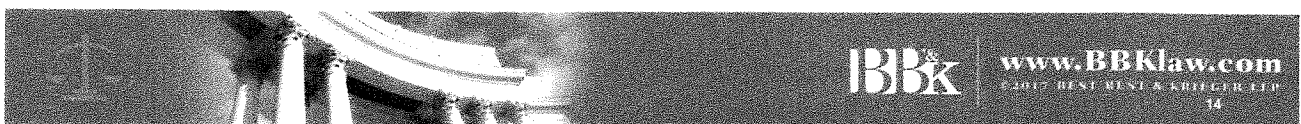
- Requires the findings to be supported by a “preponderance of evidence.” If not supported by preponderance of evidence, court must issue order compelling compliance within 60 days. If project denied in “bad faith” court may order project approval.
- Imposes mandatory fines (\$10K/unit) on cities that fail to comply with court order within 60 days.
- Mandates enhanced fines (x5) court finds a city acts in “bad faith.”
- Attorney’s fees for both market rate and affordable.



The Housing Accountability Act

Compliance Strategies:

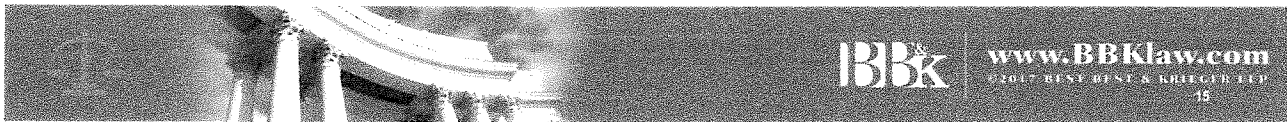
- Identify our “objective” criteria
- Identify any subjective criteria that might be better converted to objective criteria
- Review applications to ensure all relevant information is being sought from applicants



No Net Loss – Housing Element Sites (Government Code § 65863)

Background/History

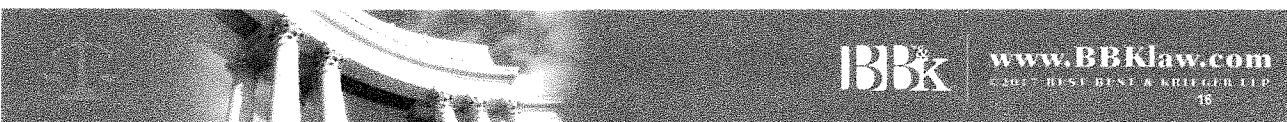
- Must identify sites to accommodate their regional housing needs allocation (“RHNA”) for various income levels
- Identified sites and assigned densities that would accommodate those units
- Prohibited from approving development at lesser densities without making certain findings



No Net Loss (Government Code § 65863)

Now applies if:

- Downzone a site shown in the Housing Element to permit fewer units than shown in the site inventory;
- Approve a project on a site shown in the Housing Element with fewer units than shown in the site inventory; or
- A development is approved on a site with fewer units *at the income level shown in the Housing Element site inventory.*

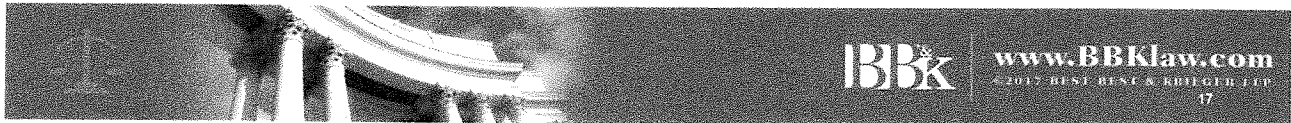


No Net Loss Required Findings

Reduction in density/income level OK if:

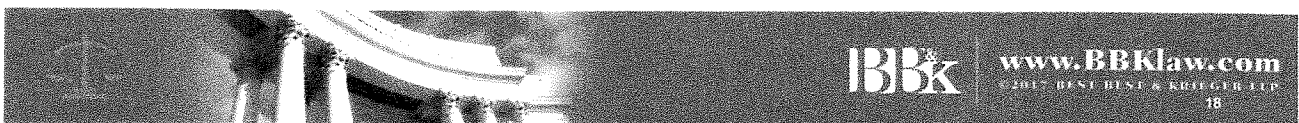
- Reduction consistent with GP and Housing Element;
- AND*
- Remaining sites in Element are adequate to meet RHNA at all income levels. Must quantify unmet need and remaining capacity by income level;

OR



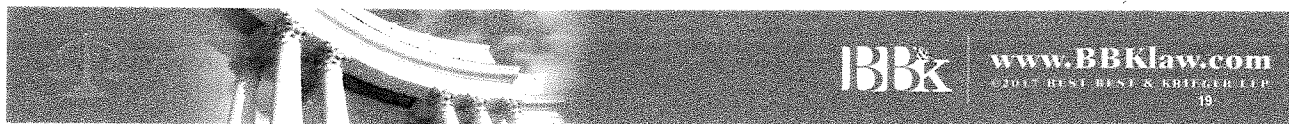
No Net Loss Findings, continued

- Must designate specific additional site(s) that can “accommodate” the RHNA at each income level during the planning period
- Time limit of 180 days to identify additional sites



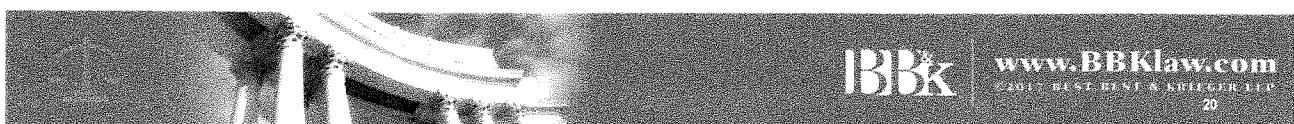
No Net Loss

- Ways to “identify and make available” another site:
 - More units approved on another site than shown in inventory or has other units at that income category; or
 - Other sites NOT in Element can make up difference; or
 - Rezoning another site to maintain inventory.
- Cannot deny projects on grounds they result in need to identify or rezone additional sites.
- Confusing CEQA language – identifying and making site available does not “create CEQA review project” or review requirement.



Streamlining Local Approval (SB 35) (Gov't Code § 65913.4)

- Offers streamlined, ministerial approval to qualifying projects
 - Ministerial = no CEQA
- Imposes tight review timelines on cities
- Only allows for imposition of “objective” criteria in place when application submitted
- Many exclusions and requirements that may dampen enthusiasm



Streamlining Local Approval (SB 35)

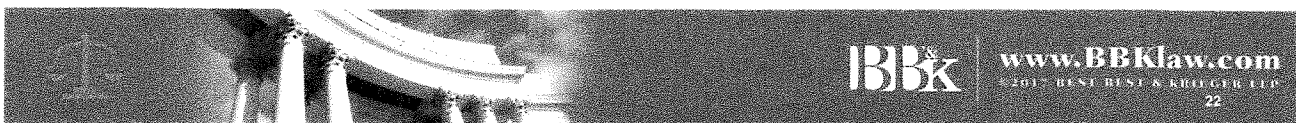
SB 35 project requirements include:

- Jurisdiction must be ‘eligible’ – Fairfax is ‘eligible’
- Project must be eligible
 - Multi-family (2 or more units)
 - Site criteria
 - Affordability component
 - Meet “objective” land use requirements
 - Labor requirements



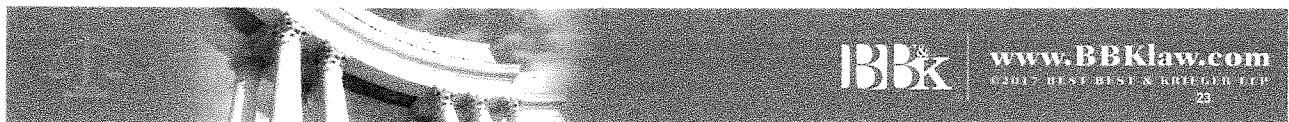
SB 35: Does the project qualify for streamlining?

- Multifamily housing development (at least 2 residential units);
- Located on a legal parcel or parcels, in city/town limits, and an urban area with at least of-site adjoining 75% parcels that are developed with urban uses;
- Have a general plan or zoning designation that allows residential or mixed use development; and
- Meet all “objective” zoning and design review standards in effect when project is submitted.



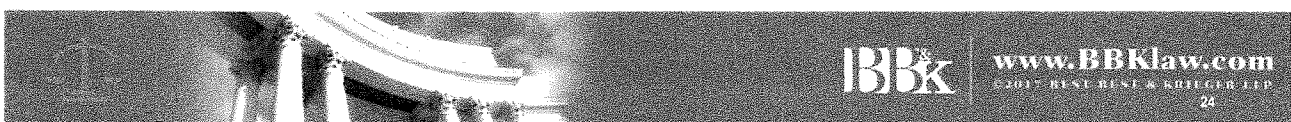
SB 35: Does the project qualify for streamlining? (continued)

- Inclusionary requirement:
 - 10% below 80% of AMI if annual report reflects fewer units of above-moderate **approved** than required (**Fairfax**); or
 - 50% below 80% of AMI if annual report reflects fewer units of lower income issued building permits than required.



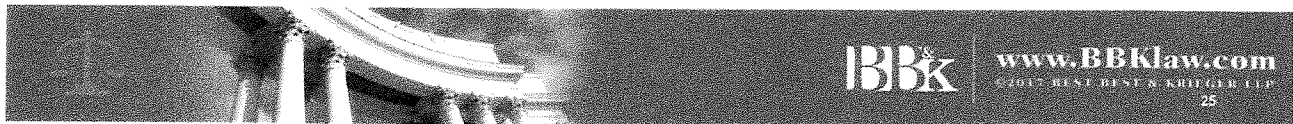
SB 35: Does the project qualify for streamlining? (continued)

- Consistent with “**objective zoning standards and objective design review standards**” in place when application *submitted*
- “**Objective**” = Uniformly verifiable by reference to an external and uniform benchmark or criterion. **No personal or subjective judgment.**
- Can only apply objective standards that are both “**available and knowable**” by both the development applicant and the public official **prior to application submittal.**”
- *Examples: Height, setbacks, lot coverage, % open space, density, FAR, etc.*



SB 35: Labor Requirements

- Development with more than 10 units is a “public work” or construction workers will be paid at least the general prevailing wage rate.
- Requirement for “skilled and trained workforce” in certain circumstances when projects located in coastal or bay counties of 75 units or more (50 units or more if approved between 1/1/22 and 12/31/2025).



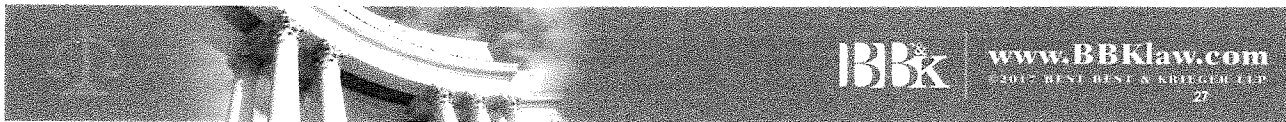
SB 35 Site Exclusions

- FEMA floodplain or floodway;
- Very high fire hazard severity zone unless building standards met;
- Protected species habitat;
- Zoned for non-residential (unless GP allows residential);
- Site has been occupied by tenants within the last ten years (even if it has already been demolished);
- Site subject to affordability deed or other restrictions or rent control would be demolished;
- Site with historical structure required to be demolished for project;



Site Exclusions, continued:

- Project requires subdivision of land unless receives tax credit financing or pays prevailing wages (even if <10 units) (Gov't Code § 65913.4(a)(9)); or
- Site is subject to Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act or the Special Occupancy Act.



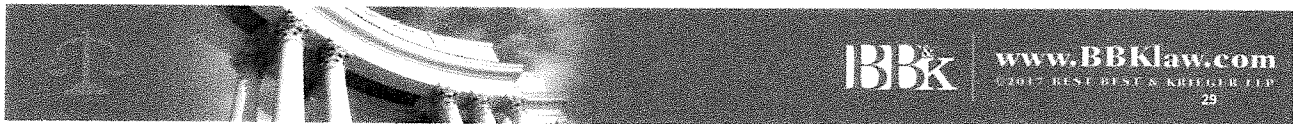
SB 35 applies to the project, now what?

- Review limited to compliance with objective standards published before submission of development application and broadly applicable.
 - If conflicts with “objective planning standards,” must provide written documentation within 60 days (if <150 units) or 90 days (if >150 units) of an **application’s submittal**, or the project is **deemed to satisfy** the standards.
- Town must complete “design review or public oversight” within 90 days (if <150 units) or 180 days (if >150 units) of an **application’s submittal**.
- Design review/oversight is “**ministerial**”: must be “objective,” strictly based on compliance with SB 35 criteria and reasonable, broadly applicable, objective standards in ordinance/resolution **before** submission of application.
- No Conditional Use Permit.
- No CEQA review.



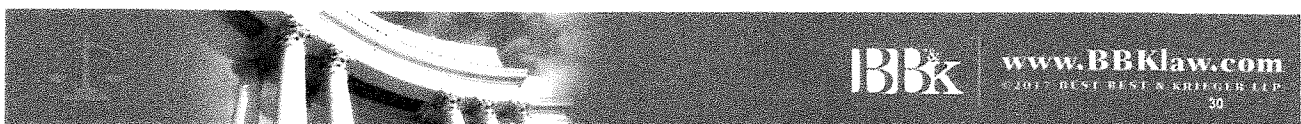
SB 35 applies to the project, now what?

- Limited parking requirements no more than one space per unit or no parking required if:
 - Within ½ mile of public transit;
 - Within an architecturally and historically significant historic district;
 - In an area where on-street parking permits are required or not offered to occupants of the development; or
 - Within one block of a car share vehicle



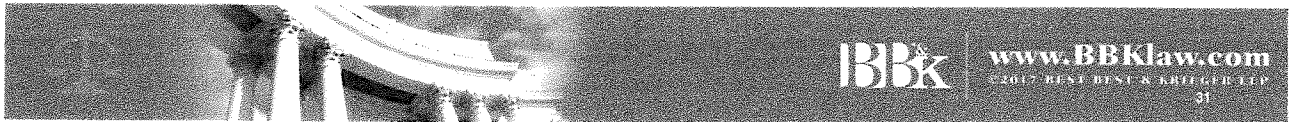
Possible Next Steps

- Develop SB 35 eligibility checklist and process for reviewing applications where SB 35 is invoked.
- For projects utilizing SB 35, verify compliance with requirements for payment of prevailing wage or utilizing a “skilled and trained workforce.”



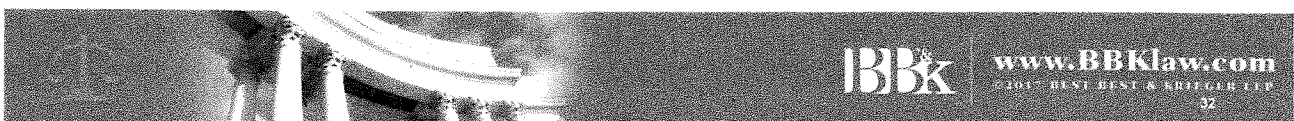
New Laws Add to Other Restrictions on Local Control

- **Density Bonus** (Gov't Code § 65915, *et seq.*)
 - Developer entitled to additional density in return for affordable housing
 - Developer can receive regulatory incentives and waivers unless Town makes findings
- **Accessory Dwelling Units** (Gov't Code §§ 65852.1, *et seq.*)
 - Limited Town discretion over use of “second units”



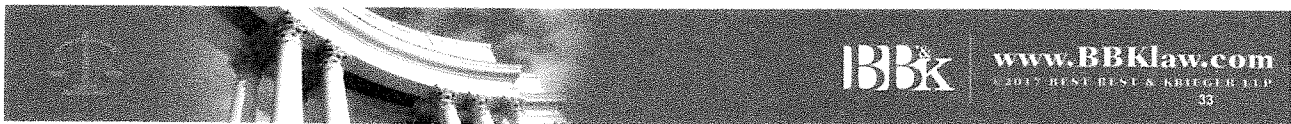
Accessory Dwelling Units

- 2017 Enacted bills (Gov't Code § 65852.2) continue to ease ADU restrictions
 - ‘Interior ADUs’ in all districts permitting single-family homes includes certain other structures
 - ADU may be rented, but not sold, separately
 - Limits parking to one space per ADU
 - Must allow tandem parking unless infeasible for specific topographical or fire/life safety reasons and parking in setbacks

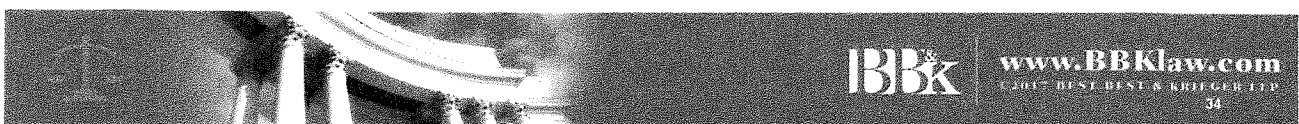


Fairfax ADU applicability

- Substantial increase in ADU applications/ approvals since most recent regulations relaxation
- ADU's exempted from parking in significant percentage of Town
- Increased public concern over parking, sewerage



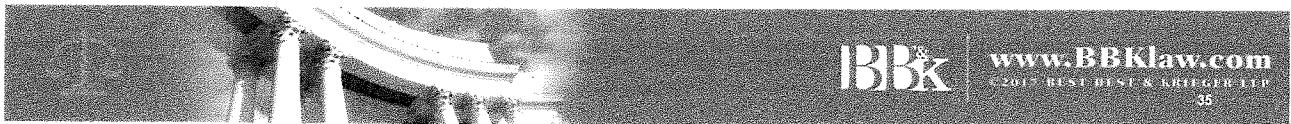
ADU parking exempted area



Proposed Legislation: Accessory Dwelling Units

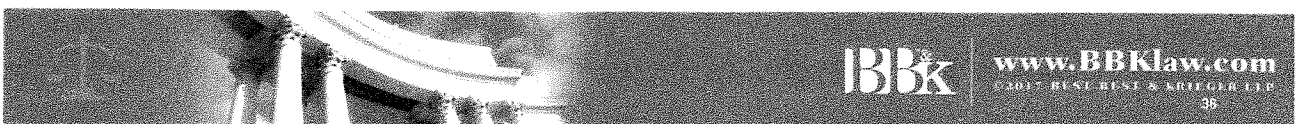
SB 831 (Wieckowski); AB 2890 (Ting)

- Aim to waive service fees
- Relaxed development standards (no FAR cap, no replacement parking required)
- Remove authorization for owner-occupancy requirements
- On May 30: SB 831 passed Senate; AB 2890 passed Assembly



Housing Element Overview

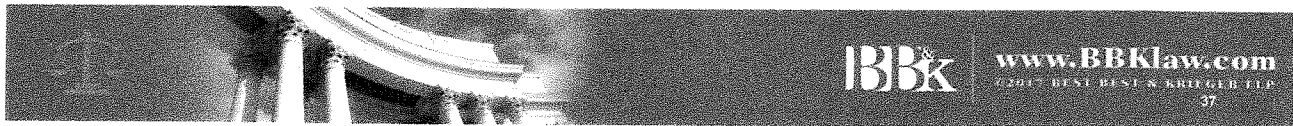
- State Planning and Zoning law requires each city/town to include in its General Plan a Housing Element for the preservation, improvement, and development of housing.
- Housing Element must show how to meet existing and projected housing needs for people at all income levels.
- HCD reviews all housing elements and determines whether each housing element and amendment substantially complies with State housing element law.
- Fairfax is the middle of its housing element cycle, with next update due in 2023.



Trend: Increasing housing data collection/ analysis

Previous requirements:

- Housing element subject to strict content requirements
 - Site inventory to identify sites that can be developed for housing sufficient to meet RHNA
 - Analysis of governmental and nongovernmental constraints



Housing Element

New requirements (Gov't Code § 65583.2) :

- Must designate specific sites that can “accommodate” the RHNA at each income level during the planning period.
- “Available” for residential development with “realistic and demonstrated” potential for development.
- Sufficient water, sewer, and dry utilities or be part of a mandatory program to provide such utilities.
- Lower income sites must be between ½ acre and 10 acres in size, others presumed inappropriate.

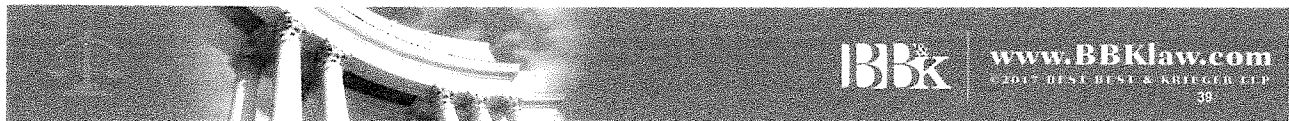


New HCD Enforcement

HCD's role previously:



- Reviewing and 'certifying' housing elements
- Receiving annual progress reports due by April 1
- Policing local land use actions

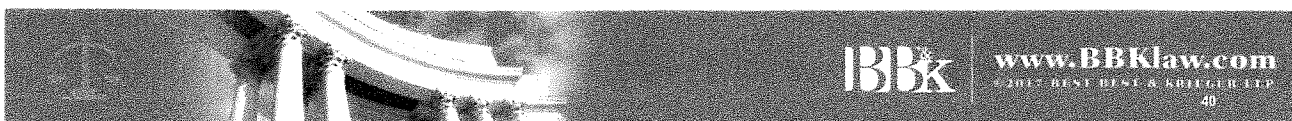


New HCD Enforcement

HCD's role now:



- Review and certify housing elements
- Review "any action or failure to act" that it determines is "inconsistent" with an adopted housing element or the Housing Element Law (Gov't Code § 65585(i))
- Can revoke HE certification
- Notify the AG of violations



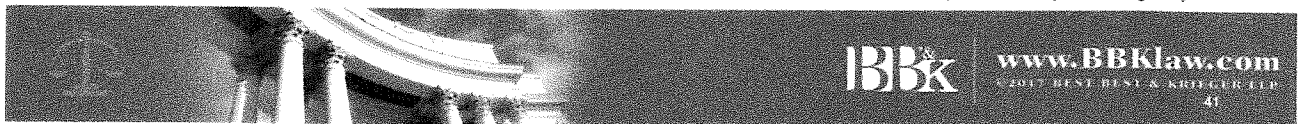
Reinstituting Rental Inclusionary

AB 1505 (the “Palmer Fix”)

- Aim: reinstate ability of cities to adopt inclusionary housing requirements for rental projects
- Supersedes *Palmer/Sixth Street Properties v. City of Los Angeles*
- State Planning & Zoning Law (Gov’t Code §§ 65850-65850.1)



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Inclusionary Zoning for Rental Projects (Under AB 1505)

- Can adopt ordinance that requires rental housing development to include certain percentage of units affordable to very low, low, or moderate income households.
- Must provide alternative means of compliance (*e.g.*, in lieu fees, land dedication, off-site development of units, etc.).



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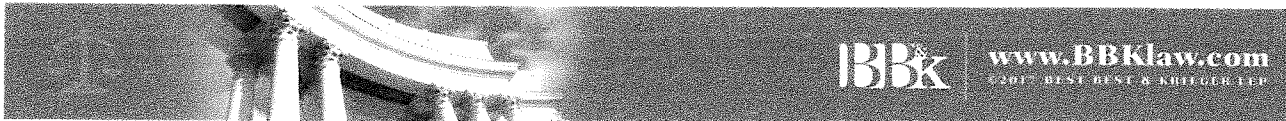
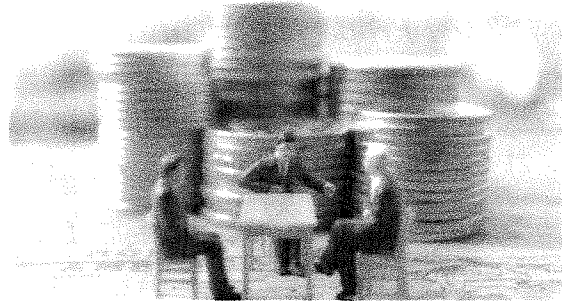
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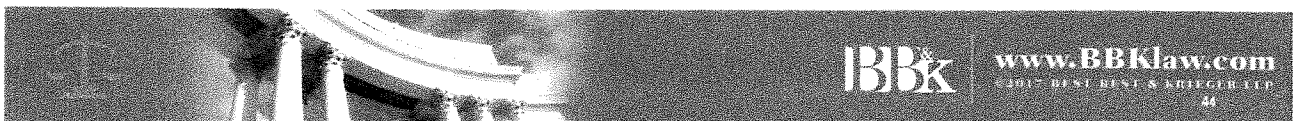
Providing funding assistance

- The “good old days”
 - Prop 46 (2002 \$2.1B bond measure)
 - Prop 1C (2006 \$2.85B bond measure)
 - Redevelopment (\$1B annually)
- Two major new funding sources
 - SB 2 (The Building Homes and Jobs Act of 2018)
 - SB 3 (Veterans and Affordable Housing Bond Act (\$1.5 billion for existing programs – Nov ‘18 Ballot)



Building Homes and Jobs Act (SB 2)

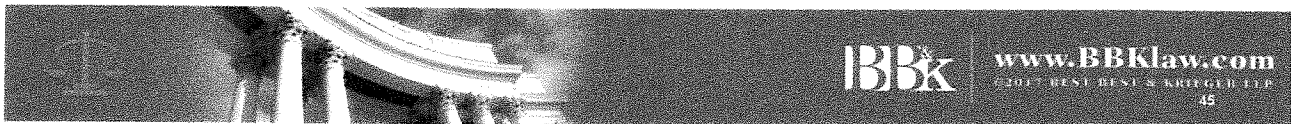
- Permanent source of funding.
- Imposes a \$75 recording fee on specified real estate documents (up to \$225 per transaction per parcel)
- Projected to generate hundreds of millions of dollars per year for the Building Homes and Jobs Trust Fund for:
 - Affordable housing;
 - Supportive housing;
 - Emergency shelters; and
 - Transitional housing.
- 2018 funds: 50% set aside for local housing streamlining plans; 50% homeless assistant programs
- All other years: 70% available to local affordable housing programs/projects



Streamlining local approval (WHOZ)

Workforce Housing Opportunity Zones

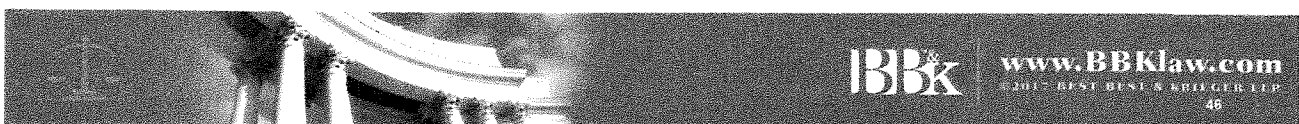
- Long-range planning tool for cities to offer streamlining
- Specific plan and EIR
 - Establish uniform development criteria and mitigation measures
- WHOZ must consist of parcels within city's housing element inventory
- Affordability component
- Labor requirements



Streamlining local approval (HSD)

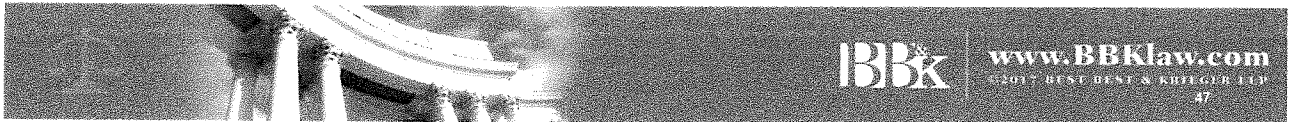
Housing Sustainability Districts

- Second long-range planning tool for cities to offer streamlining
- Zoning overlays adopted by ordinance
 - Allow residential use ministerially
 - Uniform development standards
- Require initial and ongoing HCD review and oversight
- Labor requirements
- Affordability requirements



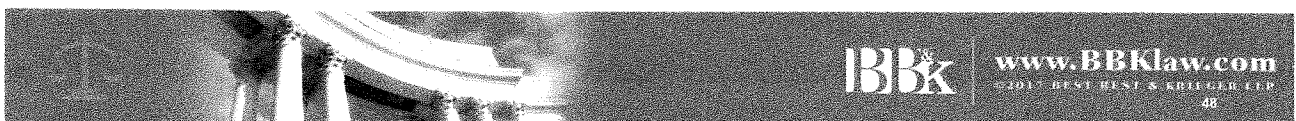
Preserving affordable units

- **Preservation Notice Law (AB 1521)**
 - Governs notice to tenants and sale of housing projects receiving certain types of affordability assistance
 - AB 1521 adds new requirements related to timing of notice to tenants and others, responses to offers to purchase, and monitoring/reporting



Proposed Legislation: Housing Production

- **SB 828 (Wiener) – Housing Element (passed Senate)**
 - Require local agency to plan and accommodate 125% of RHNA all income categories
- **AB 1771 (Bloom)-Revise RHNA process (passed Assembly)**
 - Allow neighboring jurisdictions to challenge another's RHNA



Questions?

