



TOWN OF FAIRFAX

STAFF REPORT

April 5, 2023

TO: Mayor and Town Council

FROM: Linda Neal, Principal Planner

SUBJECT: Adopt Resolution Accepting the Annual Progress Reports on the General Plan and Housing Element for Calendar Year 2022

RECOMMENDATION

Staff recommends that the Town Council:

- Review the Annual Progress Reports on the Fairfax General Plan and Housing Element for the calendar year 2022.
- Adopt Resolution 23-XX Accepting Fairfax Annual Progress Report for the General Plan and Housing Element for Calendar Year (CY) 2022.

DISCUSSION

California Government Code Section 65400(a)(2) requires that the planning agency of each city and county submit to their legislative bodies an annual report on the status of the General Plan and Housing Element and its implementation in the previous calendar year. A copy of each report must be sent to both the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD) each year.

The intent of the legislation is to ensure the Town's General Plan is relied upon for land use decisions and that it remains an effective tool for guiding development. The report provides the Town Council with information regarding the current status of the General Plan policies and their implementation during the past year.

The Annual Progress Report (APR) is comprised essentially of two reports required by two different agencies, with the directions for completing and forms for the General Plan Annual Progress Report provided by the Office of Planning and Research and the directions for completing the Housing Element form provided by and reviewed by the Housing and Community Development Department.

The Town Council should note that the annual report for the General Plan has been prepared in a table format attached to this report by the staff.

The Housing Element Annual Progress Report is completed in a form created by the Department of Housing and Community Development. The purpose of the HCD APR table is to clearly identify the Town's progress on meeting its Regional Housing Needs Assessment (RHNA) for the current 5th Cycle (2014-2022). It also includes a detailed list of the status and progress of Housing Action Programs (Table C).

The Town Council should note that HCD now requires reporting in a long-form format of complex Excel tables, which include a breakdown of projects of various housing types and affordability and in various stages, including planning review, planning approvals and building permit review, issuance and occupancy. The tables are required to comply with recent housing legislation.

The Town has experienced an increase in ADU production and an increase in the number of new single-family residences being built since the adoption of the State required ADU legislation. In 2019 the Town issued building permits for 6 ADU's and 1 single-family residence, in 2020 we issued building permits for 13 ADU's and 2 single-family residences, in 2021 permits were issued for 12 ADU's and 3 single-family residences and in 2022 we issued 8 ADU permits and 2 single-family residence permits.

The last page of the HCD Annual Progress Report shows that the Town has made excellent progress towards its housing goals, producing 147 new housing units, more than its 2015-2023 Regional Housing Need Allocation of 61 units.

FISCAL IMPACT

None

ATTACHMENTS

- A. Resolution 23-XX
- B. OPR Annual Progress Report Table for the 2010-2030 Fairfax General Plan
- C. HCD Annual Progress Report Table for the Housing Element

RESOLUTION 23-__

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
ACCEPTING FAIRFAX ANNUAL PROGRESS REPORT FOR THE GENERAL
PLAN AND HOUSING ELEMENT CALENDAR YEAR (CY) 2022.**

WHEREAS, California Government Code Section 65400(a)(2) requires that the planning agency of each city and county submit to their legislative bodies an annual report on the status of the General Plan and Housing Element and its implementation in the previous calendar year; and

WHEREAS, the Town Council reviewed the annual report on the status of the General Plan and Housing Element; and

WHEREAS, the Town Council has determined that the annual report meets the intent of California Government Code Section 65400(a)(2)(A), providing them with the status of the 2010-2030 Fairfax General Plan programs and (B) the Town's progress in meeting its share of regional housing needs as determined pursuant to Government Code Section 65584;

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Fairfax hereby accepts the Fairfax Annual Progress Report for the General Plan and Housing Element Calendar Year (CY) 2022.

The foregoing resolution was adopted at a regular meeting of the Fairfax Town Council on this 5th day of April, 2023 by the following vote:

AYES:

NOES:

ABSENT:

Mayor Chance Cutrano

Attest: _____
Michele Gardner, Town Clerk

Implementation program for the 2010 – 2030 Fairfax General Plan	Completed	In Progress	Estimated Completion Date if Known	Timeline	Comments on Implementation/General Plan Program Numbers
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LAND USE ELEMENT					
<p>1. Top priority for implementation would be the revision of the Fairfax Zoning Ordinance and Zoning Map to be consistent with the revised general plan once the legally required 2023 Housing Element and Safety Elements updates are completed. Ordinance amendments would include rewriting the applicable sections of the code to incorporate the density provisions of the revised general plan</p>					
<p>2. Updating the parking requirements of the code – Second Unit parking requirements updated to allow more flexibility for second units and to allow certain units to have no parking and parking requirements for Short Term Rental properties adopted</p>	X				<p>ADU’s Ordinance 854, adopted 1/15/20 & Ordinance 876, adopted 12/7/22 Ordinance 866, STR’s adopted 7/6/22</p>
<p>3. Subdivision Ordinance Town code updates to incorporate SB 9 Urban Land Division and 2-unit Residential Projects Ordinance by right for all residential sites, developed or undeveloped.</p>	X				<p>Ordinance 860, adopted 12/1/21</p>
<p>4. Housing Opportunities Sites Map – Fairfax is in the process of conducting a study of existing land uses and parcel sizes in all zones to determine which sites are most appropriate as housing opportunity sites/areas. The objective of the study is to map and eventually rezone, parcels which are considered appropriate Housing Opportunity sites.</p>		X			<p>LU-8.1.1.1</p>
<p>5. Town Rezoned the 2626 Sir Francis Drake Blvd. to allow development of 53 affordable senior units.</p>	X				<p>The units have been completed. LU-8.1.1.4</p>

Implementation program for the 2010 – 2030 Fairfax General Plan	Completed	In Progress	Estimated Completion Date if Known	Timeline	Comments on Implementation/General Plan Program Numbers
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6. Adopted Public Domain Zoning and updated the Zoning Map for Public Building Sites, Parks, libraries, schools, emergency shelters	X				Ordinance 788, passed 5/6/15
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CIRCULATION ELEMENT					
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1. Fairfax Updated its Bicycle and Pedestrian Master Plan.	X				Adopted 11/2/16, Resolution 16-28
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2. Funding of Roadway, Bikeway and Pedestrian Improvements. Town continues to apply and obtain funding to install various spot improvements including Pedestrian Warning signs, "Sharrow" street markings, overhead or on the side of road flashing crosswalk lights in high use areas, upgrade high use areas of Town to include class III bike lanes, etc.	ongoing				
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3. Town continues to maintain on a need basis the network of pedestrian trails and stairways serving neighborhoods and to improve and install new sections of pedestrian sidewalks including requiring their installation for substantial remodels/new home projects.	ongoing				C-2.4.3, C-2.6.1
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4. Town is pursuing a shift in Town vehicles from conventional to electric vehicles.	ongoing				C-7.1.1
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5. Provide benches for resting in high use areas.	ongoing				C-2.4.1
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6. Assist in preparing and distributing emergency evacuation route maps.	X				C-4.1.1
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7. Stripe the Parkade surface to connect the Broadway steps to the Sir Francis Drake Boulevard pedestrian crossing.					C-5.9.1
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8. Provide and maintain clean, safe and comfortable places to wait for public transportation.					Main bus stop at the Parkade was rebuilt 2021. C-6.4.1
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Implementation program for the 2010 – 2030 Fairfax General Plan	Completed	In Progress	Estimated Completion Date if Known	Timeline	Comments on Implementation/General Plan Program Numbers
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HOUSING ELEMENT					
1. Fairfax is in the process of updating its 2015 Housing Element.					
2. Fairfax is in the process of developing and adopting Objective Design and Development Standards to facilitate new housing development.					
3. Inventory sites in the Planning Area that afford opportunities for developing affordable housing/housing in general					
4. Update Zoning Ordinance and Zoning Map to accommodate increased housing density.					
5. Acceptance of Live/Work Developments	ongoing				H-4.1.1.3, Town approved 1 st live/work development at School Street Plaza on 4/16/20
6. Allow ADU's in new development.	ongoing				H-6.1.2.2, Since 2015 the Town has approved 6 new SFD with ADU's
TOWN CENTER ELEMENT					
1. Town Center Element to guide development within the downtown area of Fairfax Adopted in 2012.	X				Resolution 12-22 adopted 4/4/12
2. The Town continues to consider bicycle and pedestrian related development a priority - installing bike racks downtown, making existing cross walks safer with flashing lights, etc.					TC-3.2.1.1
3. The Town shall work with local artists to prepare a plan for locating public art in the downtown area (Artist in Residence Program AIR).					Program began in the 1990's. In 2018, Fairfax expanded the AIR program from one artist to a collaborative of artists which now consists of up to 3 artists working together to educate and share art with the citizens. TC-3.2.9.1

Implementation program for the 2010 – 2030 Fairfax General Plan	Completed	In Progress	Estimated Completion Date if Known	Timeline	Comments on Implementation/General Plan Program Numbers
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OPEN SPACE ELEMENT					
1. Open Space Committee prepared Parcel Inventory List of potential open space sites for General Plan	X				Adopted 4/4/12
2. Fairfax Open Space Subcommittee prepared “Criteria for Priority for Protecting Open Space” document.	X				Adopted by Town Council 9/7/11
3. Town periodically acquires properties recommended by the FOSC if they meet the criteria.	ongoing				OS-1.3.3.1
4. Staff continues to notify owners when they apply for applications on subject sites that they will be reviewed by FOSC.	ongoing				OS-1.3.1.2
5. Town approved a digitized/updated landslide hazard map (General Plan Figure S-3)	X				Ordinance 845, adopted 2/5/20, OS-4.1.1.1
CONSERVATION ELEMENT					
1. Town is pursuing a shift in Town vehicles from conventional to electric.	ongoing				
2. Created and implemented a Climate Action Plan and maintain it going forward.	ongoing				Maintained by Climate Action Committee, CON-1.1.1.3
3. Install charging stations for PHEVs or EVs	ongoing				CON-1.2.2.1
4. Assure high levels of community participation in MMWD water conservation programs.	ongoing				MMWD comments and places conditions on all planning and building permit applications, CON-
5. Modify existing ordinances to require no net increase in storm water runoff with new development and remodels.	ongoing				Condition included for all HRD applications for new houses and 50% remodels, CON-4.2.2.3
6. Provide containers for recyclable materials in all public facilities, including parks, public offices and entrances to public open space.	ongoing				Receptacles provided in parks, buildings, CON-7.1.1.3

Implementation program for the 2010 – 2030 Fairfax General Plan	Completed	In Progress	Estimated Completion Date if Known	Timeline	Comments on Implementation/General Plan Program Numbers
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7. Provide location(s) where batteries, electronics and fluorescent light bulbs may be collected, publicize.	ongoing				Batteries, Town Hall Electronics, annual drop-off locations, CON-7.1.1.4
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SAFETY ELEMENT					
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1. Evaluate Town-owned critical facilities and infrastructure to identify those elements that are seismically deficient.	X				Pavilion, S-1.1.3.1
2. Based on inventory(ies) design and implement a seismic retrofit program to address highest priority structures.	ongoing				Pavilion, S-1.1.3.4
3. Require development to avoid or minimize potential hazards from earthquakes through rigorous enforcement of codes and construction standards.	ongoing				Enforced by Building Department, S-1.1.6.1
4. Enforce requirements that storm drainage systems be installed for hillside development or substantial improvements.	ongoing				Required by HRD Ordinance, S-1.11.6.2
5. Continue to comply with all requirements of the National Flood Insurance Program.	ongoing				Enforced by Department of Planning and Building Services, S-2.1.2.2
6. Require new developments and substantial remodels to incorporate low impact design and Best Management Practices to mitigate stormwater run-off.	ongoing				Enforced by Planning Department through HRD and CUP processes, S-2.1.3.2
7. Require fire sprinklers in all new or substantially remodeled housing.	ongoing				Planning and Building Services with Ross Valley Fire Department, S-3.1.5.4
8. Continue the annual volunteer Creek Clean up Program	ongoing				S-4.3.1.1
9. Maintain and periodically test the warning sirens to inform the public of imminent flood potential.	ongoing				Fairfax Police Department, S-4.3.3.1

Implementation program for the 2010 – 2030 Fairfax General Plan	Completed	In Progress	Estimated Completion Date if Known	Timeline	Comments on Implementation/General Plan Program Numbers
10. Develop a defensible space vegetation program	X				Completed by Ross Valley Fire, S-4.4.2.5
11. Develop a fire evacuation plan for the highest fire hazard areas.	X				Completed with Fire Safe Marin and posted on Town website www.townoffairfax.org , S-4.4.2.4
NOISE ELEMENT					
None of the Town Noise Element programs set forth in the 2010-2030 Fairfax General Plan have been implemented yet.					

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes							
1					2	3	4	5							
Prior APN+	Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted+ (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	P
Summary Row: Start Data Entry Below								0	0	0	3	0	7	3	
002-092-19	002-092-19	51 MEERNAA AVENUE			ADU	R	1/19/2022						1		
001-112-31	001-112-31	15 ACACIA ROAD			ADU	R	2/25/2022						1		
003-044-10	003-044-10	403 CASCADE DRIVE			SFD	O	12/4/2022							1	
003-133-05	003-133-05	20 MADRONE COURT			ADU	R	3/18/2022				1				
002-062-03	002-062-03	79 WOOD LANE			SFD	R	4/4/2022							1	
002-062-03	002-062-03	79 WOOD LANE			ADU	R	4/4/2022						1		
002-014-07	002-014-07	45 WREDEN AVENUE			ADU	R	4/22/2022							1	
003-081-15	003-081-15	94 TOYON ROAD			ADU	R	7/5/2022						1		
001-148-10	001-148-10	1 SPRUCE ROAD			ADU	R	7/15/2022						1		
003-121-06	003-121-06	290 CASCADE DRIVE			ADU	R	7/27/2022				1				
002-011-08	002-011-08	40 MANZANITA ROAD			ADU	R	10/28/2022						1		
001-204-30	001-204-30	52 MAPLE AVENUE			ADU	R	10/21/2022						1		
001-236-44	001-236-44	33 - 35 WILLOW AVENUE			ADU	R	10/21/2022				1				

Affordability by Household Incomes - Building Permits									Affordability by Household Incomes - Certificate					
7							8	9	10					
Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income	Building Permits <u>Date Issued</u>	# of Units Issued Building Permits	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted
0	0	0	4	0	5	4		13	0	0	3	2	0	5
					1		1/19/2022	1						1
					1		2/25/2022	1						1
						1	12/4/2022	1						
			1				3/18/2022	1				1		
						1	4/4/2022	1						
						1	4/4/2022	1						
					1		4/22/2022	1						
						1	7/5/2022	1						
					1		7/15/2022	1						
			1				7/27/2022	1			1			
					1		10/28/2022	1						
			1				10/21/2022	1						
			1				10/21/2022	1						
						1	5/31/2017	1						1
			1				7/16/2020	1			1			
						1	8/8/2020	1						1
						1	12/11/2020	1						
					1		6/15/2021	1						1
			1				12/22/2021	1			1			
						1	11/8/2021	1				1		

11	12	13	14	15	16	17	18
Certificates of Occupancy or other forms of readiness (see instructions) <u>Date Issued</u>	# of Units issued Certificates of Occupancy or other forms of readiness	How many of the units were Extremely Low Income?	Was Project <u>APPROVED</u> using GC 65913.4(b)? (SB 35 Streamlining) Y/N	Infill Units? Y/N ⁺	Assistance Programs for Each Development (may select multiple - see instructions)	Deed Restriction Type (may select multiple - see instructions)	For units affordable without financial assistance or deed restrictions, explain how the locality determined the units were affordable (see instructions)
	10	0	0				
10/19/2022	1		N	Y			survey comparable units
11/28/2022	1		N	Y			survey comparable units
	0		N	Y			
11/23/2022	1		N	Y			survey comparable units
	0		N	Y			
	0		N	Y			
	0		N	Y			
	0		N	Y			
11/7/2022	1		N	Y			survey of comparable units
	0		N	Y			
	0		N	Y			
	0		N	Y			
11/28/2022	1		N	Y			survey of comparable units
2/1/2022	1		N	Y			survey of comparable units
4/6/2022	1		N	Y			survey of comparable units
2/15/2022	0		N	Y			
10/26/2022	1		N	Y			survey of comparable units
1/14/2022	1		N	Y			survey of comparable units
1/11/2022	1		N	Y			survey of owner

Jurisdiction	Fairfax	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs. Please contact HCD if your data is different than the material supplied here

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

		1	2										3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level	
Very Low	Deed Restricted	16	-	-	1	6	-	-	-	-	-	17	-	
	Non-Deed Restricted		-	-	-	6	-	4	-	-	-			
Low	Deed Restricted	11	-	-	1	47	-	-	-	-	-	71	-	
	Non-Deed Restricted		-	-	-	8	4	3	4	4	-			
Moderate	Deed Restricted	11	-	-	-	1	1	9	-	-	-	41	-	
	Non-Deed Restricted		-	-	1	-	1	4	19	5	-			
Above Moderate		23	-	5	5	-	-	3	1	4	-	18	5	
Total RHNA		61												
Total Units			-	-	5	8	68	6	23	24	13	-	147	5

Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).

		5											6	7
Extremely low-Income Need			2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date	Total Units Remaining	
Extremely Low-Income Units*		8	-	-	-	6	-	-	-	-	-	6	2	