

Town of Fairfax Housing Element Update Project

Town Council Review of Draft Housing Element
May 3, 2023



Recommended Actions

- Receive a presentation summarizing comments from the public on the Public Review Draft Sixth Cycle Housing Element;
- Provide direction to staff on any changes needed to the Draft Sixth Cycle Housing Element; and
- Authorize the Town Manager to send the updated Draft Sixth Cycle Housing Element incorporating those changes to the California Housing and Community Development Department (HCD)

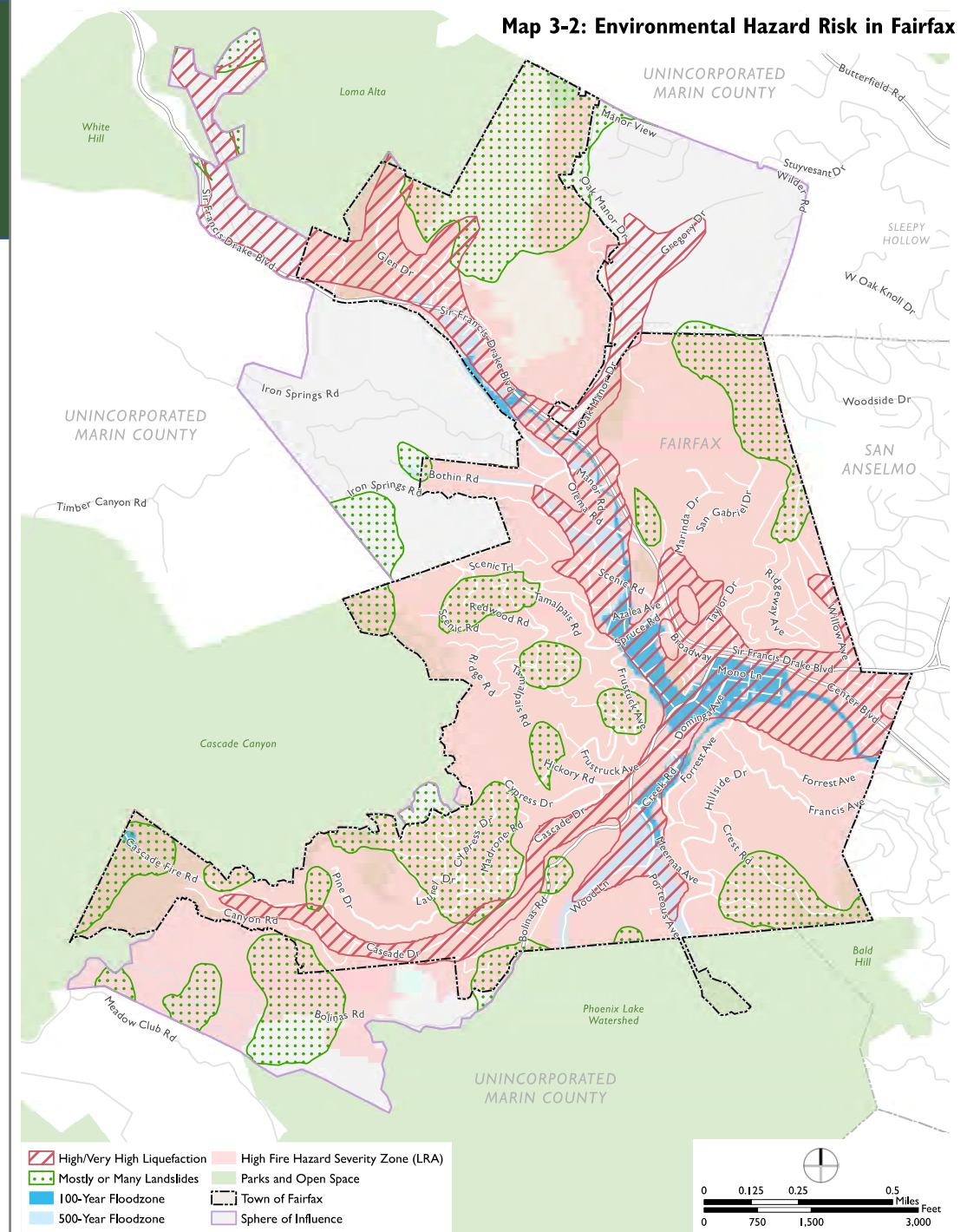
Presentation Outline:

1. Process recap
2. Legal requirements
3. Sites and strategies
4. Public comments
5. Next steps



— Process Recap

- 2021-2 outreach and background work
- HCD consultation
- Property owner outreach
- Subcommittee meetings
- Draft Housing Element released March 31
- Community Open House April 19



2023 - 2031 RHNA Allocations

- Fifth Cycle RHNA was lower than previous cycles, accounting for Great Recession
- Sixth Cycle RHNA significantly higher due to new State laws

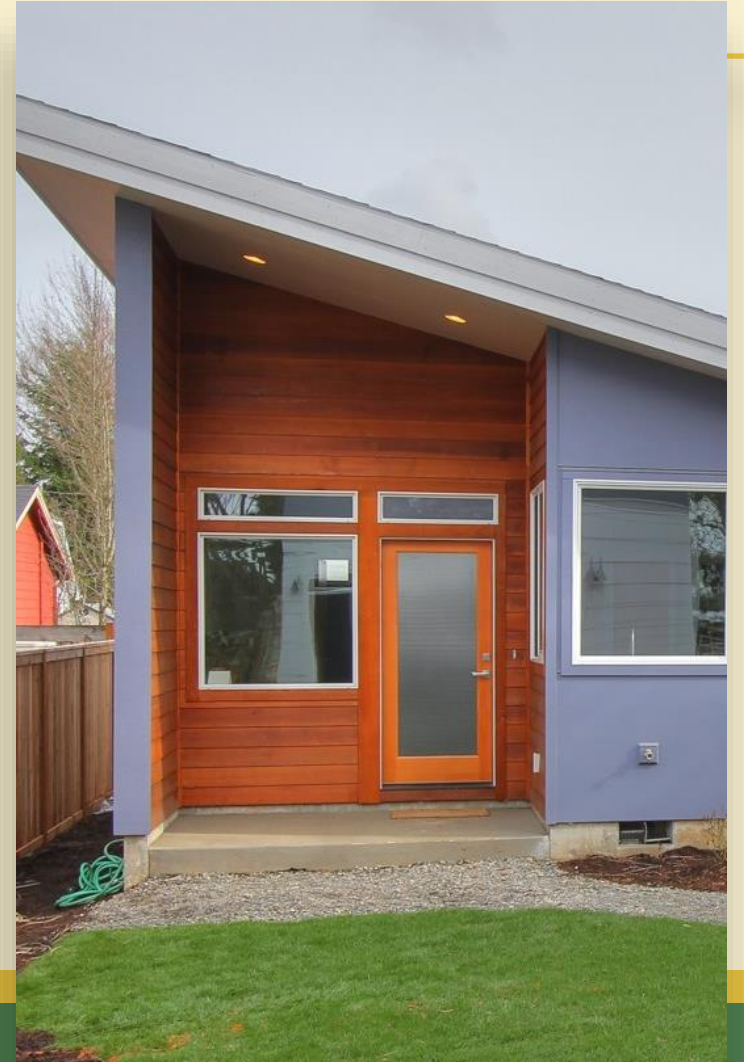
Jurisdiction	VERY LOW INCOME (<50% of Area Median Income)	LOW INCOME (50-80% of Area Median Income)	MODERATE INCOME (80-120% of Area Median Income)	ABOVE MODERATE INCOME (>120% of Area Median Income)	TOTAL
MARIN COUNTY					
Belvedere	49	28	23	60	160
Corte Madera	213	123	108	281	725
Fairfax	149	86	71	184	490
Larkspur	291	168	145	375	979
Mill Valley	262	151	126	326	865
Novato	570	328	332	860	2,090
Ross	34	20	16	41	111
San Anselmo	253	145	121	314	833
San Rafael	857	492	521	1,350	3,220
Sausalito	200	115	114	295	724
Tiburon	193	110	93	243	639
Unincorporated Marin	1,100	634	512	1,323	3,569

Penalties for Non-Compliance

- Town is legally required to adopt a Housing Element that complies with State law
- Failure to do so can result in fines and penalties:
 - Limited access to State funding, including for local roadway maintenance and capital improvements
 - Court imposed fines of up to \$600,000 per month
 - Court mandated compliance
 - Court suspension of local control on building matters
 - Court approval of housing developments, with payment of plaintiff attorney fees mandated

Key Housing Element Components

- Inventory of available sites for housing
- Projection of realistic capacity
- Assessment of housing needs, constraints, and “fair housing” issues
- Action Plan of implementing programs

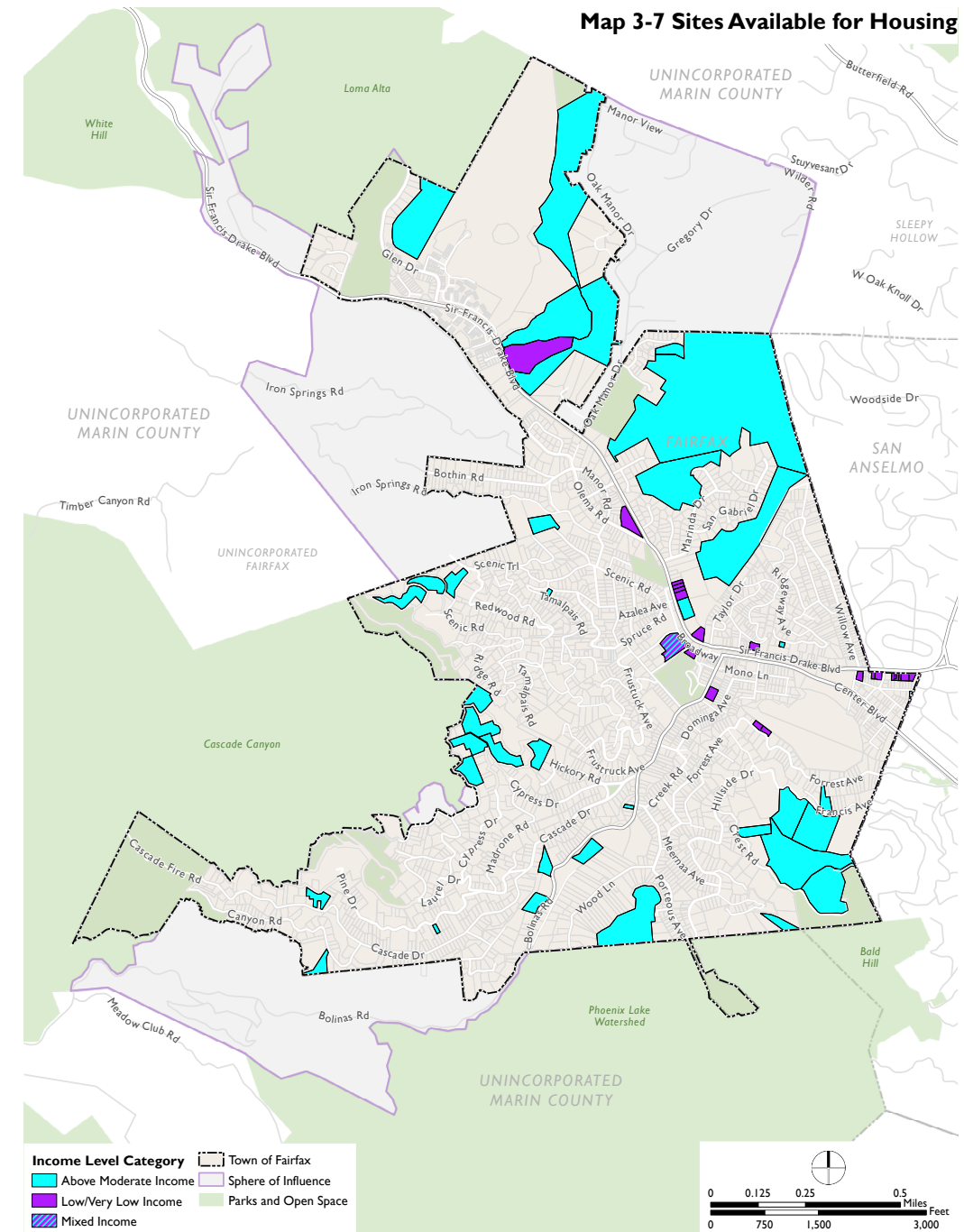


Revised Sites Inventory

	Total Units	Low/Very Low	Moderate	Above Moderate
Vacant Single-Family Sites	60			60
Pipeline Projects				
School Street Plaza	175	35		140
Fairfax Market	8			8
Various Single Family	11			11
Town-Owned Sites (002-123-17/144-01)	10	10		
Underutilized Commercial Sites	159	129	30	
ADU/JADU Projection (@20/yr)	160	96	48	16
Total	583	270	78	235
RHNA	490	235	71	184
Buffer	93	35	7	51

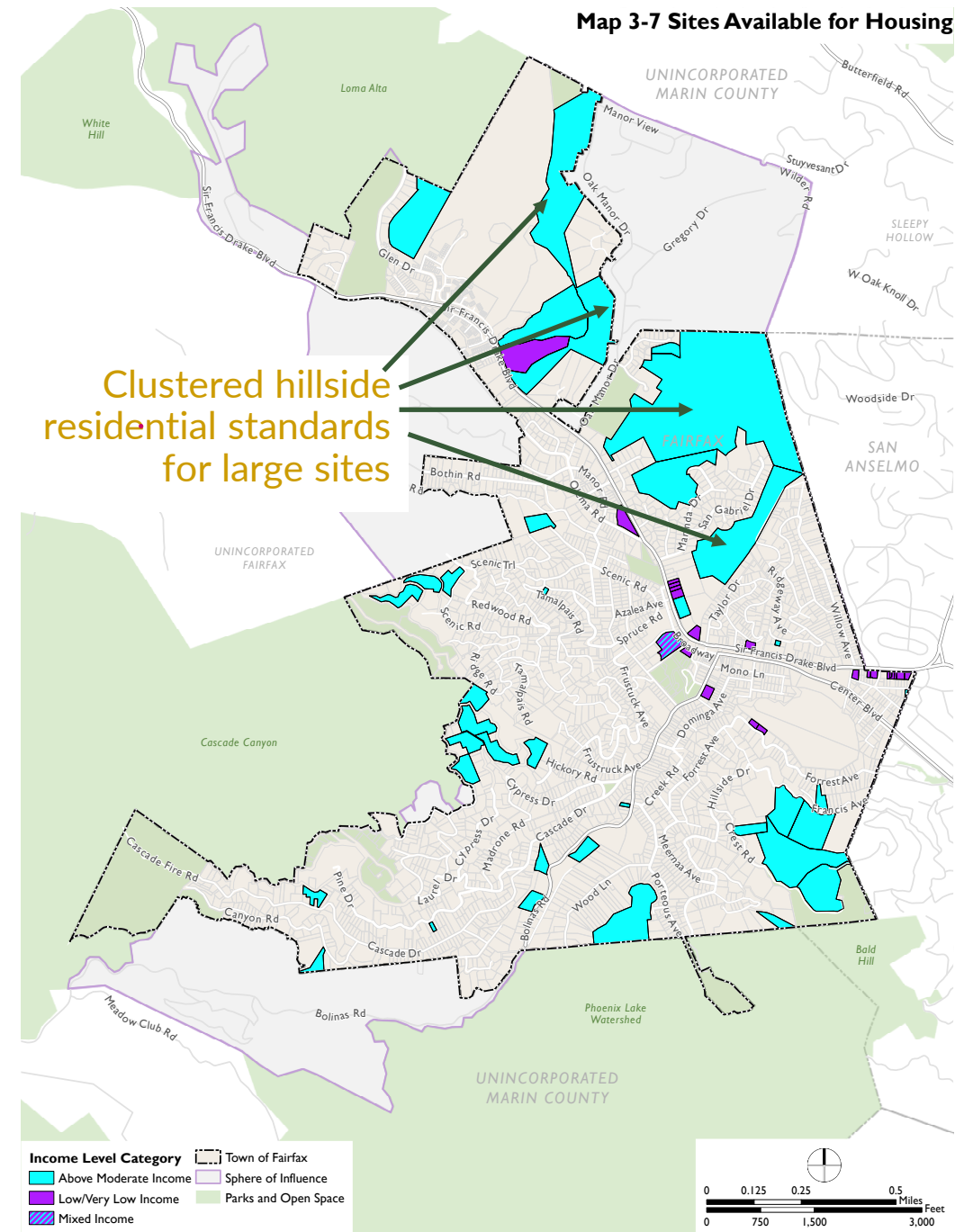
- Inventory demonstrates capacity for 583 new housing units
- Sufficient to meet RHNA with a 16% buffer
- Buffer needed to ensure compliance with “no net loss” provisions of State law

Map 3-7 Sites Available for Housing



Vacant Residential Parcels

- Projected capacity for 71 new single-family homes on vacant residentially zoned parcels
- 11 pipeline projects currently under review or recently approved
- 60 vacant lots with single-family zoning
- Develop and adopt standards to permit clustered single-family housing on large sites while **preserving** large areas of open space and **protecting** ridgelines (Program 2-D)



Pipeline Projects

- 11 single-family residential projects currently under review or recently approved
- 8 multi-family apartments on northern portion of the Fairfax Market site
- 175 multi-family units on School Street Plaza site
- Program 1-B: School Street
 - Establish objective design and development standards
 - Meet quarterly with the property owner
 - Work with the property owner to identify incentives for affordable housing onsite
 - Accommodations for residents of existing live/work units



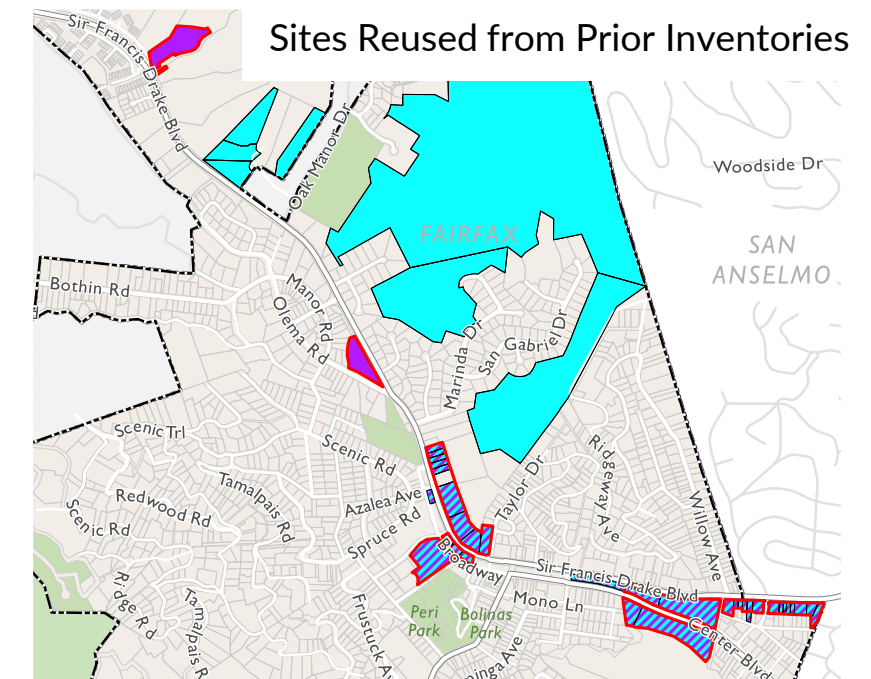
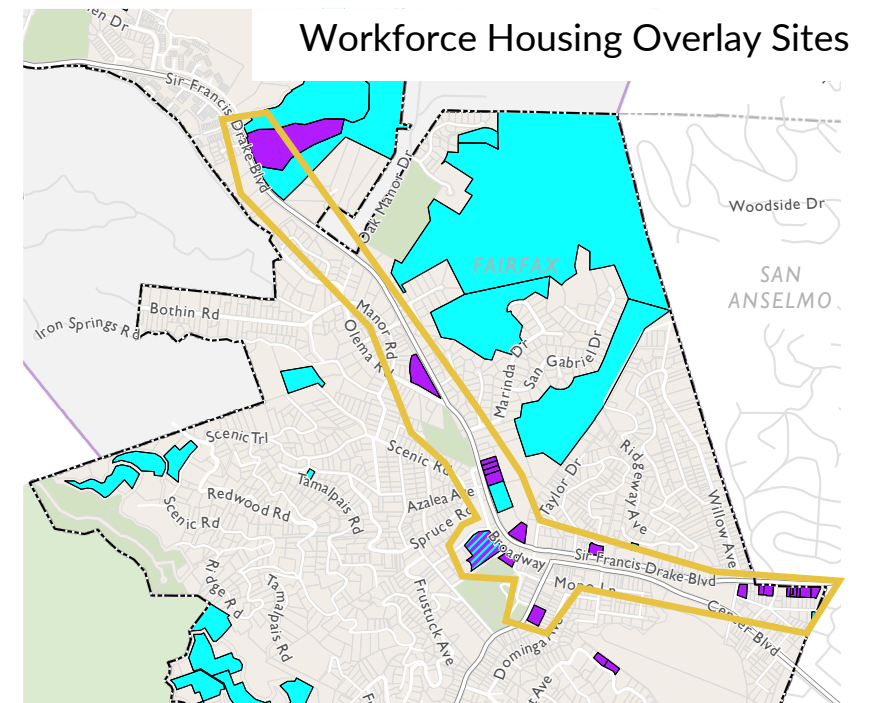
Accessory Dwelling Units (ADUs)

- ADUs and JADUs can count toward RHNA
- State guidance allows projection based on the annual rate of permits issued since 2018
- Projections are not site specific
- Town has permitted 11 units/year since 2018 on average
- With a strong suite of programs in the Action Plan, projection of 20 ADUs and JADUs per year through 2031



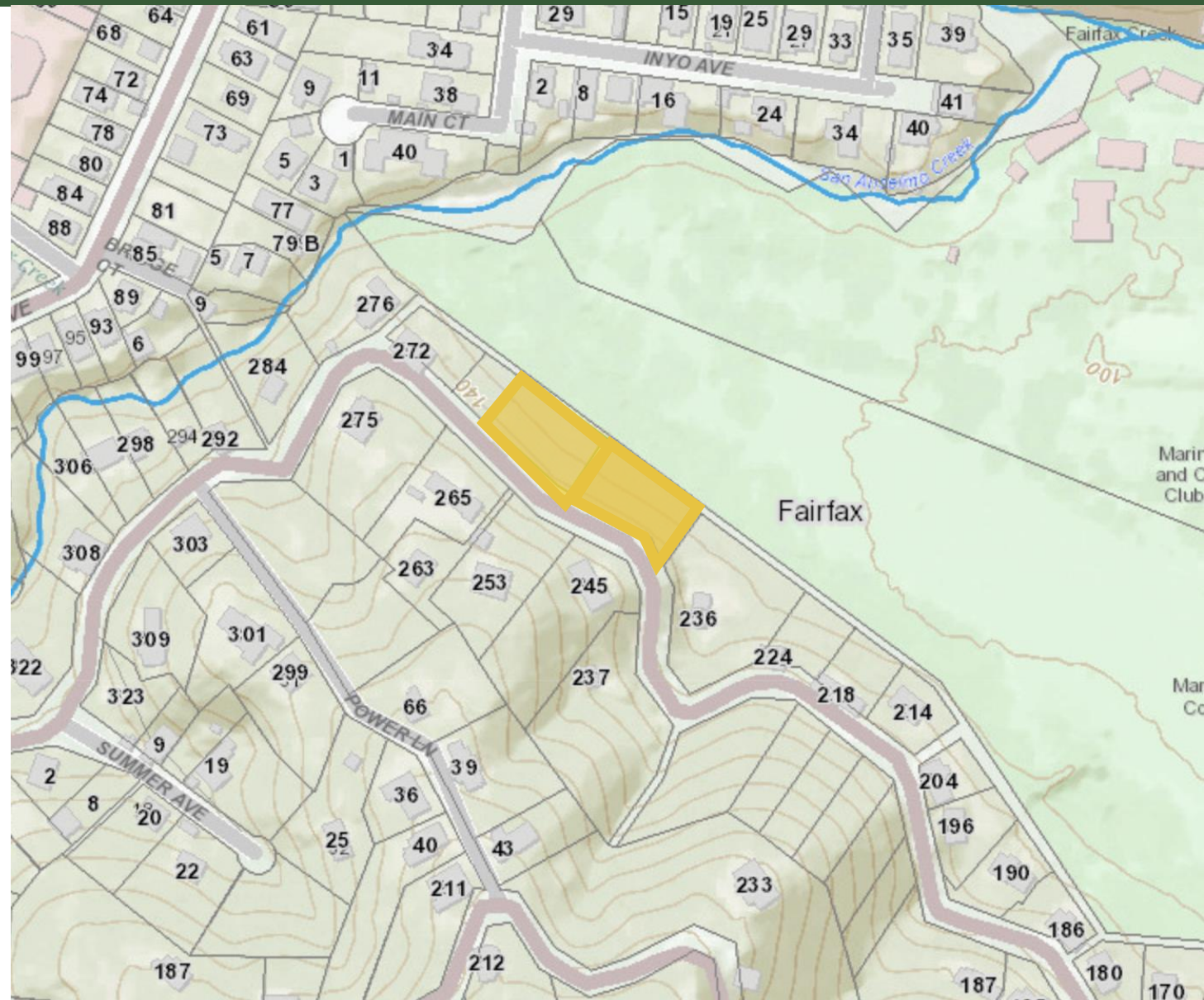
Underutilized Commercial Properties

- Projected capacity for 352 multi-family homes on underutilized sites, primarily in Town Center and along Sir Francis Drake
- Sites in locations with good access to transit and services per State law
- New State law (AB2011/SB6) already allows for housing development on commercial and office sites, subject to design standards set by the State
- Program 2-A would create a Workforce Housing Overlay to provide the option to develop with multi-family housing
- Because certain sites must be reused from 2015 Housing Element, they must be rezoned to allow housing "by right"



Workforce Housing on Town-Owned Sites

- Two adjacent Town-owned sites identified for workforce housing (APNs 002-123-17; 002-144-01)
- Total site size: 0.5 acres
- Current zoning: RS-6 Single Family Residential
- Objective: provide housing for restaurant employees, service workers, teachers, public servants and others who work in Fairfax and earn less than 80% AMI
- Program 1-C: Partner with a non-profit developer to build 10 units



Community Comments

- Support for workforce housing and ADUs/JADUs
- Opposition to State mandates
- School Street Plaza
- Marin Town and County Club site
- 615 Oak Manor
- Environmental constraints
- Hillside development and open space preservation

Total of 35 comment letters and 17 oral comments at April 19 community open house meeting

Marin Town and Country Club Site

- Property owner reiterated strong interest in developing housing on the site
- 10 other commenters supported multi-family housing development at MTCC, expressing preference for that site over School Street Plaza
- 1 commenter suggested adding a program to the Housing Element to specifically address the future of that property



Staff response:

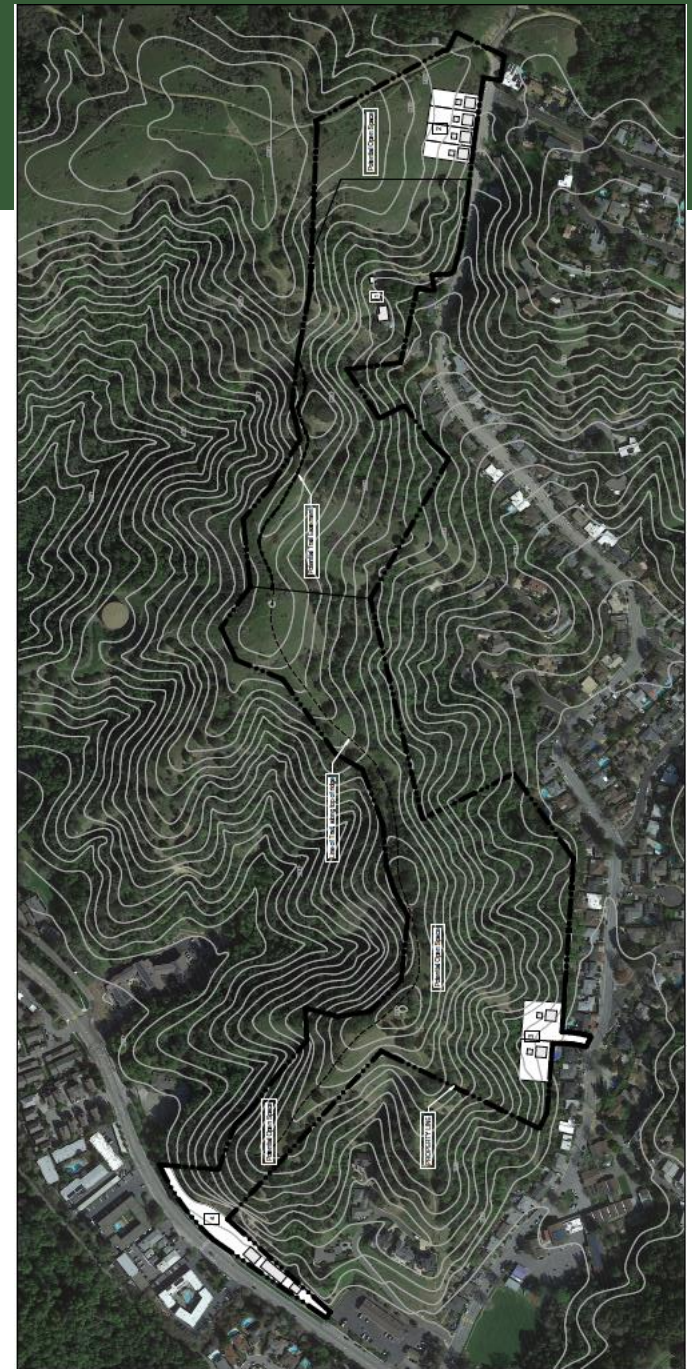
Include a policy in the updated land use element to explore options for the site with the community, including a ballot measure

615 Oak Manor Site

- Draft Element assumes 10 single-family homes, consistent with current zoning
- ADU projections are not site-specific, consistent with State law and HCD guidance
- Property owner submitted a concept diagram illustrating 7 single-family homes, 7 ADUs, and 20 multi-family apartments
- Property owner concept not permitted under current zoning

Staff response:

Site could be added as a "pipeline project" if the property owner provides a letter expressing intent to submit an application to subdivide the property and rezone a portion of the site along Sir Francis Drake for high density housing



Environmental Constraints

- Water supply (4 comments)
- Fire response capacity (2 comments)
- Availability of roads and infrastructure (3 comments)
- Landslide risk (3 comments)

Staff response:

These issues will be an important focus of the EIR and mitigation measures will be recommended to address potential impacts

Hillside Development and Open Space

- Commenters expressed concern for development on ridgelines and open space
- Pointed to community values enshrined in the General Plan

LAND USE ELEMENT

TOWN OF FAIRFAX 2010-2030 GENERAL PLAN

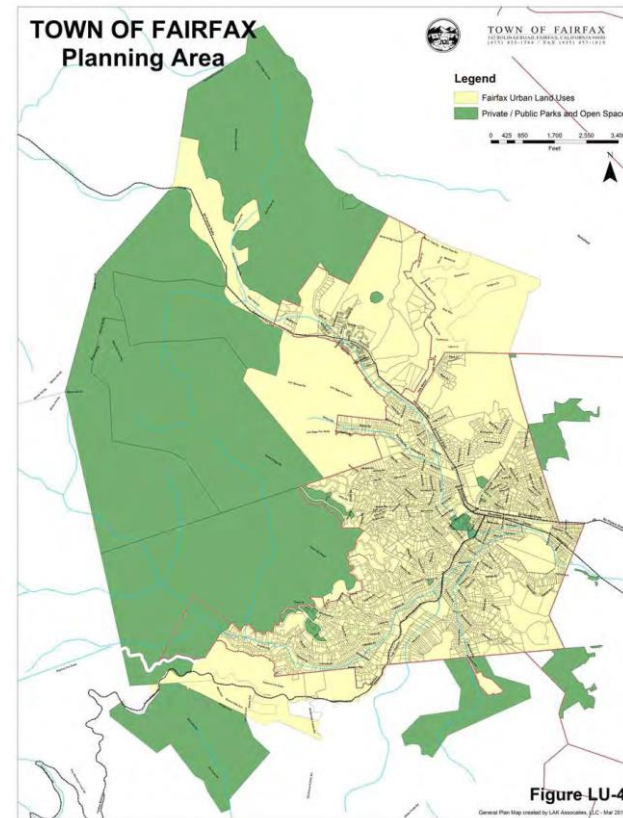


Figure LU-4 Fairfax Planning Area

OPEN SPACE ELEMENT

TOWN OF FAIRFAX 2010-2030 GENERAL PLAN

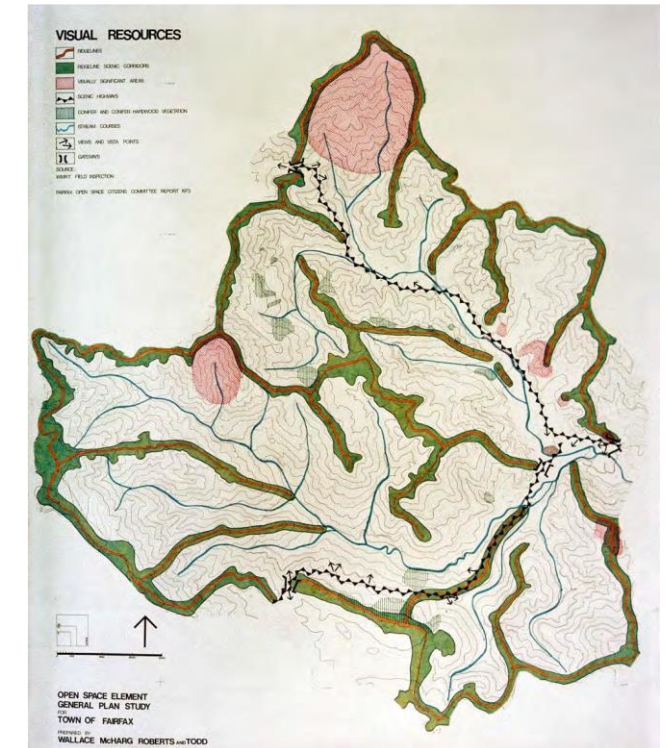
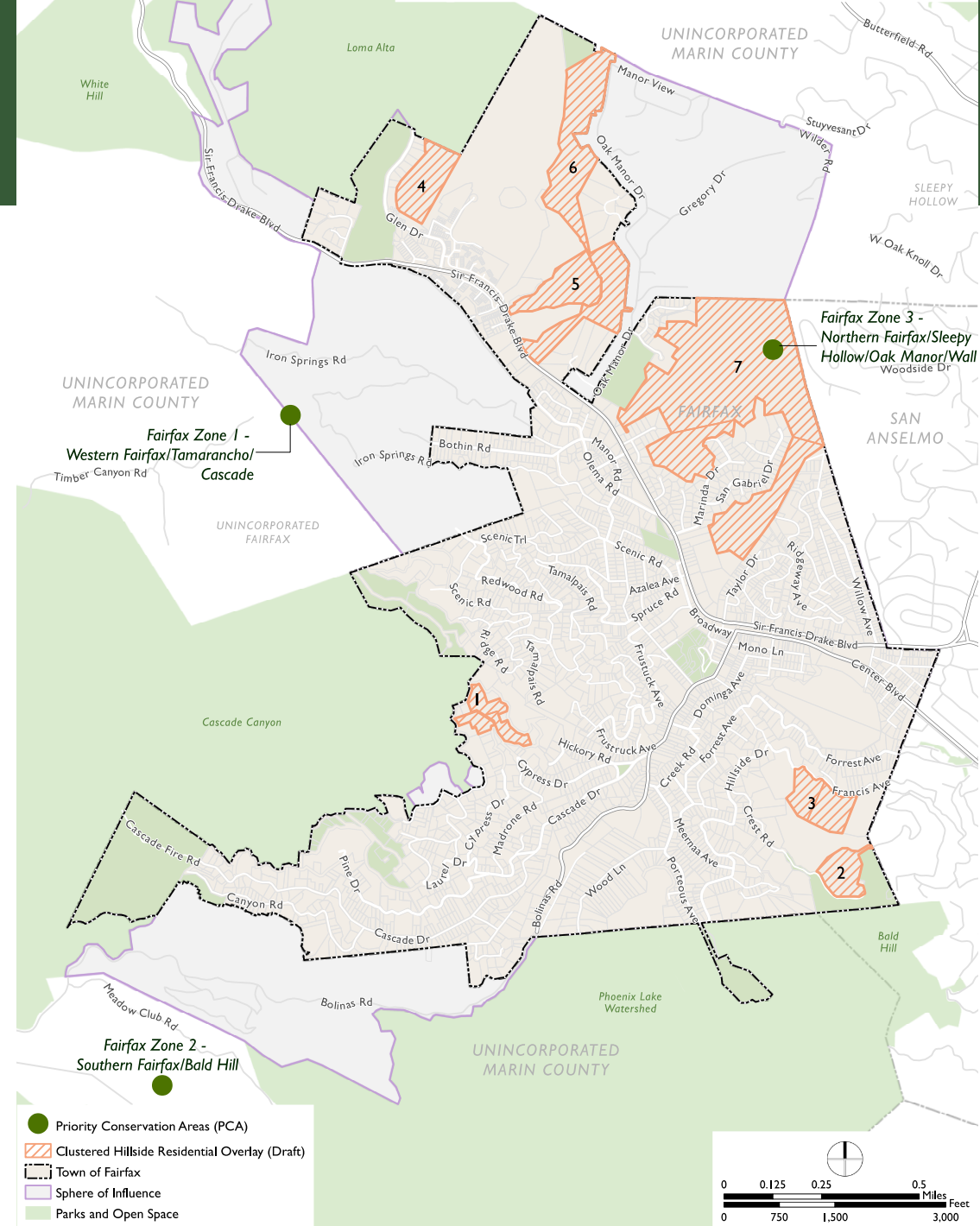


Figure OS-1 Map of Visual Resources

Hillside Development and Open Space

- Draft Element ***does not*** propose any change to land use designation or increase in permitted density
- Projected units all permitted under current zoning
- Draft Element proposes to allow clustering in on relatively flatter portions in order to preserve open space and protect ridgelines



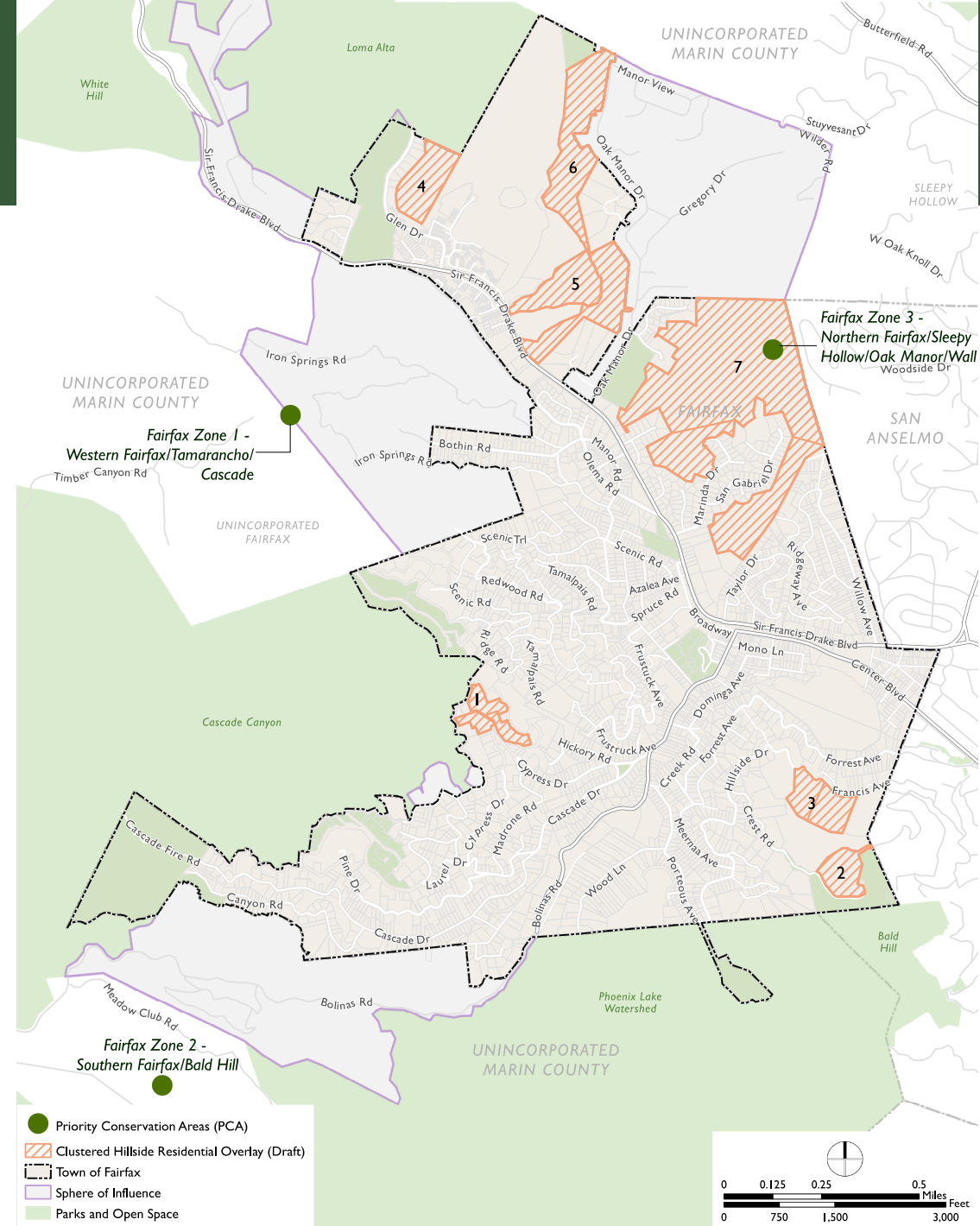
Hillside Development and Open Space

Program 2-D. Standards for Clustered Hillside Development on Large Sites.

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

Priority Conservation Area

- Plan Bay Area 2050 does not define boundaries of PCA in Fairfax
- 2016 TAM staff report states that no map of the PCAs existed at that time
- No regulation or easement in place that would preclude residential development on the privately-owned site
- Environmental and infrastructure constraints are the primary limiting factor



Next Steps

Preliminary Timeline & Next Steps

- 30-day public review period ends Apr 30
- Town Council Review of Draft Housing Element May 3
- Submittal to HCD May 8
- Public review Draft EIR released Summer
- HCD review ends Aug 6
- Housing Element Adoption Hearing Aug 22
- Zoning amendments adopted Jan 31