

# Town of Fairfax Zoning Code Amendments

## Workforce Housing Overlay and Related Standards

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Town Council Hearing  
January 24, 2024



# Meeting Objectives

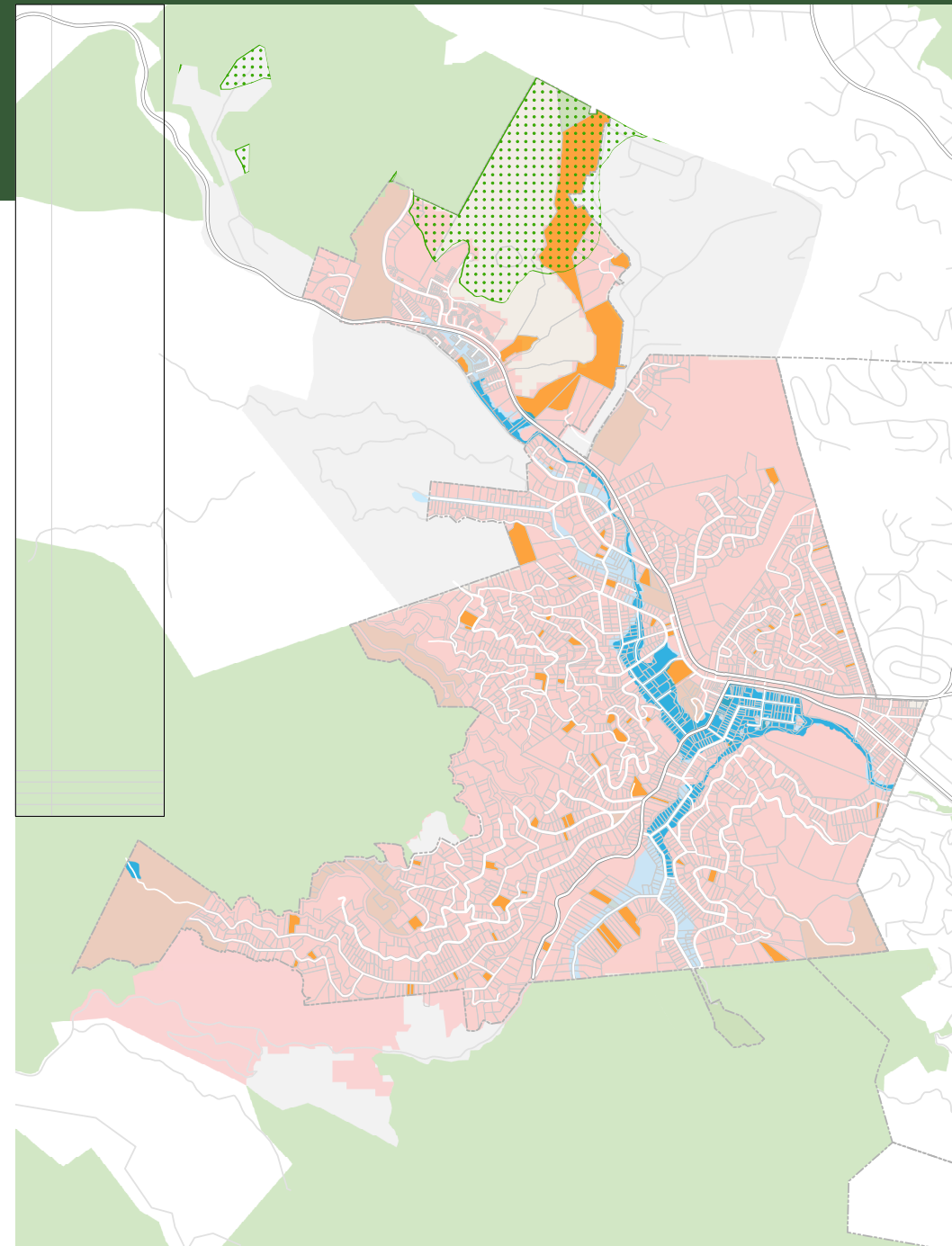
- *Provide an overview of the Workforce Housing Zoning Overlay and related standards, including purpose and content*
- *Conduct public hearing*
- *Introduce ordinance and hold first reading*

# Background

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# Site Suitability Criteria

- Town is required to zone for sufficient capacity to meet RHNA
- Special requirements for lower income RHNA sites
  - Site size parameters
  - Absence of environmental constraints
  - Proximity to transit
  - Availability of utilities
- Past performance to demonstrate viability
  - based on survey of recent development



# Workforce Housing Overlay Sites

- Candidate sites were identified and property owner outreach conducted to gauge owner interest and understand challenges for redevelopment
- Workforce housing overlay developed to:
  - ensure compliance with State Housing Element law;
  - address feedback from property owners

# Planning Commission Recap

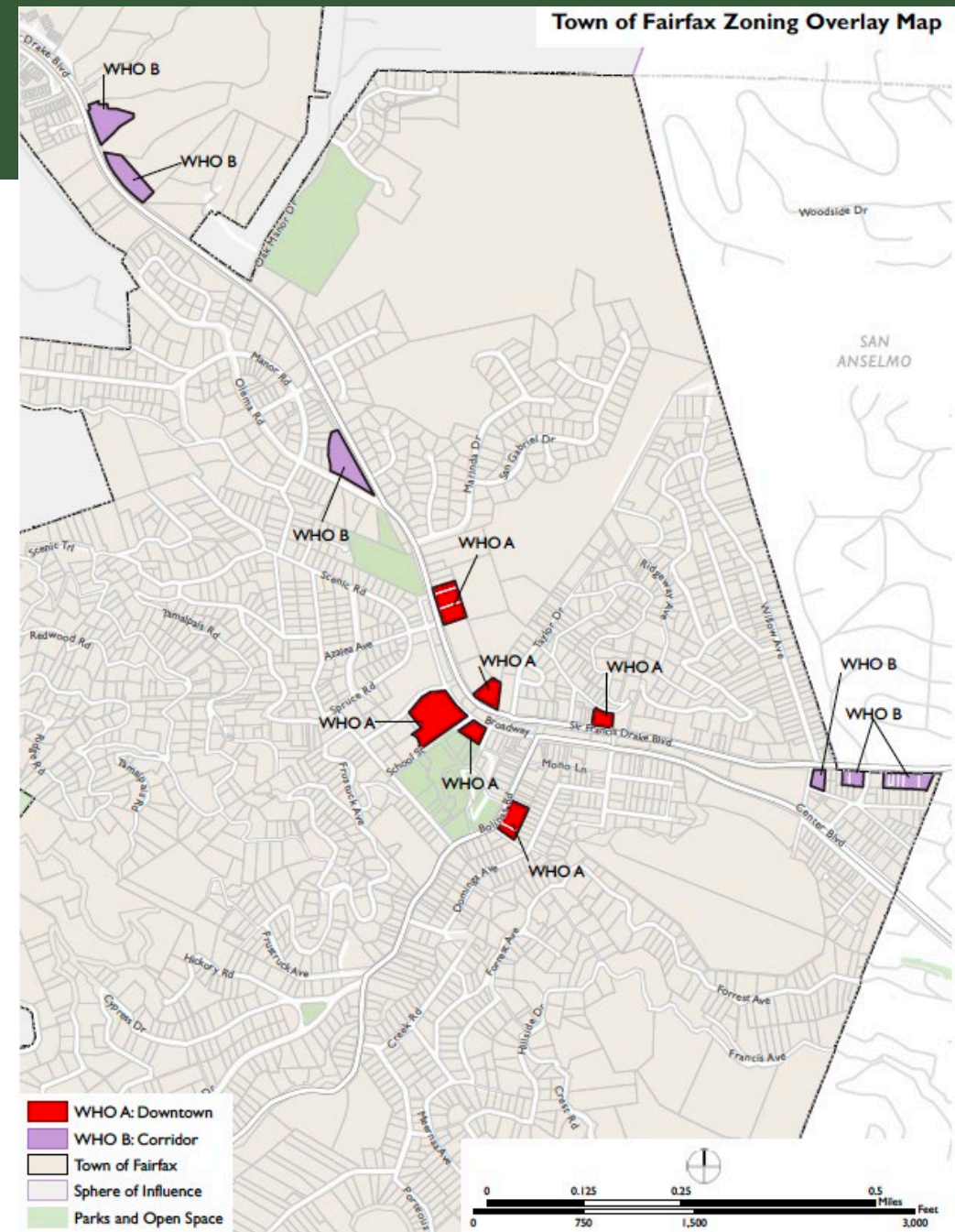
- On January 11, 2024 Planning Commission conducted a public hearing and reviewed the overlay ordinance
- Summary of Planning Commission comments:
  - *Accommodate density while de-emphasizing height*
  - *Preserve commercial character of Town Center*
  - *Identify preferred waivers and concessions*
- Overlay and standards refined in response
- Commission voted 4-2 to recommend adoption (negative recommendation)

# Overview

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# Workforce Housing Overlay

- Applies to identified properties, mostly with base commercial zoning (CH, CL, CC)
- Does ***not*** require residential
- Allows owners the option to develop housing in mixed use or 100% residential buildings
- Establishes maximum base density:
  - 40 du/ac for WHO-A;
  - 20 du/ac for WHO-B





# Density and Affordability

Table 17.126.020-A: Minimum Percentage of Affordable Units Required for Specified Maximum Densities in WHO-A and WHO-B Zones

WHO-A			WHO-B		
Maximum Density	Min. % Affordable Units		Maximum Density	Minimum % Affordable Units	
(Units/acre)	For Sale for Moderate Income	Rental for Low Income	(Units/acre)	For Sale for Moderate Income	Rental for Low Income
40	20	15	20	20	15
42	20.5	15.5	21	20.5	15.5
44	21	16	22	21	16
46	21.5	16.5	23	21.5	16.5
48	22	17	24	22	17
50	22.5	17.5	25	22.5	17.5
52	23	18	26	23	18
54	23.5	18.5	27	23.5	18.5
56	24	19	28	24	19
58	24.5	19.5	29	24.5	19.5
60	25	20	30	25	20
62	26	21	32	26	21
64	27	22	34	27	22
66	28	23	36	28	23
70	29	24	38	29	24
75	30	25	40	30	25

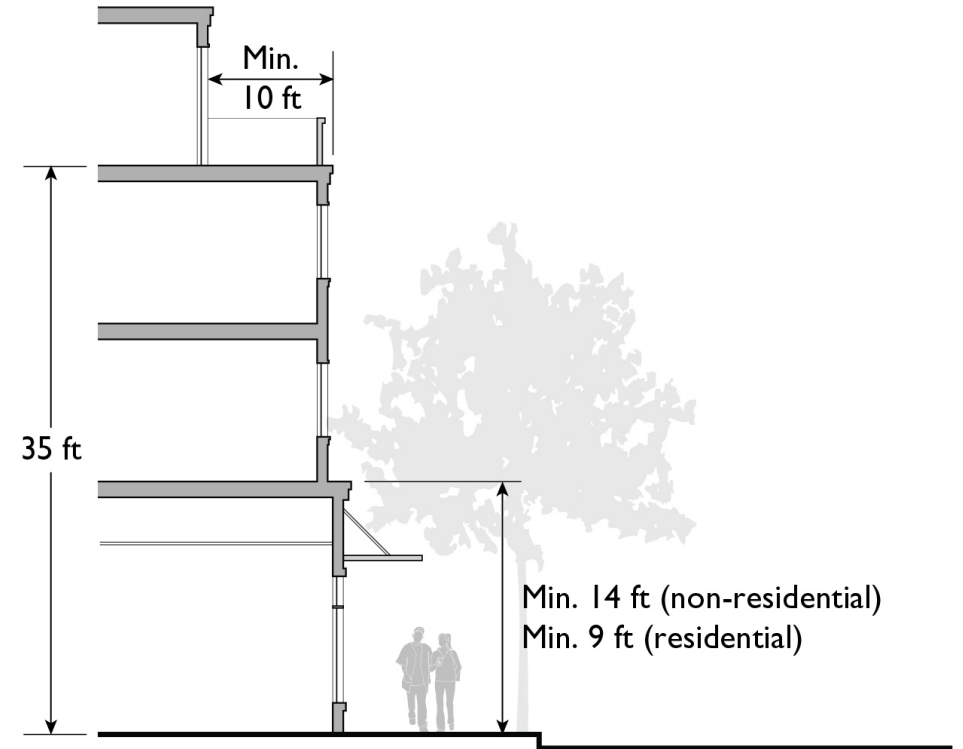
- Ordinance creates sliding scale, granting more density in exchange for commitment to more affordability
- Mirrors State Density Bonus law
- Additional bonus units for projects that provide:
  - *Family-sized units*
  - *Units for special needs groups*

# Ministerial Review

- Overlay establishes a “by right” approval process
- Government Code Section 65583.2(h) requires that sites rezoned to accommodate a shortfall of lower income RHNA must:
  - Permit multifamily development "by right," subject to objective standards;
  - Permit 100 percent residential developments; and
  - If mixed use is permitted, require that at least 50 percent of the floor area in a mixed use
- Review before the Planning Commission to confirm compliance with objective standards

# Height and Stepbacks

- Maximum Building Height
  - WHO-A: 3 stories, up to 35 feet
  - WHO-B: 2 stories, up to 28.5 feet
- Additional height available if pedestrian-oriented groundfloor use provided:
  - WHO-A: up to 45 feet and four stories
  - WHO-B: up to 35 feet and three stories
- Upper story stepbacks required:
  - Above 35 feet, 10 feet for at least 75% of frontage
  - 10 feet from edge for rooftop appurtenances



# Moderating Building Heights

- Commission requested ways to accommodate density needed to meet legal requirements for the Housing Element while de-emphasizing height
- Related revisions:
  - Eliminated max lot coverage in WHO-A
  - Increased max lot coverage to 75% in WHO-B
  - Removed additional height allowance for sloped roofs
  - Added requirement for rooftop appurtenances to be set back from building edge to reduce appearance of bulk

# Private and Common Open Space

- Minimum outdoor living area (private or common open space)
  - WHO-A: 150 square feet, with a percentage private required
  - WHO-B: 200 square feet, with a percentage private required
- Rooftop decks and certain landscaped areas can satisfy requirement
- Requirement reduced by 20% for sites within 1/4 mile walking distance of park



# Parking Requirements

- Parking requirements as per 17.052.030:
  - Studio apartment units without separate bedrooms: one space
  - One-bedroom units: 1.5 spaces or 3 spaces for every two units. Only one parking space is required if a project only has a single one-bedroom unit
  - Two-bedroom apartment units: two spaces
  - Apartment units with three or more bedrooms: two spaces.
  - One-family and two-family dwellings: two spaces
- Project applicants can request reductions based on parking demand study; allowances for shared parking

# Permitted Uses and Density

- Recent California appellate court decision (Martinez v. Clovis) has implications for Fairfax
- Appellate court ruled that the minimum density of the underlying base zone must be at least 20 dwelling units per acre (du/ac) if overlay sites counted toward lower income RHNA
- Residential uses are permitted or conditionally permitted in the CH, CL, and CC zoning districts, but minimum density is not specified for these base zones.
- Zoning text amendment needed to establish required minimum density for residential uses if proposed in the CH, CL, and CC zoning districts
- Lower density housing conditionally permitted to allow for shopkeeper housing and live/work units

# Reference Multifamily Projects

WHO-A (40 units per acre)



WHO-B (20 units per acre)





# Next Steps

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- Town Council, second reading of ordinance ..... Feb 7
- Safety and Land Use Element Updates ..... Spring