

# Town of Fairfax Zoning Code Amendments

## Workforce Housing Overlay and Related Standards

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Planning Commission Study Session  
December 14, 2023

# Meeting Objectives

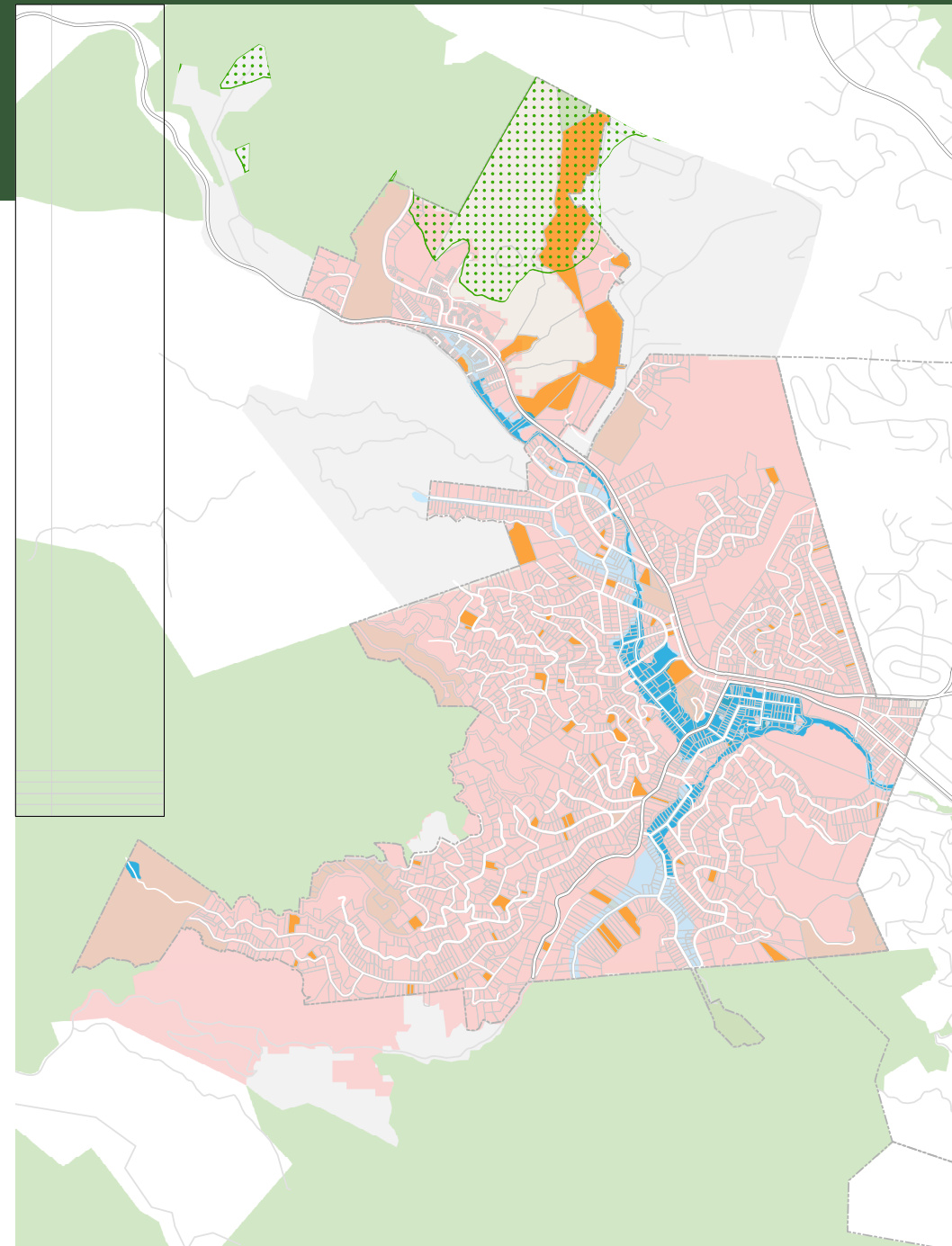
- *Introduce the Workforce Housing Zoning Overlay and related standards, including purpose and content*
- *Receive feedback from the Planning Commission*

# 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



# Sites for Workforce Housing

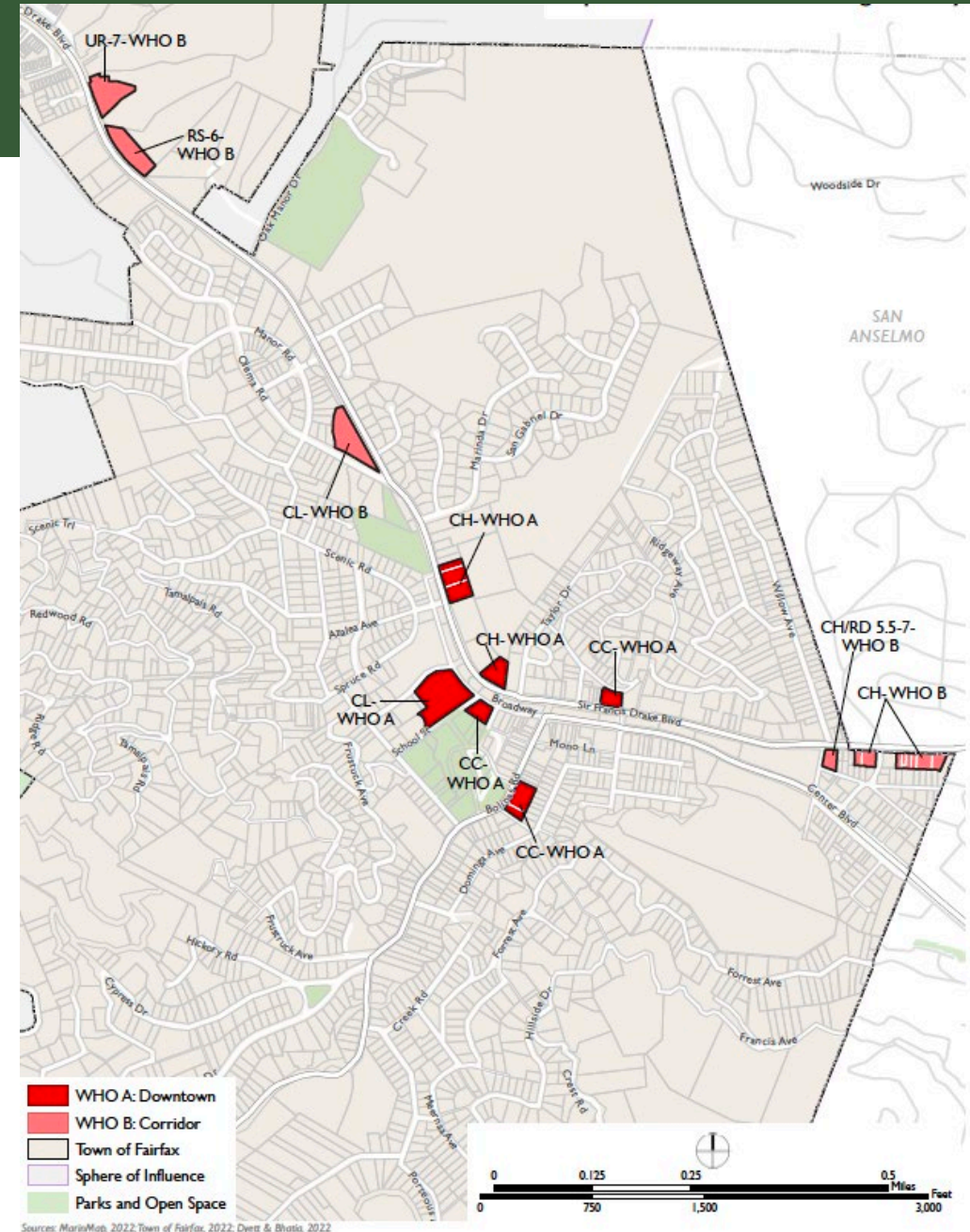
- Under State law, must ensure zoning map has adequate capacity for RHNA
- Candidate sites were identified and property owner outreach conducted to gauge owner interest and understand challenges for redevelopment
- Workforce housing overlay developed to address feedback from property owners and ensure compliance with State Housing Element law

# Overview

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# Workforce Housing Overlay

- Applies to identified properties 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
41	20.5	15.5	21	20.5	15.5
42	21	16	22	21	16
43	21.5	16.5	23	21.5	16.5
44	22	17	24	22	17
45	22.5	17.5	25	22.5	17.5
46	23	18	26	23	18
47	23.5	18.5	27	23.5	18.5
48	24	19	28	24	19
49	24.5	19.5	29	24.5	19.5
50	25	20	30	25	20
55	26	21	32	26	21
60	27	22	34	27	22
65	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



# 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 to permit sloped roofs, affordable housing, common open space amenities:
  - WHO-A: up to 48 feet (55 feet for sloped roof) and four stories
  - WHO-B: up to 35 feet and three stories
- Elevators and stair towers may project up to 10 feet above these height limits
- At least 75% of the street-facing elevation of a story above 35 feet shall be setback back a minimum of 10 feet from the front façade of the stories below

# 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

# 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

# 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 an appropriate minimum density for residential uses if proposed in the CH, CL, and CC zoning districts
- Timing: with zoning amendments to create the Workforce Housing Overlay

# Next Steps

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# Next Steps (Zoning Module 3)

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- Planning Commission Study Session ..... Dec 14
- Planning Commission Hearing ..... Jan 11
- Town Council Hearing (first reading) ..... Jan 24
- Town Council, second reading of ordinance ..... Feb 7