

Town of Fairfax Zoning Code Amendments

Workforce Housing Overlay and Related Standards

Planning Commission Hearing
January 11, 2024



Recommended Action

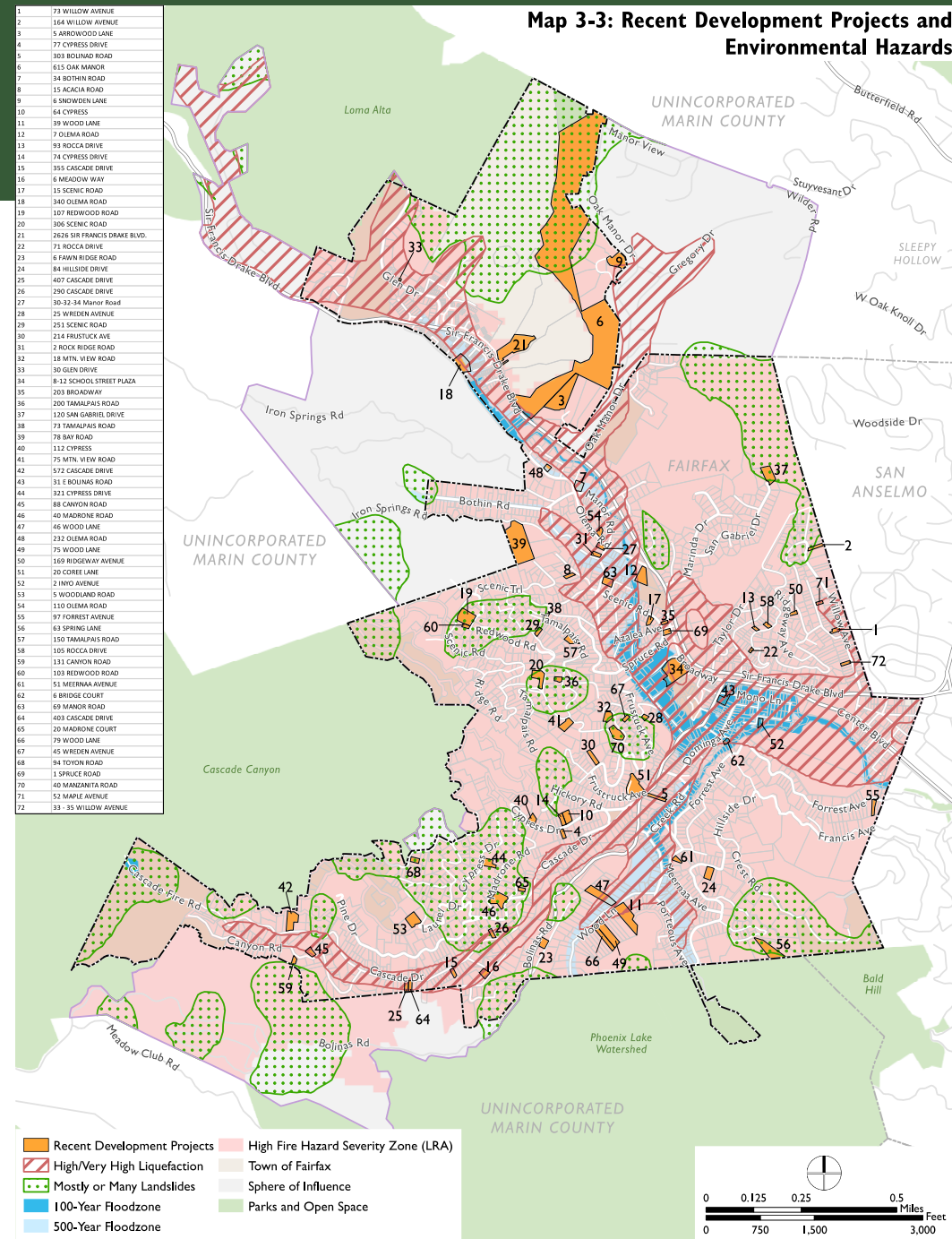
- *Adopt resolution 2024-01 recommending adoption of zoning amendments to create a Workforce Housing Overlay and establish related standards*

Background

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

- 1 73 WILLOW AVENUE
- 2 164 WILLOW AVENUE
- 3 5 ARROWOOD LANE
- 4 777 CYPRESS DRIVE
- 5 303 BOLUNAD ROAD
- 6 615 OAK MANOR
- 7 34 BOOTH ROAD
- 8 15 ACACIA ROAD
- 9 6 SNOWDOW LANE
- 10 64 CYPRESS
- 11 39 WOOD LANE
- 12 7 OLEMA ROAD
- 13 93 ROCCA DRIVE
- 14 74 CYPRESS DRIVE
- 15 355 CASCADE DRIVE
- 16 6 MEADOW WAY
- 17 15 SCENIC ROAD
- 18 340 OLEMA ROAD
- 19 187 REDWOOD ROAD
- 20 306 SCENIC ROAD
- 21 2626 SIR FRANCIS DRAKE BLVD.
- 22 71 ROCCA DRIVE
- 23 6 FAWN RIDGE ROAD
- 24 84 HILLSIDE DRIVE
- 25 407 CASCADE DRIVE
- 26 290 CASCADE DRIVE
- 27 30-22 24 MARIPOSA ROAD
- 28 25 WRIDEN AVENUE
- 29 251 SCENIC ROAD
- 30 214 FRUSTUCK AVE.
- 31 2 ROCK RIDGE ROAD
- 32 18 MITL VIEW ROAD
- 33 30 GLEN DRIVE
- 34 8-12 SCHOOL STREET PLAZA
- 35 203 BROADWAY
- 36 200 TAMALPAIS ROAD
- 37 120 SAN GABRIEL DRIVE
- 38 73 TAMALPAIS ROAD
- 39 78 BAY ROAD
- 40 112 CYPRESS
- 41 75 MITL VIEW ROAD
- 42 572 CASCADE DRIVE
- 43 31 E BOLINAS ROAD
- 44 323 CYPRESS DRIVE
- 45 88 CANYON ROAD
- 46 40 MADRONE ROAD
- 47 46 WOOD LANE
- 48 232 OLEMA ROAD
- 49 75 WOOD LANE
- 50 149 RIDGEWAY AVENUE
- 51 26 COREE LANE
- 52 2 INVO AVENUE
- 53 5 WOODLAND ROAD
- 54 110 OLEMA ROAD
- 55 97 FOREST AVENUE
- 56 63 SPRING LANE
- 57 150 TAMALPAIS ROAD
- 58 105 ROCCA DRIVE
- 59 131 CANYON ROAD
- 60 103 REDWOOD ROAD
- 61 51 MEERNA AVENUE
- 62 6 BRIDGE COURT
- 63 69 MANDR ROAD
- 64 403 CASCADE DRIVE
- 65 20 MADRONE COURT
- 66 79 WOOD LANE
- 67 45 WRIDEN AVENUE
- 68 94 TOWN ROAD
- 69 1 SPRUCE ROAD
- 70 40 MANZANITA ROAD
- 71 52 MAPLE AVENUE
- 72 31 35 WILLOW AVENUE



Sources: MarinMap, 2022; Town of Fairfax, 2022; Dyett & Bhatia, 2022

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

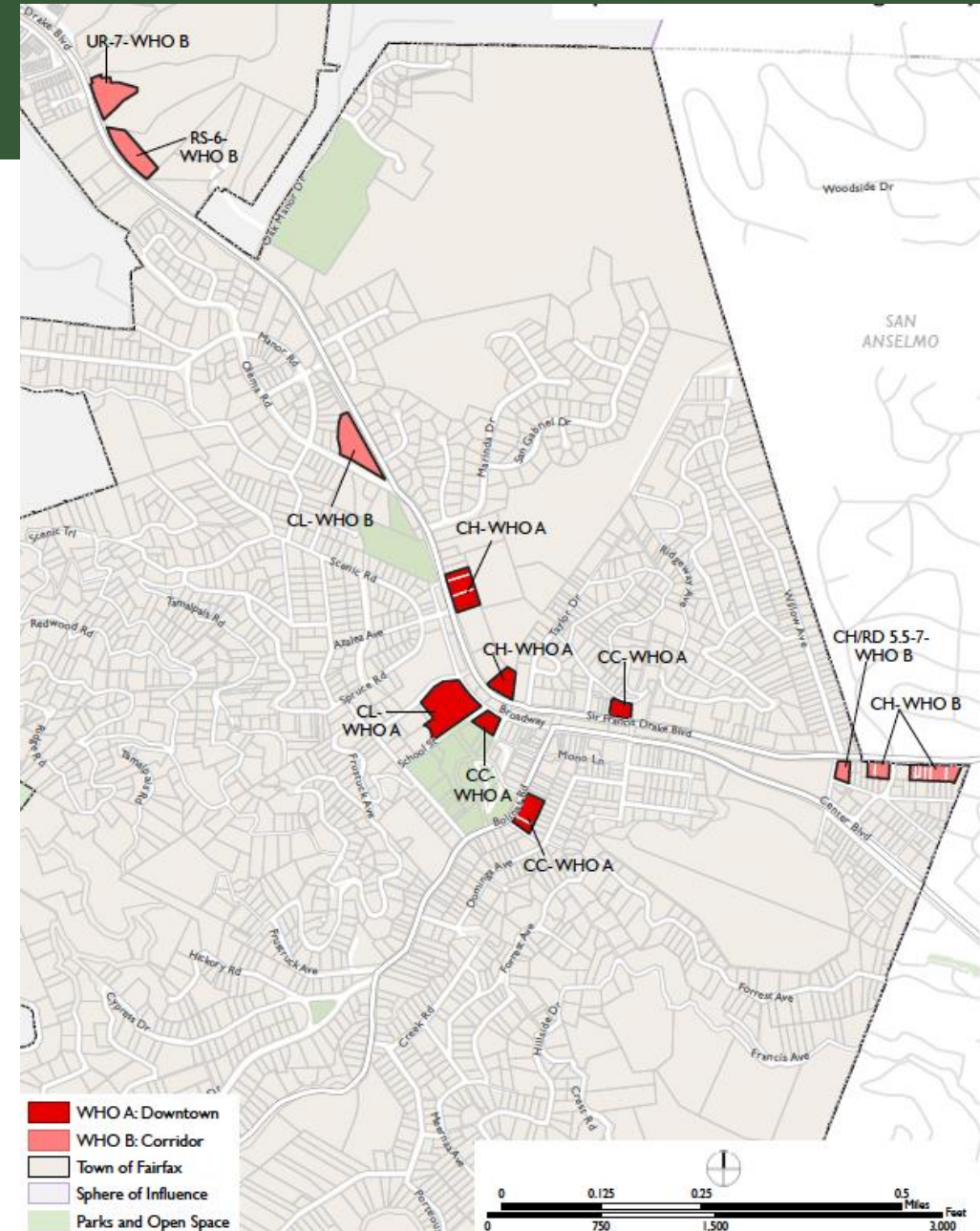
Study Session Recap

- On December 14, 2023 Planning Commission held a study session to review preliminary overlay ordinance
- Summary of Planning Commission comments:
 - *Accommodate density while de-emphasizing height*
 - *Preserve commercial character of Town Center*
 - *Identify preferred waivers and concessions*
 - *Demonstrate how School Street can achieve the units projected in the Housing Element*

Overview

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
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:
 - *Very Low Income units*
 - *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
- Elevators and stair towers may project up to 10 feet above these height limits but must be set back 10 feet from edge of building
- 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

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

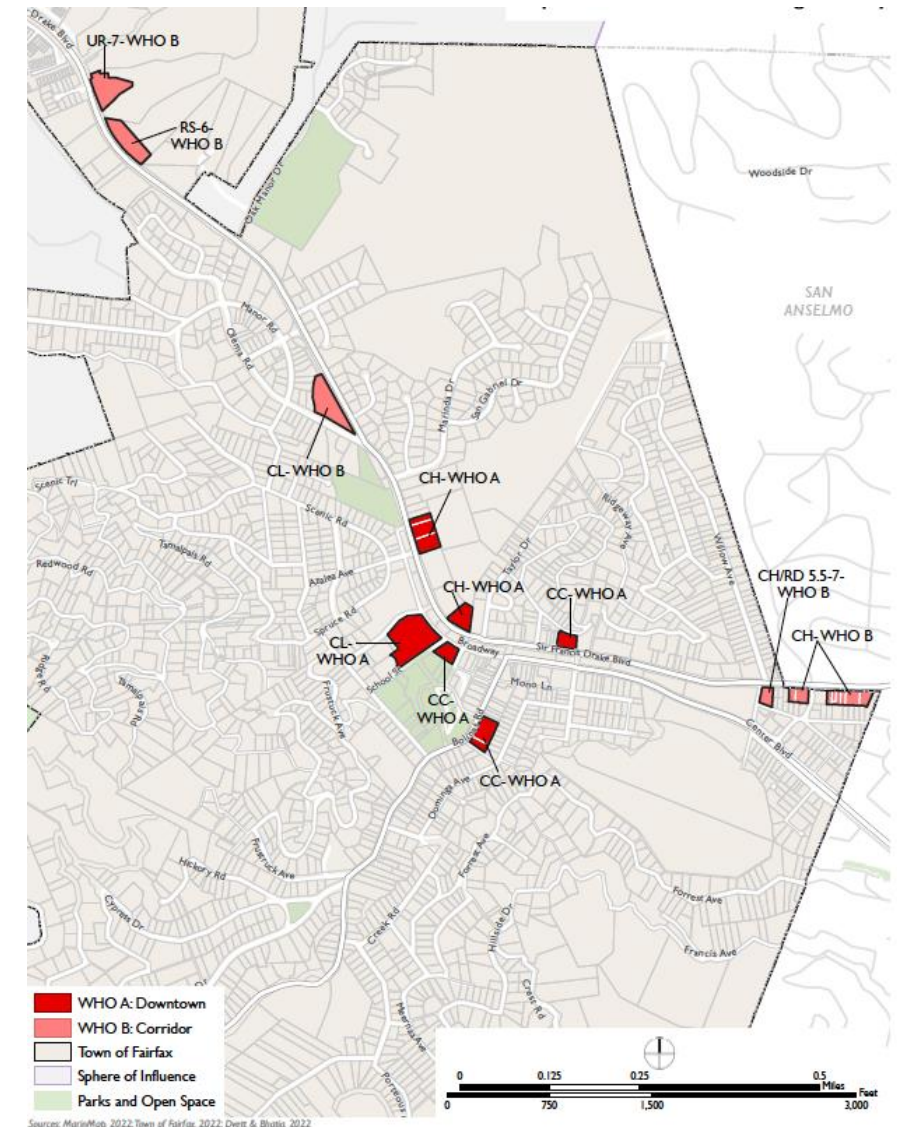
Permitted Uses and Density

- 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 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

Response to Questions from Study Session

Preserving Commercial Character

- WHO applies only to select underutilized sites and allows, but does ***not*** require housing
- Base commercial zoning remains in place and majority of sites retain commercial only zoning



Local Discretion for WHO Standards

Legal Requirements for Overlay

- Establish minimum density of 20 du/ac
 - Accommodate capacity projections from Housing Element
 - Permit 100% residential projects on overlay sites
 - Allow for "by right" approval on overlay sites
 - Provide objective standards to facilitate development
- *No requirements for building heights so long as standards allow for capacity projected in Housing Element*
 - *Therefore, based on feedback from Commission standards adjusted to accommodate density while minimizing building heights*

Preferred Waivers and Concessions

- Planning Commission expressed interest in codifying preferred waivers and concessions available for projects using State density bonus
- Staff recommendation is to formalize through a Council resolution
- Commissioners invited to weigh in on preferences tonight, to be presented to the Town Council for consideration

Next Steps

Next Steps (Zoning Module 3)

- Planning Commission Hearing Jan 11
- Town Council Hearing (first reading) Jan 24
- Town Council, second reading of ordinance Feb 7