



TOWN OF FAIRFAX

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August 3, 2017

The Honorable Kelly V. Simmons, Presiding Judge
Marin County Superior Court
3501 Civic Center Drive
San Rafael, CA 94903

Jay Hamilton-Roth, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room 275
San Rafael, CA 94903

RE: Responses to 2015-16 Marin County Civil Grand Jury Reports issued in June 2016

Dear Honorable Judge Simmons and Mr. Hamilton-Roth:

Enclosed please find the Town of Fairfax responses to the following two Marin County Civil Grand Jury Reports:

1. *Overcoming Barriers to Housing Affordability, dated April 12, 2016;*
2. *Marin's Retirement Health Care Benefits: the Money Still Isn't There, dated May 10, 2017.*

The Town Council of the Town of Fairfax reviewed and approved the responses at a duly noticed and agendized public meeting on August 2, 2017.

Sincerely,

Michele Gardner
Town Clerk

Enclosures

RESPONSE TO GRAND JURY REPORT FORM

Report Title: Overcoming Barriers to Housing Affordability
Report Date: April 6, 2017
Public Release: April 12, 2017
Response By: Town of Fairfax

RECOMMENDATIONS 1 2 3 6

- Recommendations numbered R1, R2, and R3 have been implemented. *(See attached explanation.)*
- Recommendations numbered n/a have not yet been implemented, but will be implemented in the future.
- Recommendations numbered n/a require further analysis.
- Recommendation numbered R6 will not be implemented because it is not warranted or are not reasonable. *(See attached explanaton.)*

DATED: 8/3/17

Signed: 
Garrett Toy, Town Manager

ATTEST: 
Town Clerk

Number of pages attached: 4

**Town of Fairfax Response to Marin County Civil Grand Jury Report:
Overcoming Barriers to Housing Affordability**

Recommendation R1. *Each planning department should begin regularly scheduled meetings at which developers can speak, early in the process, with all relevant members of staff to discuss impacts of proposed development and potential solutions to problems.*

Response: The Town offers “predevelopment meetings” with developers of large and small projects. We agree these meetings can provide valuable information that can inform prospective applicants of potential policy/zoning issues and/or technical problems that should be seriously considered and addressed before moving forward to the application process. Where appropriate, the Planning Department coordinates these meetings with other departments, including Public Works, Fire, and Building.

Recommendation R2. *Each planning department should develop a proactive community outreach strategy for any project that might be considered potentially controversial (including going beyond legal noticing minimums and initiating outreach efforts as early as possible in the development cycle).*

Response: The Town already implements a proactive outreach strategy for potentially controversial projects. For projects that staff anticipates to be controversial, staff schedules a “study session/workshop” where the community is noticed regarding the public meeting by mail, social media, and posted agendas. At the study session, the community and Planning Commission (PC) provide input on the project and request additional information from the applicant and staff, but no action is taken on the application. Comments are often made on the building design, form and mass as well as potential environmental impacts, such as parking and traffic. The developer is then able to revise the project in response to any concerns, prior to a formal hearing. The study session can occur prior to the developer submitting a formal application and/or during the approval process. For example, several study sessions/workshops were scheduled with the PC both before and after formal application submittal for the 100% affordable senior housing project (Victory Village).

While not specific to housing, the Town’s bridge projects are an example where the Town has been extremely proactive in its outreach. The Town is engaged in a multi-year project to rehabilitate six bridges which span San Anselmo and Fairfax Creeks on Azalea Avenue, Marin Road, Spruce Road, Canyon Road, Creek Road, and Meadow Way in Fairfax. Several workshops/public meetings have been held on all of the bridges with more than one workshop held for Meadow Way due to a high level of public interest. The Town has a separate website <http://fairfaxbridges.com> where the projects are outlined and regular updates are posted. FAQs were developed and posted. An online forum (“Peak Democracy”) was used to facilitate community input on bridge designs. Key documents are posted (fact sheets, updates and

related materials including a video). Regular updates are sent to the community via email, and the community can also submit comments via the website.

Another example is that the developer of the 100-acre "Wall Property" did present his conceptual plan for 10 homes at two study sessions with the PC in 2016. While the developer has yet to submit an application, the developer indicated he was incorporating the feedback from the study session into the application.

Town staff also recommends to developers that they proactively meet with the neighbors prior to submitting an application. Both the developers of the senior housing project and the Wall property did reach out and meet with the adjacent neighbors.

Recommendation R3. *Each planning department should use succinct "plain-speak" to convey issues in their outreach.*

Response: Town staff strives to use plain-speak to describe projects and uses detailed project descriptions so that residents understand the scope of the project. The Town uses a standard public noticing template, which contains a lot of information that attempts to provide the reader with enough information to understand a project proposal. Much of the information on the notice is required by state and federal laws, which must be included in the notice. Because there are legal requirements for noticing, merely scaling back the language in the notice would make the City vulnerable to a legal challenge. A good example is the requirement to include the noticing of environmental (CEQA) review for the project. The language and jargon used for environmental review noticing can be foreign to most people. As the template (language/jargon) for notices may also result in legally complex language, the Town intends to augment the language with a short "plain-speak" summary. Staff will continue its efforts to craft notices and other public outreach materials in a way to be understandable to the layperson.

Recommendation R6. *Each jurisdiction should adopt procedures so that low-income housing projects are fast-tracked through the planning and permitting process.*

Response: While this recommendation sounds reasonable on the surface, it can create conflict with the Grand Jury's Recommendation R2 regarding community outreach. We find that fast-tracking or streamlining is only effective if there is limited or no controversy regarding a project. The downsides of fast-tracking are: a) procedures that add time to the process, but can be helpful in ensuring the community is well-informed and has opportunity to provide input, may not be followed; b) prioritizing speed over thoroughness can make the project vulnerable to litigation; and c) there can be public criticism that the review process has been compromised which can give the impression that project action has been "rubber-stamped." Effective community outreach will usually extend the approval process time as more effort is made solicit

community input and participation. In the case of the Town’s approval of Victory Village, we initially attempted to streamline an existing zoning district which would have only applied to affordable housing projects. However, the Town Council received significant complaints and “push back” from the community. In response to the community’s concerns, after a long series of meetings, the Town ultimately crafted a new zoning district for senior housing which achieved the same goal.

Below is a listing of the thirteen (13) Town Council (TC), Planning Commission (PC), and other Town Committee meetings that have been conducted since late 2015 to discuss one aspect or another of Victory Village. These meetings do not include any meetings the developer may have had with local organizations such as a Homeowners Association (HOA) – at least two were held.

11/12/15	PC workshop
June 2016	Project application submitted
7/26/16	Open Space Committee
8/3/16	TC (Town Council) meeting
11/1/16	PC hearing on the project
12/15/16	PC workshop
1/19/17	PC meeting
1/23/17	Tree Committee
2/1/17	TC meeting
3/1/17	TC meeting
3/16/17	PC meeting
4/20/17	PC meeting
5/3/17	TC meeting
6/7/17	TC meeting

The project was recommended for approval by the PC and approved by the Council. By the end of this lengthy process, the project had garnered significant community support.

The Town rarely receives applications for new affordable housing projects or large multi-family developments. The last such project of this scale was the highly controversial Bennett House (affordable senior housing) in the mid-1980’s.

For this project, the Town ultimately created a new zoning district which allowed the project to be considered in the same manner as projects developed in the existing multi-family district. In essence, we applied an existing, less onerous process to the project. In the case of Fairfax, creating a more “streamlined” process for an affordable housing project would have been counter-productive to the goal of encouraging as much community feedback as possible.

However, the Town did develop a “fast-track” approach for a specific type of affordable housing unit, so called “Junior Units,” (JU) which consist of a living, sleeping, food preparation area (e.g.,

wet bar and microwave), and a private or shared bath. JUs have a private entrance and are separate from the main living area. These are a relatively new type of second unit, which are limited in size and thus are inherently affordable. The Council adopted a JU zoning ordinance in February 2016 which provides a streamlined and low cost process for JUs (e.g., ministerial, “over the counter” approvals, no application fee or additional parking required, etc.).

In addition, “fast-tracking” comes in several forms and is now being administered on new accessory (second) dwelling units (ADUs). In January 2017, the State laws mandating ADUs were significantly changed, resulting in a requirement for local jurisdictions to adopt and administer a permit process that is ministerial (non-discretionary provided that specified standards are met) and subject to processing time limits (applications must be processed and action taken within 120 days). Since January 2017, the Town has been operating under the new ADU provisions set forth in the State law. The Council will formally incorporate the revisions in the Town Code by September 2017.