

## REZONING PROJECT PROFILE

# Workforce Housing Overlay and Density Bonuses to Incentivize Housing in Downtown Commercial District

**LOCATION:** Fairfax, Marin County

**LENGTH OF PROJECT:** Six months. Expedited due to Housing Element deadline.

**YEAR:** Overlay zone adopted in 2024

**DENSITY:** 40 DUA for WHO-A; 20 DUA for WHO-B; Density bonuses in the ordinance raise densities up to 75 DUA for Who-A and up to 40 DUA for WHO-B.

**PARKING:** Underlying parking requirements still apply but subject to density bonus waiver provisions which reduce requirements.

**TOC RELEVANCE:** Not in TOC area.

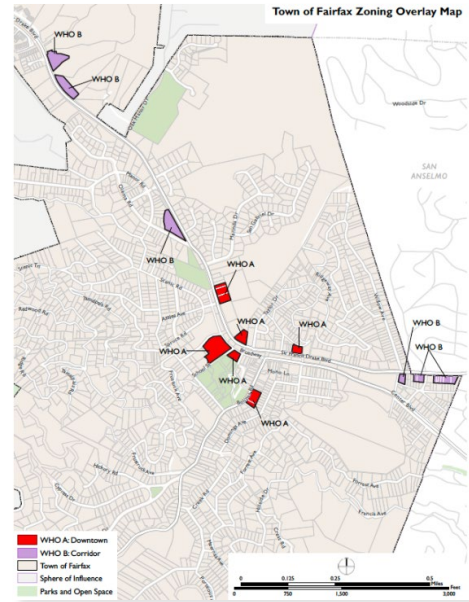
**PROJECT COST:** About \$90,000 to update the zoning code and an additional \$475,000 for the housing element update.

## PROJECT GOALS

To comply with their RHNA, Fairfax needed to rezone to allow higher density housing and affordable housing. Planners reached out to owners of parcels in the downtown commercial area to identify who was open to developing housing. The town approved an overlay zone that allowed higher density housing on selected downtown parcels - many of which had previously allowed only a few units of housing.

## BACKGROUND

Fairfax is a jurisdiction of around 7,000 people with mostly single-family homes. Housing prices are high, and many of those who work in Fairfax cannot afford to live there. The RHNA 6 Housing Element update presented an opportunity for the town to increase the supply of housing for their workforce.



### STARTING WITH:

- Six block town center area and parcels along arterial road
- Mostly zoned commercial with limited housing allowed
- Underutilized or long-time vacant structures
- Land-owners who were willing to develop housing
- Community members worried about excessive height and losing commercial space
- Commercial height limit of 28.5 feet and two stories

### GOING TO:

- Overlay zone that allows but doesn't require housing
- Allows for mixed use
- Two zones: 40 DUA and 20 DUA max
- Density bonuses ramp up to max of 75 DUA and 40 DUA
- Height limit increased to allow the density
- Incentivizes large footprints rather than height

---

## HOW IT HAPPENED

The Workforce Housing Overlay zone was passed in 2024 after a contentious public engagement process. A common concern in the community was around height, and the final version decreased maximum height slightly (and increased FAR to compensate) from prior drafts. The overlay zone allows for three to four stories without density bonuses, and four to five stories with bonuses. No economic feasibility analysis was done, however the town did perform a lot fit analysis.

Many of the sites included in the overlay zone are small and are not eligible for state density bonuses. To encourage affordable housing production, the town created their own density bonuses as part of the zone. An increase of 10% of affordable units in a development (from 20% to 30% of market rate units, or 15% to 25% of rental units) approximately doubles the allowed density.

---

## PROJECT TEAM

**FAIRFAX STAFF:** Jeff Beiswenger, Planning and Building Services Director, Town of Fairfax [jbeiswenger@townoffairfax.org](mailto:jbeiswenger@townoffairfax.org)

**CONSULTANT:** Dyett and Bhatia was hired to assist with the Housing Element and zoning update. Contact Andrew Hill, [andrew@dyettandbhatia.com](mailto:andrew@dyettandbhatia.com)

---

## WHAT'S HAPPENING NOW

Town planners have been communicating with developers who are interested in the parcels in the overlay zone. No applications have been received to date.

### AVAILABLE RESOURCES

[Staff report](#)

[Corrections to staff report](#)

[Slide presentation](#)

[Ordinance as adopted](#)

[RFP](#)



## KEY LESSONS

***“Our workforce housing overlay zone references other sections of the zoning code in order to implement. In hindsight, it would have been easier to administer if the procedures were all contained in one section.”***

Jeff Beiswenger, Planning and Building Services Director

