

Housing Element Update (2023-2031)

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Fairfax Planning Commission

The Town of Fairfax 2010-2030 General Plan, adopted in April 2012, is the legally mandated long-range vision for our town, addressing 8 separate but connected “elements”: (1) land use; (2) circulation; (3) housing; (4) town center; (5) open space; (6) conservation; (7) safety; and (8) noise. The General Plan may be amended up to 4 times per year, and the last major amendment occurred in May 2015, when our Housing Element was last updated. Housing Element updates are required every 8 years, and the Town of Fairfax Planning Department has recently initiated the next update to the Housing Element, with the intent to have it approved by the Planning Commission, and adopted by the Town Council by December 31, 2022. Following adoption, the updated Housing Element will be sent to the State for review, and certification. Certification of the updated Housing Element by the California Department of Housing and Community Development (HCD) is a unique element of California law and none of the other required elements require such certification.

In 1969, California required that all its cities, towns, and counties plan for the housing needs of State residents of all incomes and established the Regional Housing Needs Allocation, (RHNA). Under this framework, HCD determines the total number of new homes the Bay Area needs to build—and how affordable those homes need to be—in order to meet the housing needs of people at all income levels. The Association of Bay Area Governments (ABAG), of which Marin County and the Town of Fairfax are each a part, then distributes a share of the region’s housing need to each city, town and county in the region. Each local government must then update the Housing Element of its general plan to show the locations where housing can be built and the policies and strategies necessary to meet the community’s housing needs.

The latest ABAG draft RHNA assigns 490 units to Fairfax and the Town must now identify parcels of land for possible construction of these units during the 2023-2031 planning period. The 490-unit assessment includes minimum affordability requirements as follows: 149 very low-income units, 86 low-income units, 71 moderate-income units, and 184 above moderate-income units. These income limits are established based on a range of incomes and number of people in a household, and can range, for example, from a maximum of \$60,900 annual income for one person (very low-income) to \$97,600 annual income for one person (low-income) to \$120,200 annual income for one person (moderate-income). If housing is expected to take 30% of one’s income, these numbers would be reflected in rents of no more than approximately \$1500/month (for a single, very low-income renter), \$2440/month (for a single, low-income renter), \$3000/month (for a single, moderate-income renter) and over \$3000/month (for a single, above-moderate renter). These rental amounts would be adjusted for household sizes and incomes.

In addition to the Housing Element, California law requires that the Safety Element also be amended to address hazards associated with new development. It is likely that the Land Use Element and the Fairfax Municipal Code will also require updating for to be consistent with the anticipated Housing Element changes.

As with any significant change to a General Plan Element, the environmental impacts from the adoption of a new Housing Element will be evaluated under the California Environmental Quality Act (CEQA) to

determine environmental impact. For the previous Housing Element, the Town adopted a Mitigated Negative Declaration.

In addition to the 490 units, there are currently remaining unbuilt units that must be planned for from the RHNA housing numbers in the current Housing Element period of 2015-2023. The total number of additional units included will be determined towards end of the current RHNA period. The total RHNA number for 2015-2023 is 61 housing units. However, the Housing Element also needed to address the housing units carried over from the previous Housing Element Cycle.

The Housing Element Update involves multiple phases and tasks, including: a review of state law to incorporate and address key requirements; a review of existing and projected utility infrastructure (water, sewer, fire) for adequate capability; an evaluation of existing constraints in terms of health and safety, such as areas of geologic instability and fire; and an identification of lots for possible future housing by income type assigned by the State and ABAG. If Fairfax's existing zoning does not allow for the required minimum additional units within the required allocated ranges of affordability, proposed changes to the density in the general plan, and municipal code zoning will be required. Not meeting these regional housing goals may make Fairfax ineligible for certain State and regional funding sources, threaten the limited control the Town currently has over housing development within our borders, and subject the Town to potential fines, challenges, and other penalties.

Town of Fairfax staff has published a Request for Proposals for a consultant to lead the Housing Element Update. However, the work ahead of us will necessarily involve the commitment and effort of a broad range of dedicated Fairfax residents, businesses and workers. We expect that the Planning Commission will seek input on this effort from Fairfax's Affordable Housing Committee, the Racial Equity and Social Justice Committee, the Open Space Committee, the Climate Action Committee, the Town Council, and all of you. Incorporating public feedback and recommendations will be critical to this effort. The challenges we envision include: transportation adequacy on Sir Francis Drake Blvd; the possible increase in density of people throughout the Town, including in the hillsides where there is highest fire risk potential; added burdens on the Town's infrastructure; and ensuring evacuation routes are accessible during emergencies.