



**TOWN OF FAIRFAX**  
**STAFF REPORT**  
**SPECIAL JOINT MEETING OF**  
**TOWN COUNCIL AND PLANNING COMMISSION**  
**April 21, 2021**

**TO:** Mayor and Town Council; Planning Commission

**FROM:** Ben Berto, Planning Director

**SUBJECT:** Joint Study Session with the Planning Commission to discuss the Housing Element Update and provide direction to staff, as appropriate

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**RECOMMENDATION**

Conduct the joint study session to discuss the Housing Element update process, and provide direction to staff, as appropriate.

**BACKGROUND**

The State of California has mandated since 1969 that local jurisdictions plan for their future housing needs by updating their General Plan's Housing Element. The Town of Fairfax has started planning for the 6<sup>th</sup> Regional Housing Needs Allocation (RHNA), which will run from 2023 to 2031.

At their March 3, 2021 meeting, the Town Council continued to their April 7<sup>th</sup> meeting the agreement for professional services to prepare a Housing Element and rescheduled to April 21<sup>st</sup> the joint special study session with the Planning Commission regarding the Housing Element. The Council wanted the community to first receive a primer/introduction on the Housing Element before retaining a firm to assist in the process and conducting the joint study session with the Planning Commission.

On April 7, the Town Council heard a presentation from the Town Attorney's office on State laws governing housing and was briefed by the Planning Director about the State's the Regional Housing Needs Allocation (RHNA) Housing Element update (HE) process. After these presentations, the Council authorized the Town Manager to enter a contract with EMC Planning Group to perform the HE update.

The Town Council is not taking any formal action regarding the Housing Element this evening, as this is only a study session.

**DISCUSSION**

Attached is EMC's proposed draft framework and schedule (Schedule) for the Housing Element work program, which includes updates to the Safety Element mandated by State law and updates to the Land Use Element update that may arise out of the Housing Element changes. The Schedule is intended to be an overview of the process and identifies the

meetings with numerous Town committees, Town Council, Planning Commission, and the Ad-Hoc Housing Subcommittee. Please note that specific dates will be subject to change as circumstances warrant. For discussion purposes, this report summarizes the work by seasons. EMC's presentation will include a more detailed discussion of the Schedule and the work products.

**Spring 2021 (April- June).**

The Housing Element drafting process begins with information gathering from multiple sources. Numerous meetings are proposed for the months of April and May. A website dedicated to this Housing Element drafting process will be initiated, and EMC Planning Group will be pursuing a variety of outreach channels to obtain valuable input from a wide spectrum of individuals and groups that comprise Fairfax's community of interest. Organizations to be contacted will include such agencies as the Marin Wildfire Prevention Authority (MWPA), and the Chamber of Commerce. Additionally, EMC Planning Group will incorporate data from ABAG's Regional Housing Technical Assistance Program and will reach out to HCD for early guidance.

During this time, EMC will be preparing the data and background required for the Housing Element (HE- line #4 on the Schedule) and Safety Element (SE- line #5). EMC will also begin Site Exploration (#21) and the preparation of a Site Options Report (#22) The Site Option Report will compile an early list of possible locations capable of providing housing and meeting the required RHNA capacity. Two virtual Open Houses/ Workshops are planned for public input on the HE and SE and the Site Options Report.

**Summer 2021 (July-Sept).**

The focus will be on exploring various housing site options and finalizing the Site Options Report. This will feed into early draft versions of the Safety Element and Housing Element, and studies (e.g., traffic study) for environmental analysis in compliance with the California Environmental Quality Act (CEQA). Public outreach and participation will be an important part of staff's information gathering. Staff and Committee meetings will guide the progress for incorporating all information into early draft reports for subsequent public review.

**Fall 2021 (Oct-Dec.).**

An initial draft Housing Element will be disseminated to HCD for their input regarding comprehensive data analysis; assumptions involved with EMC's analysis; requested credit for the Town's over-projection current RHNA cycle housing development (e.g., Victory Village affordable units, and ADU production/projections) for the upcoming eight-year Housing Element cycle.

**Winter 2022 (Jan-March).**

Initial CEQA analysis will be completed and presented for the Town Council to determine the appropriate environmental review method: either an Initial Study with Mitigated Negative Declaration (MND) or a program Environmental Impact Report (EIR). An EIR is required if it is determined that the project (HE) could create significant impacts that cannot be mitigated to less-than-significant level. An Open House/ Workshop will be facilitated by the EMC to increase understanding of the available studies and importance of the environmental

determination. The Planning Commission and Town Council will receive reports regarding CEQA analysis progress.

**Spring 2022 (April-June).**

The completed first draft of the Housing, Safety, and Land Use Elements, and CEQA documentation will be available for public review. An Open House/ Workshop will be created to relay detailed information about the public drafts and to encourage discussion and gather comments for the following round of draft documents.

**Summer/Fall 2022 (July-Dec).**

Two Planning Commission and two Town Council Hearings are scheduled to integrate their review and direction into the drafts. The Planning Commission will make recommendations to the Town Council, who will make final edits for adoption. Final HCD submittal is planned for December 2022 to comply with the State’s January 2023 deadline.

**Ad Hoc Housing Subcommittee**

Staff is recommending the creation of Ad-Hoc Housing Subcommittee (Subcommittee) to act as an advisory body to staff and EMC. The function of the Subcommittee is to be a “sounding board” for staff and the consultant regarding proposed policies, programs, work products, community outreach, and meeting preparations. The Planning Commission (PC) discussed this concept and a consensus agreed that it should consist of three members of the PC and two members from the Affordable Housing Committee (AHC). One representative from the AHC would be a Councilmember who is on the AHC. In the interim, since the Commission selected its three subcommittee members, the PC subcommittee members have met twice to begin reviewing the current Housing Element. The Ad-Hoc Subcommittee meetings are not public meetings. The Subcommittee is scheduled to meet five times according to the Schedule.

**Overview of Public Meetings**

The proposed Schedule shows a robust community process with 18 public meetings with various Fairfax groups including the Town Council, Planning Commission, Affordable Housing Committee, Open Space Committee, Climate Action Committee, and Racial Equity and Social Justice Committee. Ten of those meetings (including this joint meeting) are scheduled before the Town Council and/or Planning Commission. Overall, those meetings will occur on an average of once a month during the 20-month schedule the Town has to complete the HE

A key aspect of public outreach and information will be a webpage and online software called Bang the Table that will be explained in detail at this joint session.

**FISCAL IMPACT**

None at this time.

**ATTACHMENT**

Diagram of proposed Housing Element Update schedule

### Town of Fairfax Housing, Land Use, and Safety Elements Update

	Activity Name	Start Date	Finish Date	2021												2022											
				Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec			
1	<b>Project Start</b>	4/7/21	4/7/21	◆																							
2	<b>PC/TC Introduction</b>	4/21/21	4/21/21	●																							
3	Aff Housing Comm 1	4/28/21	4/28/21	●																							
4	HE Data & Background	4/28/21	6/11/21	▬																							
5	SE Data & Background	4/28/21	6/11/21	▬																							
6	ABAG Meeting	5/4/21	5/4/21	●																							
7	HCD Meeting	5/6/21	5/6/21	●																							
8	Staff Meeting 1	5/11/21	5/11/21	◆																							
9	Racial Equity Comm	5/6/21	5/6/21	●																							
10	Marin Wildfire Prev Auth	5/13/21	5/13/21	●																							
11	Climate Action Comm	5/18/21	5/18/21	●																							
12	Open Space Comm	5/18/21	5/18/21	●																							
13	Ad Draft Safety Element	6/1/21	7/16/21	▬																							
14	Staff Meeting 2	7/8/21	7/8/21				◆																				
15	Open House	7/19/21	7/19/21				●																				
16	Draft Safety Element	7/19/21	9/3/21	▬																							
17	PC Workshop - SE	9/16/21	9/16/21								●																
18	TC Report - SE	10/6/21	10/6/21								●																
19	Safety Element	9/20/21	10/8/21	▬																							
20	Traffic Report	7/1/21	10/18/21	▬																							
21	Site Exploration	4/28/21	5/18/21	▬																							
22	Draft Site Options Report	5/19/21	5/26/21	▬																							
23	Housing Sub Comm 1	5/27/21	5/27/21			◆																					
24	PC Hearing	6/17/21	6/17/21			●																					
25	Open House	6/7/21	6/7/21			●																					
26	Aff Housing Comm 2	6/8/21	6/8/21			●																					
27	TC Hearing	7/15/21	7/15/21				●																				
28	Final Site Options Report	5/28/21	6/18/21	▬																							
29	Draft HE Programs	6/21/21	7/15/21	▬																							
30	Staff Meeting 3	6/22/21	6/22/21			◆																					
31	Housing Sub Comm 2	6/22/21	6/22/21			◆																					
32	Ad Draft Housing Element	7/19/21	10/15/21	▬																							
33	Aff Housing Comm 3	7/22/21	7/22/21				●																				
34	Housing Sub Comm 3	7/26/21	7/26/21				●																				
35	Staff Meeting 4	7/27/21	7/27/21				◆																				
36	Aff Housing Comm 4	9/28/21	9/28/21								●																
37	Staff Meeting 5	9/28/21	9/28/21								◆																
38	PC Workshop - HE	10/21/21	10/21/21								●																

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				Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec			
39	<b>TC Report - HE</b>	11/17/21	11/17/21																								
40	<b>HCD Housing Element</b>	10/22/21	11/18/21																								
41	<b>HCD Review</b>	11/22/21	12/22/21																								
42	<b>HCD Consultation</b>	12/22/21	12/22/21																								
43	Staff Meeting 6	12/27/21	12/27/21																								
44	<b>Housing Sub Comm 4</b>	12/27/21	12/27/21																								
45	<b>Aff Housing Comm 5</b>	1/5/22	1/5/22																								
46	<b>Noise Report</b>	12/27/21	1/10/22																								
47	<b>Preliminary Environmental</b>	12/27/21	1/25/22																								
48	Staff Meeting 7	1/11/22	1/11/22																								
49	<b>PC Report - CEQA</b>	1/20/22	1/20/22																								
50	<b>TC Report for CEQA</b>	2/16/22	2/16/22																								
51	<b>Public input on CEQA</b>	2/14/22	3/15/22																								
52	<b>HCD Consult as needed</b>	1/3/22	2/18/22																								
53	<b>Housing Sub Comm 5</b>	4/6/22	4/6/22																								
54	<b>Public Housing Element</b>	3/1/22	4/26/22																								
55	<b>Open House</b>	3/7/22	3/7/22																								
56	<b>Land Use Element Update</b>	3/1/22	4/26/22																								
57	<b>Ad Draft IS / MND (A)</b>	3/1/22	4/8/22																								
58	<b>Ad Draft EIR (B)</b>	3/1/22	5/10/22																								
59	Staff Meeting 8	5/17/22	5/17/22																								
60	<b>Draft IS / MND Prep (A)</b>	4/11/22	5/17/22																								
61	<b>Draft IS / MND Public (A)</b>	5/17/22	8/8/22																								
62	<b>Open House (A)</b>	5/23/22	5/23/22																								
63	<b>Draft EIR Prep (B)</b>	5/23/22	6/10/22																								
64	<b>Draft EIR Public Rev (B)</b>	6/13/22	7/29/22																								
65	<b>Open House (B)</b>	6/13/22	6/13/22																								
66	Staff Meeting 9	8/8/22	8/8/22																								
67	<b>Ad Final EIR (B)</b>	8/9/22	8/26/22																								
68	<b>Final EIR (B)</b>	8/29/22	9/9/22																								
69	<b>PC Hearing</b>	9/15/22	9/15/22																								
70	<b>PC initial HE Revisions</b>	9/15/22	10/7/22																								
71	Staff Meeting 10	10/11/22	10/11/22																								
72	<b>PC Hearing</b>	10/20/22	10/20/22																								
73	<b>TC Hearing</b>	11/2/22	11/2/22																								
74	<b>TC initial HE Revisions</b>	11/2/22	12/2/22																								
75	<b>TC Hearing</b>	12/7/22	12/7/22																								
76	<b>CEQA Filings</b>	12/8/22	12/8/22																								

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	Activity Name	Start Date	Finish Date	2021										2022											
				Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	
<b>77</b>	Final HE Revisions	12/8/22	12/16/22																						
<b>78</b>	File HE with HCD	12/19/22	12/19/22																						
				Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	