



TOWN OF FAIRFAX

Supplemental Staff Report

July 7, 2021

TO: Mayor and Town Council

FROM: Ben Berto, Director, Planning and Building Services

SUBJECT: Authorize Town Manager to file an appeal of the Regional Housing Needs Allocation numbers for Fairfax to the Association of Bay Area Governments

RECOMMENDATION

Authorize Town Manager to file an appeal of the Regional Housing Needs Allocation numbers to the Association of Bay Area Governments.

DISCUSSION

The revised letter includes reference to the Town's 100-year flood zones as a hazard that affects land use capacity/constraints, fire risk mapping from the California Public Utilities Commission (CPUC) that further supports the Town's high fire risk concerns, and additional information on the jobs-housing imbalance. The additional diagrams to support the new information will be included in the final appeal document. Other portions of the letter remain the same other than minor revisions for typos and grammar.

ATTACHMENT

Revised RHNA Appeal letter dated July 7, 2021

July 7, 2021

Association of Bay Area Governments/Bay Area Metro

On behalf of the Town Council of Fairfax, I am registering an appeal of the 490 housing units assigned to Fairfax in the draft Regional Housing Needs Allocation (RHNA).

The Town of Fairfax appreciates and supports efforts to address State and regional housing needs, particularly those relating to the shortage of affordable housing in our region. Our Town has in fact exceeded the current (5th cycle) RHNA housing numbers by over 50%, including fulfilling more than double our low-income housing allocation. Fairfax has and will continue to provide housing, including for our most vulnerable populations and to affirmatively further fair housing opportunities.

As noted in the Town's previous (October 13, 2020) letter to ABAG Board President Jessie Areguin about the early preliminary RHNA housing numbers, the Town of Fairfax looks forward to creatively planning for a reasonable number of housing units that address the need for housing (particularly affordable) and is responsive to community concerns. However, the 6th cycle draft RHNA allocation exceeds what is reasonable and realistic. The Town will cite three criteria for appealing this allocation consistent with the criteria set forth in the 2023-2031 RHNA Cycle Appeals Procedures

As has been noted in prior discussions on housing in this area, communities such as Fairfax with high property values and stable populations for an extended period of time tend to have already achieved a 'natural' limit to growth. Furthermore, Fairfax's population is aging, which naturally would result in a lower population. Vacant parcels, where present, tend to have severe, inherent land use limitations on development such as steep, unstable slopes. Here in Fairfax, whether it is such slopes, endangered species, historic register listing, or a general lack of vacant land, the reality is that readily developable land has already long been spoken for. The draft 6th cycle RHNA housing numbers and State regulations demand that Fairfax plan for as much housing in the next eight years as has occurred in the last half century. This is not reasonable or realistic.

The Town of Fairfax is aware of the limited criteria on which appeals to the draft 6th cycle RHNA methodology can be based. We believe that there are three criteria for doing so that are consistent with the RHNA appeals procedures listed by ABAG, as follows:

- 1) The Housing Element Site Selection (HESS) tool used by BayArea Metro as part of the RHNA process to identify available, potential, and constrained sites in Fairfax contains erroneous data that, once corrected, reassigns all areas of the Town that the HESS tool currently identifies as 'potential' (for housing sites) to 'constrained'.

As can be seen from the three attached diagrams (Attachments A-C), the HESS diagram (Attachment A) currently identifies the majority of the Town's area as falling into the 'potential' category for housing. However, the underlying HESS tool criteria for determining whether sites should be considered 'constrained' lists areas which fall into a high fire hazard severity zone, and therefore are not suitable for higher-density, multifamily development.

Attachment B is the State CalFire map which shows that virtually all of Fairfax is located in the high fire hazard severity zone classification. Attachment C combines the HESS map and the CalFire map to show that all of the sites which the HESS map mistakenly shows as "potential" housing sites are actually 'constrained.'

Furthermore, the Marin Wildfire Prevention Authority is currently conducting an evacuation study for every Marin jurisdiction and the results are expected to show that Fairfax is among the most adversely affected jurisdictions with respect to having many areas with only *one* path of egress, a significant hazard in the event of a wildland fire.

The State of California has previously allowed extensive housing development in areas with high fire hazard and constrained evacuation, with the unfortunate but foreseeable loss by wildfire of hundreds of lives and thousands of homes. Last year alone, close to 5 million acres burned in this state, with accompanying devastating loss of lives, livelihoods, and housing. Climate change and the current unprecedented drought not only result in water shortages (see no. 3 below) but the specter of even more damaging fires.

Another State fire hazard assessment tool, the California Public Utilities Commission (CPUC) firemap (see Attachment D), shows a substantial portion of the Town is in its highest (extreme) fire risk tier.

The State appears to be trying to avoid repeating these tragic housing development mistakes. Requiring a Safety Element update to accompany the Housing Element update is an example of planning to avoid putting development in harm's way. It therefore doesn't make sense for the State to mandate the planning and development of hundreds of new homes in Fairfax - an eight-fold increase over the current RHNA housing numbers - in a high fire risk, constrained evacuation jurisdiction. The Town's hope is the numbers are at least partially based on erroneous HESS data. With the HESS correction the Town notes, the number of new homes mandated for Fairfax in the draft 6th cycle RHNA should be substantially reduced, preferably to the number of units which the Town in its commitment to housing is already achieving in the current RHNA cycle.

Flooding is another major hazard impacting a significant portion of the Town's flatland area, including its multi-family zoned district, where higher-density housing is or would theoretically be located. The Town is learning from mistakes of the past and has worked cooperatively with the San Anselmo Flood Risk Reduction (SAFRR) project, including installation of a flood detention basin in Town, to reduce flood hazards in Fairfax and the Ross Valley. Developed

improvements to date have not provided protection from 100-year floods, much of which is floodway that can result in especially hazardous urban swift water flooding and rescue. The attached map documents the extent to which the Town is constrained by flooding hazards.

2) The Draft RHNA fails to adequately consider the Town’s jobs-housing relationship. The jobs-housing relationship has been presented as a primary justification for requiring significantly more housing to resolve the jobs-housing imbalance; however, this rationale does not bear up to scrutiny.

The diagram below is taken from the Housing Needs Data Report for Fairfax prepared by ABAG/MTC, and illustrates Fairfax’s unique circumstances with respect to jobs versus housing.

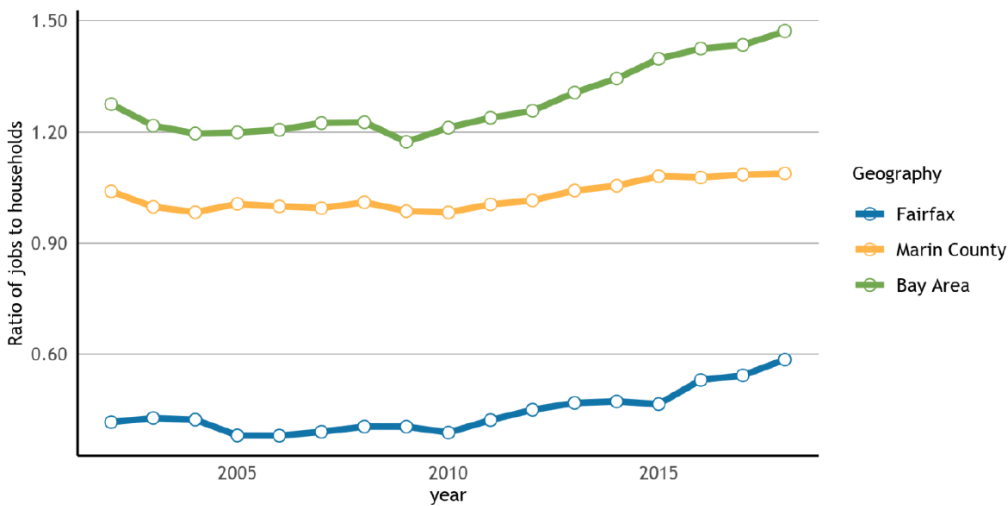


Figure 8: Jobs-Household Ratio

As can be seen from Figure 8, the Fairfax ratio of jobs to housing is far lower than either Marin County or the Bay Area overall. Fairfax’s latest local jobs versus household ratio is only approximately one-half that of Marin County overall, and one-third of the greater Bay Area. Fairfax continues to have far lower local jobs-housing ratio than either Marin or the Bay Area throughout the entire survey period. The latest statistics show Fairfax as having 0.6 jobs per housing unit. In contrast, Marin County has 1.15 jobs per housing unit, and the overall Bay Area has 1.5 jobs per housing unit.

Plan Bay Area 2050 projects that while the Central Marin “superdistrict” (of which Fairfax is a part) is proposed to be required to increase households by 22,000, or 50%, it will also lose 14,000 jobs, a 23% decrease (see Attachment E). Thus, while Fairfax already has the lowest jobs to housing ratio in Marin and is far below the Bay Area’s ratio, the decrease in jobs in our area shows that ratio will become even more imbalanced. More RHNA-mandated housing in Fairfax will only exacerbate this imbalance.

The takeaway is while the Bay Area overall needs more housing to address the jobs-housing imbalance, Fairfax doesn't need more housing, it needs more local jobs. Many of the people living in new Fairfax housing will be forced to commute to the surplus jobs relative to housing elsewhere in the region. The jobs-housing ratio doesn't address the shortage of affordable housing. However, it demonstrates that more housing in Fairfax will exacerbate traffic rather than relieve it, running directly counter to RHNA goal of reducing Vehicle Miles Traveled (VMT).

As noted previously, Fairfax has and will continue to plan for and provide affordable housing as a priority. However, the large number of housing units assigned to Fairfax in the proposed draft 6th cycle RHNA will worsen, not improve, the jobs-housing imbalance.

3) Lack of water supply is a major emerging issue. Marin Water, the utility district that provides all of Fairfax's water, is considering a moratorium on new water service connections, and is mandating water rationing. Marin obtains almost all of its water from its local watershed reservoirs, and the extreme 2-year drought the County (along with most of the State) is experiencing has severely limited water supplies to serve local users. While future events cannot be forecasted, given the current severe water shortfall situation it is not prudent to mandate as much growth in housing numbers as the Town has had in the last half century.

The Town of Fairfax recognizes the challenges faced in developing appropriate allocation numbers. However, we continue to believe the proposed 6th cycle RHNA housing numbers far exceed what is realistic and reasonable to impose. We look forward to constructively planning for future housing in Fairfax, and thank you for your time and consideration.

Sincerely,