



# TOWN OF FAIRFAX

## SPECIAL MEETING STAFF REPORT

### May 3, 2023

**TO:** Mayor and Town Council

**FROM:** Heather Abrams, Town Manager

**SUBJECT:** Receive Presentation Summarizing Public Comments on Public Review Draft Sixth Cycle Housing Element, provide direction on any changes needed, Authorize the Town Manager to send the updated Draft Sixth Cycle Housing Element incorporating those changes to the California Housing and Community Development Department (HCD)

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### **RECOMMENDATION**

Staff recommends that the Council

- a) Receive a presentation from Dyett & Bhatia summarizing comments from the public on the Public Review Draft Sixth Cycle Housing Element; and
- b) Provide direction to staff on any changes needed to the Draft Sixth Cycle Housing Element
- c) Authorize the Town Manager to send the updated Draft Sixth Cycle Housing Element incorporating those changes to the California Housing and Community Development Department (HCD)

### **BACKGROUND**

On March 31, 2023, the Town released a Public Review Draft Sixth Cycle Housing Element for the legally-required 30-day local review period. A Revised Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Fairfax General Plan Housing Element Update was released on April 3, 2023. Both documents were posted on the [Town website](#) and promoted via Town Newsletter.

Attached is the April 5, 2023 Housing Element Update staff report that included a summary of the work completed and a listing of the numerous public meetings held for the Housing Element prior to that date. On April 19, 2023 a Special Council Meeting was held to provide two presentations from Dyett & Bhatia and elicit additional comments from the public on: a) Public Review Draft Sixth Cycle Housing Element; and b) Revised Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Fairfax General Plan Housing Element Update Scoping Meeting. This Special Council Meeting was scheduled to provide a Scoping Meeting with the NOP and elicit additional public comments, at approximately the mid-point in the Public Review Draft period, thus giving readers time to digest the content.

### **DISCUSSION**

The 30-day public comment period for the Draft Housing Element concluded on April 30, 2023. During the presentation, Dyett & Bhatia will summarize the comments received and address the comments. Council will have the opportunity to direct Dyett & Bhatia and staff to incorporate the responses, and authorize staff to send the updated Draft Housing Element to HCD. Submittal to HCD is anticipated by mid-May 2023. When the Draft Housing Element is sent to HCD, this will begin the legally-required 90-day HCD review period.

Accordingly, HCD review would continue through mid-August 2023, and thereafter, the Town will work as expeditiously as possible to address comments from HCD and achieve certification. In prior consultation, HCD staff has expressed willingness to continue to meet with the Town and its consultant and offer assistance in addressing all statutory requirements of State Housing Element Law.

The scoping period for the revised NOP closed on May 2, 2023. Staff and the consultant will compile the comments for inclusion in the Draft EIR and begin preparation of the Draft EIR reflecting comments received. The Public Review Draft EIR is anticipated for release in mid-July.

**ATTACHMENT**

April 5, 2023 Housing Element Update staff report



# TOWN OF FAIRFAX

## STAFF REPORT

### April 5, 2023

**TO:** Mayor and Town Council

**FROM:** Heather Abrams, Town Manager

**SUBJECT:** Housing Element Update and Release of Public Review Draft Sixth Cycle Housing Element

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#### **RECOMMENDATION**

Staff recommends that the Council receive the following Housing Element Update.

#### **BACKGROUND**

As the drafting phase of the 6<sup>th</sup> Cycle Housing Element Update draws to a close, staff wanted to provide an update on the status of the project.

- a) The Town commenced work on its 6th Cycle Housing Element Update in April 2021.
- b) On-line public engagement activities included launching the FairfaxSpeaks.com website, which displayed information and used the Balancing Act software to allow residents to select their own inventory sites and participate in identifying the full Regional Housing Needs Allocation (RHNA) allocation. Later the Town transitioned the information to the main Town website to make sure it was updated and easy to find.
- c) In-person and hybrid public engagement has included numerous public meetings and special events. Town staff and consultants tabled at the free speech area of a local grocery store and at the Fairfax Farmer's Market. Local employee and resident groups were engaged. Fairfax has a highly engaged public, who regularly attend and comment at Town Council Meetings, the dates of which are listed in a separate section below.
- d) Although the Town commenced work on its 6th Cycle Housing Element Update in 2021, the project did not progress as anticipated and a decision was made to change consultants in October 2022.
- e) With a new consultant under contract and an audit of progress completed, the Town met with California Department of Housing and Community Development (HCD) staff in December 2022 to provide a status update and seek guidance on an approach for demonstrating the suitability of sites to accommodate lower income housing. At that time Town staff informed HCD that it would not be possible to meet the January 31, 2023 deadline.
- f) Fairfax does not have any sites that meet the established suitability criteria for lower income RHAA sites, given the prevalence of environmental hazard risk areas and existing parcel sizes. Therefore, during the December 2022 consultation meeting, HCD staff

ATTACHMENT

advised the Town to do additional outreach to property owners and analysis of constraints would be needed to demonstrate the viability of sites for development with housing to meet the needs of lower income households. Accordingly, in January and February 2023, the Town conducted a series of property owner forums and meetings to gauge property owner interest and to better understand constraints to housing development. Additionally, staff and the consultant have conducted additional analysis of production trends and market conditions to support the inventory capacity projections.

- g) On March 31, 2023, the Town released a Public Review Draft Sixth Cycle Housing Element for the legally-required 30-day local review period (please see <https://www.townoffairfax.org/housing-element/>). A Revised Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Fairfax General Plan Housing Element Update will be released on April 3, 2023. A Special Council Meeting is scheduled for April 19, 2023 to provide a Scoping Meeting with the NOP and elicit additional public comments, at approximately the mid-point in the Public Review Draft period, thus giving readers time to digest the content. Council is not expected to provide comments on the draft until the special meeting.
- h) Following the close of the comment period and review before the Town Council, the Draft Housing Element will be updated to incorporate community feedback as directed by Fairfax decision-makers and submitted to HCD for the legally-required 90-day review period. Submittal to HCD is anticipated by mid-May 2023.
- i) Accordingly, HCD review would continue through mid-August 2023, and thereafter, the Town will work as expeditiously as possible to address comments from HCD and achieve certification. In prior consultation, HCD staff has expressed willingness to continue to meet with the Town and its consultant and offer assistance in addressing all statutory requirements of State Housing Element Law.

#### Public Meetings to Date

The following public meetings have been held on the 6<sup>th</sup> Cycle Housing Element (documents and videos, when available, can be found on the Town's website: <https://www.townoffairfax.org/agendas-town-council/>):

- 4/5/23 Planned Update
- 2/1/23 Update
- 1/10/23 Update
- 11/16/22 Presentation
- 10/13/22 Proposal
- (9/10/22 Low Income/Renter/Workforce focused workshop in the Pavilion, not a Council Meeting)
- (9/7/22 Council Grand Jury Reply, discussing Housing Element)
- 8/9/22 Update Presentation

- 6/15/22 Presentation
- 4/6/22 Staff Report
- 1/19/22 Sites Inventory
- 9/22/21 Joint Meeting with Town Council and Planning Commission
- 4/21/21 Joint Meeting with Town Council and Planning Commission
- 4/7/21 Legal Update on Housing Element Requirements
- 3/17/21 Staff Report
- 3/07/21 Staff Report

Additional Factors in Fairfax

- The previous Town Manager took other employment in summer 2021, an Interim Town Manager served for nine months, the on-going Town Manager was recruited from another agency.
- The Planning Director left, an Interim Planning Director served for seven months, a third recruitment for Planning Director is anticipated soon. An additional contract Planner was brought onboard to help complete the process.
- Select supplemental programs of the Housing Element were brought for consideration/ adoption ahead of the full Housing Element, and robust community engagement continues to require significant effort.

**DISCUSSION**

Fairfax remains committed to adopting a 6th Cycle Housing Element that complies with State law and allows for housing to be built for residents and the workforce. Fairfax seeks to accomplish this in the Fairfax way, by maintaining its unique sense of place. Making the additional housing fit with the small-town aesthetic, environmentally conscious methods, and highly engaged resident culture is important to all involved.

**FISCAL IMPACT**

None at this time.