



FAIRFAX TOWN COUNCIL MEETING STAFF REPORT

MEETING DATE:	August 2, 2023
PREPARED FOR:	Mayor and Town Council
PREPARED BY:	Heather Abrams, Town Manager
SUBJECT:	Receive Status Report on the Sixth Cycle Housing Element Update

RECOMMENDATION

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

BACKGROUND

The Housing Element Update is a significant project spanning multiple years. The Town began work on the 6th Cycle Housing Element in 2021. The previous Council actions shown below are provided for additional information on this project. Council, staff, consultants, and the community have been hard at work on this project for some time. The Discussion section of this report provides the current update.

Context

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. This 6th cycle Housing Element Update is a significantly more robust process than previous cycles due to increased state regulation, oversight, and potential penalties, and tightened timelines. In addition, the California Housing and Community Development Department's (HCD's) 6th Regional Housing Needs Allocation (RHNA) is significantly larger than in previous cycles. The 6th cycle runs from 2023 to 2031.

Previous Council Actions

On March 3, 2021, the Council was scheduled to discuss a consulting agreement for services to lead the Housing Element project, and this item was continued to the April 7, 2021 Council Meeting, and then rescheduled to the April 21, 2021 Council Meeting.

On April 21, 2021, the Town Council and Planning Commission held a joint study session to discuss the Housing Element and directed staff.

On September 22, 2021, the Town Council and Planning Commission held a second joint study session to discuss Housing Element topics.

On October 20, 2021, the Council received a presentation on Countywide efforts and an update on the Housing and Safety Elements.

On January 19, 2022, the Council discussed community engagement with the Housing Element project and potential sites.

On April 6, 2022, the Council discussed a potential list of sites for the Housing Element.

On June 15, 2022, the Council received a Housing Element Update.

On October 13, 2022, the Council approved a new agreement for Housing Element consulting services with Dyett & Bhatia.

On November 16, 2022, the Council received an oral update on the Housing Element from Interim Planning and Building Services Director David Woltering and Dyett & Bhatia.

On January 10, 2023, staff provided a detailed Housing Element Update, including next steps, and summaries of the capacity calculations and assumptions.

On February 1, 2023, staff provided a detailed Housing Element Update, including next steps and attaching a copy of the ABAG Builder's Remedy Overview.

Drafted Submission Documents

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.

On April 5, 2023, Staff provided a Housing Element Update 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. The 30-day public comment period for the Draft Housing Element concluded on April 30, 2023.

On May 3, 2023, the Council received a presentation from Dyett & Bhatia summarizing the comments received and addressing those comments. The Council directed Dyett & Bhatia and staff to incorporate the responses, and authorized staff to send the updated Draft Housing Element to HCD. A few working days were needed to incorporate the input from that meeting. The Draft Housing Element was sent to HCD on May 12, 2023, this began the legally required 90-day HCD review period.

Staff and Dyett & Bhatia have been reaching out to HCD to track the review process; a positive meeting of HCD, staff, and Dyett & Bhatia occurred in late June; Town staff invited HCD staff for a Fairfax tour, which is anticipated in August.

HCD review will continue through mid-August 2023, and thereafter, the Town will work as expeditiously as possible to address comments from HCD and achieve certification.

The scoping period for the revised NOP closed on May 2, 2023. Staff and the consultant are working on preparation of the Draft EIR, reflecting comments received.

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.

DISCUSSION

- Town staff and Dyett & Bhatia met with our HCD reviewer in June over zoom for an interim check in. The meeting was an opportunity for initial feedback from HCD staff and to clarify some questions they had about the content of the Draft Housing Element. Overall, feedback was positive and HCD staff offered some suggestions for further underpinning the site suitability analysis. Town Manager Abrams invited HCD staff for a tour of Fairfax so that they could see the sites and better understand the local context. The tour is tentatively scheduled for August.
- Work on the EIR is moving ahead. Noise measurements were conducted in May before school let out and before the Memorial Day weekend holiday to ensure the measurements accurately reflect typical daytime conditions. A staggered submittal of admin draft chapters is anticipated soon. There were some issues with traffic model validation that have delayed the VMT analysis, so chapters that do not rely on the technical modeling will be submitted first. Release of the Public Review Draft EIR is anticipated in late August.
- An annotated outline of zoning amendments was prepared and reviewed by Town staff. The outline identifies necessary amendments and a proposed approach.
- Work on the Safety Element is also progressing. A background memo on countywide wildfire prevention initiatives was prepared to identify existing initiatives and characterize measures and programs already in place to help establish the baseline. New policies for wildfire safety and prevention will only need to be incorporated into the Town of Fairfax Safety Element to the extent related issues and risks are not already addressed by other initiatives. Additionally, the Marin Wildfire Prevention Authority (MWPA) has finalized a new evacuation analysis model to assist with scenario modeling to inform strategies for the Safety Element. MWPA used Fairfax as a test case in validating the model for existing conditions.

FISCAL IMPACT

None at this time.