



# TOWN OF FAIRFAX

## STAFF REPORT

### March 18, 2015

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager *GT*  
Jim Moore, Director of Planning and Building Services

**SUBJECT:** Adopt Resolution 15-06 Directing the Director of Planning and Building Services to Submit the 2015 Update to the Housing Element of the Fairfax 2010-2030 General Plan (for the Cycle #5 RHNA 2015-2023 Planning Period) to the California Department of Housing and Community Development for Review

---

#### **RECOMMENDATION**

- 1) Conduct the public hearing; and
- 2) Adopt a resolution directing staff to submit the draft 2015 Housing Element update for the Cycle #5 RHNA 2015-2023 Planning Period to HCD for its required review.

#### **BACKGROUND**

On February 25, 2015, the Planning Commission (PC) at a joint meeting with the Town's Affordable Housing Committee (AHC) reviewed the draft 2015 Housing Element (HE) update. The updated HE covers the planning period from 2015-2023. Both the PC and AHC are recommending that Town Council submit the draft update to the State Department of Housing and Community Development (HCD) for its required review. It should be noted that this submittal is not the adoption of the 2015 HE by the Council. The adoption of the HE is scheduled to occur sometime in May after HCD has returned its comments on the draft to the Town.

At the joint meeting, the PC and AHC made detailed, multiple edits to the draft and the PC adopted Resolution #15-05 (attached as Exhibit A) recommending that the Town Council accept the 2015 Housing Element update as edited, and direct staff to submit the document to HCD for review. The edits primarily were to clarify policies and programs with the goal to eliminate any potential inconsistencies which could cause confusion or unintended misinterpretations.

As the Council may recall, back in January, staff reported that the Town's updated Housing Element must accommodate Regional Housing Needs Allocation (RHNA) for Cycles #4 & #5, which totaled 169 units. The recommended strategy was that the Town could meet its current and new RHNA requirement (169 total) by:

- a) Identifying previously zoned sites (21 units);
- b) Deducting the number of built units during Cycle #4 (8 units);
- c) Identifying previous Opportunity Sites (124 units);
- d) Counting sixteen (16) new second units.

In other words, the only change envisioned in the Housing Element update this time around compared to the last update is to add sixteen second units (new or “informal”) into our mix of Opportunity Sites.

At the joint PC and AHC meeting, staff was requested to review Table H-4 “Inventory of Sites with Potential for Residential Development” to ensure the number of units added up properly in each section. Staff has discovered that in the first section labeled “Vacant Sites” the “Proposed Capacity” number of units added up to twenty (20) residential units rather than the twenty-one (21) previously assumed.

To address this mathematical inconsistency, staff has added one (1) additional second unit to the sixteen (16) already being recommended. PMC, the Town’s HE consultant, believes this will not be an issue for HCD. The attached table (Exhibit B) shows this one material change from what was previously presented to the Town Council on January 14, 2015.

Once HCD has completed its statutory (60 day maximum) review, it will notify the Town of its findings as to whether the document satisfies all of the state’s requirements or whether modifications are necessary. The ‘final’ draft of the document will thus come together after HCD’s review is complete.

Final adoption is anticipated later this spring prior to the May 31, 2015 deadline for Town adoption of the 2015 Housing Element update in order for the Town to be on an eight (8) year cycle/period for the next required update (i.e., the Town will not have to revisit the Housing Element until eight (8) years from now rather than four (4) years from now – avoiding extensive staff time and consultant costs).

***Next Steps:***

April 16, 2015            Planning Commission (regular meeting date) hearing to consider HCD’s comments on the draft 2015 Housing Element update, and if appropriate, recommend via resolution that the Town Council Adopt the 2015 Housing Element update. (Please note: The PC may need to hold a special meeting in late April or early May depending on when HCD’s comments are received.)

May 6, 2015            Town Council (regular meeting date) to consider final adoption of the 2015 Housing Element update. (Please note: The Council may need to hold a special meeting in mid to late May depending on when the PC is able to review HCD’s comments.)

**FISCAL IMPACT**

Cost was included in the FY 2014-15 budget

**ATTACHMENTS**

- Exhibit A – Planning Commission Resolution No. 15-05 (recommending submittal)
- Exhibit B – Table showing how the Cycle #5 RHNA will be met
- Exhibit C – Town Council Resolution 15-06 (directing staff to submit the 20165 HE update)
- Exhibit D – 2015 Housing Element Update

**RESOLUTION NO. 15-05**

**A RESOLUTION OF THE TOWN OF FAIRFAX PLANNING COMMISSION RECOMMENDING THAT THE TOWN COUNCIL SUBMIT THE 2015 UPDATE TO THE HOUSING ELEMENT OF THE FAIRFAX 2010-2030 GENERAL PLAN TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR REVIEW**

**WHEREAS**, on April 4, 2012, the Town Council of the Town of Fairfax duly adopted the 2010-2030 Fairfax General Plan, including the 2007-2014 Housing Element; and

**WHEREAS**, on October 22, 2013, the Town Council made certain revisions and additions to the 2010 Housing Element; and

**WHEREAS**, on September 17th, 2014 the Town Council made certain additional revisions and additions to the amended Housing Element; and

**WHEREAS**, subsequently, the Town of Fairfax hosted numerous public meetings, workshops, and forums at which members of the public provided input on the development of the 2015 Housing Element update; and

**WHEREAS**, these public meetings included a public forum held in July 2014, at which an overview of the housing element was presented, as well as September 2014 forum, at which three Opportunity Sites (Christ Lutheran Church, the School Street Plaza, and 10 Olema) were presented to the public and decision-makers in a study-session; and

**WHEREAS**, in November 2014, the Planning Commission and Affordable Housing Committee held a joint public meeting in order to hear a report from staff on the events since the adoption of the 2007–2014 Housing Element and the proposed approach and requirements for the 2015 Housing Element update, as well as to solicit public comment; and

**WHEREAS**, on January 22, 2015, two community Workshops; noticed as a joint public meeting of the Town Council, Planning Commission, General Plan Implementation Committee, and Affordable Housing Committee; on the housing element update were held in order to allow for more inclusion of the public. Identical presentations on the housing element were presented at each of the Workshop sessions (5:00pm and 7:00pm) to accommodate the schedules of attendees; and

**WHEREAS**, on February 25, 2015, the Planning Commission held a further joint public hearing with the Town's Affordable Housing Committee on the 2015 update of the Housing Element; and

**WHEREAS**, at the February 25, 2015 meeting the Planning Commission reviewed the proposed 2015 Housing Element Update, heard a presentation from staff, and conducted a public hearing to hear from members of the public; and

**WHEREAS**, California Government Code Section 65585 requires, at least 60 days prior to the adoption of an amended housing element, the town or city to submit a draft of said amendment to the California Department of Housing and Community Development ("HCD") for review for substantial compliance with the housing element law.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Fairfax as follows:

**SECTION 1.** The Planning Commission has reviewed the draft 2015 Housing Element and hereby recommends that the Town Council review the document and submit said document to the California Department of Housing and Community Development for its statutory review.

The forgoing Resolution was duly passed and adopted at a special joint meeting of the Planning Commission and Affordable Housing Committee of the Town of Fairfax held in said Town on the 25<sup>th</sup> day of February 2015 by the following vote, to wit:

AYES:

NOES:

ABSENT:

---

Phil Green, Chair

Attest:

---

Jim Moore, Planning Director

## 2015 HOUSING ELEMENT UPDATE

### STRATEGY FOR MEETING RHNA CYCLES #4 & 5

Description	Number of Units
<b>Total RHNA Cycles 4 &amp; 5</b>	<b>169</b>
Previously Zoned (allowed by right)	< <del>21</del> 20>
Permitted Est. (2006 – 2014)	<8>
<b>Subtotal RHNA Units</b>	<b>140</b>
Proposed Second Units (informal)	< <del>16</del> 17>
<b>Subtotal RHNA Units</b>	<b>124</b>
Previous Opportunity Sites	<124>
<b>Total Unmet RHNA Need</b>	<b>0</b>

This table shows how the Town intends to meet its new RHNA requirement for Cycles #5 which includes Cycle #4 (e.g., 169 total) by using:

- a) Previously zoned sites (20 units potential);
- b) Deduction of the number of built units from 2006 – 2014 (8 built units);
- c) Previous Opportunity Sites (124 unit potential) and
- d) Seventeen (17) second units.

In other words, the only change envisioned in the Housing Element update this time around compared to the last update is to add seventeen second units (new or “informal”) into our mix of Opportunity Sites.

## RESOLUTION 15-06

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DIRECTING THE DIRECTOR OF PLANNING AND BUILDING SERVICES TO SUBMIT THE 2015 UPDATE TO THE HOUSING ELEMENT OF THE FAIRFAX 2010-2030 GENERAL PLAN TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR REVIEW

**WHEREAS**, on April 4, 2012, the Town Council of the Town of Fairfax duly adopted the 2010-2030 Fairfax General Plan, including the 2010 Housing Element (Cycle 4 of the Regional Housing Needs Allocation); and

**WHEREAS**, on October 22, 2013, the Town Council made certain revisions and additions to the 2010 Housing Element; and

**WHEREAS**, on August 5, 2014 the Town Council made certain additional revisions and additions to the (2013) amended 2010 Housing Element; and

**WHEREAS**, subsequently, the Town of Fairfax hosted numerous public meetings, workshops, and forums at which members of the public were invited to give input on the development of the 2015 Housing Element update; and

**WHEREAS**, these public meetings included (1) a public forum held in July 2014, at which an overview of the housing element and one Opportunity Site (the Christ Lutheran Church) was presented; and (2) a public forum held in September 2014, at which two Opportunity Sites (the School Street Plaza and 10 Olema) were presented to the public and decision-makers in a study-session; and

**WHEREAS**, in November 2014, the Planning Commission and Affordable Housing Committee held a joint public meeting in order to hear a report from staff on the events since the adoption of the 2010 Housing Element and the proposed approach and requirements for the 2015 Housing Element update, as well as to solicit public comment; and

**WHEREAS**, in January 2015, a joint public meeting of the Town Council, Planning Commission, General Plan Implementation Committee, and Affordable Housing Committee on the housing element update was held in two sessions with identical presentations in order to allow for more inclusion of the public; and

**WHEREAS**, on February 25, 2015, the Planning Commission held a further joint public hearing with the Town's Affordable Housing Committee on the 2015 update of the Housing Element, during which meeting the two bodies reviewed the proposed 2015 Housing Element Update, heard a presentation from staff, and had the opportunity hear from members of the public; and

**WHEREAS**, on February 25, 2015, the Planning Commission, by adoption of Resolution 15-05, recommended that the Town Council submit the proposed 2015 Housing Element Update to the California Department of Housing and Community Development per California Government Code Section 65585, which provides that at least 60 days prior to the adoption of an amended housing element, the town or city to submit a draft of said amendment to the California Department

of Housing and Community Development (“HCD”) for review for substantial compliance with the housing element law; and

**WHEREAS**, on March 18, 2015, the Town Council met in a duly-noticed special meeting to review the proposed 2015 Housing Element Update, hear a presentation from staff, and take public testimony;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Fairfax as follows:

**SECTION 1.** The Town Council has reviewed the draft 2015 Housing Element and has considered the comments and testimony of the public. Having done so, the Town Council now hereby directs the Director of Planning and Building Services to submit said document to the California Department of Housing and Community Development for its statutory review pursuant to California Government Code Section 65585.

The forgoing Resolution was duly passed and adopted at a special meeting of the Town Council of the Town of Fairfax held in said Town on the 18<sup>th</sup> day of March 2015 by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Barbara Coler, Mayor

Attest:

---

Michele Gardner, Town Clerk