



# TOWN OF FAIRFAX

## STAFF REPORT

May 27, 2015

**TO:** Mayor and Town Council

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

**SUBJECT:** Adoption of Resolution 15-13 Approving the Addendum to the Mitigated Negative Declaration Prepared for the 2015 Update to the Housing Element of the Fairfax 2010-2030 General Plan and Adopting the 2015 Update to the Housing Element of the Fairfax 2010-2030 General Plan

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### **RECOMMENDATION**

- 1) Conduct the public hearing
- 2) Adopt Resolution 15-13 of the Town Council of the Town of Fairfax Approving the Addendum to the Mitigated Negative Declaration Prepared for the 2015 Update to the Housing Element of the Fairfax 2010-2030 General Plan and Adopting the 2015 Update to the Housing Element of the Fairfax 2010-2030 General Plan.

### **BACKGROUND**

At the *January 14, 2015* Town Council meeting, staff presented a detailed description of the public participatory process that occurred during the latter part of last year (2014), conducted toward updating the Housing Element to address the Cycle #5 RHNA for the 2015 – 2023 planning period (please see the archived staff report to Town Council, dated January 14, 2015 on the Town's website at [townoffairfax.org](http://townoffairfax.org) for further details).

Also at the *January 14, 2015* meeting, the Council directed staff to hold a publically noticed Housing Element Update pre-draft "Workshop" on *January 22, 2015*. The Workshop was noticed as a joint meeting of the Town Council, Planning Commission, General Plan Implementation Committee and Affordable Housing Committee: Two identical sessions were offered to accommodate the public's schedule – one from 5:00 pm to 6:45 pm, and the second one from 7:00 pm until 8:45 pm.

On *February 25, 2015* the Planning Commission (PC) at a joint meeting with the Town's Affordable Housing Committee (AHC) reviewed and made further edits to the draft 2015 Housing Element update and then adopted Resolution #15-05 recommending that the Town Council direct staff to submit the 2015 Housing Element update as edited to HCD for review.

On *March 18, 2015*, the Town Council adopted Resolution 15-06 directing the Director of Planning & Building Services to submit the 2015 update to the Housing Element of the Fairfax 2010 – 2030 General Plan for the Cycle #5 Regional Housing Needs Allocation for the 2015 – 2023 planning period to the California Department of Housing and Community Development (HCD) for review.

In summary, the draft 2015 Housing Element update sent to HCD for review sought to address the new RHNA requirements by:

- (1) The “rolling-over” of existing Opportunity Sites within the existing Housing Element, and
- (2) The addition of 17 second units (new or informal) into the unit count.

The draft 2015 Housing Element update was sent to HCD for review on *March 24, 2015*; and after a telephone conference call on *April 23, 2015* between Town staff, Town consultants and HCD staff – minor additional revisions were sent to HCD on *April 24, 2015* (see *Exhibit C*). The minor revisions involved:

- (1) Adding narrative language as to the Town’s “Outreach to Lower Income and Special Needs Households”;
- (2) Adding qualifying language to Programs H-2.1.1.1, H-2.1.1.2 and H-4.1.1.6 as to the Town putting specific development standards in place for the proposed 3.24 acres of two new Planned Development District (PDD) zoned sites (e.g., two acres of the Lutheran Church site at 2626 Sir Francis Drake Boulevard and 10 Olema); and
- (3) In Program H-2.1.1.1 waiving the rezoning fees for the Lutheran Church site if an application is submitted prior to the Town initiating the rezoning to PDD as called for in the updated Housing Element.

On *May 4, 2015* staff received the formal HCD review letter (*Exhibit D*) articulating that the draft 2015 Housing Element, along with the additional minor revisions, will meet the statutory requirements of State housing element law (Article 10.6 of the Government Code) once the Town has amended its zoning ordinance to permit year-round emergency shelters without discretionary action pursuant to GC Section 65583(a)(4)(A) as amended by Senate Bill 2 (Chapter 633, Statutes of 2007). The Town Council approved an ordinance meeting these requirements on May 6, 2015.

HCD’s *May 4, 2015* letter also noted that the 2015 Housing Element update now identifies adequate sites to accommodate the Town’s regional housing need for lower-income households. The letter specifically cites Programs H-2.1.1.1 and H-2.1.1.2 which commit to “rezone at least 3.24 acres to PDD with specific development standards by January 31, 2016 allowing for multifamily uses by-right with minimum densities of 20 units per acre to address the identified shortfall of 62 units,” as meeting the requirements. HCD also states: “Please be aware, for the element to continue to demonstrate adequate sites after January 31, 2016, the Town must complete program actions.”

Further, the HCD letter articulates that to remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the Town must adopt its housing element within 120 calendar days from the statutory due date of January 31, 2015 for ABAG localities (i.e., by May 31, 2015).

On *May 11, 2015*, at a special meeting of the Planning Commission, the Commission held a duly noticed public hearing to consider the proposed 2015 update to the Housing Element of the Fairfax General Plan for the Cycle #5 RHNA (2015 -2013 Planning Period) and the Addendum to the CEQA Mitigated Negative Declaration (MND) and adopted Resolution #15-14 (*Exhibit E*) recommending that the Town Council adopt the 2015 Housing Element update and approve Addendum to the CEQA MND.

## **CEQA REVIEW**

An Addendum to the original 2012 Initial Study / Mitigated Negative Declaration (IS/MND) completed for the Fairfax 2010 – 2030 General Plan & Housing Element has been prepared to analyze the environmental impacts of the Housing Element update (attached to *Exhibit A*). This Addendum incorporates the mitigation measures included in the 2012 IS/MND. With this Addendum, the Proposed Project would still be within the framework of the evaluation for the Original Project as documented in the 2012 IS/MND.

Please note: Among other things, this Addendum reviews the effects of adding 17 informal second units in various locations throughout the Town and the development of up to 6,000 square feet of new specialty retail space on the site of the existing Fairfax Market in the area designated as Westside Commercial (Opportunity Site #3) in the Housing Element – under the second story residential units previously modeled for this area the commercial space was inadvertently excluded from the analysis.

## **FISCAL IMPACT**

The adoption of the HE would allow the Town to be eligible for the eight (8) year planning period, thus, avoiding the need to update the Housing Element in four (4) year which will result in significant savings to the Town.

## **ATTACHMENTS**

- Exhibit A – Town Council Resolution No. 15-13
- Exhibit B – Updated 2015 Housing Element
- Exhibit C – Final Revisions Letter to HCD dated April 24, 2015
- Exhibit D – HCD Review Letter
- Exhibit E – Planning Commission Resolution No. 15-14