



# TOWN OF FAIRFAX

## STAFF REPORT

June 1, 2016

**TO:** Mayor and Council

**FROM:** Garrett Toy, Town Manager GT

**SUBJECT:** Approve letter in opposition to Governor Brown's By-Right Housing Proposal

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### **RECOMMENDATION**

Authorize the Mayor to send letters to the appropriate legislators.

### **DISCUSSION**

Note: Mayor Goddard and Councilmember Coler requested this item be added to the agenda.

Two weeks ago, the Governor issued a proposed bill that would require the by-right approval of certain affordable multi-family housing projects. The proposal would substantially encroach on local land use authority by requiring the approval of specified multi-family housing projects without any further CEQA review or public input. As background, attached is the League of California Cities' summary of the Governor's proposed bill.

While there is no guarantee that this Bill will be enacted or that, even if enacted, it will not be substantially revised before it passes, staff and the Town Attorney will be monitoring its progress closely. Staff will report back to the Council at its July meeting with a status update.

### **FISCAL IMPACT**

None at this time.

### **ATTACHMENTS**

Draft letter

AGENDA ITEM # 10

DRAFT

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June 2, 2016

Honorable Assembly Member Adrin Nazarian  
Chair, Assembly Budget Subcommittee #4  
State Capitol, Room 6026  
Sacramento, CA 95814  
Fax: 916-319-2199

Honorable Senator Richard Roth  
Chair, Senate Budget Subcommittee #4  
State Capitol, Room 5019  
Sacramento, CA 95814  
Fax: 916-323-8386

RE: **Governor's By-Right Housing Proposal  
Notice of Opposition**

Dear Honorable Chairs Nazarian and Roth:

The Town of Fairfax opposes the recently released proposal by the Governor to pre-empt local discretionary land use approvals of specified housing developments by having all such approvals be considered "ministerial" actions, meaning eliminating opportunities for public review, project-level environmental review and restricting design review.

We believe that such fundamental policy changes should not be rushed through as a budget proposal, but merit extensive review by the appropriate policy committees in a deliberative fashion.

Eliminating opportunities for public review of these major development projects goes against the principles of local democracy and public engagement. While it may be frustrating for some developers to hear concerns about traffic, parking and other development impacts, those affected by such projects have a right to be heard. Not having such outlets will increase public distrust in government.

Avoiding or restricting design review is also short-sighted. Community acceptance can be improved through good design that enables a new structure to match community character.

In fact, matching community character is exactly how we were able to successfully craft and adopt our new updated 2015 Housing Element: which includes "by-right" housing on two specific opportunity sites for senior and workforce housing – and second floor "efficiency" residential units throughout our Town Center area. Likewise, during that process the Town Council assured the public that while these units are allowed "by-right" – they would still need to go through a thorough design review process and additional environmental assessment if appropriate. However, those assurances would be undermined by this measure. The Council spent the past two years building trust in the community to support the 2015 update to the Housing Element. This proposed Bill would erode that trust in a stroke of a pen.

One of the beautiful things about a thorough public participatory process, which is paramount in a community like Fairfax, is that the policy makers, consultants, and staff learn first-hand knowledge from

**ATTACHMENT** 1

Page 2  
June 2, 2016

the public about things that they “didn’t know that they didn’t know”. Something that in this case, should benefit the State as well!

Finally, this proposal is surprising coming from our Governor via a budget trailer bill without a thorough opportunity for public input. If successful, it would take our state backwards on affordable housing, especially after stripping local governments and the state of the few resources available to build these units, and then now seeking to avoid a discussion of how to replace these lost funds by undermining public input and environmental review.

Therefore, on behalf of the residents that we represent - who deserve a voice in the future shape of their communities, the Town of Fairfax respectfully states our opposition to this measure. As Cicero said: “Freedom is participation in power”!

Sincerely,

RENEE GODDARD  
Mayor  
Town of Fairfax

cc: Honorable Senator Mike McGuire  
Honorable Assembly Member Marc Levine  
Nancy Hall Bennett, League of California Cities, nbennett@cacities.org  
Dan Carrigg, League of California Cities, CarriggD@cacities.org