

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



August 11, 2015

Mr. Garrett Toy, Town Manager
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Dear Mr. Toy:

RE: Town of Fairfax's 5th Cycle (2015-2023) Adopted Housing Element

Thank you for submitting the Town of Fairfax's housing element adopted May 6, 2015 which was received for review on June 1, 2015. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review.

The adopted element conditionally meets the statutory requirements of State housing element law (GC, Article 10) and addresses the statutory requirements described in the Department's May 4, 2015 review. The finding of compliance is conditioned on the Town zoning adequate sites to address the unaccommodated housing need from the prior planning period.

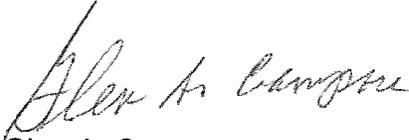
For the element to remain in compliance after January 31, 2016, the Town must complete actions specified in Programs H-2.1.1.1 and H-2.1.1.2. These actions commit to rezone at least 3.24 acres to PDD with specific development standards allowing for multifamily uses by-right with minimum densities of 20 units per acre to address the identified shortfall of 62 units. Pursuant to GC Section 65584.09, a jurisdiction that failed to identify or make available adequate sites to accommodate all of the previous cycle's housing need must zone or rezone adequate sites to accommodate all of the previous cycle's unmet housing need within the first year of the next housing element cycle.

The Department also reviewed the Town's adopted Ordinance 788 to allow emergency shelters in the public domain zone without discretionary action. Some provisions referenced in Ordinance No. 788, such as the requirement for management plan approval by the Planning Director, do not appear consistent with development standards specified in GC 65583(a)(4)(A) and warrant analysis as potential constraints. The Town of Fairfax should amend its zoning ordinance to ensure standards are consistent with SB 2, particularly to ensure management plan standards are objective and that approval is not discretionary.

Please note, the Town of Fairfax now meets specific requirements for State and Regional funding programs designed to reward local governments for compliance with State housing element law. For example, the Department's Housing Related Parks Program includes housing element compliance as a threshold requirement. Please see the Department's website for specific information about this and other State funding programs at http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hcompl011708.pdf.

The Department wishes the Town of Fairfax success in implementing its housing element and looks forward to following its progress on the results of its zoning actions and other programs through the General Plan annual progress reports pursuant to GC Section 65400. If the Department can provide additional assistance in implementing the housing element, please contact Melinda Coy, of our staff, at (916) 263-7425.

Sincerely,

A handwritten signature in cursive script that reads "Glen A. Campora".

Glen A. Campora
Assistant Deputy Director