

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

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April 8, 2024

Heather Abrams, Town Manager
Town of Fairfax
142 Bolinas Road
Fairfax, CA 9930

Dear Heather Abrams:

RE: Town of Fairfax's 6th Cycle (2023-2031) Adopted Housing Element

Thank you for submitting the Town of Fairfax (Town) housing element adopted December 13, 2023 and received for review on March 14, 2024, along with revisions received on March 25, 2024. Revisions were authorized pursuant to Resolution 23-60. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by conversations with you, Jeff Beiswenger, Planning and Building Services Director, and your consultant, Andrew Hill. In addition, HCD considered comments from California Housing Defense Fund pursuant to Government Code section 65585, subdivision (c)

HCD is pleased to find the adopted housing element in substantial compliance with State Housing Element Law (Gov. Code, § 65580 et seq) as of April 8, 2024. The adopted element addresses the statutory requirements described in HCD's February 16, 2024 review. This finding was based, in part, upon the adoption of Ordinance 887 the Workforce Housing Overlay to implement Program 2-A to rezone to address a shortfall of sites to accommodate the regional housing needs allocation (RHNA) pursuant to Government Code section 65583, subdivision (c), paragraph (1), subparagraph (A). HCD also acknowledges the successful completion of many zoning code amendments including the development of objective design standards, standards for low impact clustered residential development, updates to density bonus provisions, changes to processing and permit procedures, provide zoning for residential care facilities, transitional and supportive housing, and low-barrier navigation centers, a reasonable accommodation procedure, and an Inclusionary housing program and commercial linkage fee.

Additionally, the Town must continue timely and effective implementation of all programs including but not limited to the following:

- *Program 1-B (School Street Plaza)*: This program commits to working with the developer to approve and construct the 175 new housing units on the Cool Street Plaza site by 2028.
- *Program 1-C (Housing on Town-Owned Sites)*: This program comets to release RFPs by the second quarter of 2024 for the development of housing on the tow town-owned sites identified in the inventory.
- *Program 1-I (Pre-Approved Accessory Dwelling Unit (ADU) Floor Plans)*: This program commits to the development of pre-approved floor plans to expedite ADU construction by Quarter three of 2024.
- *Program 2-K (Revise Definition of Family)*: This program commits to revise the zoning code to proceed a barrier-free definition of family by Quarter Three 2024.
- *Housing Goal #4*: This Goal includes a number of programs to Affirmatively Further Fair Housing throughout the planning period.
- *Program 5-B (Annual Review)*: Among other actions, this program commits to annual evaluate the Workforce Housing Overlay standards to ensure they facilitate residential development at the densities assumed in the housing element.

The Town must monitor and report on the results of this and other programs through the annual progress report, required pursuant to Gov. Code section 65400. Please be aware, Government Code section 65585(i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the Town meets housing element requirements for these and other funding sources.

HCD appreciates the cooperation of you, your staff, and consultants provided throughout the course of the housing element review. HCD wishes the Town success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact me at Melinda.Coy@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda Coy", with a long horizontal stroke extending to the right.

Melinda Coy
Proactive Housing Accountability Chief