Outlook

Comment for 11/5 Closed Session Agenda- Writ Petition re School Street Project

From astrauss@greenfirelaw.com <astrauss@greenfirelaw.com>

Date Wed 11/5/2025 2:49 PM

To Fairfax Town Council <fairfaxtowncouncil@townoffairfaxca.gov>; Barbara Coler <bcoler@townoffairfaxca.gov>; Frank Egger <fegger@townoffairfaxca.gov>; Lisel Blash <lblash@townoffairfaxca.gov>; Michael Ghiringhelli <mghiringhelli@townoffairfaxca.gov>; Stephanie Hellman <shellman@townoffairfaxca.gov>

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1 attachment (664 KB)

Petition for Writ- Tremaine- File Stamped.pdf;

Dear Mayor, Vice Mayor and Members of the Town Council:

Attached, for your information, please find the Petition for Writ of Mandate that we filed yesterday with the Court of Appeal on behalf of our client, Lewis Tremaine, seeking to compel the Town to notify the School Street project applicant that the project is (a) not in compliance with the Floodplains Ordinance and (b) ineligible for ministerial processing on account of requiring a floodplain variance with the result that the project should not be at risk of being deemed approved as asserted by the applicant on October 20th.

We appreciate the Director notifying the applicant on October 16th that the project is deficient in numerous respects. However, we are concerned that, if additional notification is not issued expeditiously, the Town's ability to ensure compliance and avoid deemed-approval will be impaired. We request that you discuss this filing with your attorney today either as an exigent matter or as pertains to an item that may already be on the closed session agenda.

Respectfully,

Ariel Strauss

510-900-9502 x 702

Greenfire Law, P.C.

2748 Adeline Street, Suite A

Berkeley, CA 94703

Case No. _____

EMERGENCY RELIEF REQUESTED
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT, DIVISION_____

LEWIS TREMAINE,

Petitioner,

v.

SUPERIOR COURT OF MARIN COUNTY,

Respondent

TOWN OF FAIRFAX; TOWN COUNCIL OF THE TOWN OF FAIRFAX; JEFF BEISWENGER, in his official capacity as the Director of Planning and Building Services of the Town of Fairfax; CHRISTINE FOSTER, in her official capacity as Deputy Clerk of the Town of Fairfax; SCHOOL STREET LLC; MILL CREEK RESIDENTIAL TRUST; STACKHOUSE DE LA PENA TRACHTENBERG ARCHITECTS, INC.; and FERAZ EZAZI,

Respondents/Real Parties in Interest

PETITION FOR WRIT OF MANDATE AND/OR OTHER APPROPRIATE RELIEF; MEMORANDUM OF POINTS AND AUTHORITIES

Appeal from the Superior Court for the County of Marin
Honorable Judge Sheila Lichtblau
Case No. CV0006443

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CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Pursuant to California Rule of Court 8.208, there are no interested entities or persons to list in this certificate.

INTRODUCTION

Petitioner Lewis Tremaine filed for an *Application for Preliminary Mandatory Injunction* ("Injunction") from Respondent, the Honorable Sheila Shah Lichtblau of Civil Department H of the Marin County Superior Court (courtroom telephone number: 415-444-7218), to compel the Town of Fairfax ("Town") to enforce its Floodplains Ordinance and prevent approval of Mill Creek Residential Trust's ("Applicant") application to build a six-story, 243-unit mixed-use School Street project complex ("Project") in a Special Flood Hazard Zone ("SFHZ") in violation of the Town's ordinance implementing National Flood Insurance Program ("NFIP") regulations. Under the Housing Accountability Act ("HAA"),[1] the Project "shall be deemed consistent, compliant, and in conformity" with any "applicable plan, program, policy, ordinance, standard, requirement, or other similar provision[,]" in the event that the Town does not issue written notice of inconsistency by November 17, 2025. To avoid the Project being erroneously, deemed consistent with the Floodplains Ordinance, on October 28, 2025, petitioner filed for an Injunction and an *Ex Parte Application for Order Shortening Time to Hear Petitioner's Application for Preliminary Mandatory Injunction* pursuant to Code of Civil Procedures section 1005 and Rules of Court, rule 3.1300(b) and rule 31202(c) ("Ex Parte Application") so that a judicial determination could be made compelling the Town to act in advance of the HAA deadline.

On October 30, 2025, at the conclusion of the ex parte hearing, the Court issued an oral ruling from the bench denying petitioner's Ex Parte Application. The Court's sole

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[1] Petitioner's filings with the Superior Court refer to SB 330, which amended the Permit Streamlining Act to impose expedited application permit review procedures. However, the pertinent portion of Government Code, section 65589.5, subdiv. (j), discussed in the pleadings is part of the HAA. As a result, without any change to the substance, this petition refers to the HAA rather than SB 330.

stated basis for denial is the conclusion that deemed-consistency under the HAA does not limit the Court's authority to subsequently determine the Project in violation of the Floodplains Ordinance and grant petitioner relief. However, this interpretation contradicts a plain meaning of the language of the HAA. Refusal of the Town to take action by November 17th will divest the Court of grounds to review the correctness of the Town's action and will result in irreparable harm to petitioner and the public.

Pursuant to California Rules of Court, rule 8.486, petitioner requests that the Court of Appeal issue an emergency writ of mandate directing Respondent to immediately set a schedule to rule on petitioner's Injunction in advance of November 17th. In the event that there is insufficient time for the Court of Appeal to issue a writ and for the Superior Court to consider this matter and grant effective relief, petitioner requests that this Court grant petitioner's requested injunction on an interim basis as petitioner is entitled to relief as a matter of law and equity to avoid imminent harm.

PETITION FOR WRIT OF MANDATE AND/OR OTHER APPROPRIATE RELIEF

Authenticity of Exhibits

All exhibits accompanying this petition, as currently submitted under separate cover, are true and accurate copies of original documents filed with respondent court, aside from the copy of the Order After Hearing from the Contra Costa Superior Court, attached to the Declaration of Ariel Strauss filed in support of this petition. The exhibits are incorporated herein by reference as though fully set forth in this petition. The exhibits of documents filed with the court are submitted in lieu of an appendix and are paginated consecutively, and page references in this petition are to the consecutive pagination.

Beneficial Interest of Petitioner; Capacities of Respondents and Real Parties in Interest

Petitioner Lewis Tremaine is the petitioner in the action now pending in Respondent court entitled *Lewis Tremaine v. Town of Fairfax, et al.*, County of Marin Superior Court Case No. CV0006443, filed June 4, 2025. Town of Fairfax by and through the Town Council for Town of Fairfax, legislative body of the city that is

processing the Application; Jeff Beiswenger, Director of Planning and Building Services of the Town of Fairfax ("Director") that is charged with carrying out the Town permitting process; Christine Foster, Town Clerk; School Street, LLC, an entity listed as the entity owning the Project site per the Application; Mill Creek Residential Trust, the Applicant entity; Stackhouse De La Pena Trachtenberg Architects, an entity listed as the entity owning the Project site per the Application; and Faraz Ezazi, an individual listed as the entity owning the Project site per the Application, are named here as real parties in interest. Because petitioner is a party in the above action from which this petition seeks relief, petitioner is beneficially interested in accordance with California Code of Civil Procedure section 1086.

Timeliness of Petition

On October 30, 2025, Respondent court, the Honorable Judge Lichtblau presiding, denied petitioner's Ex Parte Application for Order Shortening Time to Hear Petitioner's Motion for a Preliminary Mandatory Injunction. This Petition is timely because petitioner did not delay and filed it as quickly as possible after the October 30, 2025, hearing on the application. (See *People v. Superior Court* (1988) 200 Cal. App. 3d 491, 496 (explaining that when "there is no statutory time in which a petition must be filed, the approach of the Supreme Court to the timeliness of a petition has been one of laches" which requires "an unreasonable delay in filing the petition plus prejudice to real party").)

Statement of Relevant Facts

On May 8, 2025, the Applicant submitted the Application to construct the Project in place of an existing low-density shopping center containing live/work units. The Project site is in the Workforce Housing Overlay ("WHO") Zone and abutting Fairfax Creek, which is a regulatory floodway, with a 100-year flood zone (AE Zone) SFHZ extending beyond the creek. (Petitioner's Appendix submitted concurrently herewith ("Pet. App'x") at 80 (Sheet C3).) The Applicant's plans show that the Project would extend into the SFHZ along Fairfax Creek on the site and some of the finished floor heights are below the base flood elevation levels of 119.7 feet. (Id.) The Application as submitted and at all subsequent times lacks discussion of compliance with the Town's

Floodplain Ordinance. (Declaration of Ariel Strauss in Support of Petition for Writ of Mandate and/or Other Appropriate Relief, submitted concurrently herewith ("Strauss Decl."), ¶7.)

As part of the Town's General Plan Housing Element update, the Town established Program 2-A for affordable projects in the WHO Zone. (Pet. App'x at 95-97 (checklist for implementation).) The Applicant seeks to have the Application processed ministerially in a streamlined format without any public hearings prior to approval and without any CEQA review. (Strauss Decl., ¶8.)

Because the Town consistently failed, without explanation, to identify a requirement for the Project to comply with the Floodplains Ordinance, petitioner has raised the issue of noncompliance with the Ordinance and ineligibility for ministerial review at each step of the Application review process.

Petitioner objected to the deficiency of the initial application by administrative appeal on or about May 28, 2025, (Id., ¶9), application for verified petition for writ of mandate and a preliminary injunction on June 4th and 5th, 2025. (Id., ¶¶10, 12; see also Pet. App'x at 23-24 (Order Denying Petitioner's Ex Parte Application, June 9, 2025)), by administrative appeal of the Town's June 4, 2025, application incompleteness determination (Strauss Decl., ¶18), by administrative appeal of the Town's September 17, 2025, application completeness determination (Id., ¶21), followed by a supplemented and amended verified petition for writ of mandate (Id., ¶23), and by administrative appeal of the Town's October 16, 2025, project noncompliance determination (Id., ¶28), and by filing for a Preliminary Mandatory Injunction on October 28, 2025, the day after the Town rejected his last administrative appeal. (Id., ¶¶ 31, 33.)

Despite Town Code Section 17.036.020 allowing appeal to the Town Council by "[a]ny person aggrieved by the action of an administrative official, advisory body or the Planning Commission, in the administration or enforcement" of Title 17, which includes the Floodplains Ordinance (Id., ¶32), the Town Clerk has rejected each of the four appeals with the same statement: "At this time, **no appealable action** has been taken by the Planning and Building Services Director or any Town official concerning the School

Street Project." (Id.; see also Pet. App'x at 112-14 (copies of Town Clerk rejection letters (bold in original).)

Critically, the Town issued its application completeness determination letters without sufficient time to hold an administrative appeal hearing prior to the lapse of the Permit Streamlining Act deadline, even if the Clerk had accepted the filing of the appeals.

The Applicant argued to the court in its June 5, 2025, Opposition to Petitioner's Petition for Temporary Restraining Order (p.5), that compliance with the Floodplain Ordinance prohibition on construction below the flood elevation level in the SFHZ "issue will be addressed during the merits/consistency review." (Pet., App'x at 11; see also pp. 52 (discussion of same in Application for Preliminary Mandatory Injunction), 186 (discussion of same in Reply to Opposition to Ex Parte Application).) Consequently, petitioner did not seek emergency relief when the Town did not identify non-compliance with the Floodplain Ordinance in the application completeness determinations, notwithstanding petitioner' multiple requests that it do so.

In the September 17, 2025, deemed complete letter the Director notified the Applicant that he deemed the Application complete and eligible for ministerial processing under WHO Program 2-A. (Pet. App'x at 99.)

On October 8, 2025, Petitioner filed a case management statement for a case management conference to be held on October 23, 2025. (Strauss Decl., ¶ 24.) At that time, Petitioner was unaware of the need to file an *ex parte* application because a Project compliance determination had not been made.

In the October 16, 2025, deemed non-compliant letter identified above, the Director notified the Applicant that he deemed the Project not compliant with Town standards for 25 specified reasons, none of which included violation of the Floodplains Ordinance. (Pet. App'x at 100-10.)

On October 22, 2025, petitioner attempted to file an administrative appeal of the October 16th, letter for failure to address the Floodplains Ordinance and failure to repudiate the determination of eligibility for WHO Program 2-A ministerial program processing in the September 17th completeness letter. However, he was turned away

from the Town office and told to return the following day when the Clerk would be available. (Strauss Decl., ¶27.)

On October 23, 2025, petitioner submitted the administrative appeal of the October 16th letter. (Id., ¶28.) The same day, Respondent held a scheduled case management conference. Petitioner's counsel explained that due to deficiencies in the letter of October 16th and the HAA deadline of November 17th, it was likely that an expedited hearing on an injunction would be required. Counsel requested that the court set a hearing schedule. The Town and Applicant objected and Respondent informed Petitioner that he could file an *ex parte* application if needed. (Id., ¶29.)

At approximately 4:50 pm on October 27, 2025, the Town Clerk rejected filing of petitioner's administrative appeal of the October 16th letter, establishing that petitioner had exhausted administrative remedies. (Id., ¶31.) Late in the evening of October 28, 2025, petitioner timely filed the Application for Injunction and accompanying Ex Parte Application. (Id., ¶33.)

On October 29, 2025, the Town and Applicant each filed an opposition to the Application. Applicant argued that there is no good cause to shorten the time for hearing because the Project has already been deemed approved by operation of law and the Floodplains Ordinance applies post-zoning approval at the building permit stage. (Pet. App'x at 149-53.) The Town argued that Petitioner's request for relief is tardy, that the Town will not take further action before November 17th is speculative, and petitioner may not compel the Town to exercise its discretion in a particular way by supplementing its October 16th letter. (Id. at 143-47.) Petitioner also filed a reply that same day. Id. at 164-72.)

On October 30, 2025, Respondent held a hearing on the Ex Parte Application. The hearing was not transcribed. (Strauss Decl., ¶35.) Counsel for the Applicant and petitioner appeared in-person and counsel for the Town appeared remotely. (Id., ¶36.) Representatives for the other real parties did not make an appearance, as in the previous ex parte hearing in June and the case management conference. (Id.)

At the ex parte hearing, the Town's counsel explained that even after November 17th the Project would "not be shovel-ready" and asserted that Petitioner could continue to obtain relief after that date. Applicant's counsel argued that November 17th was irrelevant because the Project had already been deemed approved as explained in its October 20th letter, and even if that were not the case Petitioner could continue to obtain relief after that date. No party disputed that HAA-calculated deadline is November 17th or the Project is located in the SFHZ and must be compliant with the Floodplains Ordinance. (Id., ¶¶38, 39.)

Petitioner's counsel read the text of the HAA and asserted that it expressly means, without corrective action to supplement the final October 16th letter, after November 17th the Project would be deemed compliant the Floodplains Ordinance and eligible for processing under WHO Program 2-A. (Id., ¶40.) The respective counsel for the Applicant and the Town, at the hearing and in their opposition filings, did not propose an alternative interpretation of the HAA or cite any sources supporting the notion that a deemed-consistent determination could be judicially reviewed on the merits. (Id., ¶¶42, 43.)

Petitioner's counsel requested that the parties stipulate to the November 17th deadline not acting as a bar to a merits determination. But, despite objecting to the finality of the November 17th, the Applicant and Town would not stipulate to extending the time for Petitioner to seek a remedy beyond that date. (Id., ¶44.)

Respondent expressed concern with the adequacy of time for the Town and Applicant to respond to Application for Injunction before November 17th and denied Petitioner's Ex Parte Application to Shorten Time. (Id., ¶44.) Respondent's stated basis for denial is the conclusion that the Court was not be prevented from providing relief by the passing of the HAA deadline. Respondent did not cite a specific source of law granting a court authority to review actual compliance of Project that had been deemed consistent. (Id., ¶¶45, 46.) Respondent set a hearing on the Application for Injunction for January 14, 2026, at 1:30pm with the briefing schedule according to statute. (Id., ¶47.)

Basis for Relief

Respondent's order on Ex Parte Application for Order Shortening Time to Hear Petitioner's Motion for a Preliminary Mandatory Injunction is a legal error that: (1) raises a significant issue of first impression; (2) raises an issue of statewide importance; (3) substantially prejudices the petitioner's case and cause petitioner irreparable harm absent the writ; and (4) leaves petitioner with no adequate means by which to obtain relief.

Absence of Other Remedies

The urgency of the pending November 17th deadline, and the HAA's declaration that failure of the Town shall result in the Project being legislatively deemed compliant as a matter of law, necessitates immediate intervention to avoid petitioner's claims facing a high likelihood of becoming moot. Direct appeal does not allow the possibility of judicial intervention before the HAA deadline.

PRAYER FOR RELIEF

Petitioner prays that this court:

A) Issue an immediate peremptory writ of mandate directing Respondent Superior Court to grant the Ex Parte Application, and set a briefing schedule for a hearing on the Injunction no later than November 14, 2025.

B) In the event that insufficient time remains prior to November 17, 2025, to allow the Superior Court to receive briefs and a hold a hearing on the Injunction and, if necessary, obtain Town compliance with any injunction, exercise this court's equitable authority to grant the preliminary mandatory injunction sought by petitioner from Respondent to preserve the status quo until such time as the Superior Court may hold a merits hearing. For clarity, the relief requested in the Proposed Order accompanying the Application for Injunction (Pet. App'x at 141-42) provided that the Director

> shall notify Mill Creek Residential Trust in writing no later than November 17, 2025, that the project applied for at 95 Broadway in Fairfax, California, is not compliant as follows:
>
> 1. Contrary to the Town's letter of September 17, 2025, the Project, as proposed, may not be approved ministerially because it requires a variance under Town Code Chapter 17.068.

2. The Project is not compliant with Section 17.068.120(A) because the Project includes development, such as a pool, spa, deck, excavation, paving, fill, storage of materials and building construction, in the AE flood zone per Application Sheet C3 and FEMA certification without seeking the required development permit that describes this activity and would allow the Director to determine that the "site is reasonably safe from flooding" per Section 17.068.150.

3. The Project is not compliant with Section 17.068.210(A)(1) because portions of the Project are located in the AE flood zone per Sheet C3 and FEMA certification but the Project is not shown to meet the anchoring standards.

4. The Project is not compliant with Section 17.068.210(B)(1)(2)(3) because portions of the Project are located in the AE flood zone per Application Sheet C3 and FEMA certification but the Project is not shown to meet the construction materials and methods requirements.

5. The Project is not compliant with Section 17.068.210(C)(1) because portions of the Project are located in the AE flood zone per Application Sheet C3 and FEMA certification but the level of finished floors of all residential structures are not elevated above the base flood elevation.

6. The Project is not compliant with Section 17.068.210(C)(4) because portions of the Project are located in the AE flood zone per Application Sheet C3 and FEMA certification but the applicant does not disclose whether there are any fully enclosed areas below the lowest floor that may be subject to flooding, including beneath the pool deck or elevator shaft.

7. The Project is not compliant with Section 17.068.220(A) because the storm drain, sanitary sewer and water line are in the AE flood zone per plan Application Sheet C3 and C4 without demonstrating compliance with the utility standards.

C) Grant such other relief as may be just and proper.

Dated: November 3, 2025

Respectfully Submitted,

By: _____

GREENFIRE LAW, PC
Rachel S. Doughty
Ariel Strauss

Attorneys for Petitioner Lewis Tremaine

VERIFICATION

I, Ariel Strauss, declare as follows:

I am one of the attorneys for the petitioner herein. I have read the foregoing Petition for Writ of Mandate and/or Other Appropriate Relief and know its contents. The facts alleged in the petition are within my own knowledge, and I know these facts to be true. Because of my familiarity with the relevant facts pertaining to the trial court proceedings, I, rather than petitioner, verify this petition.

I declare under the penalty of perjury that the foregoing is true and correct and that this verification was executed on November 3, 2025, in El Sobrante, California.

By: 
Ariel Strauss

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

Mr. Tremaine is a reluctant messenger for this petition. As a former, multi-term Fairfax Town Councilmember and opponent of the poorly conceived and inappropriately placed School Street Project, he takes no joy in seeking to have this court confirm that when cities miss deadlines, there are serious, irreparable consequences for him, his neighbors, and other similarly situated throughout California. Specifically, in this instance, Mr. Tremaine fears loss of community access to flood insurance under the NFIP, a very serious concern where the Town reports 2,000 buildings in the floodplain, 137 active insurance policies totaling $44,273,000 in coverage and a history of 118 closed paid claims. (Pet. App'x at 125-26 (Multi-Jurisdictional Hazard Mitigation Plan).) For Mr. Tremaine, it would be better if it were not so. If, as was the case only a few years ago, he did not need to be hypervigilant, expending large sums on lawyers, fighting to intervene at each step of the application processing to avoid a gate permanently slamming shut, locking in error or oversight, all to ensure that the Town merely complies with its own health and safety ordinances. Mr. Tremaine would prefer staff to compile application materials, present the same at a scheduled public hearing, allow the public to point out errors and unintentional omissions, and, only then, seek court review within 90 days of that final action.

Instead, the recent amendments to the Permit Streamlining Act ("PSA") and Housing Accountability Act create a minefield of deemed complete and deemed compliant possibilities, depriving the public, and even elected officials, of influence, whether corrective or otherwise. Compliance determinations are made at the staff level without notice, and typically on the day of the deadline. (Strauss Decl., ¶5.) Attempts at administrative appeal prior to deadlines are shut down making it functionally impossible for affected residents to address errors.

But, staff can have no more authority to de facto approve a non-compliant project by inaction leading to statutory deemed approval than they could affirmatively grant a permit to a project that is not entitled to it. In all likelihood, the Applicant will agree with

much, if not all, of petitioner's characterization of the mechanics of the HAA, yet still oppose the requested relief that the Town be directed to take the necessary action to, nevertheless, ensure compliance with its ordinances.

ARGUMENT

The HAA Establishes a Valid Basis for Shortening of Time

In 2017, exasperated by the worsening housing crisis, the Legislature enacted Assembly Bill 1515 (Daly) to amend the HAA to impose harsh, arguably draconian, processing requirements on cities and force them to rapidly process housing project applications. "The Legislature added a provision [to the HAA] requiring that an applicant receive timely written notice and an explanation if an agency considers a proposed housing development inconsistent with applicable standards." (*California Renters Legal Advocacy & Education Fund v. City of San Mateo* (2021) 68 Cal. App. 5th 820, 836.)

The law now imposes a two-stage process. First, there is an initial 30-day period under the PSA for the Town to an provide an "exhaustive list of items that were not complete[]" in the application received, coupled with a prohibition on "request[ing] the applicant to provide any new information that was not stated in the initial list of items that were not complete." (Gov. Code, § 65943, subdiv. (a).)

Next, under the HAA, for a project containing "more than 150 units[,]" like this Project, the agency must, within 60 days of the application being deemed complete:

> [i]f the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity[.]

(Gov. Code, § 65589.5, subdiv. (j)(2)(A)(ii).)

After that date,

> [i]f the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

(*Id.*, § 65589.5, subdiv. (j)(2)(B).)

No party disputes Petitioner's calculation of November 17, 2025, as the deadline for action under the HAA based on the proposed quantity of units and the Town deeming the Application complete on September 16, 2025. Rather, the parties dispute the applicability of the HAA to the Project at this point and the significance of the date.

As of this time, Petitioner is unaware of any published cases interpreting the deemed-compliant provision of the HAA. However, the intent of the Legislature is clear: "It is the policy of the state that this section should be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing." (*Id.*, § 65589.5, subdiv. (a)(2)(L).) Petitioner asks this court to require that, for the purposes of ensuring adequate interim relief, the Superior Court must anticipate the HAA operating as-written, with the result that Superior Court should hold an expedited hearing to issue a preliminary mandatory injunction compelling the Town to give force to its laws before it is too late.

This does not mean that there cannot be any number of reasons that the Superior Court ultimately retains authority to grant petitioner relief after the HAA's deemed compliant deadline has run. For instance, the Applicant and Town may be equitably estopped from denying the availability of a remedy after their attorneys repeatedly made such representations to the judge (see, e.g., Pet. App'x at 152, ln. 1-4 (writ of mandate available at conclusion of approval); Strauss Decl., ¶¶38, 39); or that the Town may invoke the extremely demanding and limited HAA's general public health and safety exception to enforce aspects of the Floodplains Ordinance (Gov. Code, § 65589.5, subdiv. (j)(1)(A)) notwithstanding deemed consistency; or a court may determine that deemed consistency without any opportunity for notice or appeal by affected third-parties violates Due Process protections (see, e.g., *Mahon v. County of San Mateo* (2006) 139

Cal. App. 4th 812, 819-20 (notice required before deemed-approval for PSA)); or that deemed-consistency cannot apply at all when a variance would be required (*see*, e.g., *Land Waste Mgmt. v. Contra Costa Cnty Bd. of Sup*. (1990) 222 Cal. App. 3d 950, 958-59 (holding deemed-approval under PSA inapplicable to legislative acts, such as a zoning amendment)). However, each of these issues are external to plain language of the HAA, were not addressed by the Respondent or parties and cannot be adequately resolved at the initial *ex parte* stage to conclude with sufficient confidence that expedited relief plainly indicated by looming deemed-consistency is in fact not required.[2]

Looking to what is likely the closest statutory analogy that has been addressed by the courts, the PSA's deemed-approved provision specifically excepts certain appeals under Government Code section 65922 and courts have held that deemed-approval there applies only to the *permitting agency itself* without precluding public opponents from raising substantive objections by writ to the courts. (*Ciani v. San Diego Trust & Saving Bank* (1991) 233 Cal. App. 3d 1604, 1615-16; see also *Riverwatch v. County of San Diego* (1999) 76 Cal. App. 4th 1428, 1442-43 (accord).) A recent decision from the Fourth District questions the extent of residents' rights to raise substantive objections to a deemed-approved permit on appeal, provided they had an opportunity to be heard "at some meaningful point in the approval process." *Linovitz Capo Shores LLC v. California Coastal Commission* (2021) 65 Cal. App. 5th 1106, 1125 (no general public "due process right to judicial review following deemed approval").) Additionally, none of these PSA cases actually adjudicated a resident's claim that a deemed-approved permit substantively violated local law because the courts found that the permits were never deemed approved on account of insufficiency of procedural notice. In this key respect, they are similar to *dicta* for the issue presented here and offer limited guidance on the exact extent that petitioner's rights could be effectuated after-the-fact.

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[2] To the extent that these considerations can be addressed at all before November 17th, they are more appropriately considered as part of the injunction determination briefing and hearing process, not the initial *ex parte* application stage.

In contrast with the PSA, the HAA statute does not include a provision preserving any appeal rights. The Legislature also amended the HAA through SB 1515 specifically to reduce delays and barriers to project approval. (See *Save Lafayette v. City of Lafayette* (2022) 85 Cal. App. 5th 842, 855.) Finally, while in practice often equivalent, deeming a project consistent by operation of the HAA is not *officially* the final issuance of a permit as would occur under the PSA. Given these distinctions, the application of the HAA's deemed-consistent provision is an issue of first impression and unsettled at this point.

There is a substantial risk that Petitioner lacks a judicial right to challenge the substantiative compliance of the deemed-compliant process after lapsing of the HAA deadline. Taking Section 65589.5, subdivision (j)(2) at face value, Petitioner's valid objections to the Town issuance of a permit will be mooted by passage of the HAA deemed-compliant deadline, necessitating a preliminary injunction. "A case is considered moot when 'the question addressed was at one time a live issue in the case,' but has been deprived of life 'because of events occurring after the judicial process was initiated.'" (*Wilson & Wilson v. City Council of Redwood City* (2011) 191 Cal.App.4th 1559, 1574, quoting *Younger v. Superior Court* (1978) 21 Cal.3d 102, 120.)[3]

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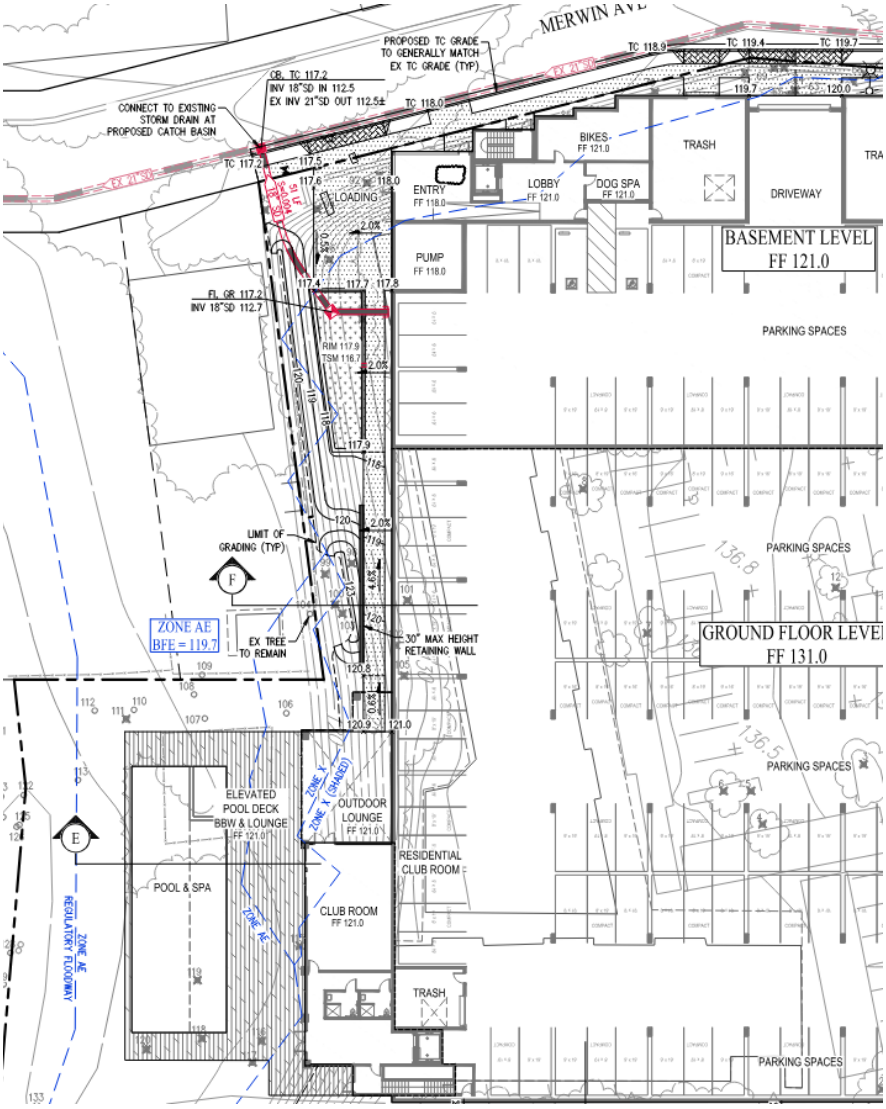
[3] Even if *Ciani v. San Diego Trust & Saving Bank* (1991) 233 Cal. App. 3d 1604, applies here and, constitutionally, petitioner is entitled to appeal the merits of deemed-compliance despite the HAA's text, as perhaps Respondent implies, it is manifestly unreasonable for a court to fail to require the Town to fulfil its mandatory duty to enforce its Floodplains Ordinance by lawfully complying with the HAA's direction to provide the required notices by November 17th. Deemed-consistency will work injustice and impose tremendous inconvenience on all parties and the court. Instead of the Town processing the Application correctly and efficiently, Petitioner will be required to undertake expensive and time-consuming litigation that raises constitutional issues that can easily be avoided if the Town simply complies with the HAA deadline. Failure to comply will also introduce uncertainty and expensive delays for the Project if, after approval, the Applicant has to defend against a protracted lawsuit holding up construction. This is precisely the type of uncertainty that the HAA was amended to *prevent*. On the other hand, if the Preliminary Mandatory Injunction is granted and the Town issues a supplemental notice on or before November 17, 2025, there will be time to hold a merits hearing on the interim relief in short order, such as on January 14, 2025, to create certainty for the development process and parties, without introducing unnecessary constitutional due process questions that are more likely to lead to an appeal.

Petitioner is Likely to Prevail on the Merits of the Injunction Because the Town's is in Violation of its Ordinances

1. The Town Lacks Discretion to Vitiate the Floodplains Ordinance by Inaction

The Town enacted Chapter 17.068, the Floodplains Ordinance, enacted as a condition of eligibility for the Town's participation in the National Flood Insurance Program ("NFIP"). (TC Ch. 17.068.070.) The function of the ordinance is to minimize the risk of flood losses. Violation of the NFIP regulations can result in cessation, or ultimately, termination of flood insurance coverage, as well as increases in premiums, for the community. (44 C.F.R. § 59.24; Pet. App'x at 116, 123(discussion of discount programs and flood insurance program).) Federal regulations dictate that the Town's implementing ordinance "must provide that the regulations take precedence over any less restrictive conflicting local laws, ordinances or codes." (44 C.F.R. § 60.1(b).)

No party disputes that the Project must comply with the Floodplains Ordinance *to some degree* because the Project is proposed to be constructed in the SFHZ designated as AE for one-hundred-year flood risk. (See, e.g., Pet. App'x at 152.) While several requirements are violated or not established to be complied with by the Project, the most obvious violation is of Town Code Section 17.068.210(C)(1), implementing 44 C.F.R. § 60.3(c)(2), mandating that: "New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation." Neither the Town nor the Applicant dispute petitioner's observation that the engineer-stamped plans submitted by the Applicant unambiguously depict Project structures inside the SFHZ and with a finished floor ("FF") grade of the Entry, Pump, stairwell and, potentially, elevator shaft along Merwin Avenue impermissibly below the Base Flood Elevation ("BFE") of 119.7 feet, as shown below (Pet. App'x at 80):



Additional violations are described in detail in the Memorandum of Points and Authorities provided in support of Application for Preliminary Mandatory Injunction. (Pet. App'x at 54-55.)

Under the Floodplains Ordinance, the Project may only be approved as designed upon the granting of a discretionary variance by the Town Council under Town Code Section 17.068.270. (See also TC § 17.068.280(F) (discussing specifically finished floor below the base flood elevation).) The NFIP obligates the Town to "enforce flood plain management regulations[.]" (44 C.F.R. § 60.2(h).) Under California law, staff also may

not grant *de facto* variances. (*Markey v. Danville Warehouse & Lumber, Inc*. (1953) 119 Cal.App.2d 1, 6-7; *Land Waste Mgmt. v. Contra Costa Cnty Bd. of Sup*. (1990) 222 Cal. App. 3d 950, 958-59.)

The Town had considered the Project Application complete on September 17, 2025, despite the lack of discussion of Floodplains Ordinance. The Town refused to accept petitioner's administrative appeal. Petitioner did not seek an injunction at that time because the Applicant had explicitly stated its position to parties and the court in its opposition to the June injunction that failing to elevate the lowest flood above the BFE "is not an item to be addressed in a 'completeness determination.' This issue will be addressed during the merits/consistency review." (Pet. App'x at 11.) When the Town failed to include that issue among the 25 identified deficiencies in its October 16, 2025, Project deficiency letter, petitioner again attempted to administratively appeal, the Town refused to accept the appeal, and petitioner then filed for the instant injunction. (Strauss Decl., ¶¶28, 31, 33.)

2. A Project that Violates the Floodplain Ordinance is Not "in Substantial Compliance with Applicable Zoning Regulations" and is Ineligible for WHO Ministerial Review

To determine whether a project is eligible for ministerial review under the Workforce Housing Overlay, the Town must complete a "preliminary review." (See Pet. App'x at 94-95.) "The purpose of the preliminary review is to determine whether the proposed development is in substantial compliance with applicable zoning regulations and objective development standards and to establish the basis and procedures for granting the additional density." (TC Ch. 17.126.060 (emphasis added).) The Floodplains Ordinance is part of the "applicable zoning regulations" in Title 17 that must be reviewed. (*Id*. Ch. 17.004.140 (identifying scope of zoning regulations to include Title 17); see also, Pet. App'x at 169 (petitioner's discussion of provisions).) The Project never was "in substantial compliance" because the Applicant proposed to build in a manner that would necessitate a discretionary floodplains variance.

Without an Injunction, Petitioner is Likely to Suffer Irreparable Harm

3. The HAA's Deemed-Consistent Provision is Construed Broadly and Encompasses a Prohibition on Allowing Construction Below the Floodplain Elevation

Because the scope of the HAA is broadly construed in "a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing" project approval (Gov. Code, § 65589.5, subdiv. (a)(2)(L)), it must be interpreted to consider the Floodplains Ordinance in the Zoning Title to be a covered "applicable plan, program, policy, ordinance, standard, requirement, or other similar provision" (*Id*. subdiv. (j)(2)), triggering a ministerial duty by the Town to give the Applicant written notice that the Project cannot be constructed as proposed.

The Applicant asserted that compliance with the Floodplains Ordinance requirement to obtain a certification in certain circumstances will be addressed at the building permit stage. (Pet. App'x at 152.) However, this ignores that the Ordinance does not only deal with the issuance of certificates but also dictates *where* the Project itself can and cannot be built, which is a zoning function, rather than a building permit process. Notably, the Town has not expressly taken the position that the Floodplains Ordinance is *not* a zoning matter. Rather, its attorney opaquely asserted at the hearing that "the Project is not shovel-ready" with the result that it can still be opposed effectively for an unspecified reason. (Strauss Decl., ¶38.)

A building permit involves only ministerial review to confirm that construction complies with the issued zoning permits and standards in the Building Code and similar published sources. (See, e.g., *Miller v. City of Hermosa Beach* (1993) 13 Cal. App. 4th 1118, 1139.) It does not include discretionary variance processes governing whether the activity may take place in a given location, or in fact permits the development as proposed and approved. While the HAA applies to zoning permits, not building permits (Gov. Code, § 65589.5, subdiv. (o)(2)(D)), even if the Town so chose, it cannot simply sequence review to declare a zoning-type process a post-approval "building permit" that is exempted from the strictures of the HAA. The failure of the Town to identify the

Project as inconsistent with the Floodplains Ordinance in its October 16, 2025, incompleteness letter, when the violation is plain on the face of the submitted plans, will result, by operation of law, in the Project being deemed consistent with that Ordinance on November 17th.

4. The HAA's Deemed-Consistent Provision will Result in the Project Erroneously being Deemed Eligible for Ministerial Processing under the WHO Program 2-A

Petitioner has a well-founded expectation that the Town's conclusion that the Project is eligible for ministerial processing[4] per its September 17th Application completeness letter will be deemed established if the Town fails to inform the Applicant by November 17th that the Project is inconsistent with the Floodplains Ordinance. Deemed-consistency sets up a conflict with state law (the HAA) and is unlawful because, by federal law, the Ordinance supersedes all conflicting local regulations, and, hence, causes the Project to be ineligible for ministerial review.

Critically, the Applicant issued a letter to the Town on October 20, 2025, asserting that the Town deeming the Project eligible for ministerial review on September 17th triggered the 30-day action deadline in Government Code section 65950, subdivision (a), with the result that the Project has been deemed approved notwithstanding the 25 deficiencies stated in the Town's October 16th letter. (Strauss Decl., ¶26; Pet. App'x at 151-52 (Applicant discussing letter in Oppo. to Ex Parte Application); 179-80 (Town's letter disputing deemed-approval).) This action by the Applicant makes it imperative that the Town's inaction not be permitted to result in the Project being confirmed as eligible for ministerial review processing in a manner that causes the deficient Project being deemed-approved. In light of severe threat, Petitioner appropriately sought a preliminary injunction and expedited consideration by the Superior Court.

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[4] The Project may be subject to ministerial review while still not satisfying the substantive standards to grant approval under that review, as explained in the Town's October 16th letter. However, the issue here is that projects that are subject to ministerial review face the risk of being deemed-approval due to Town failure to timely act, even if obviously non-compliant with objective standards and meriting denial.

The Traditional Justifications for a Writ Have Been Satisfied

This case presents several traditional bases for the Court of Appeal to grant a writ reversing the Superior Court's denial of Petitioner's Ex Parte Application. (*Omaha Indem. Co. v Superior Court* (1989) 209 Cal.App.3d 1266, 1273.)

5. The Issue is of Widespread Interest

The HAA applies to charter and general law cities. (*Ruegg & Ellsworth v. City of Berkeley* (2021) 63 Cal. App. 5th 277, 312.) Localities across the State are all contending with the exact problem of how to align the deemed-compliant deadline in the HAA with their own administrative appeal processes, including whether residents are foreclosed from raising substantive objections after the passing of the HAA's deadline. The issue presented in this case is necessarily routine, yet apparently unsettled.

6. The Superior Court's Denial of the Ex Parte Application will Render Petitioner's Cause of Action Moot

Under the present schedule, the Superior Court will not rule on Petitioner's Application for Preliminary Mandatory Injunction until January 2026, at the earliest, with the result that the Town's final October 16th incompleteness determination will not be supplemented and the Project will be deemed compliant with the Floodplains Ordinance. This presents a high probability that petitioner will be prevented from obtaining relief.

7. Conflicting Trial Court Interpretations of the HAA Require a Resolution of the Conflict

Without guidance, petitioner believes that trial courts are coming to varying interpretations of the HAA. Petitioner's counsel is aware of a ruling by the Contra Costa Superior Court from May 13, 2024, in the case of *Citizens Against Marketplace Apartment/Condo Development v. City of San Ramon* et al., Case No. N22-1955/N23-0770, which, while not entirely analogous, is at odds with the Respondent's order. In the *City of San Ramon* case, the Superior Court was presented with the argument that the San Ramon Planning Commission had concluded that a project was noncompliant with the city's ordinance but that staff had, inappropriately, never presented this in writing to the applicant. (Strauss Decl., ¶¶3,4.) The court ruled as follows:

> [Petitioner] ignores the statutory language, which states that a housing development project shall be deemed consistent, compliant, and in conformity with applicable local criteria whenever a local agency "fails to provide the required documentation." (Gov. Code, § 65589.5 (j)(2)(B).) This means that, regardless of any individual's view that inconsistencies existed, notice to the developer of those views is irrelevant where no deficiency letter was sent.

(Strauss Decl., Exh. A.) In contrast, Respondent's apparent interpretation of the HAA is unavoidably that an "individual's view that inconstancies existed" remains relevant even if the Town does not issue a deficiency letter.

8. The Trial Court's Order is Clearly Erroneous as a Matter of Law

"Where the grant or denial of a preliminary injunction is dependent upon construction of a statute, however, and the matter is purely a question of law, the standard of review is not whether discretion was appropriately exercised but whether the statute was correctly construed." (*Ciani,* 233 Cal. App. 3d at 1611.) As discussed above, Respondent's denial of Petitioner's *ex parte* application lacked any explanation for why the HAA would not operate as written, to ensure the expeditious finality of Town's determinations and ability of the Applicant to rapidly advance to the construction phase. The plain reading of the text and purpose of the HAA aligns with the contrasting ruling in *City of San Ramon* above.

9. Petitioner will be Barred from Obtaining Relief in a Manner that Cannot be Corrected on Appeal

In the event that the Project is deemed compliant with the Floodplains Ordinance on November 17, 2025, and subsequent judicial review is limited to the question of whether the predicate procedural events occurred (i.e., whether the Town issued timely written notice and the content of that notice), petitioner will forever be barred from enforcing actual compliance with the requirements of Floodplains Ordinance. Additionally, if the Town's incorrect conclusion that the Project is eligible for ministerial processing, the Project itself may be deemed approved, notwithstanding the 25

deficiencies identified by the Town, as asserted in the Applicant's letter of October 20, 2025.

CONCLUSION

For the reasons discussed above, petitioner respectfully request this court to grant extraordinary relief as prayed and issue a decision directing the Respondent trial court to vacate its October 30, 2025, order denying *Ex Parte Application for Order Shortening Time to Hear Petitioner's Motion for a Preliminary Mandatory Injunction*, and enter a new and different order scheduling the petitioner's *Application for a Preliminary Mandatory Injunction* to allow Town action before November 17, 2025, or directly issue the *Preliminary Mandatory Injunction* in place of Respondent as petitioner has shown entitlement to relief as a matter of law, if it appears to this court that there is otherwise insufficient time for Respondent to compel Town to take action prior to November 17, 2025.

Dated: November 3, 2025

Respectfully Submitted,

By: 

GREENFIRE LAW, PC
Rachel S. Doughty
Ariel Strauss

Attorneys for Petitioner Lewis Tremaine

CERTIFICATE OF WORD COUNT

I, Ariel Strauss, do hereby certify that this Petition contains 7,886 words, including footnotes but excluding exhibits, which is less than the California Rules of Court, Rule 8.204(c)(1) limit of 14,000 words. I used the word count function of my word-processing software to derive this number.

Executed this 3rd day of November, 2025, at El Sobrante, California.

Ariel Strauss

Outlook

The Roastery

From Britt Barrett <brittanypaigebarrett@gmail.com>
Date Wed 11/5/2025 11:09 AM
To Fairfax Town Council <fairfaxtowncouncil@townoffairfaxca.gov>

Dear Fairfax Town Council, in

This is the first time I have reached out.

I am writing as a Fairfax parent to express how upsetting it was to see the Coffee Roastery's Halloween display in the middle of town during the children's parade. The display included two headstones with the names of Vice Mayor Hellman and Mayor Blash written backward, along with skeletons dressed in wigs to resemble them. I walked past this with my 3-year-old and found myself trying to explain why someone would pretend our neighbors were dead. It felt sickening. This should never be something families have to navigate on a holiday meant for joy.

Publicly mocking and symbolically killing our local leaders crosses a clear line. It encourages hostility and makes our town feel unsafe. We can disagree about policy without fantasizing about the death of people who serve our community. I believe the Coffee Roastery's owners should be publicly censured by the Council.

I ask Councilmembers Barbara Coler, Frank Egger, and Mike Ghiringhelli to join together in condemning this action at tonight's meeting. It is important that we show our children that we do not tolerate cruelty or intimidation in Fairfax, even when we disagree.

I also ask the Council to review whether the Coffee Roastery's parklet privileges should be suspended or revoked. Under Ordinance 868, Section 5.58.100, a parklet permit may be revoked if the operation creates a nuisance. This display, along with others in recent years, has singled out community members with hostile messaging. That creates a public nuisance and undermines our shared sense of safety.

Section 5.58.070 point (G) states that a parklet may not be detrimental to the public health, safety, or general welfare. A display that symbolically kills two sitting

councilmembers is a direct threat to their safety and is harmful to the overall health of our town culture.

I care deeply about raising my child in a community that disagrees with respect. This was not that. I hope you take action on this matter tonight.

Thank you for your continued service and care for Fairfax.

Sincerely,

Britt Barrett

www.brittbarrett.com
650.868.4929

Outlook

Public Censure of Coffee Roastery's Despicable Halloween Display

From naomi@naomialessandra.com <naomi@naomialessandra.com>
Date Wed 11/5/2025 10:46 AM
To Fairfax Town Council <fairfaxtowncouncil@townoffairfaxca.gov>

Dear Fairfax Town Council,

I am writing to express my dismay at the Coffee Roastery's despicable giant display placed in the middle of town near their parklet (and in the crosswalk) during the children's Halloween parade. The display featured two headstones inscribed with Vice Mayor Hellman and Mayor Blash's names written backwards, accompanied by two skeletons dressed up in wigs to resemble Blash and Hellman (please see attached photo). This hateful display fantasizing about the death of our neighbors/public servants has no place in our town, and the Coffee Roastery's owners should be publicly censured by the entire Council for their bad decision.

I ask each of you who were *not* targeted by this display—Councilmembers Barbara Coler, Frank Egger, and Mike Ghiringhelli—to publicly condemn this action by the Coffee Roastery's owners at tonight's meeting.

I also ask the entire council to review and to consider suspending and/or revoking the Coffee Roastery's Parklet privileges for potential violations of the Parklet program's standards:

Ordinance 868: Establishing the Parklet Program indicates in Section 5.58.100 (Suspension and Revocation of Parklet Permit) that a permit may be revoked if the operation of the parklet use constitutes or creates a "nuisance." This recent violent Halloween display, as well as other displays by the Roastery over the past few years, have directly targeted individual members of our community with hateful rhetoric, thereby creating a public nuisance.

5.58.070 Standard of Review point (G): "The proposed parklet use will not be detrimental to the public health, safety, or general welfare." The recent violent Halloween display is detrimental to the general welfare and safety of two sitting councilmembers and citizens, and is detrimental to Fairfax's public health in general.

Please take action on this important and timely topic at this evening's meeting.

Thank you for your continued service to our town,

Naomi

NAOMI ALESSANDRA SCHULTZ
naomialessandra.com
insta: _naomialessandra_
415-269-2942


Restore Trust and Integrity
VOTE YES TO RECALL
Ad paid for by the Committee to Recall Vice Mayor Stephanie Hellman and Mayor Lisel Blash
? WHY ?
•DIVIDED TOWN 3YRS
•CRAZY RENT-CONTROL
•OUTSIDE $$ + INFLUENCE
•NO TRANSPARENCY NO TRUST
•13 HIGHRISES-NO PUBLIC SAY
•HUGE! FISCAL WASTE??
•HOMELESS CAMP KIDS SAFETY
•NO FIRE
STUDY
CAUSE OF DEMISE
INVITED OUTSIDE DSA/BERKELEY INFLUENCE
PARALYZING RENT CONTROL! NO LANDLORD NOTICES!
PERSONAL AGENDA OVER COMMUNITY
DIVIDED FX - 3 YRS CHAOS - CONFLICT
PUT TRANSIENT ADDICTS OVER JOBS SAFETY IGNORED HOMELESS CAMP ANARCHY
REPORTED TO FPPC
FALSIFIED FIRE INSPECTION REPORTS FOR DEER PARK SCHOOL
SUPPORTED WASTE OF TAX PAYER $$$
CHAWED NECK
the Wicked old Witch is
NOV. 4. 2025
HERE LIES
Namlleh Einahpet
Rave In Pergato
CAUSE OF DEMISE
SERIOUS CONFLICTS OF INTEREST
SUPPORTED RENT CONTROL
PERSONAL AGENDAS- DSA
BERKELEY INFLUENCED
SUPPORTED HOMELESS CAMP OVER
OUR KIDS SAFETY
IGNORED ADDICTS TAKEOVER OF FX
YES TO 13 HIGHRISE SITES
FAILED TO SET 3 FLOOR HEIGHT
LIMITS LIKE SAN ANSELMO DID!
NO TRANSPARENCY
SILENCED
DING DONG THE WITCH IS
NOV. 4 2025
HERE LIES
Haslb Htebazile
Rage In Perdition

Outlook

Request to consider Publicly Censoring the Fairfax Coffee Roastery

From Veronica Geretz <geretzvj@gmail.com>
Date Wed 11/5/2025 11:19 AM
To Fairfax Town Council <fairfaxtowncouncil@townoffairfaxca.gov>

Dear Fairfax Town Council,

I am writing as a Fairfax parent to express how upsetting it was to see the Coffee Roastery's Halloween display in the middle of town during the children's parade. The display included two headstones with the names of Vice Mayor Hellman and Mayor Blash written backward, along with skeletons dressed in wigs to resemble them. This should never be something families have to navigate on a holiday meant for joy.

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I ask Councilmembers Barbara Coler, Frank Egger, and Mike Ghiringhelli to join together in condemning this action at tonight's meeting. It is important that we show our children that we do not tolerate cruelty or intimidation in Fairfax, even when we disagree.

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I care deeply about raising my child in a community that disagrees with respect. This was not that. I hope you take action on this matter tonight.

Thank you for your continued service and care for Fairfax.

Sincerely,
Veronica Geretz, M.A.
Peace & Justice Studies
E-RYT500
she/her/hers
www.veronicageretzyoga.com

"Because the relationship between self and world is reciprocal, it is not a matter of first getting enlightened or saved and then acting. As we work to heal the Earth, the Earth heals us. No need to wait. As we care enough to take risks, we loosen the grip of ego and begin to come home to our true nature." ~ Joanna Macy

My working hours may not be your working hours. Please do not feel obligated to respond outside of your working hours.